

**Work Session and Regular Meeting of the City Council was held Tuesday, July 10, 2007, 6:00 p.m., Mayor Eva Galambos presiding.**

**Call to Order**

Mayor Galambos called the meeting to order at 6:02 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 Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery.

**Pledge of Allegiance**

Mayor Galambos led the Pledge of Allegiance.

**Approval of the Meeting Agenda**

**City Clerk Rowland** stated that the next agenda item is the approval of the meeting Agenda.

Mayor Galambos asked for any changes to the Meeting Agenda. There were none.

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

**Consent Agenda** *(No items at this time)*

**Public Hearings**

**Consideration of approval of an Ordinance to fix the ad valorem rate of the City of Sandy Springs for Fiscal Year 2008, and for other purposes. (Third public hearing)**  
**Ordinance No. 2007-07-39**

**Assistant City Manager Rapson** stated that this was predicated on keeping the millage rate the same as it was last year and basically this ratifies that millage rate.

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

**Motion and Vote:** Councilmember DeJulio moved to approve an Ordinance to Fix the Ad Valorem Tax Rate of the City of Sandy Springs, for Fiscal Year 2008; and for Other Purposes. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval waiving the procedures set forth in Section 3.2 of the City of Sandy Springs Right of Way policy, as it relates to publication of notification of a public hearing.**

**City Attorney Willard** stated that this is to waive the City's Right-of-Way Policy as it relates to publication of notification of a public hearing. It is not required by State Law but the City does have a policy. The particular case that is before Council tonight is the section of road that is completely surrounded by what is to be a Fulton

County School. He asked Council to consider a motion for waving the requirement for this particular item, the advertisement and the policy.

**Motion and Vote:** Councilmember Paul moved to approve waiving the procedures set forth in Section 3.2 of the City of Sandy Springs Right of Way Policy, as it relates to publication of notification of a public hearing. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of Approval of a Resolution authorizing the abandonment of a section of the municipal street system known as Forestwood Lane from its intersection with Lake Forrest Drive and running easterly to its termination at a cul-de-sac; Woodgreen Drive from its intersection with Forestwood Lane, and running northerly to its termination at the property now, or formerly, owned by Reddington Townhome Association, Inc.**

**Resolution No. 2007-07-30**

**City Attorney Willard** stated that the Council entered into a Intergovernmental Agreement with the School Board on the preparation of the property which was formally the Forestwood Hill subdivision dealing with the abandonment of the roads. Once the School Board had acquired all the property and certified to the City their ownership of these properties which they have. They are ready to proceed with their Land Disturbance Permit. The Agreement also addresses Lot 9, which is owned by the City as part of its right-of-way and is being sold to the School Board. The City will be retaining some drainage easements for that part of the property and will be receiving \$403,850.85 as part of the sale of that property.

Councilmember Paul questioned the status of the Intergovernmental Agreement with the School Board for use of facility.

**City Attorney Willard** stated that Cecil McLendon has been working with the attorney for the School Board and are looking at doing individual agreements for each of the schools. The Sandy Springs Middle School is the first agreement being worked on. It has been a little slower than we had anticipated but is moving forward. The City will have a separate IGA with each of the schools.

Councilmember Paul expressed concerns regarding the School Board in that they are always asking the City to help them and then not do anything to help the City. This needs to be a give and take situation. He is not inclined to do a lot to help the Board on this project or anything else until they come forward and start working with us.

Councilmember Meinzen McEnery stated that the City of Roswell has a Joint Use Agreement with the School Board and it is working out very well. She does not believe that Council wants to be seen as an obstructionist to the construction of any of these schools.

Councilmember Jenkins questioned if it would delay the construction if Council were to table this item for a week until they give us the Park Agreement.

Director of Community Development Leathers stated that it would not delay them should Council table until next Tuesday.

**Motion and Second:** Councilmember Paul moved to table Resolution authorizing the abandonment of a section of municipal street system known as Forestwood Lane from its intersection with Lake Forrest Drive. Councilmember Jenkins seconded the motion.

**Discussion on the Motion:** Councilmember Meinzen McEnery explained that she would be voting against this because she does not want to be viewed as an obstructionist. Mayor Galambos stated that she met with Tony Hill on this issue about a month ago and with Cecil McLendon. They discussed the Roswell Agreement. It was Mr. McLendon's recommendation that we do have to work out a separate agreement on each and could not use one Master Agreement.

She does now know why they can do it in Roswell and not here. It was her understanding from Mr. McLendon that at this point we would have good cooperation in terms of the Board's staff meeting with City staff.

**City Attorney Willard** stated that the City does have a contractual agreement with the School Board which they have fulfilled with the acquisition of properties. We are moving forward with the School Board, they are being very cooperative. One of the problems that we have run into on the Sandy Springs Middle School is that people are already using it without permission. This is something we will need to work out with our Police Department once we get our agreement.

**Vote:** The motion carried 4-1 with Councilmember Meinzen McEnery voting in opposition.

**New Business:**

**Consideration of approval of the First Amendment to Lease Agreement between Cousins Properties Incorporated and the City of Sandy Springs  
Ordinance No. 2007-07-32**

**City Attorney Willard** stated that the City is not going to be able to have a separate facility prepared in time to move the police out of the Barfield Road location. This Resolution will amend the lease agreement with Cousins and the City will have the options to extend it further.

**Motion and Vote:** Councilmember Jenkins moved to approve the First Amendment to Lease Agreement between Cousins Properties Incorporated and the City of Sandy Springs. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of a Resolution Setting Processing Fee for Municipal Court.  
Resolution No. 2007-07-31**

**Community Services Manager Horn** stated that the Georgia State Code provides for city is to set processing fees to offset the cost of court operations. Fees are applied to all guilty pleas or nolo contendere pleas and any negotiated dismissals. Currently, the City has a \$30 processing fee which was set in January 2006 and was set prior to us engaging in any law enforcement operations before any court case load. Staff was making an educated guess at what the cost of operations would be and now can more accurately project what types of cost the City is looking at verses the revenues the City could bring in. Staff is proposing to increase the fee from the current \$30 to \$40. This will cover about 50% of the total cost of court operations.

Mayor Galambos questioned if staff had any comparisons from other cities.

**Community Services Manager Horn** stated that most cities do not charge this type of fee. The City of Roswell and the City of Alpharetta do not charge this type of fee. The City of Smyrna has a \$4 fee which they use to offset the cost of technology.

**Assistant City Manager Rapson** stated that Peachtree City charges a \$5 technology fee which everybody else does for the most part for municipalities. If you pay that before you go to court, either on line or products of the court opinions, that is how everybody pays. People who actually go to court pay an additional court fee for the actual assumption of the court. This is only capturing roughly half of the direct cost of court. These numbers in this analysis do not reflect all the additional indirect cost associated with court such as your Human Resources Department, your finance and all the major organization. This is actually a direct cost of what it takes to put court on and the people that are actually paying this are the ones who have broken the law.

**Assistant City Manager Rapson** stated that in the past year, as staff developed a revenue stream for the court, that the figures were based on an accrual method for each quarter. Consequently, the court appeared to be developing slower, when in actuality we were already recognizing the revenues and costs of a mature city's system. The current 2008 budget was struck using the court's revenue figures from last quarter. These figures would allow the court to continue operating with the current \$30.00 per case level that we are currently use, however, staff is recommending that we raise the level from \$30 to \$40 per case. When you look at the value of the court, and the fact that 5 additional staff members have been added to increase customer service, which is key to running a successful municipal court, these increased figures seem appropriate for the court's budget.

Councilmember Meinzen McEnergy stated that the other half of the cost of services could easily be absorbed by the amount of fines that are being levied.

**City Manager McDonough** stated that is one approach the City could take. He reminded Council stepped up the Police Department by \$1.7 million so that would not even cover the cost of the increase of police officers to increase public safety on the streets. It is all a matter of where you want to allocate these dollars. We added five (5) people to the court to reduce the lines, reduce the number of people per session. This is simply an investment back in the court to help cover the cost of the court operation.

**Assistant City Manager Rapson** stated that the city's approach is to improve the efficiency of the court and to have people to manage the court more efficiently and then try to capture 50% of the cost associated with that directly.

Councilmember Jenkins stated that when she was a prosecutor they charged an \$85 court fee to run the court and the court still operated at a loss.

**Motion and Vote:** Councilmember Paul moved to approve a Resolution Setting Processing Fee for Municipal Court. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

#### **Consideration of approval of a Memorandum of Agreement between the State Soil and Water Conservation District-Fulton County and the City of Sandy Springs, Georgia.**

**Assistant Director of Building & Development White** stated that this Memorandum of Agreement is the result of an overview process with the Fulton County Soil and Water Conservation District and result of their evaluation of the City's program. The District is willing to grant the City the ability to perform a technical review and approval of permit applications for land disturbance that involve over one acre of land disturbance that do not have State waters on the site. Staff is looking forward to the opportunity to demonstrate to the District that the City can handle the applications that do have State waters on the site. If approved by Council, staff will forward the Agreement to the State for finalization.

Mayor Galambos questioned if this would expedite the process.

**Assistant Director of Building & Development White** stated that it could save an applicant between two and four weeks or more depending on the District review.

**Motion and Vote:** Councilmember Jenkins moved to approve a Memorandum of Agreement between the State Soil and Water Conservation District-Fulton County and the City of Sandy Springs. There was no Council discussion. Councilmember Fries seconded the motion. The motion carried unanimously.

#### **Consideration of approval of a Memorandum of Understanding with the Housing Authority of Fulton County.**

**City Attorney Willard** stated that the Housing Authority for Fulton County needs this as a means of continuing their relationship with the Federal Housing Authority Department. We have reviewed this and find it acceptable.

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Councilmember Meinzen McEnery questioned how many properties in Sandy Springs this would cover. City Attorney Willard stated that there were two, Allen Road and Belle Island.

**Motion and Vote:** Councilmember Jenkins moved to approve a Memorandum of Understanding with the Housing Authority of Fulton County. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of an Ordinance to amend Chapter 15 by adopting Article 2, Law Enforcement, of the Code of Ordinances of the City of Sandy Springs.**

**Ordinance No. 2007-07-40**

**Chief Wilson** stated that this Ordinance will define the responsibilities of the Police Chief, hiring within the department, and seeking State Certification and National Accreditation.

**Motion and Vote:** Councilmember Jenkins moved to Amend Chapter 15, Health and Public Safety by adding Article 2, Law Enforcement, and re-naming existing Articles 2, 3, 4 and 5 as Sections of Article 1 of the City of Sandy Springs Code of Ordinances. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Reports and Presentations:**

**Mayor and Council Reports**

Mayor Galambos stated that the City's Grant Administrator was able to find the University of Georgia Canopy Maps that provides us the kind of information that we have been looking for. It shows a great deal of imagination and perseverance on her part. This has the potential of saving the City \$56,000. She would entertain a motion that we accept the Canopy Study from the University of Georgia.

**Motion:** Councilmember DeJulio moved to accept the UGA Canopy Study. Councilmember Paul seconded the motion.

**Discussion on the Motion:** Councilmember Meinzen McEnery explained that Council was given an analysis of the study that was undertaken that was done at a 30 level pixel high resolution. Should Council decide to do more of an analysis of the Tree Canopy, then where are the areas that could be improved by the addition of trees, what are the environmental benefits that we would need to go to a higher pixel resolution. Therefore, the 30 pixel study by Dr. Kramer, University of Georgia would be inadequate. She would like to go on record to say that a higher resolution is needed and that the City needs to do it right and assess our community's needs with a \$56,000 tree survey.

**Vote:** The motion carried 4-1 with Councilmember Meinzen McEnery voting in opposition.

**Motion and Vote:** Councilmember DeJulio moved to adjourn the meeting. Councilmember Paul seconded the motion. The motion carried unanimously. The meeting adjourned at 7:00 p.m.

**Work Session**

**Staff Discussion Items**

**Discussion of a contract with Ivo Barbic for operation of the North Fulton Tennis Center.**

**Assistant City Manager Rapson** stated that the City began with the Fulton County contract operational impact of all this back to the Tennis Center and operate it as a true enterprise. Mr. Barbic has done an outstanding job managing the tennis center. This contract continues the precedent that has been in place with some changes. Trash disposal, all

janitorial, and all other day to day management issues have been incorporated into the contract and this makes it Mr. Barbic's responsibility, which is one of the reasons why we have changed the actual percent the City would get on the actual gross revenue. He believes this will make it more operational. In the 2008 Budget we allocated \$20,000 for capital related items that both Mr. Chambers and Mr. Barbic will manage. In addition to that, we have some renovation money in the budget for the Tennis Center.

Mayor Galambos questioned if this Tennis Center would still be called the Fulton County Tennis Center or the Sandy Springs Tennis Center. There was a consensus to rename the park to the Sandy Springs Tennis Center and this should be included in this agreement.

Councilmember Fries questioned if there could be a problem with this from a promotional aspect. Mr. Barbic stated he did not see any problem.

**City Manager McDonough** explained that timing is impeccable because we are in the process of installing some very nice new signs at all of the city parks and we were waiting on this one until there was a decision made on the name for the park.

Councilmember Fries stated that in the contract it talks about making necessary repairs and furnish recreational additional equipment and feels the language is too vague. Also, the definition section seems to be out of place. She questioned the section where it states that the City retain 500 hours of tennis.

**Assistant City Manager Rapson** stated that it was in the North Fulton contract and we left it in there so as to give the City some court time. The City may decide in the future to hold a tennis tournament or turn it over to the Hospitality Board. This would be the mechanism in the contract that would allow us to have those hours to hold that particular tournament.

#### **Discussion of an ordinance regulating commercial use of city parks.**

**Assistant City Manager Rapson** stated that this ordinance would prohibit private individuals and organizations from utilizing city parks for personal gain. Under this ordinance, all activities held at city park property must either a) be sanctioned and conducted by the Recreation and Parks Department through a contracted agreement; or b) held as part of a rental of a facility by the interested individual or organization. The City runs a background check on these instructors because right now we do not know who these individuals are and we want to make sure they run through the same process as we do with the other recreational instructors.

Councilmember Jenkins questioned if everything is worked out with the school board, would this apply to anything going on in these campuses.

**Assistant City Manager Rapson** stated that it could. The intent is to have those recreational instructor contracts with any of the folks that are using any of our facilities. This is intended for people that are running for profit type business in our facilities. He does not envision that being on the school board site but it could happen.

#### **Discussion of the Acceptance of the Permanent Construction and Maintenance Easements along Peachtree Dunwoody Road from Saint Joseph's Hospital of Atlanta, Inc.**

**Director of Public Works Parham** stated that this item is for authorization to accept easements on Peachtree Dunwoody Road for Saint Joseph's Hospital. This is for the PCID Peachtree Dunwoody sidewalk project.

#### **Discussion of the Acceptance of the Permanent Construction and Maintenance Easements along Peachtree Dunwoody Road from the Hospital Authority of Fulton County.**

**Director of Public Works Parham** stated that this item is to accept easements on Peachtree Dunwoody Road from the Hospital Authority of Fulton County. This is for the PCID Peachtree Dunwoody sidewalk project.

**Discussion of an Amendment to Chapter 13, Traffic and Public Roadways and Authorize the Mayor to sign the modified List of Roadways for submittal to Georgia Department of Transportation.**

**Director of Public Works Parham** stated that this item is a motion to amend the Radar Permit to modify a list of roadways for submittal to the Georgia Department of Transportation. This is a list of streets that are submitted annually to GDOT to request to run Radar Permits on streets within the City.

**Discussion of a Master Agreement with the Fulton Perimeter Community Improvement District (CID) for the Execution of Transportation Improvement Projects.**

**Director of Public Works Parham** stated that this item is a Master Agreement with the PCID in order for the City to enter into arrangements with the PCID for transportation improvement projects. The agreement includes financial obligations, management arrangements and other details. Each project will have a separate "Notice to Proceed", specific detail that will be brought to City Council before any specific project awards are made or recommended.

Councilmember Jenkins questioned if the City had a say in what these projects are and how they proceed.

**Deputy Director Drysdale** stated that the City has to be the local sponsor if they want GDOT involvement or funds that will funnel through us. One of the things we added was language to make it clear that the planning process for future projects will be a collaborated effort between the City and PCID staff is working very close with them.

Councilmember DeJulio questioned why there are residential areas included in the PCID and will this increase his taxes.

**Deputy Director Drysdale** stated that he does not know the history of the boundaries of the PCID.

Tony Peters stated that under the PCID Ordinance it has to go through State Legislature that residential properties are not taxed through the CID. All residential properties are exempt. The taxes Sandy Springs and Dekalb will be collecting will only come from commercial property.

Mayor Galambos explained that the map being shown is old and an updated one was needed.

City Attorney Willard stated that he would look into it and will have an answer by the next meeting.

Mayor Galambos stated that Glenridge Drive is the division between the PCID and Sandy Springs. Glenridge Drive is one of the areas that has too much litter and is not getting cleared up. She questioned to what extent does the PCID have responsibility for maintenance in the Glenridge area.

Mr. Peters stated that there are some sections of the western boundary of the Fulton/Sandy Springs CID where the boundary line does actually go down the middle of the road. As far as maintenance concerns, the only maintenance the CID partakes in is actually hire out an individual median and landscape maintenance firm to maintain individual medians within the roadway. They do no type of maintenance for curb and gutter or trash pick up. There are some areas that they do address as far interchanges are concerned; Peachtree Dunwoody Road, Georgia 400, I-285 and Ashford Dunwoody and also Georgia 400 to Abernathy. As far as any kind of litter they do not get into that unless their vendor/landscaper happens to see a big area that needs it then they will instruct them to go out and take care of it for them but not on this type of level.

Mayor Galambos requested that he have his vendors go out and look at the median on Glenridge and see whether or not they have been handling it. Mr. Peters stated he would. The CID spends roughly \$200,000 a year on both the Sandy Springs/Fulton CID side and on the Dekalb side for median maintenance. They do not maintain every median in the

boundary as of yet. However, they are going back out for RFP and will have every vendor give them a price to do every single median within our boundary.

**Discussion of a Memorandum of Understanding between the City of Sandy Springs and Sandy Springs Revitalization, Inc.**

**Director of Public Works Parham** stated that this item is a contract between the City of Sandy Springs and Sandy Springs Revitalization, Inc. The contract is needed for SSRI to transfer existing funding to the City for the City to take over the five (5) projects as noted on agenda item.

Councilmember Jenkins questioned if there was any reason SSRI still needs to be in business, do they still need the organization. City Attorney Willard stated that they do. They are the funding source and we are like a subcontractor to them. They need to stay in place for the need of having these projects completed.

Mayor Galambos stated that SSBA does not have a 501( c )3, that is part of SSRI. They would have to apply for a separate one.

**Discussion of a Contract to Construct Mount Vernon Parkway Sidewalks and Traffic Calming Project T-0007.**

**Director of Public Works Parham** stated that this is a request to award a contract for Mount Vernon Parkway sidewalk and traffic calming project to the low bidder Urey Companies, Engineers and Constructors in the amount of \$513,544.60. We received eight (8) bids on this project and Urey was the low bid.

Councilmember Fries stated that she read that this was \$106,000 over budget from the last time Council talked about it.

**Deputy Director Drysdale** stated that when we talked about it in February the construction estimate was up to \$1,300,000 to do a full design. Council directed staff to go forward and try to cut the scope to make it as close to the budget as possible since we knew this would be over the budgeted amount. This is primarily a concrete project and concrete is more involved time than pavement cost. We have cut some of the things on the Westside out of it and we cut a lot of the drainage out of it to make it come in at budget.

Councilmember Fries questioned if there was a way to trim this more to get rid of this \$106,000 overage.

**Deputy Director Drysdale** explained that there are alternatives and the only way staff can do it would be in phases.

Councilmember Meinzen McEnery stated that the neighborhood is contributing money as well.

Mayor Galambos questioned if it was true that Council needs to expect some increases in some of the capital items. Mr. Drysdale stated that is correct and staff has been meeting frequently with the City Manager and Mr. Rapson and is starting a detailed re-evaluation of all the cost estimates.

Mayor Galambos stated that she is happy that the City is finally letting a contract and she would like to see that expedited up on some of the others.

**City Manager McDonough** stated that he would be giving an update on contracts that are under \$250,000. He should be able to give a status report at the next meeting.

**Discussion of Authorizing the Mayor and the City Council to Approve the Abandonment of an Undeveloped Portion of Green Pine Drive.**

**Director of Public Works Parham** stated that this item is a request to abandon an undeveloped portion of Green Pine Drive, 8,923 square feet which equates to approximately 0.20 of an acre. (One of the statements from Brad Chambers,

Recreation and Parks Director is that this access is not needed for the park.) It is also a very typographically difficult piece of property that crosses over a creek once you get into the park area which would make it difficult to use as an entrance to the park.

Councilmember DeJulio questioned if we were being premature to abandon this property even though it does not look like we are going to need it right now. If we further develop Ridgeview Park, we might wish we had this piece of property back. He questioned if this was the wisest decision for Council to make at this time.

Councilmember Meinzen McEnery stated that she understands that the topography of this area is not conducive to a road system but she agrees to keep our options open.

Councilmember Paul questioned why Council was being asked to abandon this. Ms. Parham explained that the adjacent property owner requested the abandonment.

**City Manager McDonough** stated that it allows for a home to be built on what is now an unbuildable lot.

**Assistant Director of Planning and Zoning Zehner** stated that he met with a property owner, someone who had a contract on this property. There are some significant issues with this lot. He questions if you would be able to have a buildable lot that would not need variances.

Council questioned if this was a financial gain issue. Mayor Galambos questioned if this could be left on table until more information is given. Councilmember Paul stated this matter requires some more investigation.

**Deputy Director Drysdale** stated that the neighbor who made this request stated he would be at next week's meeting should Council have questions.

Councilmember Meinzen McEnery questioned if anyone has talked with the neighbor that lives directly across the street and would he have rights to the centerline of the street that the City may abandon. Ms. Parham stated that the neighbor has received written notification of the public hearing. Councilmember Meinzen McEnery stated that her recollection that when a municipality abandons a roadway in a right-of-way that generally both adjacent owners share and it is split down the middle and that is not happening here. The person who has made this request is getting the whole roadway.

Mayor Galambos requested Councilmember DeJulio to go and look at this site before the public hearing is held next week. Councilmember DeJulio stated that he would.

### **Presentation of the Quarterly Update on the Transportation Capital Improvement Program (CIP-T)**

**Deputy Director Drysdale** gave the following presentation.

#### **T-0001 JOHNSON FERRY - ABERNATHY WIDENING**

Status:

- Letting Delayed – late CY07, likely Spring 08
- Recommendation:
  - Continue GDOT Coordination
- Schedule:
  - Final Field Plan Review - not scheduled yet
  - R/W certification - October, 2007 – going slowly
  - Utility certification - October, 2007 – 2 months prior to let
  - Construction completion – 2010-2011

Councilmember Jenkins stated that she is disappointed that she has not seen homes going down, most of them are abandoned and they have gone inside and obviously done some stuff to have vagrants go inside. It looks awful.

**Assistant City Manager Crace** explained the process. The City Manager authorized the new mowing crew to mow the first right-of-ways and to keep the neighborhood groomed a little better while these places are abandoned. Code Enforcement will go out on a regular basis and stay on top of it.

Councilmember Meinzen McEnery questioned if the City's Code Ordinance for Property Maintenance still apply to the owner to make them keep it boarded up or make them keep it secure until the title transfers.

**Assistant City Manager Crace** stated that part of the relocation is they get that letter to start the final process of being out in 60 days. At that point they can claim that they do not have absolute possession.

Mayor Galambos stated that it would be very difficult to enforce something like that.

**Director of Community Development Leathers** stated that if it is still in their control and title has not carried, that is one thing but if they are in the process of doing a transfer, it would be very difficult. Once the State takes control, then the City would not have any enforcement rights.

Councilmember Meinzen McEnery stated that one of the problems is that the title has not transferred for a period of time and that is what is causing the vagrants.

Councilmember Jenkins stated that Councilmember Meinzen McEnery is right and one of the people staying there has been having a yard sale for four month.

**Director of Community Development Leathers** stated that she would consult the attorney and see what the City can do and then she will get the status of the property.

Councilmember Jenkins requested that staff give Council the breakdown as before on the color coded map.

#### **T-0002 GREENWAY - ABERNATHY ROAD SECTION**

Status:

- Concept Design - PBS&J Presentation – August Work Session
- Acquisition actions underway
- Demolition of existing houses underway
- TE funding request to GDOT - June 2007
- Recommendation:
  - Continue with design consultant and concept design
  - Execute the real estate actions for the greenway property
- Schedule:
  - Construction plans – FY09
  - Award construction contract – FY10

#### **T-0003 ROSWELL ROAD AT DUNWOODY PLACE - INTERSECTION IMPROVEMENT**

Status:

- Lyons Group back on job site - June 2007
- Recommendation:
  - Continue to monitor GDOT
- Schedule:
  - Construction completion – October 2007

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**T-0004 ROSWELL RD AT NORTHRIDGE - INTERSECTION IMPROVEMENT**

- Status:
  - Currently under construction
    - Primary focus Dunwoody Place
- Recommendation:
  - Continue to monitor GDOT
- Schedule:
  - Construction completion – Spring 2008

**T-0005 RIVER VALLEY ROAD SIDEWALKS**

- Status:
  - Preparing for bidding
  - Public information meeting – July 23, 2007
- Recommendation:
  - Continue as planned
- Schedule:
  - Bid and Award Construction Contract - Fall 2007

**T-0006 SANDY SPRINGS CIR AND HAMMOND DR - PEDESTRIAN ENHANCEMENTS (PHASE I)**

- Status:
- Preparing for bidding
  - Bidding with T-0008 (Roswell Road)
- Recommendation:
    - Continue as planned
  - Schedule:
    - Bid and Award Construction Contract - Fall 2007

**T-0007 MT. VERNON PKWY SIDEWALK AND TRAFFIC CALMING**

- Status:
- ROW easements underway
  - Bids advertised - May 15, 2007
  - Bids opened - June 13, 2007
- Recommendation:
    - Continue with ROW actions
    - Award construction contract
  - Schedule:
    - Construction - Fall 2007

**T-0008 ROSWELL RD STREETScape (CLIFTWOOD TO HAMMOND)**

- Status:
- Preparing for bidding
  - Bidding with T-0006 (Sandy Springs Circle – Phase 1)
- Recommendation:
    - Continue as planned
  - Schedule:
    - Bid and Award Construction Contract - Fall 2007

**T-0009 ROSWELL RD & JOHNSON FERRY PEDESTRIAN LINK**

- Status:
  - Project has been closed out
  - Project has also been deleted by ARC and GDOT
  - Project funding released and programmed onto Earmark project

**T-0010 JOHNSON FERRY RD AT SANDY SPRINGS CIRCLE INTERSECTION IMPROVEMENT**

- Status:
  - Funding programmed for FY 2009 – moving to 2010
  - Coordination for concept design underway as part of Earmark
- Recommendation:
  - Continue design consultant activities as part of the Earmark
  - After concept, finalize funding estimates and sources
- Schedule:
  - Present consultant recommendation to City Council - August Work Session
  - Initiate concept design – August 2007

**T-0011 JOHNSON FERRY–GLENRIDGE – EARMARK**

- Status:
  - Earmark funds partially available now
  - ARC to finalize recommendation - September 2007
- Recommendation:
  - Continue design consultant activities as part of the Earmark
  - After concept, finalize funding estimates and sources
- Schedule:
  - Present consultant recommendation to City Council - August Work Session
  - Initiate concept design – August 2007

**T-0012 ROSWELL ROAD STREETScape - (JOHNSON FERRY TO ABERNATHY)**

- Status:
  - TE funding request to GDOT - June 2007
  - Design consultant process underway
- Recommendation:
  - Proceed with design consultant contract process
- Schedule:
  - Notice to proceed to consultant – July 2007

**T-0013 ROSWELL ROAD - ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS)**

- Status:
  - RFP responses received
  - Consultant presentations in August 2007
  - Construction funds programmed in FY 2009
- Recommendation:
  - Continue project execution with GDOT
  - Proceed with design consultant activities - Summer 2007
  - After concept design, finalize funding estimates and sources
- Schedule:
  - Consultant notice to proceed – September 2007\

**T-0014/15 SANDY SPRINGS CIRCLE - PEDESTRIAN ENHANCEMENTS (PHASE II/III)**

- Status:
  - Phase I consultant, QK4, completed survey database
  - Project approved by ARC as qualified for LCI funding
  - Project not selected for concept funding this year
- Recommendation:
  - Continue design consultant activities

- Resubmit for concept funding – next project call
- Schedule:
  - Design consultant process – FY2008

**T-0016 DUNWOODY CLUB AT SPALDING DRIVE - INTERSECTION IMPROVEMENT**

- Status:
  - Design consultant contract process underway
- Recommendation:
  - Continue design consultant selection
  - Prepare concepts for funding
  - After concept, finalize funding estimates and sources
- Schedule:
  - Notice to proceed to consultant – July 2007

**T-0017 RIVERSIDE DRIVE SIDEWALKS - (OLD RIVERSIDE TO HEARDS FERRY)**

- Status:
  - Project in “watch care”
  - Potential for ARC pulling funds due to lack of progress
- Recommendation:
  - Reclassify from “Active” to “Future Need”
  - Continue to pursue funding or drop from program

Councilmember Paul stated that he is not ready to drop it yet. We have a good bit of interest in that area on this project. This is an important thing for the Riverside neighborhood; some of the folks have concerns. At some point we need to meet with them and try to figure out what can and can not be done on this.

Councilmember Fries stated that this is in watch care because we had some more pressing matters and after the SSRI were done, Council decided to concentrate on some road improvements.

**T-0018 MT. VERNON HIGHWAY SIDEWALKS - (POWERS FERRY TO LAKE FORREST)**

- Status:
  - Project in “watch care”
  - ARC recommending funds be pulled and project deleted from program
- Recommendation:
  - Reclassify from “Active” to “Future Need”
  - Continue to pursue funding or drop from program

**T-0019 ROSWELL ROAD STREETScape - (I-285 TO ATLANTA CITY LIMITS)**

- Status:
  - Project in “watch care”
  - LCI study area – study about to begin
  - Potential LCI funding in the future
- Recommendation:
  - Continue push for funding and hold existing funds
- Schedule:
  - Consultant finalization – Fall 2007

**T-0020 WINDSOR PARKWAY SIDEWALKS - (ROSWELL TO HIGH POINT)**

- Status:
  - Project in “watch care”
  - Potential for ARC pulling funds due to lack of progress
- Recommendation:
  - Reclassify from “Active” to “Future Need”
  - Continue to pursue funding or drop from program

Councilmember DeJulio stated that this one he brought up at the last meeting because a lot of development is going on there and the City is losing the opportunity to have a lot of these sidewalks done for us because we do not have a policy of having people who are developing a single family home there of putting in a sidewalk. We need to get back to this policy so that we can have the developers installing these sidewalks

Mayor Galambos explained that there is a difference between arterial streets and neighborhood streets. Windsor Parkway is arterial and therefore a policy could be designed.

Councilmember DeJulio requested that Nancy and her department work on this.

#### **T-0021 PEACHTREE DUNWOODY RD AT LAKE HEARN INTERSECTION IMPROVEMENT**

- Status:
  - Project in “watch care”
  - Coordinate with PCID and GDOT for implementation
  - Flyover bridge opening in Fall will impact this intersection
- Recommendation:
  - Continue coordination as needed
- Schedule:
  - Construction programmed in draft TIP for FY 2010

#### **T-0023 I-285 TUNNEL – SANDY SPRINGS CIRCLE UNDERPASS**

- Status:
  - Design consultant process underway
- Recommendation:
  - Continue design consultant selection
  - Prepare concepts for funding
  - After concept, finalize funding estimates and sources
- Schedule:
  - Notice to proceed to consultant – August 2007

#### **T-0024 HAMMOND WIDENING (ROSWELL TO GLENRIDGE)**

- Status:
  - Design consultant process underway
- Recommendation:
  - Continue design consultant selection
  - Prepare concepts for funding
  - After concept, finalize funding estimates and sources
- Schedule:
  - Notice to proceed to consultant – August 2007

#### **T-0025 DUNWOODY PLACE IMPROVEMENTS**

- Status:
  - Design consultant process underway
- Recommendation:
  - Continue design consultant selection
  - Prepare concepts for funding
  - After concept, finalize funding estimates and sources
- Schedule:
  - Notice to proceed to consultant – August 2007

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**T-0026 PEACHTREE-DUNWOODY RD IMPROVEMENTS - (ABERNATHY TO SPALDING)**

- Status:
  - Design consultant process underway
- Recommendation:
  - Continue design consultant selection
  - Prepare concepts for funding
  - After concept, finalize funding estimates and sources
- Schedule:
  - Notice to proceed to consultant – August 2007

**T-0027 JETT ROAD BRIDGE UPGRADE AT LONG ISLAND CREEK**

- Status:
  - GDOT design activities underway
  - Field survey being conducted
  - Hydrology to follow survey
  - Preliminary bridge replacement design
- Recommendation:
  - Pursue additional bridge funds from GDOT for CST
- Schedule:
  - ROW and CST Long Range

**T-0028 HAMMOND INTERCHANGE**

- Status:
  - PMA pending execution of master agreement
  - ROW underway by GDOT
  - Design underway by PCID
- Recommendation:
  - Continue to support GDOT and PCID
- Schedule:
  - Award design/build construction - Fall 2007

**T-0029 ISLAND FORD TRAIL EXTENSION**

- Status:
  - Environmental Clearance complete by DNR
  - Awaiting approval by FHWA
- Recommendation:
  - Continue to coordinate with NPS and DNR
- Schedule:
  - Environmental - TBD
  - Award design and construction - TBD

Councilmember Fries stated that she would like to be involved in this. They are already involved in discussions with Alpharetta, Roswell, Island Ford and the National Forrest. They are talking about doing a bike bridge hanging under GA 400 cross over which would be on our unutilized part. We all need to coordinate this so we do not go too far and do something someone else is doing. Mr. Drysdale stated that he would let her know once this is started.

**T-0030 LCI STUDY SOUTH**

- Status:
  - Consultant selection completed
  - Contract negotiation and approval ongoing
- Recommendation:
  - Continue with study Implementation

- Use study to compete for funds
- Schedule:
  - Study complete by March 2008

**Discussion of the Citywide Resurfacing Contract No. LAU07-S010-00 (456)C1 for Local Assistance Road Program (LARP) projects.**

**Director of Public Works Parham** stated that this item is a recommendation to sign a contract with GDOT for the 07 LARP's Program. The paperwork has just been received and we will need to do a change order with the current contract that we have for city-wide resurfacing. That contract was written with this option included to be able to do that. The total estimated cost for these streets is \$789,813.63, GDOT's share of that is \$305,477.01 that they would contribute toward that total estimated cost.

Councilmember Jenkins stated that Jolly is in the process of building that whole complex at Dalrymple. They have major construction vehicles traveling up and down that road everyday, all day long. It makes no sense for us to redo the road right there until his project is complete.

Mayor Galambos questioned if these roads were chosen on the basis that they are the worst ones.

**Director of Public Works Parham** stated that these are the first streets we as a City have submitted to GDOT for consideration and they were selected based on the condition of the roadway and meeting the criteria for the LARP which basically is resurfacing only, no reconstruction.

**City Manager McDonough** stated there was a consensus to remove the Dalrymple from Roswell Road to Spalding Drive and to delay that until a future time.

**Director of Community Development Leathers** stated that we may not need to move that project back into the process because as a result of the completion of the project the developer will actually be required to do a lot of that work.

**Discussion of an Ordinance to Amend Chapter 9: *Building Code*, of the City of Sandy Springs Code of Ordinance.**

**Director of Community Development Leathers** stated that this item is two amendments to the Building Code. One, is to require that the building permit be posted at the property line at the right-of-way so that everybody can see it. Second, to post the Noise Ordinance on the site so that we know that everybody is aware of what they have to do on the site. Staff met with 35 private inspectors yesterday to do training. They do inspections on a lot of these projects and in order for us to have them observe the same rules that we do, we need to amend the ordinance.

**Discussion of an Ordinance to Amend the International Property Maintenance Code to Adopt Regulations Regarding the Discharge of Swimming Pools.**

**Assistant Director of Planning and Zoning Zehner** stated that this ordinance addresses discharges of pool water. Staff bases this policy on discussions with pool companies and their standards for discharge but also discharge policies from other municipalities. When we first drafted it only dealt with a major discharge. Chairman Pond with the Board of Zoning Appeals asked staff to separate them into a major and a minor discharge and he explained the differences. We have exempted this from overflow caused by precipitation storms. This policy would require anyone needing to discharge their pool or hot tub to notify the City two weeks in advance of doing so. Staff would inspect to ensure it was being done in compliance with the regulations.

**Discussion of a Street Name Change – West Nancy Creek Drive to Curry Drive.**

**Assistant Director of Planning and Zoning Zehner** stated that this is a request that came from Bill Gannon. Mr. Gannon contacted us on behalf of Mike and Angie Mabry who reside at 1115 West Nancy Creek Drive. Their desire

would be to change the name of West Nancy Creek Drive to Curry Drive. There is a West Nancy Creek Drive in Dekalb County and it does present problems.

Mr. Mabry explained that the name Curry was his father-in-law's last name and at one point he owned all of the property on both sides of that road except for two lots. He was a local businessman and carried away in 2002 and this is just a private way to honor him.

**Assistant Director of Planning and Zoning Zehner** stated that signatures have been received from all property owners immediately impacted and staff has sent out public notice. There will be a public hearing on this matter next week.

Councilmember Meinzen McEnery stated that the Mayor's opening remarks were that she has quiet a lot of interest in names. Mayor Galambos wrote a book in 1996 called "What's in a Name". There is only one copy in Sandy Springs and she actually wrote extensively about the Metropolitan Atlanta area about all the derivations of the names.

### **Apartment Inspection Program Update.**

**Building Officer Wesserling** gave the following presentation.

#### **Apartment Inspections and Spot Check Programs**

##### **Program Results**

##### **Apartment Units**

- 75 Apartment complexes within Sandy Springs
- 75 Apartment complexes have produced their inspections
- 20,237 apartment units within the City
- 19,399 apartment units are code compliant
- 570 are approved renovations
- 268 Non-Compliant units

##### **Apartment Inspection Evaluation**

- To ensure the integrity of the program
  - Spot checks by COSS inspectors
  - As a check on the private inspectors

##### **▪ Spot check of selected units**

Spot check units in selected projects to gain assurance that the apartment inspection ordinance has achieved its goal of 100% compliance.

##### **Candidate Projects**

One project has been selected for each private inspector who performed inspections under the program. For those private inspectors who performed inspections at more than five projects, two will be projects selected. A geographic spread was sought, based on the concentration of projects and council district identified. Projects with a history of code compliance problems were selected.

##### **Spot Checks**

Our building inspectors will be briefed on the project by John Wesserling and given packets of information before being dispatched to the field. Building inspectors will be assigned projects to inspect using the 17 point checklist shown in the ordinance.

At each project, one unit will be selected. If deficiencies are noted, two more units at the project will be inspected to determine if a pattern exists.

Property managers will accompany the inspectors on the inspections.

Property managers will be given 30 days to correct deficiencies. Inspections will begin July 18, 2007 and conclude August 17, 2007.

### **Reporting**

Inspection forms will be returned to John Wesserling and Nancy Leathers.

John will compile the information, analyze the returns, and report to Nancy.

### **Follow Up**

Where deficiencies were noted, inspectors will revisit the project within thirty days to assure that repairs were made.

### **Non-Compliant Complexes**

#### **▪ Celebration at Sandy Springs**

- Several buildings are being totally renovated  
The rest are Compliant

#### **▪ The Lodge**

- Extension Granted
- This complex has worked diligently to improve the condition of their structures
- Entire complex is in the process of renovation

#### **▪ Hawthorn Gates**

- Several buildings are being totally renovated  
The rest are Compliant

### **Non-Compliant Complexes**

#### **▪ Jasmine at Sandy Springs**

Total units - 1179

- Units in compliance - 986
- Units scheduled for repair - 193

#### **▪ The Magnolia at Sandy Springs**

- A construction schedule has been received

Brad Hicks stated that on behalf of the Apartment Association they are very pleased to see the results of this being 100%. They appreciated being able to work with staff on the model ordinance that was adopted in Roswell. If there are any questions or any concerns about spot checks contact him and he will be happy to work with their vendors. They are glad to see that they have solved the problem and have the issues to where they need to be.

Mayor Galambos stated that she met with two different owners/managers of major apartments both of which were making major renovations. She noticed two entirely different approaches in their management styles. One management style was to build a community and get quality people and have them refer their friends. Filling up the units was not the primary objective, but was to get quality tenants. The other owners were exactly the opposite, fill up the units, put up a "Free Rent" sign and get the units full.

Brad Hicks stated that he would take this information back to the Board of Directors and see if anything could be done.

### **Mayor and Council Discussion Items**

### **Historic Preservation**

process. It is a way of recognizing our resources and giving the community a small bit of protection for those resources.

Mayor Galambos stated that the City has nine properties that were listed in the article by Cynthia Daniels, AJC which came from the Heritage Sandy Springs List. Most of the properties on that list are already protected. The Reid Mitchell House, the owners have vowed to keep it the way it is now. The Mitchell Tiller House was saved behind the Tiller's new house. The Ike Roberts House, Dunwoody Homeowners Association is working on trying to preserve that. After you eliminate those, if the City had another board, the members would only have about four or five houses to look at.

Councilmember Meinzen McEnery stated that there are over 16 houses that are over 100 years old. She just submitted a list of 50 additional ones of architectural integrity. The Ike Roberts House is totally unprotected right now. She is not advocating that we put obligations on owners of a historic property. She is just saying that another look in the process needs to be provided so that the City Council is advised of the heritage by the Historic Preservation Board and it is a way to protect the community's resources. Council approved in December the creation of a Historic Preservation Board, it was with Fulton County, the city adopted their ordinance and now all she is asking is that Council activate what we have already approved to create, accept their duties and create a registry.

Councilmember Fries stated that "old" does not make it historical from a family of long time New Englanders. If we need to take a consensus on this she does not think the City needs a Historic Board.

There was no consensus from the City Council.

Councilmember Meinzen McEnery stated that there were other portions of her proposal, not just the creation of a Board but, requiring that historic property have a level of review during the zoning process, rezoning and redevelopment. Perhaps, you do not need a board for that. What she is hearing is that the Councilmembers and the Mayor do not feel that this community deserves to have its historic buildings protected by some degree of measure. She questioned Council if this is what she heard.

Councilmember Paul stated that is a rather salacious argument just because Council disagrees with Councilmember Meinzen McEnery's particular proposal does not mean that we do not value the history of this community. He would like for Councilmember Meinzen McEnery to withdraw her remark.

Councilmember Meinzen McEnery stated that she would like for the Clerk to read back what she just said and she is going to stand by it.

Councilmember Paul moved to have those remarks be restricted from the record. Mayor Galambos stated that there is no motion during the Work Session. We asked for consensus during the Work Session, is there a consensus to move forward in any way towards this addition that Councilmember Meinzen McEnery is making, further attention needs to be given to these properties of historic significance. Mayor Galambos asked Council to raise their hand. No one raised their hand.

Councilmember Jenkins stated that it is not that Council does not feel nothing is worth protecting; she does not want all of these houses to go through a bunch of stuff. Her whole goal is to remove as much red tape as possible. She is not going to be here piling it back on. She is doing everything she can to move building permits and land disturbance permits and everything else she can do to strip away all of these requirements. She is not about to add on more.

Councilmember Fries echoed Councilmember Jenkins comments. She thinks it is an individual's property right to go through the National Registry and make that decision on their own.

Councilmember Paul stated that the City has the protections that we need in the zoning process. If we feel like we need to and somebody brings something up for zoning that deals with something that is truly historic or significant,

we have the rules and regulations and powers to deal with it under the existing regulations and ordinances without additional bureaucratic red tape to do it. We can do what Councilmember Meinzen McEnery wants to do without this particular mechanism.

Councilmember Meinzen McEnery questioned how we could do that, just by up and down vote by City Council.

Mayor Galambos adjourned the Work Session.

**Executive Session -Attorney-Client Consultation, Potential Litigation**

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss potential litigation. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Dianne Fries, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, Councilmember Rusty Paul and Councilmember Karen Meinzen McEnery voting in favor. Executive Session began at 8:13 p.m.

**Motion and Vote:** Councilmember DeJulio moved to adjourn Executive Session. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Dianne Fries, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, Councilmember Rusty Paul and Councilmember Karen Meinzen McEnery voting in favor. Executive Session began at 9:13 p.m.

**Adjournment:**

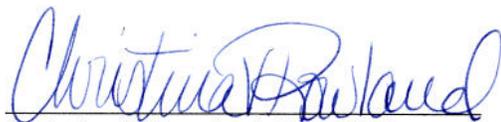
**Motion and Vote:** Councilmember DeJulio moved to adjourn the meeting. Councilmember Paul seconded the motion. The motion carried unanimously. The meeting adjourned at 9:14 p.m.

After no further discussion, the meeting adjourned at 9:14 p.m.

Date Approved: **August 21, 2007**



Eva Galambos, Mayor



Christina V. Rowland, City Clerk