

**Regular Meeting of the Sandy Springs City Council
Tuesday September 19, 2006 at 7:00 PM
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Regular Meeting of the Mayor and City Council of the City of Sandy Springs was held September 19, 2006 at 7:00 PM, Mayor Eva Galambos presiding.

Invocation

Dr. John Bryan, Mount Vernon Baptist Church, Sr. Minister

Call to Order

Mayor Galambos requested that the City Clerk call the Roll.

Roll Call and General Announcements

City Clerk Marchiafava 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 Marchiafava introduced and welcomed the City of Sandy Springs Pages, Joshua Hammond and Katharine Radvak, both from Ridgeview Charter School. Also, with us is Joshua's sister Hannah Hammond.

City Clerk Marchiafava called the roll.

Councilmembers Present: Councilmember Dianne Fries, Councilmember Karen Meinzen McEnery, Councilmember Dave Greenspan, Councilmember Ashley Jenkins, Councilmember Rusty Paul, and Councilmember Tibby DeJulio.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance

Approval of Meeting Minutes

Mayor Galambos questioned if there were any changes to the meeting agenda.

Motion and Vote: Councilmember Jenkins moved to approve the Meeting Agenda. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Consent Agenda

1. Approval of the August 29, 2006 Work Session Meeting Minutes.
2. Approval of the August 29, 2006 Special Called Meeting Minutes.
3. Approval of Georgia Department of Transportation (GDOT) Project Management Agreements (PMA) – Fourth Group Deferred on July 18, 2006.
 - a. Memorandum of Understanding (MOU) for the Roswell Road Transit-Oriented Streetscape;
 - b. PMA for the Hammond Drive/Sandy Springs Circle Pedestrian Improvements.
4. Authorize the Mayor to sign the GDOT Certificate of Ownership and Agreements for Local Road Assistance Program (LARP).
5. Authorize City Staff to Negotiate Scope and Fee with the Sandy Springs Greenway Consultant.
6. Acceptance of Right-of-Way (approximately 0.70 acres) owned by Corporate Campus, LLC.
7. Right of Access and Entry Agreement donation of property rights as part of PCID project.
8. Approval to reschedule the Mayor and City Council Regular Meeting on November 7, 2006 to Wednesday, November 8, 2006.
9. Approval of the 2007 City Council Regular Meeting and Work Session Schedules.

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

Presentation

Honor John Ripley Forbes.

Councilmember Meinzen McEnery read the memoriam for John Ripley Forbes. She presented this to Mr. Forbes wife and daughter.

Proclamation for River's Alive, Georgia's Annual River Cleanup.

Mayor Galambos read the Proclamation for River's Alive, Georgia's Annual River Cleanup. She presented the Proclamation to Karin Zarin with Keep Sandy Springs Beautiful as well as Boy Scout Troop 463.

Proclamation for the Junior League of Atlanta, Inc.

Mayor Galambos read the Proclamation for the Junior League of Atlanta, Inc. She presented the Proclamation to Judy Lynn Rice, President, Elaine Walsh, President elect, and Nancy Uncliff, President 2000-2001.

Presentation by Sandy Springs Society

Mayor Galambos recognized Ms. Bernadine Richard from the Sandy Springs Society. Ms. Bernadine stated that it is the pleasure of the Sandy Springs Society and the town turtle project to present to the Mayor and City Council of the City of Sandy Springs, a check in the amount of \$16,000 to pay for all of the public parks in the City of Sandy Springs. She thanked Mayor Galambos for being the Mayor of the City of Sandy Springs and wished her the very best.

Mayor Galambos thanked the Sandy Springs Society and took the opportunity to say also, thank you to two Commissioners who did work this out so we could afford this; Commissioner Lowe and Commissioner Pitts who came to an agreement and reached this price so that the Society could help us in this way.

Public Hearing

Rezoning

RZ06-024/CV06-013/U06-003 – Peachtree-Dunwoody Road, Joseph Foltz, The Kessler Enterprise, Inc. from O-I conditional to C-1 for the development of a hotel and restaurant development at a density of 87,307.91 gross square feet per acre (296,000 gross square feet) with six concurrent variances. (First Reading)

City Clerk Marchiafava stated that the next agenda item is a public hearing for RZ06-024/CV06-013/U06-003 at Peachtree-Dunwoody Road. The applicant is Joseph Foltz, The Kessler Enterprise, Inc. She conducted a First Reading of an Ordinance to rezone property located on Peachtree Dunwoody Road. from O-I conditional to C-1 for the development of a hotel and restaurant development at a density of 87,307.91 gross square feet per acre (296,000 gross square feet) with six concurrent variances. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Kessler Enterprise, Inc. and the application will be heard by the Planning Commission on September 21, 2006 and again before the Mayor and City Council for the second reading on October 3, 2006.

He clarified that what was presented to the Council on the disk is not the correct. He explained that the applicant only needs variances to two areas of the landscape strip. The applicant is still requesting a reduction on the 40 foot front yard.

They are still asking for a variance to the PCID standards on the bike lane. They were not eliminating, they were massaging some of the variances. This will be in the full staff report for the Planning Commission.

Councilmember Jenkins requested that she receive the most up to date version.

Councilmember Greenspan asked if the PCID requirements were adopted in the overlay district. Mr. Zehner explained that their overlay district is similar to the Sandy Springs overlay which is a part of the zoning ordinance.

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

RZ06-037/CV06-021/U06-005 – 6450 Peachtree Dunwoody Road, Nathan V. Hendricks, III, from C-1 and MIX to C-1 to consolidate a portion of property purchased from Home Depot with the existing parcel for the development of a building addition on the self storage facility. (First Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-037/CV06-021/U06-005 at 6450 Peachtree Dunwoody Road. The applicant is Nathan V. Hendricks, III She conducted a First Reading of an Ordinance to rezone property located at 6450 Peachtree Dunwoody Road from C-1 and MIX to C-1 to consolidate a portion of property purchased from Home Depot with the existing parcel for the development of a building addition on the self storage facility. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Dunwoody Storage, LLC represented by Pete Hendricks. The application will be heard by the Planning Commission this Thursday, September 21st and then before the Mayor and City Council for a second reading on October 3, 2006. To avoid any confusion you did hear a similar request at your last meeting for a zoning modification on property associated with this rezoning.

This rezoning is to allow density on that portion of the property that was subject to a modification.

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

RZ06-038/CV06-022/U06-006 – 4617 & 4627 Roswell Road; 284, 286 & 290 Hedden Street, Jeff Moore, from C-1 conditional, A-O conditional, and R-4 to MIX for the development of a mixed use office, retail, and townhouse development. (First Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-038/CV06-022/U06-006 at 4617 & 4627 Roswell Road; 284, 286 & 290 Hedden Street. The applicant is Jeff Moore. She conducted a First Reading of an Ordinance to rezone property located at 4617 and 4627 Roswell Road and 284, 286, and 290 Hedden Street from C-1 conditional, A-O conditional, and R-4 to MIX for the development of a mixed use office, retail, and townhouse development. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is AJL, LLC represented by Steven Fusko with Epstein Baker and Green, P.C. This application will be heard by the Planning Commission on September 21st, this Thursday and then by the Mayor and City Council on October 3rd for its second reading.

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

RZ06-039 – 5866 Roswell Road, Raj Patel and Haji Pourreza, from C-1 conditional to C-1 to divide the property and to develop an office building on the rear portion of the site. (First Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-039 at 5866 Roswell Road. The petitioner is Raj Patel and Haji Pourreza. She conducted a First Reading of an Ordinance to rezone property located at 5866 Roswell Road from C-1 conditional to C-1 to divide the property and to develop an office building on the rear portion of the site. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner and the representative are Raj Patel and Haji Pourreza. The petition will be heard by the Planning Commission this Thursday, September 21st and by the Mayor and City Council on October 3rd as the second reading.

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

RZ06-040/CV06-023 - 7995 Roberts Drive, Beaver Creek Homes, Inc., from R-2 to R-3 for the development of three single family lots. (First Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-040/CV06-023 at 7995 Roberts Drive. The applicant is Beaver Creek Homes, Inc. She conducted a First Reading of an Ordinance to rezone property located at 7995 Roberts Drive from R-2 to R-3 for the development of three single family lots. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner Beaver Creek Homes, Inc., represented by William Jacob. The petition will be heard by the Planning Commission this Thursday, September 21st and by the Mayor and City Council on October 3rd as the second reading.

Mayor Galambos asked if there were any comments.

Councilmember Greenspan asked if this applicant would be requesting a deferral.

Mr. Zehner stated that staff is recommending that the Planning Commission defer hearing the item to the October meeting. The applicant was required to hold a CDRM, a community developer resolution meeting on or before August 31st. However, they failed to do so and failed to properly notify the required attendance. Staff will be recommending to the Planning Commission that the item be deferred for one month.

Councilmember Greenspan questioned if the CDRM is not complied with, is it not an automatic deferral.

Mr. Zehner stated that the CDRM meeting is not a requirement of the ordinance. It is a process requirement that we have adopted. The Planning Commission could choose to make a motion on the application and move it forward. Staff feels that to go through the process is appropriate and to delay it a month and have the CDRM meeting later this month.

Councilmember Greenspan stated that we may want to reconsider that process if the CDRM is not required but encouraged and the community has not had an opportunity to properly speak on the issue.

Mayor Galambos asked if we could bring this up at our next Work Session. Councilmember Greenspan concurred.

Mayor Galambos asked if there were any public comment on this item. No public comment.

Fred Joel, 1520 Bakers Glen Drive, Sandy Spring stated that he is opposed to this development. He expressed concerns regarding the density.

Mayor Galambos stated that there will be a full public hearing on this when we have the second reading.

Zoning Modifications

ZM06-007/CV06-024 – 6925 Roswell Road, Plantation Creek Apartments, to modify the Augmented Letter of Intent, which requires the apartment complex to maintain two parking spaces per unit (968 spaces). The petitioner is requesting a concurrent variance to reduce the required number of parking spaces under the current parking ordinance from 908 to the existing 861 spaces. (First Reading)

City Clerk Marchiafava stated that the next agenda item is ZM06-007/CV06-024 at 6925 Roswell Road, Plantation Creek Apartments, to modify the Augmented Letter of Intent. She conducted a First Reading of an Ordinance to modify conditions of the Resolution by the Fulton County Board of Commissioners approval of petition of V01-0057 on October 3, 2001. The company is located at Crestline Parkway. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is TVO, New Boston Plantation Creek, LLC, represented by Pete Hendrix. The Mayor and City Council will hear this as a second reading on October 3, 2006. The Zoning Modification is not required to go before the Planning Commission.

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

ZM06-008/CV06-025 – Crestline Parkway (17 0019LL141), Harper Properties, LLC, to modify conditions 1.a. and 2.a. to allow for the existing 48 townhome units and to substitute the site plan submitted as part of this request with the plan originally approved. To delete conditions 1.b. and 1.h., which allow an additional 59 condominium units. The applicant is requesting two concurrent variances for the installation of a pool. (First Reading)

City Clerk Marchiafava stated that the next agenda item is ZM06-008/CV06-025 – Crestline Parkway (17 0019LL141), Harper Properties, LLC. She conducted a First Reading of the Ordinance to modify conditions of the resolution by the Fulton County Board of Commissioners approving petition V01-005 on October 3, 2001. The property is located at Crestline Parkway. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Harper Properties, LLC. The petitioner is requesting a Zoning Modification to modify conditions 1.a. and 2.a. to allow for the existing 48 townhome units and to substitute the site plan submitted as part of this request with the plan originally approved. To delete conditions 1.b. and 1.h., which allow an additional 59 condominium units. The applicant is requesting two concurrent variances for the installation of a pool

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

ZM06-009/CV06-026 – Crestline Parkway (17 0019LL143), Harper Properties, LLC, to modify condition 2.a. to substitute the site plan submitted as a part of this request with the plan originally approved. The applicant is requesting three concurrent variances for the installation of a pool and to allow the proposed driveway to encroach into the required landscape strip. (First Reading)

City Clerk Marchiafava stated that the next agenda item is also on Crestline Parkway. She conducted a First Reading of an Ordinance to modify the conditions of the resolution by the Fulton County Board of Commissioners approving petition Z05-0084 on October 5, 2005. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Harper Properties, LLC represented by Pete Hendrix. The Mayor and City Council will hear this as a second reading on October 3, 2006.

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

ZM06-010/CV06-027 – 5600 Roswell Road, Sembler Retail, Inc., to modify conditions 2.a., 3.c., and 3.e. to substitute the site plan submitted as a part of this request with the plan originally approved and to clarify the parking and streetscape requirements for the site. The applicant is requesting four concurrent variances for additional signage, stream buffer encroachment, and the creation of an outparcel. (First Reading)

City Clerk Marchiafava stated that the next agenda item is ZM06-010/CV06-027 – 5600 Roswell Road, Sembler Retail, Inc. She conducted a First Reading of an Ordinance to modify conditions of a resolution by the Fulton

County Board of Commissioners approving the petition V05-0050 on August 17, 2005. The property is located at 5600 Roswell Road, State Route 9. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Sembler Retail, Inc., represented by Pete Hendrix. The application will be heard by the Mayor and City Council will hear this as a second reading on October 3, 2006.

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

ZM06-012/CV06-031 – 6193 and 6207 Glenridge Drive, Masoud Zahedi, to delete condition 4.a. requiring a 55 foot area of reservation along the entire property frontage from the centerline of Glenridge Drive and a concurrent variance to reduce the required 40 foot perimeter setback to 20 feet along the entire property frontage along Glenridge Drive. (First Reading)

City Clerk Marchiafava stated that the next agenda item is ZM06-012/CV06-031 – 6193 and 6207 Glenridge Drive, Masoud Zahedi. She conducted a First Reading of an Ordinance to modify conditions of a resolution by the Fulton County Board of Commissioners approving the petition V04-0075 on December 2004. The property is located at 6193 and 6207 Glen Ridge Drive. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner and representative is Masoud Zahedi. . The Mayor and City Council will hear this as a second reading on October 3, 2006.

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

Unfinished Business:

Approval of an Ordinance to Amend Chapter 11, Article 3 Pawnbrokers and Pawnshops; Secondhand Dealers, Section 1 through 11 of the Code of Ordinances for the City of Sandy Springs. First Reading was held on September 5, 2006. (Second Reading)

City Clerk Marchiafava stated that the next agenda item is for approval of an ordinance to amend Chapter 7. This will be the second reading and the first reading was heard on September 5, 2006. She conducted a Second Reading of an Ordinance amending Chapter 11, Business Occupation Tax License and regulation by striking the existing Article 3, Pawnshops and Pawnbrokers and replacing it with a new Article 3, Pawnbrokers and Pawnshops, Secondhand Dealers. This will be presented by Director of Operations Don Howell.

Director of Operations Howell stated that this matter had a first reading on September 5th and was discussed in a work session on September 12th. It's presented for second reading and an amendment to it to allow for fees to be set by Resolution by the City Council which would be consistent with all of our fee schedules. Later in the agenda is an ordinance that would set those fees. The Chief can explain the background.

Police Chief Gene Wilson stated that this will be the third occasion we have talked about this, first in work session and this is our second presentation to the Council. This is amending the present Pawnshop ordinance that we inherited from Fulton County. It strengthens it in a few locations especially of the area of the picture taking. One thing he wants to bring to Council's attention, one of the pawnshop owners came to us last week and wanted to meet with Sergeant Lawrence Joe before this meeting and talk out some areas where we might be able to smooth this ordinance out in their opinion. He stated that they were not able to meet before this meeting but are still planning to meet.

Councilmember Fries stated that she thinks we could move on this. If she is not mistaken, it is only a matter if it is a video camera instead of a still photo. She asked if we could get wiggle room and move forward on that. City Attorney Willard stated that would be up to Council to decide.

Mayor Galambos called for public comment.

Howard Rapport, Happy Hocker Pawn stated his business is down the road. He expressed concern regarding the lack of notification that any of this was going to be done or any changes that were going to be made. He would like to have input into the changes that are going to be made. He requested that the City Council defer this for two weeks.

Mayor Galambos asked City Council if they had any questions at this time.

Councilmember Meinzen McEnery stated she has been in conversation with Mr. Aldeman, Vice President of the National Pawnbrokers Association. She would be willing to defer this item until the next City Council meeting so that we can create the best possible ordinance.

Councilmember Jenkins stated she understands what the Vice President of the National Pawnbrokers Association was saying, she received the same letter from David Aldeman. His job title is Vice President of the National Pawnbrokers Association. That is a lobbyist group for the pawnbrokers. It is his responsibility and job to monitor cities and counties. She is ready to vote on this ordinance tonight. The only two things you object to are the fees being charged and that somebody might object to having their picture taken when they are going into the pawnshop. She does not think that is enough to delay this item.

Mr. Rapport said there is another matter which he thinks is highly discriminatory. They have a lot of Hispanic customers. Some of these customers do not have the ID that's requested in this ordinance. A lot of them have green cards, a lot of them has drivers license from Mexico or some other form of identification like passport and that is not mentioned. It is something that is statewide and is something they have always been able to take as an ID. There is quiet a few things in this ordinance they would like to take a look at.

Chief Wilson stated that passports are an acceptable form of identification as long as it has a picture ID, a foreign driver's license is not.

Mr. Rapport questioned if the video surveillance they have which really is a hard drive and can be downloaded at any time is sufficient.

Chief Wilson said that it was as long as he had the person look up at the camera so that he can get a clear shot of their face and you can put it over into your software and connect that particular picture with the documentation you have and that is fine. We are not trying to get you to create another step. If you can do that then we are in business. Discussion followed regarding the process of maintaining these videos.

Councilmember Meinzen McEnery stated that Council is having a lot of discords up here over the terms of this article, and cannot see any overwhelming reason to take a vote today. She sees no reason why Council needs to move forward until the parties have time to discuss their viewpoints.

Councilmember Fries stated that 90% percent of this, except for the photographs, is something they were supposed to be doing anyway under Fulton County. This is not new. She sees no reason why we should wait another three weeks on this.

Motion and Vote: Councilmember Fries moved to approve an Ordinance to Amend Chapter 11, Article 3 Pawnbrokers and Pawnshops; Secondhand Dealers, Section 1 through 11 of the Code of Ordinances for the City of Sandy Springs. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

City Clerk Marchiafava presented Certificates of Appreciation to City of Sandy Springs Pages, Joshua Hammond and Katharine Radvak from Ridgeview Charter School. She will mail the certificate to Hannah Hammond in the morning.

Approval of an Ordinance Amending Section 2.14 of Article 2 of the Charter of the City of Sandy Springs so as to allow for the Approval and Passage of a Resolution or Ordinance by the City Council after the title is read at the time the resolution or ordinance is offered.
First Reading was held on September 5, 2006. (Second Reading)

City Clerk Marchiafava stated that the next agenda item is for approval of an ordinance amending Section 2.14 of Article 2 of the Charter of the City of Sandy Springs. She conducted a Second Reading of an Ordinance amending Section 2.14 of Article 2 of the Charter of the City of Sandy Springs so as to allow for the Approval and Passage of a Resolution or Ordinance by the City Council after the title is read at the time the resolution or ordinance is offered. This item will be presented by the City Attorney Wendell Willard.

City Attorney Willard stated before City Council tonight is a charter amendment. We have gone through the procedural requirements of advertising as well as the two readings. The purpose of this is to allow the Council to have an ordinance read one and act on it at that meeting. This will be very helpful with what we are doing in zoning. This ordinance will become effective as of City Council adoption. We will start the process with the applications that have not been advertised yet. The next time there is an advertising it will be advertised for the one public hearing which will be set up to occur after the Planning Commission hearing in November.

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

Motion and Vote: Councilmember Paul moved to approve an Ordinance Amending Section 2.14 of Article 2 of the Charter of the City of Sandy Springs so as to allow for the Approval and Passage of a Resolution or Ordinance by the City Council after the title is read at the time the resolution or ordinance is offered. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance Amending Article IV of the Charter of the City of Sandy Springs Relating to the Municipal Court. First Reading held on September 5, 2006. (Second Reading)

City Clerk Marchiafava stated that the agenda item is an Ordinance amending Article IV of the Charter of the City of Sandy Springs Relating to the Municipal Court. She conducted a Second Reading of an Ordinance Amending Article IV of the Charter of the City of Sandy Springs Relating to the Municipal Court to increase the age for serving for a Judge, clarify the duties of a Judge and clarify the position and duties of a Judge and establish the position of the Clerk of Court and clarify the Clerks duties, establish a procedure for adopting rules and regulations for the Court and authorize the Council to defer the cost of operation by raising the fee. This item will be presented by the City Attorney Wendell Willard.

City Attorney Wendell Willard explained that he is requesting an amendment to Section 4.06 of the proposed ordinance. He stated that Section 4.06 should read "The judges, by unanimous consent, shall have authority to make reasonable rules and regulations necessary and proper for addressing the operations of the municipal court. The clerk of the court, as administrator of the court, shall prepare reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court. All rules shall be subject to the approval of the council."

Mayor Galambos asked if there were questions from the City Council.

Councilmember DeJulio expressed his concern regarding the "by unanimous consent" portion of this section. He also explained that there needs to be someone in charge. Having unanimous consent means that everybody has a veto over everything. Also, he has a little bit of problem with having a Clerk of the Court and he understands the clerk of the court is an employee and the judges are part-time employees of the city but there is still a lack of order here. We have named a Chief Judge and he thinks we have to have a chain of command here so to speak and a line of order of how this is going to be. We could not operate this City Council by unanimous consent.

City Attorney Willard stated that we have two part-time judges. We will probably expand to four part-time judges. The four judges should be able to reach a concurrent understanding of what would be the rules and operations of the court. If we have somebody who is not willing to participate and not do the right thing, it can be brought to Council's attention. Council has the right by two-thirds vote to remove that individual who is not performing appropriately in that position as a Municipal Court Judge. Staff felt the appropriate place to vest this responsibility would be to the full time person which is the Clerk of Court who is governing the court on a day to day basis. That is why we assigned this responsibility to the Clerk of Court. The Judges are all practicing lawyers who are doing this on a full and part-time basis as they are requested to and will continue to be that way.

Councilmember Jenkins asked if the court had already adopted the uniform rules of Superior Court right now. City Attorney Willard stated that they had.

Mayor Galambos stated that Judge Anderson would like to make a statement.

Judge Anderson thanked City Council for letting him speak to them tonight. He would like to start off with some good news. The police have got their van in operation. We started with it Monday morning and it cut the amount of time it took us to deal with prisoners in half, at least. He complimented the police and Council for seeing to it that we got that van. He understands from Mr. Day that we have two more computer terminals and should be here by the end of the week. That will cut our lines after court tremendously. He stated that one thing that Mr. Willard did not mention is that he had recommended that council go back to no full time judges. The original charter amendment contemplated the ability to appoint a full time judge and he did not particularly agree with that.

City Attorney Willard stated that we had an option but, we are doing it on a basis where all the judges would be part time.

Judge Anderson reviewed for the Council, the three branches of government. He agrees with the fact that the State Constitution does not require us to maintain three traditional branches of government. He dare say that is the model that is the model for everything from the United States down to most of all states, counties and municipalities that we do maintain three branches of government. One of the hallmarks of democracy and our federal system of government is the maintenance of an independent judiciary which we celebrated in this room on May 1st of this year. He thinks two things, one, some of the charter amendment council has before them shall we say, blur that distinction between the executive and judicial branch and give the executive branch more of a say so in the running of the judicial branch than he thinks any other government that he is particularly aware of.

Judge Anderson suggested several amendments to the proposed Charter amendment.

Mayor Galambos asked council if they had any more questions.

Councilmember Paul asked to hear from the City Attorney on Judge Anderson's proposed amendments.

City Attorney Willard stated he would go through each one of them. His granting of this language was keeping in mind of what we were trying to do to in sake of the judges. The fact that they are part time and are going to be serving as needed with the scheduling of the courts by the clerk. He does not argue with what Judge Anderson is saying. A lot of courts which have multiple judges, there is nothing in the law that says there will be a "Chief Judge" or senior judge. A lot of times the courts elect someone to be senior judge in preparing meetings and such. Our judges can do the same as has been the pattern of the other courts in the state of Georgia for many years that is a senior person is respected with that seniority to be the presiding person over their meetings. We don't have in the language of our charter originally recognizing anyone as being Chief Judge. We have amended with the understanding that these people are serving as attorneys on a part time basis and they should all stand within the court of the same status. One shouldn't be able to say they are the one who controls how things are being done by those judges. Discussion followed regarding the position of Chief Judge.

City Attorney Willard stated that council is really the arbitrator. It states that all rules shall be subject to the approval of the council.

Councilmember Jenkins stated that the rules are already established. This is a moot point about the rules.

Motion and Second: Councilmember Jenkins moved to approve an Ordinance Amending Article IV of the Charter of the City of Sandy Springs Relating to the Municipal Court with the following amendment to Section 4.06: The judges, by unanimous consent, shall have authority to make reasonable rules and regulations necessary and proper for addressing the operations of the municipal court. The clerk of the court, as administrator of the court, shall prepare reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court. All rules shall be subject to the approval of the council. Councilmember Fries seconded the motion.

Discussion of Motion: City Attorney Willard stated the amendment we have substituting the proposal before council to amend by the insertion by the new 4.06 on the "Rules of the Court". A motion needs to be made on the amendment.

Councilmember Jenkins stated she would like to include the amendment Mr. Willard stated.

Councilmember Paul stated that he agrees with Councilmember DeJulio. He too is a little bothered by the unanimous consent. He does not know why we could not make it a majority vote. Concurrently, if the two judges that are there cannot agree, then it comes to council anyway.

Motion to Amend and Vote: Councilmember Paul moved to amend the motion to strike the words "by unanimous consent", and insert "*by majority vote*". Councilmember Meinzen McEnerney seconded the motion. There was no Council discussion. The motion passed unanimously.

Vote on Main Motion: The motion passed 5-1, with Councilmember DeJulio voting in opposition.

New Business

Approval of a Resolution to amend the current fee schedule to allow a Pawnshop administration and application fee, and to amend the current fee schedule regarding schedule of fees.

City Clerk Marchiafava stated that the next agenda item is the Approval of a Resolution to amend the current fee schedule to allow a Pawnshop administration and application fee, and to amend the current fee schedule regarding schedule of fees. This item will be presented by Director of Operations, Don Howell.

Director of Operations, Howell stated that this is a follow up to the adoption of the ordinance which is regulating pawnshops and pawnbrokers. That ordinance council adopted provides that the fees shall be set by resolution by Mayor and Council. This is before council tonight. The chief indicated earlier, the police background investigation permit fees for employees are consistent with several agencies that do regulate license in the city. We did a survey of surrounding municipalities and the regulatory license fees run from \$300 to \$1,500 and we recommended an initial fee of \$500. Both of those are included in the resolution. The resolution will be effective upon adoption.

Mayor Galambos asked about if somebody already has their license for the year 2006.

Director of Operations Howell stated that he is not sure if it will be retroactive because the resolution is just being adopted.

City Attorney Willard stated that it can require a person who already has a license set for a period of time, a cancellation of that. All we can say is that next time it comes up for renewal this will be the fee to pay.

Mayor Galambos asked if there were any other questions. There were no questions or any discussion.

Motion and Vote: Councilmember Jenkins moved to approve a Resolution to amend the current fee schedule to allow a Pawnshop administration and application fee, and to amend the current fee schedule regarding schedule of fees. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution Adopting a Policy on Setting Council Agenda Items.

City Clerk Marchiafava stated that the next agenda item is for the approval a Resolution Adopting a Policy on Setting Council Agenda Items. The item will be presented by Councilmember David Greenspan.

Councilmember David Greenspan stated that council discussed this item in the work session last week. This just codifies what Council has adopted as a policy and it becomes more relevant as we get into the single reading of ordinance. An ordinance will go on the work session agenda prior to being placed on the Council agenda. There are three modifications. One, new items, two and three, is if there's an emergency or if it is of a time sensitive nature. If it is one of those two, emergency or time sensitive it will be put on under new items and would require majority vote of council, a quorum in order for the item to be placed on the agenda.

Mayor Galambos asked City Attorney to the to the extent that it would limit the Mayor's right to add items to the agenda would that be something that requires a charter amendment.

City Attorney Willard stated that the matter of setting agendas and placing items on the agenda is vested with the Mayor. If you do something to limit that then there maybe a conflict with the charter provision. The higher authority would be a charter provision if you have a conflict of provisions with as policy to the charter.

Councilmember DeJulio stated that other than his obvious objection to having policies on policies, one of his feelings is if it is not broke, do not fix it". Our system is not broke right now and has been working now for ten months. We have gotten things that we have needed to get on the agenda. We have gotten things that we needed to get passed, etc. The idea for him is that it is just more bureaucracy. If you wait for him to fill out a form to bring something up on this thing, he might as well stay home on Tuesday nights.

Councilmember Greenspan stated that he is all for flexibility and the Mayor being able to put things on the agenda. He doesn't ever want us to be so rigid that we can't operate and can't function. He also believes that council has an obligation to notify the public adequately that there is an item coming up for council vote which is what is going to happen the first of November with the ordinance we just passed. Starting the first of November one reading, it comes up at 7:00 p.m. and by 8:30 it is a law. If we do not have time to study it and he understands council may request a deferral but might not always get a deferral.

Motion and Vote: Councilmember Greenspan moved to approve a Resolution Adopting a Policy on Setting Council Agenda Items. Councilmember Meinzen McEnerny seconded the motion. The motion failed 3-4, with Councilmember Fries, Councilmember Paul, and Councilmember DeJulio voting in opposition. Mayor Galambos broke the tie voting in opposition of the motion.

Councilmember Greenspan stated that it was never his intention to challenge the Mayor's authority. He did not even think of that. His intent was to make certain that we have ample time to discuss and the public has ample time when we go to a single reading either the minutes are up on the agenda unless we get a deferral, its being voted on at that meeting.

Approve Administrative Guidelines for Elevator Lobby Separation in High Rise-Buildings.

City Clerk Marchiafava stated that the next agenda item is to Approve Administrative Guidelines for Elevator Lobby Separation in High Rise-Buildings. This item will be presented by Deputy Director of Community Development Tom Wilson.

Deputy Director of Community Development Wilson stated that the Community Development Department request approval of an Administrative Guideline regarding the Elevator Lobbies and high rise buildings in accordance with the 2000 International Building Codes, Sections: 403.9 and 707.14.1 as amended by the Georgia Department of Community Affairs. This guideline has been formulated in concert with neighboring jurisdictions where high rise buildings exist and is consistent with a similar guideline in the City of Atlanta. The adoption of this guideline will assist the department in obtaining separation of the elevator lobby and some other exiting pathways in high rise buildings and provide safety measures to confine fire and smoke in the event of a fire.

Motion and Vote: Councilmember DeJulio moved to approve the Administrative Guidelines for Elevator Lobby Separation in High Rise-Buildings. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Reports and Presentations

City Manager McDonough stated that the E-911 IGA request, the partnership with Fulton County is on their agenda for tomorrow night. Hopefully they will approve that. He will let everyone know once he hears something on it.

He thanked some of the staff members; Robbin Kapsalis, Terry Robinson and specifically John O'Brian and Bob Schommer for all their support and help in getting us moved over here to City Hall on Monday of this week.

He gave an update on interviews for the Parks Director and hopes to conclude that this week and be able to offer to someone next week and get that position filled.

He stated that staff continues to work on our long range physical planning and plan on having a presentation for council at the October work session.

Councilmember Greenspan stated he had an update on the Fulton County Board of Education Parks. He had a conversation with Superintendent Wilson on Friday. He said that the Passive Park Agreement that they met with their attorneys for three months, we don't need to have an agreement, it could be a letter of agreement between the City Manager and himself. He could do it administratively. We hope to get that today or Friday. Hopefully by the next council meeting or work session that issue resolved and on the active park agreement they are going to give us their contract.

Councilmember Jenkins announced her town hall meeting on October 16, 2006 at 7:00 p.m., Monday night here at City Hall. Steve Rose from the Police Department will be coming in to set the conversion from the Fulton County Crime Lot Neighborhood Crime Watch Program for Sandy Springs Crime Watch Program. Also, Charlie Roberts, Roberts Development who is putting in the new Live/Work Play called North Springs over off Peachtree Dunwoody is going to be there and unveiling his new plans for that piece of property which hopefully will be better than the original one. She hopes we like what he has to offer. The third thing that is going to be on the agenda is the Comprehensive Transportation Plan Update that Angela presented to council and council passed. She is going to present that to the public so they know we are looking at doing some improvements along Peachtree Dunwoody and Johnson Ferry/Roswell Road/Mt. Vernon intersection.

Fire Department Update – Jack McElfish, Fire Chief

Fire Chief McElfish gave council a brief update on some of the issues that the Fire Department and he will do this on a regular basis. The good news is there are six major vehicles that we have on order, online and on schedule. The Administrative Assistant starts work on Thursday, September 21st. There was discussion about the EMS and we want to provide top level, high quality service. We are in the process of evaluating the various services for EMS Service Delivery. This include based in advance life support processes. Had meeting with the Senior Management staff and discussed various options and level of service calls and returns EMS Delivery and brief Council at the next work session. We are currently drafting automatic aid and mutual aid and government

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agreements for Councils review next month. This is with Roswell, Cobb, Atlanta and we are still negotiating with Dekalb. He looks forward to bring updates forward to Council the next few months.

Fire Chief McElfish explained they are working very closely with Human Resources with trying to develop an agility test and assessment center and so forth. We are interviewing some top management officials to get some help for him. Staff is working on the phone aspect and should have a list within the week to Councilmember Jenkins. There are a lot of things happening.

Fire Chief McElfish stated there have been over 600 maybe close to 700 applicants in all ranks. They need to break it down to what ranks and different things like that. Sandy Springs is a very nice place to work, have a good reputation and want a high class high performing organization. We will know by the next work session. We are moving quickly forward on getting this done. It just takes time to go through those processes.

Councilmember Jenkins stated her main concern is and was with the police as well is to make sure that we recruited and regained folks with local knowledge. That is extremely important. At the last meeting, she pointed out to Rusty that the worst thing in the world would be to have a force here that cannot get to your house and it burns down because the driver did not know where he was going. She ask if he told the fire fighters that they could just decide who was going to be the driver or is that going to be a position that you actually pick.

Mayor Galambos stated that she can't imagine that we hired a professional Fire Chief who is not able to proceed on these positions.

Fire Chief McElfish stated that Sandy Springs has a great staff and have been very helpful.

Councilmember Paul stated that the Mayor and he met with the folks from City Walk, Steve Maxwell and his group today. He knows how important that particular project is to the community. He provided Council with an update from the meeting

Public Comment

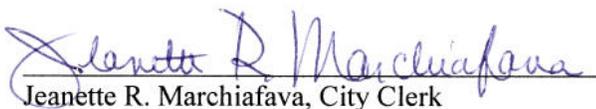
There were no comments from the public.

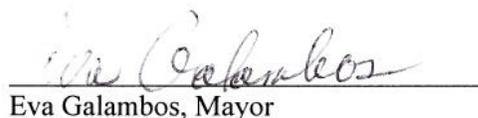
Adjourn

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

After no further business, the meeting adjourned at 9:21 PM.

Approved: October 17, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor