

Special Called Meeting of the Mayor and City Council of the City of Sandy Springs was held August 29, 2006 following the Work Session, Mayor Eva Galambos presiding.

Call to Order

Mayor Galambos called the Special Called Meeting to order at 7:55 PM.

Roll Call

City Clerk Marchiafava called the roll.

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

Councilmember Absent: Councilmember Ashley Jenkins, excused.

Approval of Meeting Agenda

Mayor Galambos asked if there were any changes to the agenda.

City Attorney Willard stated that he is requesting that an amendment to the previously approved Resolution regarding the abandonment of the triangle property for Ackerman be added. He also requested that a Resolution regarding the allocation of funds for the Riverside Drive Bridge widening be added to the agenda.

Motion and Vote: Councilmember Paul moved to add to the agenda the approval of an amendment to the previously approved Resolution addressing the abandonment of the triangle property for Ackerman, and the Resolution of the position of Council addressing funds allocated for Riverside Drive Bridge widening having them allocated to Sandy Springs Circle tunnel underpass. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

New Business

A Resolution approving the 2006 LARP Contracts, and authorizing the Mayor to execute the necessary documents.

Resolution No. 2006-08-79

City Clerk Marchiafava stated that the next agenda item is a Resolution approving the 2006 LARP contracts, and authorizing the Mayor to execute the necessary documents. This will be presented by Public Works Director Angela Parham.

Public Works Director Parham stated that these are the items previously discussed for the 2006 LARP contract.

Motion and Vote: Councilmember Paul moved to approve a Resolution approving the 2006 LARP Contracts and authorizing the Mayor to execute the necessary documents. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

A Resolution Commencing a Moratorium on the Acceptance and Approval of Applications for billboards in excess of 150 feet.

Resolution No. 2006-08-80

City Clerk Marchiafava stated that the next agenda item is a Resolution commencing a Moratorium on the Acceptance and Approval of Applications for the billboards in excess of 150 feet. This will be presented by City Attorney Willard.

City Attorney Willard explained that the City has had a lawsuit brought against it addressing the constitutionality of several provisions of the Sign Ordinance as it applies to off premise billboards. Fulton County has had a billboard

ordinance and the City adopted their ordinance. A full review of the ordinance is underway. Fulton County's ordinance has been challenged two times. One judge has issued an opinion finding the Fulton County ordinance to be unconstitutional. This is on appeal to the State Supreme Court. Another suit was brought in the U.S. District Court. This judge issued a finding that the entire ordinance is constitutional. The courts have recognized the ability of local governments to issue moratoriums while the ordinance is under review and rewriting. He suggested that the City issue a moratorium while the Ordinance is under review.

Councilmember Meinzen McEnery questioned if there were currently any applications on file. City Attorney Willard stated that someone attempted to submit applications. However, they were not located in the correct zoning classification. Therefore, staff did not accept the applications. There will be some question about whether or not the application was filed and this will be litigated. Otherwise, there have been no applications.

Motion and Vote: Councilmember DeJulio moved to approve a Resolution commencing a Moratorium on the Acceptance and Approval of Applications for billboards in excess of 150 feet. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

A Resolution to Amend Article IV of the Charter of the City of Sandy Springs relating to the municipal court so as to increase the age for serving as a judge, clarify the position and duties of a judge, establish the position of clerk of the court, specify the clerk's duties, establish a procedure for adopting rules and regulations for the court, and authorize the Council to defray the cost of operation with reasonable fees.
Resolution No. 2006-08-81

City Clerk Marchiafava stated that the next agenda item is a Resolution to Amend Article IV of the Charter of the City of Sandy Springs relating to the municipal court so as to increase the age for serving as a judge, clarify the position and duties of a judge, establish the position of clerk of the court, specify the clerk's duties, establish a procedure for adopting rules and regulations for the court, and authorize the Council to defray the cost of operation with reasonable fees. This item will be presented by City Attorney Willard.

City Attorney Willard explained that the Court is extremely busy now that the Police Department has started writing tickets. He explained the proposed changes to Article IV, Section 4.01, 4.02, 4.03, 4.04 (a) and (b), and 4.06.

He stated that the changes to 4.01 are to define the convening of the court recognizing that the judge presiding will be the presiding judge while the court is in session and will be the person who oversees the operation of the court and its calendar. He stated that 4.02 addresses the judges' qualifications and clarifies the age to be at least 25 years of age. It also states that the judges may or may not be full time. Also, a phrase was included that, because the judges are part time, they will not be allowed to appear before the court representing a party.

He explained that changes to Section 4.03 establish the Clerk of Court position, who is appointed by the City Manager and shall serve at his pleasure. It establishes that the Clerk will be responsible for all recordkeeping in the Court, bill keeping, and fine collections received. This also establishes that the Clerk will serve as the administrator of the Court. This is for the oversight of the day to day operation of the Court, including the supervising of all Court personnel, setting Court dates and times, preparing the Court docket, scheduling of the judges to preside over court sessions. He explained that there may need to be four court days per week and more judges.

The purpose of this is to establish the ability of the administrator to oversee the preparation of the dockets and the scheduling of the judges, who are on a part time basis.

Section 4.04 is establishing the jurisdiction. The Council should set the fees.

Section 4.06 is the rules of the Court. The amendment would allow, since all judges would be on equal standing, the Clerk of the Court prepare the rules taking into consideration the recommendations of the judges. The rules would then be approved by the Council.

Councilmember DeJulio stated that most of the proposed changes are procedural. He expressed his concern regarding the Clerk of the Court scheduling judges to preside over the court sessions. He stated that the judges should schedule the court sessions themselves.

City Attorney Willard stated that the reason this is being proposed is because the judges are part time.

Mayor Galambos questioned the length of the Court session. City Attorney Willard stated that they begin in the afternoon and run until close to midnight.

Councilmember Greenspan questioned what other jurisdictions do this. City Attorney Willard stated that he is not aware of another Court that does this. The City is modeling its own based on its needs.

Clerk of Court Tony Day clarified that traffic court usually begins at 3:00 p.m. and has run as late as 10:00 or 10:30 p.m.

Councilmember Meinzen McEnery requested that the proposed Charter amendment be changed to state that the Clerk will coordinate with the judges to schedule the court sessions.

Municipal Court Judge Jim Anderson stated that he does not have any problem with most of what is being proposed. He pointed out that he was appointed as Chief Judge and most Courts allow the Chief Judge to establish the rules to be approved by the Mayor and Council. He stated that he has averaged 44 hours per month. He explained that the prisoners delay the docket and that three jail calendar days have now been established.

He explained that the vast majority of the time at any arraignment calendar is spent with plea negotiations between the Solicitor and the individuals or their lawyers.

He stated that Mr. Day does not need to be put in a position of telling a judge when he or she will serve. The original Charter had the Chief Judge doing that. Also, the rules of the Court are usually set by the Chief Judge. He suggested that the Council continue to allow him to set the Court rules.

He suggested that the City Attorney, the City Manager, Court Clerk, and Judge Young and he meet to discuss this in more detail.

He stated that he has, as the Chief Judge, scheduled the court 50%/50% with Judge Young and requested that the Council not take away his designation as Chief Judge.

Mayor Galambos stated that she recalled there was a meeting with the City Attorney, City Manager, and the Court Clerk. Judge Anderson confirmed this and stated that he was advised of this proposed change at the end of the meeting.

Councilmember Paul stated that he used to watch calendar calls at the State Court. Court started immediately when the judge walked in. He has been here to watch court several times with both judges, and has not been able to sit around and wait until court starts. He questioned what causes this. Judge Anderson explained the process.

Councilmember Meinzen McEnery stated that she has watched several environmental court dates. They have gotten shorter and shorter. She stated that she believes the Solicitor meets ahead of time with these people. She

questioned if this was feasible for traffic court. Judge Anderson stated that was a great idea as long as the person is represented by counsel.

Mayor Galambos stated that the biggest concern is the most efficient operation of the court. Judge Anderson expressed his concern regarding the efficient operation of the court.

Mayor Galambos stated that this is just to move the process forward and does not close the door to discussion. She will let the City Manager handle the scheduling of the meeting.

Motion and Vote: Councilmember Fries moved to approve a Resolution to Amend Article IV of the Charter of the City of Sandy Springs relating to the municipal court so as to increase the age for serving as a judge, clarify the position and duties of a judge, establish the position of clerk of the court, specify the clerk's duties, establish a procedure for adopting rules and regulations for the court, and authorize the Council to defray the cost of operation with reasonable fees. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed 4-1, with Councilmember DeJulio voting in opposition.

A Resolution authorizing an amendment to the previous resolution approving the abandonment, sale and transfer of a parcel of land to Ackerman, and establishing the compensation to be received by the City to be \$36,000, and authorize the Mayor to execute a Quit Claim Deed as approved by the City Attorney.
Resolution No. 2006-08-82 *(Added by motion and vote)*

City Clerk Marchiafava stated that the next agenda item is a Resolution authorizing an amendment to the previous resolution approving the abandonment, sale and transfer of a parcel of land to Ackerman, and establishing the compensation to be received by the City to be \$36,000, and authorize the Mayor to execute a Quit Claim Deed as approved by the City Attorney.

City Attorney Willard stated that this was explained during the work session regarding the triangle property for Ackerman. Staff is asking for Council's approval contingent upon Fulton County's approval.

Motion and Vote: Councilmember DeJulio moved to approve A Resolution authorizing an amendment to the previous resolution approving the abandonment, sale and transfer of a parcel of land to Ackerman, and establishing the compensation to be received by the City to be \$36,000, and authorize the Mayor to execute a Quit Claim Deed as approved by the City Attorney. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

A Resolution requesting that Congressman Price reallocate \$1.6 million from the Riverside Intersection Improvements to the Sandy Springs Circle Underpass.
Resolution No. 2006-08-83 *(Added by motion and vote)*

City Clerk Marchiafava stated that the next agenda item is a Resolution requesting that Congressman Price reallocate \$1.6 million from the Riverside Intersection Improvements to the Sandy Springs Circle Underpass.

City Attorney Willard stated that he will prepare and submit this resolution to be sent to Congressman Price.

Motion and Vote: Councilmember Paul moved to approve a Resolution requesting that Congressman Price reallocate \$1.6 million from the Riverside Intersection Improvements to the Sandy Springs Circle Underpass. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

A Resolution approving the staff recommended Capital Improvement Plan project list and associated funding.
Resolution No. 2006-08-84

City Clerk Marchiafava stated that the next agenda item is a Resolution approving the staff recommended Capital Improvement Plan project list and associated funding.

Motion and Vote: Councilmember DeJulio moved to approve a Resolution approving the staff recommended Capital Improvement Plan project list and associated funding. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

Reports and Presentations

Councilmember Fries reminded everyone of the Sandy Springs Festival.

City Attorney Willard updated the Mayor and Council on pending litigation.

Councilmember Greenspan thanked Communications Director Judy Parker for her help with the Community Action Center.

City Manager John McDonough announced that the Governors Commission for the City of Milton voted this evening to appoint Aaron Bovos as the Interim City Manager for Milton until such time that the City Council is elected and seated. At that point in time, he will be appointed as the City Manager. Please join me in congratulating him.

Director of Operations Don Howell updated the Mayor and Council on the motor vehicle tax issue.

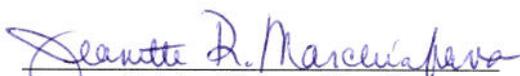
Councilmember Fries requested that information regarding the property tax bills be placed on the Internet as well. Discussion followed regarding various tax collection issues.

Adjourn

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Meinzen McEnerny seconded the motion. The motion passed unanimously.

After no further discussion, the meeting adjourned at 9:00 PM.

Approved: September 19, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor