

Work Session of the Sandy Springs City Council was held Tuesday, September 12, 2006 at 6:00 PM Mayor Pro Tem Tibby DeJulio presiding.

City Clerk Marchiafava called the roll.

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

Mayor Galambos was absent, excused.

Mayor Pro Tem DeJulio requested a moment of silence be observed in honor of the fifth anniversary of 9/11.

Mayor Pro Tem DeJulio announced that Newell-Rubbermaid is donating \$150,000 worth of trash receptacles for the MARTA bus stops along Roswell Road.

Discussion of Chapter 6, Code of Ethics and Standards of Conduct.

City Attorney Willard introduced the Ethics Committee Chair, Jim Langlais.

Mr. Langlais introduced Mr. Al Reddick, Ms. Nancy McCord, Mr. Charles Maddrey, and Mr. Glenn Moffett.

Mr. Langlais explained the process the committee went through to develop the draft ordinance presented. City Attorney Willard stated that there is a unique situation with Sandy Springs in that much of what is being done is by contractors. The committee wanted this to cover City employees as well as the contract employees. The other volunteer committees such as the Planning Commission, Design Review Board, and Board of Zoning Appeals, were also addressed in regard to the standards of conduct.

Councilmember Jenkins, referring to Section 9, subsection d, questioned who the "shall disclose" meant it would be disclosed to. She suggested that it be disclosed to the City Clerk and the City Attorney, but also to Council. Councilmember Meinzen McEnery stated that in the third line it indicates "disclose" but in the last line it says "written disclosure". She questioned which it would be. City Attorney Willard stated that it would be in writing.

Councilmember Jenkins stated that her other concern is in regarding to the Board of Ethics, referred to in Section 12. She expressed concerns regarding how the Board would be comprised. She suggested that each Councilmember and the Mayor put two names into a hat. If there is a complaint filed, the subject person would have their two names withdrawn and then there would be a random choosing of five people from those left to hear the case. She suggested that the Chair be one of the Mayor's appointments and will sit at every hearing.

Mr. Langlais clarified that if the complaint was against a specific Councilmember, their appointees names would be removed. He questioned what would happen if the complaint was against the Mayor who appoints the Chair. City Attorney Willard stated that person would have to step down. City Attorney Willard stated that the committee used the Charter to establish how the Board of Ethics would be appointed.

Councilmember Greenspan questioned if these names would be submitted at the beginning of the year. City Attorney Willard also pointed out that there would be staggered terms. However, if there is a pool of names, those would serve for a certain period of time. Councilmember Greenspan questioned if the term of the person serving would expire at the same time the Councilmember who submitted their name expired. City Attorney Willard stated that either way would be fine.

Councilmember Greenspan questioned if the term would be three years or one case. City Attorney Willard stated that it could be more than one hearing. He suggested that the appointees serve the same term as the Councilmember that appointed them.

Mayor Pro Tem DeJulio questioned why the Council was deviating from the Charter which states that all committees and panels are to be appointed by the Mayor with the approval of the Council. He does not feel that the Council should deviate from this process. It is the Mayor's job to make these appointments. There is no need for this highly technical process.

Councilmember Greenspan stated that in matters of ethics, matters of appearance, it would be in the City's best interest to have this in place. It is important to empanel the most impartial body possible. A cooperative effort by Council would do this.

Councilmember Meinzen McEnery stated that the gravity of the decision making of this Board is very serious. She agreed that in this instance, this would be reasonable.

Mayor Pro Tem DeJulio questioned how other jurisdictions handled this situation. Mr. Langlais stated that it is handled as the draft is currently written, subject to Charter provisions.

Councilmember Meinzen McEnery questioned, referring to pages 7 and 13, if the Council could not recuse themselves at a meeting because it must be submitted in writing. She explained that it appears in some sections, that you are required to send a written notice to the Clerk stating the nature of your conflict and you may also request a confidential review. She questioned what should be done if you are at a Council meeting and you realize you have a conflict of interest.

City Attorney Willard stated that under the Charter, there is a direction regarding Council members voting. If something comes up during a meeting, the appropriate action would be to request a deferral so that the potential conflict can be examined and resolved prior to the next meeting.

Councilmember Meinzen McEnery stated that if it is a zoning matter, it could cost the developer time and money. She questioned if a Councilmember could then recuse themselves on an ad hoc basis. City Attorney Willard stated that the Charter establishes that all Council members must vote. He stated that time must be allowed to determine if there is a conflict.

Mayor Pro Tem DeJulio requested that the City Attorney review this and report back to the Council.

Councilmember Fries, referring to Sections 3(b) and 6(a), she questioned why these sections seem to be in conflict with each other. Mr. Langlais explained that 3(b) states that there is not going to be an assumption of a conflict of interest. Councilmember Fries gave the example of the Council increasing density near some property owned by a Councilmember. She explained that one would assume that this Councilmember would gain from this. She clarified that 3(b) would remove this assumption.

Councilmember Meinzen McEnery, referring to page 14, Section 17, questioned if the information provided would be confidential or would subject to open records requests. City Attorney Willard explained that the hearings are public hearings. The only thing that would be exempt from the open records laws would be those exempted by State Law.

Councilmember Meinzen McEnery questioned what would prevent a candidate from bringing a complaint against an existing Council member in an effort to unseat them. City Attorney Willard stated that there is a review process.

Councilmember Meinzen McEnery questioned the difference between disclosure to the Clerk and a confidential opinion. Mr. Langlais explained that in one instance, you already believe there is a conflict and you would disclose it. On the other hand, you are unsure if there is a conflict and you request a review.

Councilmember Jenkins stated that this outlines the minimal standards.

Councilmember Greenspan questioned if confidential review is subject to open records. City Attorney Willard stated that he would have to review that.

Councilmember Greenspan questioned if a member of a committee was found guilty of violating a City policy or ordinance, that person would be subject to this Ethics Ordinance. City Attorney Willard stated that would meet the standards for disqualification.

Council members thanked the Ethics Committee members for their hard work.

Presentation from Fulton Development Authority.

Mayor Pro Tem DeJulio introduced Mr. Bob Shaw to give the presentation from the Fulton Development Authority.

Mr. Shaw introduced his project manager, Bob Simmons and Louis Horne and Sandra Zayac, co-counsels from Troutman Sanders. Mr. Shaw stated that the Development Authority does about \$1 billion per year in projects for businesses in Fulton County.

Mr. Bob Simmons stated that the Development Authority has done several bond deals since the year 2000. He presented a list of these to the Council. He explained the number of jobs created in Sandy Springs over the years and the upcoming projects estimated at over \$500 million in capital investments. He described their relationship with Fulton County and other governmental agencies.

Mr. Simmons explained what the Development Authority does for interested investors. Mr. Simmons introduced Mr. Louis Horne, co-counsel for the Development Authority. Mr. Horne explained that the Development Authority is a separate entity from the Fulton County government. He explained that they issue limited obligation debt. He further explained the separation from the Fulton County government. He stated that they issue general tax exempt bonds for industrial uses, bonds for 501(c)3s, and taxable bond issues.

Presentation by Bernard Kears on Library Services.

Mr. Bernard Kears gave a presentation for the Sandy Springs Library Services. He explained that they are not a part of the Sandy Springs branch library. The goal is to provide reading and education services to those in the community that are less mobile. This is a turn key program. They have a driver and a van who delivers books to a kiosk. These are placed in locations where residents do not have access to a library. The book collection is rotated so that there is a fresh collection. He explained that they will be working with Publix to offer this service in their grocery stores.

Staff Discussion Items

Lease Agreement for the Occupancy and Use of Fire Station 39 and Agreement for Mutual Aid and Automatic Response between the City of Atlanta and the City of Sandy Springs

City Manager McDonough requested that this be deferred because the agreements are not ready.

Fire Department Update.

City Manager McDonough stated that Chief McElfish is at the International Association of Fire Chiefs' Conference this week and he will be giving this update. He explained that he has been involved in the business implementation plan for the stand up on the Fire Department. He gave the following presentation:

Level of Service Comparison			
	Sandy Springs	Fulton IGA	Variance
Personnel	86	81	(6.2% increase)
Equipment	6 Engines	4 Engines	(50% increase)
	4 Ladder Trucks	2 Ladder Trucks	(100% increase)
Incident Response	6	4	(50% increase)
EMS Services	TBD	Transport- EMS Contract (Rural Metro)	
Fire Inspections	Yes	No	
Number of Stations	4*	4	(Automatic/Mutual Aid)

Councilmember Jenkins stated that this is misleading in that it makes it seem as though the City has 10 trucks.

Councilmember Greenspan questioned what the timeline is for fire inspections and which buildings are scheduled for inspection.

Assistant City Manager Al Crace explained that will be developed after speaking with the State Fire Marshall.

City Manager McDonough stated that Fire Chief McElfish has been working with some sister cities and counties for automatic and mutual aid. He displayed a map with other possible fire stations located.

He gave an overview of the Fire Department organizational chart and the following list of fire personnel:

Position Information (Fire Personnel)

Fire Chief (1)
Deputy Fire Chief (1)
Support Services Commander/Training Coordinator (1)
Sr. Deputy Fire Marshal (1)
Fire Protection Engineer (1)
Fire Investigator (part-time) (1)
Fire Inspectors (part-time) (6)
Battalion Commanders (6)
Crew Chiefs/Company Officer (18)
Fire/Rescue Technicians II (32)

Councilmember Greenspan questioned the difference between the Fire Investigator and the Fire Inspectors. City Manager McDonough explained that the Investigator would investigate arson cases and could be done on an on-call basis.

Councilmember Jenkins expressed that it would have been helpful for the Fire Chief to be here for this presentation.

Finance Director Steve Rapson reviewed the proposed salaries for the Fire Department against surrounding jurisdictions.

City Manager McDonough reviewed the hiring timeline with the Deputy Fire Chief, Support Services Commander/Training Coordinator, and Senior Deputy Fire Marshall coming on board on or about October 1. The Fire Protection Engineer; and Fire Inspectors would be hired in late October. The Battalion Commander and Crew Chiefs would be hired in early November. The Fire Technicians would come on board the end on November. We would be ready to begin service on or about December 15.

Councilmember Greenspan questioned if the City could begin inspections right away. City Manager McDonough stated that the Chief would have to work that out with Fulton County. Assistant City Manager Crace stated that the first step would be to get the program set and choose the priority buildings. This will also depend on when the City is recognized by the State as a Fire Department. He explained the process of approval by the State Fire Marshal's Office.

City Manager McDonough reviewed the legal items that have to be addressed:

- Development of the Code of Ordinances
- Review by Department of Community Affairs
- Mayor and Council for Approval via Ordinance
- Department policies & procedures in development

He also reviewed the mutual aid agreements with the City of Atlanta, City of Roswell, and Cobb County and stated that the Chief will be having discussions with Dekalb County as well.

He reviewed the following EMS Plan, Fire Marshall Plan, Facilities Overview, Equipment Acquisition, IT Systems, and Insurance:

EMS Plan

- Development of plan is underway.
 - Fulton County
 - Rural Metro
- EMS is a specialized function.
 - Traditionally operated by the County
 - Revenues generated support existing EMS service contract

Fire Marshall Plan

- Design of plan complete
- Limited number of full-time staff; complimented by a significant part-time staff (leveraging staff)
- Fulton County records being obtained

Facilities Overview

- Status and condition of existing stations underway
- Areas of concern include asbestos/mold, HVAC, ADA compliancy, groundwater contamination, and fuel site storage.
- Report scheduled to be complete in mid-October

Equipment Acquisition

- Plan defined, includes RFP and BID documents for a variety of commodities including:
 - Hoses
 - Uniforms
 - Station furnishings
 - Radios
 - Software
- Goal to match receipt time to actual deployment
- Community Donations

Councilmember Jenkins explained what donations have already been made. She explained that other donations are on their way.

Communications Director Judy Parker stated that flyers will be handed out at the Sandy Springs Festival.

IT Systems

- Software needs being defined with IT team
- RFP anticipated to be let in mid-October.

Insurance

- Review of original insurance coverage is underway
- Changes will be made prior to actual assumption of services to vehicles, equipment, stations, etc.

City Manager McDonough stated that there is between \$70 million and \$100 million worth of facilities issues. Staff is addressing each and every issue. There are a number of issues that staff is trying to work through. The Police Department will be back in October or November with recommendations for the Police Department.

Councilmember Meinzen McEnery stated that she has already put forward that if there are excess property taxes, the City purchase 24 new Police cars and hire 10 Police Officers. She stated that the City is \$1.5 million ahead in the first two months of operation. It is possible that the City will have additional funds to apply to these issues at hand.

The Fire Department is very important and the City should not limit its ability to attract and retain the highest level and quality of experienced firemen because the City has set some budget six months ago before they understood all the contingencies that might come up. She explained that she wants to make sure the City provides the best services possible.

She also questioned if the part time firefighters will be tired as they have possibly work a shift at another jurisdiction. She questioned if this is the best route. She also expressed that the salaries that the City is offering are competitive.

Councilmember Jenkins explained the theory she has regarding the part time firefighter from Fulton County.

Finance Director Steve Rapson explained that while the City may be \$1.4 million ahead in revenue, it is also true that the City is about \$2 million in the hole because expenditures exceed the revenue for this period.

Discussion followed regarding the salary structure and retention of experienced firefighters.

Approval to reschedule the Mayor and City Council Regular Meeting on November 7, 2006 to Wednesday, November 8, 2006.

City Manager McDonough explained that November 7th is Election Day and requested that this meeting be rescheduled to November 8, 2006.

There was a consensus that this meeting be moved to November 8, 2006.

Discussion on 2007 City Council Regular Meeting and Work Session Schedules.

City Manager McDonough presented the proposed 2007 meeting schedules. This schedule needs to be set so that Zoning issues can be advertised for next year. All meetings will be advertised as regular meetings in the event that action needs to be taken.

Discussion on Ordinance Amending Chapter 11, Business Occupation Tax, Licenses and Regulations, Article 3 Pawnbrokers and Pawnshops and Secondhand Dealers.

Police Chief Wilson asked if there were any additional questions.

Councilmember Greenspan questioned the difference between this ordinance and Fulton County's ordinance. Police Chief Wilson explained that there is really nothing new in this ordinance. There was no aggressive enforcement by Fulton County.

Police Chief Wilson defined Second Hand dealers.

Director of Operations Don Howell explained that six jurisdictions were polled to find what fees are normal for this area. Staff will be recommending a \$500 fee.

Update on Crime Notification.

Police Chief Wilson explained that Council should be receiving an email every morning from the Crime Analyst explained the part one crimes that happened in the last day. In the mean time, if something extraordinary happens, that district Councilmember will receive a phone call.

Authorize the Mayor to sign a memorandum of Understanding (MOU) between the City of Sandy Springs and the Sandy Springs Revitalization, Inc. (SSRI) for five projects.

Transportation Planning Manager Jon Drysdale explained that the financial details have been worked out on this Memorandum of Understanding with Sandy Springs Revitalization. There is still some language being worked out by the City Attorney. This will be clear when it comes for approval September 19.

Authorize the mayor to sign GDOT Project Management Agreements (PMAs) – Fourth Group.

Transportation Planning Manager Jon Drysdale stated that this includes the Roswell Road Transit-Oriented streetscape from Cliftwood to Hammond and the Sandy Springs Circle-Phase One. He explained that there should be one more set of PMAs.

Authorize the Mayor to sign the GDOT Certificate of Ownership and Agreements for Local Road Assistance Road Program (LARP).

Transportation Planning Manager Jon Drysdale explained that this is Georgia Department of Transportation paperwork regarding the Local Assistance Road Program. This is the second program inherited from Fulton County and deals with Roberts Drive and Spalding Drive.

Authorize City Staff to Negotiate Scope and Fee with the Sandy Springs Greenway Consultant.

Transportation Planning Manager Jon Drysdale stated that this deals with the Abernathy Road widening. He explained that 12 consultants submitted letters of interest for this project. Eight responded to the detailed questionnaire. These were evaluated on a points scale. The top four were selected to present their budget, approach and their teams. The nine person evaluation committee, which included members of the Conservancy, voted immediately after the presentations. The number one and number two were chosen at this time. Staff is requesting permission to negotiate the scope and fee with the number one consultant. This will then be brought back before the Council for award.

Acceptance of Right-of-Way (approximately 0.70 acres) owned by Corporate Campus, LLC.

Transportation Planning Manager Jon Drysdale explained that this is a zoning requirement.

Right of Access and Entry Agreement donation of property rights as part of PCID project.

Transportation Planning Manager Jon Drysdale explained that PCID will have many of these. He explained that the City has seen several of these previously. These deal with the Perimeter Center West streetscape project.

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

Community Development Director Nancy Leathers explained that this is a proposal for a policy dealing with a number of high-rise buildings in Sandy Springs. She explained that the State Codes changed in 2005. As a result, there is a requirement that elevators must be enclosed in lobbies. The difficulty is that most of the elevators in the

buildings in Sandy Springs were built without lobbies. If there is a certain amount of renovation, the building would need to meet this new requirement. This will put Sandy Springs even with other jurisdictions.

Councilmember Meinzen McEnery questioned what would trigger enclosing the lobby. Community Development Director Leathers stated that there are five circumstances under which they would have to build out the lobby. She explained these circumstances.

Update on Parks IGAs with Fulton County School District.

Councilmember Greenspan stated that the County finally made an attempt to contact the City Manager and was told that he was not available. He expressed his frustration regarding this. He requested that a meeting be set up with the City Manager, City Attorney, himself, the Superintendent of Schools, and their attorney on Monday to work out any issues. The two schools included are Spalding Drive Charter Elementary and Sandy Springs Middle School.

Intergovernmental Agreement with the BOE for Ridgeview Middle School.

Councilmember Greenspan stated that Ridgeview contacted him after hearing about Sandy Springs Middle. He explained to them that the City did not have the budget in place yet. This will be discussed with the School Board on Monday as well.

Policy on Setting Council Agenda

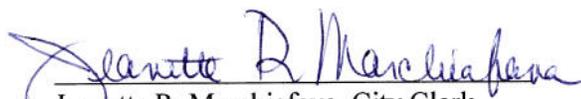
Councilmember Greenspan explained this is an internal policy for Council. This would need a Resolution to adopt this policy. This policy is that an item only appear on the agenda after it is vetted in a work session. If it is an emergency or a time sensitive matter, Council must approve that item to be added to the agenda.

Mayor Pro Tem DeJulio stated that there may be some items that come onto the agenda that do not need to go to the Work Session. These may be routine items. He requested that the routine items be addressed and listed.

Councilmember Paul stated that no one should be blindsided at a Council meeting. Council should not vote on anything that they have not had a reasonable period of time to review and ask questions. Requiring it to go through a Work Session is like having two readings. Discussion followed regarding what would be considered routine matters. There was a consensus that this will be brought forward at the next regular meeting for a vote.

Mayor Pro Tem DeJulio adjourned the Work Session at 8:57 PM.

Date Approved: October 17, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor