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**Regular Meeting of the Sandy Springs City Council was held Tuesday, April 18, 2006 at 7:00 PM, Mayor Eva Galambos presiding.**

**Invocation**

Rev. Chris Barbieri, Associate Pastor, Sandy Springs United Methodist Church, gave the invocation.

**Call to Order**

Mayor Galambos called the meeting to order at 7:09 PM.

**Roll Call and General Announcements**

Mayor Galambos requested that City Clerk Marchiafava call the roll.

**City Clerk Jeanette Marchiafava** reminded those in attendance to please silence all cell phone and pagers. Additionally, those attending the meeting who would like to provide public comment either during the Public Hearing portion or at the conclusion of the meeting, are required to complete a public comment card which is available at the front tables as well as the back table. Those need to be turned in to me or Assistant City Clerk Kristi Rowland.

**City Clerk Marchiafava** called the roll.

**Councilmembers Present:** Councilmember Tibby DeJulio (arrived at 7:18), Councilmember Dianne Fries, Councilmember Karen Meinzen McEnery, Councilmember Dave Greenspan, Councilmember Ashley Jenkins, and Councilmember Rusty Paul.

**Pledge of Allegiance**

Mayor Galambos led the Pledge of Allegiance.

**Approval of Meeting Agenda**

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

**City Manager John McDonough** requested that the approval and award of the uniform provider bid to Riverside Manufacturing, Inc. for Police uniforms be added to the Consent Agenda.

**Motion to Amend and Vote:** Councilmember Jenkins moved to add the approval and award of the uniform provider bid to Riverside Manufacturing, Inc. for Police uniforms. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

**Motion to Amend and Vote:** Councilmember Meinzen McEnery moved to remove Agenda Item No. 06-103, Consideration of RC 05-12-001, 6420 Riverside Drive, Larry Lucas, A request of a Metropolitan River Protection Act Certificate from the Consent Agenda and place it as the last item on the Public Hearing agenda. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

**CONSENT AGENDA**

- 1) Approval of Minutes
  - a) Approval of the March 16, 2006 Work Session Minutes
  - b) Approval of the April 4, 2006 Regular Meeting Minutes
  
- 2) Approval of (8) 2006 City of Sandy Springs Alcoholic Beverage Applications.

- 3) Consideration of RC 05-12-001, 6420 Riverside Drive – Larry Lucas – A request of a Metropolitan River Protection Act Certificate.  
(This matter was removed from the Consent Agenda for Public Hearing).
- 4) Approval of a Resolution Establishing a 911 Advisory Board for the City of Sandy Springs.
- 5) Approval of a Special Events Road Closure for Holy Innocents' Episcopal School Bear Blitz Run
- 6) Approval and award of the uniform provider bid to Riverside Manufacturing, Inc for Police uniforms.  
(added by motion and vote upon request by staff)

**Motion and Vote:** Councilmember Paul moved to approve Consent Agenda items 1, 2, 4-6. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed 5-0 (Councilmember DeJulio was not present for this vote).

Councilmember Jenkins recognized Shantricia Colbert, MA GI, "Shan" who works for Kaiser Permanente. She explained that Shan came upon an accident on her way to work. She stayed with the injured person, and because she is not a nurse, called her friend Gwendolyn Robbins, LPN. Ms. Robbins ran to the accident and monitored the injured until the rescue vehicles arrived. Councilmember Jenkins recognized and thanked these ladies for their concern and efforts.

#### **Organizational Items**

Administer Oath of Office – Major, Police Department

Municipal Court Judge Jim Anderson administered the Oath of Office to Major Robert Connolly, Sandy Springs Police Department.

#### **Reports and Presentations**

##### Mayor and Council Reports

Mayor Galambos reported that she met with Commissioner Pitts regarding the Fire and 911 IGAs, which will be on the County's agenda tomorrow. She stated that there were items that they were not able to agree on. The agreements will be voted on in principle tomorrow and the details will be worked out between the City and County Attorneys and Managers.

**City Attorney Wendell Willard** stated that it is obvious that Commissioner Pitts sees the need to continue this agreement. He stated that he met with one of the County Attorneys because there is a question as to whether or not the County can legally continue the contract with the City of Sandy Springs for fire services after December 31<sup>st</sup>. It was suggested that the City may also look to the Superior Court of Fulton County for a declaratory judgment to resolve this question. He explained that the concern of the legality has passed that period of time due to a Constitutional Amendment provision from 1951 that applied only to Fulton County.

##### Staff Reports

**City Manager John McDonough** stated that the Community Development Department is sponsoring a Redevelopment Tour on April 27<sup>th</sup>. The Planning Department has scheduled a training session on the Sign Ordinance for May 15<sup>th</sup>. He stated that SSBA, local businesses and sign companies, have been invited and he encouraged everyone to attend.

He reminded Council of the approval to hire additional staff to reduce the permit backlog. He stated that they have cleared 107 permit applications; however, the City took in an additional 67 permit applications. He stated that the backlog has been reduced from eight weeks to seven weeks.

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He recommended that the Special Called Work Session scheduled for April 20, 2006 regarding the Fire IGA be postponed. There was a consensus that the Special Called meeting be rescheduled.

Other – Proclamation

**Proclamation for Patriots Day**

Mayor Galambos read the Proclamation for Patriots Day and presented it to Colonel Ken Baldowski, Director of Public Affairs for the Georgia National Guard and Revis Butler, Sons of the American Revolution. The proclamation encourages all Georgians to become more knowledgeable of the role the Revolution played in the history of our great nation.

**Proclamation for Georgia Cities Week**

Mayor Galambos read the Proclamation for Georgia Cities Week and encouraged all citizens, City government officials and employees to do everything possible to ensure that this week is recognized and celebrated accordingly.

Mayor Pro Tem Tibby DeJulio presented the Proclamation to Mayor Galambos as the Third Vice President of Georgia Municipal Association District Three.

Unfinished Business

**Approval of an Ordinance Amending the Regulation of Solid Waste Collection Services within the City of Sandy Springs, and Providing for the Scope and Nature of the Operation of Such Services. (Second Reading)**

**Ordinance No. 2006-04-20**

**City Clerk Marchiafava** stated that the next item is the Approval of an Ordinance Amending the Regulation of Solid Waste Collection Services within the City of Sandy Springs, and providing for the Scope and Nature of the Operation of such services. This item will be presented by Deputy City Manager Aaron Bovos.

**Deputy City Manager Bovos** reviewed the proposed amendments to the Solid Waste Ordinance explaining that it does maintain the open and competitive market. This Ordinance does remove the Council's ability to set rates. There have been some updates to the indemnification clause. An effective date of May 1 has been added.

A meeting with the haulers has been scheduled for tomorrow and staff will review the Ordinance with them. This Ordinance does include the infrastructure maintenance fee, which is dedicated revenue to street maintenance, litter control, street sweeping, and the administration of the Solid Waste Ordinance. The City's oversight of the disposal facilities has been removed and included in the requirement that haulers use Environmental Protection Division permitted disposal facilities. Some definition enhancements have also been done. This Ordinance is not affiliated with the Solid Waste Committee, which is working on the third generation ordinance. This second generation ordinance simply allows for the oversight of the Solid Waste services that are currently being provided.

Councilmember Meinzen McEnery questioned if the hours of operation were 7:00 a.m. to 9:00 p.m. for residential collection. Deputy City Manager Bovos stated that they were and the haulers concerns were their difficulty getting through traffic at peak times.

**Motion and Second:** Councilmember DeJulio moved to approve an Ordinance Amending the Regulation of Solid Waste Collection Services within the City of Sandy Springs, and Providing for the Scope and Nature of the Operation of such Services. Councilmember Paul seconded the motion.

**Motion to Amend and Second:** Councilmember Meinzen McEnery moved to amend Section 4.3 Collection Operation by making the hours of operation 7:00 a.m. to 7:00 p.m. within neighborhoods, but does not apply to commercial. Councilmember Jenkins seconded the motion.

**Motion to Amend Amendment and Second:** Councilmember DeJulio moved to amend the previous motion to amend by adding that the hours of operation apply to both residential and commercial pick-ups. Councilmember Greenspan seconded the motion.

**Discussion on the Amendment to the Amendment:** Councilmember Meinzen McEnery requested that this only apply to commercial property abutting residential property. Deputy City Manager Bovos explained that this would cause oversight difficulties. Councilmember Paul expressed concern regarding the speeding of Waste Management trucks through his neighborhood. Deputy City Manager Bovos stated that Waste Management's drivers are paid on the number of pick-ups they make. There are ways in this ordinance to ensure that they comply with other ordinances and laws.

**Assistant City Manager Al Crace** stated that Public Works staff has witnessed some of these issues and have photographed them violating various ordinances.

Councilmember Meinzen McEnery Called the Question.

**Vote to Call the Question:** The motion passed unanimously.

**Vote on Amendment to Amendment:** There was no further Council discussion. The motion passed unanimously.

**City Clerk Marchiava** conducted the Second Reading of An Ordinance Establishing Solid Waste Collection Services Within The City Of Sandy Springs; Providing For The Scope And Nature Of The Operation; Providing For The Disposal Of Garbage, Solid Waste And Refuse; Providing Procedures For The Handling Of Complaints; Providing For An Infrastructure Maintenance Fee; Requiring Indemnity Insurance; Providing For Revocation And Amendment; Prohibiting Assignment And Subletting Of The Contract Without Consent: Providing For Forfeiture; And Making Other Provisions.

Mayor Galambos invited public comment.

**Manny Guillen**, Sandy Springs resident, expressed concerns regarding his vendor and stated that he is glad this ordinance is coming forward.

**Richard Hon**, Sandy Springs resident, expressed concerns regarding the fee stating that Sandy Springs was started on one principle - to cut these things out. He stated that if the Council feels they need to increase the budget, the citizens should vote on it.

**Allen Rabinowitz**, Sandy Springs resident, questioned how this is not a tax. He stated that this is a tax on a second rate service.

**Pat Hagan**, Sandy Springs resident, questioned if this ordinance would apply to Fulton County properties and their haulers as well.

City Attorney Willard stated that it would apply to all pickups.

**Jack Scally**, Sandy Springs resident, questioned if the City is entering into contracts with haulers to provide service to the citizens and businesses of Sandy Springs.

Deputy City Manager Bovos explained that this is only an avenue to regulate providers in the City and provide approved haulers to the citizens. Mr. Scally questioned if it was true that there is not just one provider in the City.

Deputy City Manager Bovos stated that used to be the case, but it changed several years ago.

Mayor Galambos explained that the citizens are not confined to one hauling company and the City is going to educate the citizens that there are choices in providers in Sandy Springs. She stated that prior to the referendum everyone was made aware that the City would avail itself to all franchise fees available. She explained that the 911 fee is something that citizens are already paying.

Mr. Scally questioned what was the oversight of the rate structure and why it was crossed out. Deputy City Manager Bovos explained that this is an annotated copy of the ordinance. Mr. Scally questioned what would prevent the rates from going up. Mayor Galambos stated that competition would prevent this.

Mr. Scally stated that the promise of no increases in taxes is what Sandy Springs was founded on and expressed his concern that this is a tax. Mayor Galambos explained the application of franchise fees. Councilmember Paul stated that the average annual cost is \$20.00 per customer.

**Vote on Main Motion:** There was no further Council discussion. The motion passed unanimously.

**Approval of an Ordinance to Adopt Regulations for the Removal of Abandoned Vehicles from Public Streets. (Second Reading)**

**Ordinance No. 2006-04-21**

**City Clerk Marchiafava** stated that the next item is the approval of an Ordinance to Adopt Regulations for the Removal of Abandoned Vehicles from Public Streets and would be presented by Deputy Director of Community Development Tom Wilson.

**Deputy Director Wilson** stated that this ordinance, if approved, would make it unlawful for any person to park or abandon a commercial vehicle, recreation vehicle or trailer upon the City streets or rights of way and allow it to remain parked for 72 consecutive hours. This also authorizes our police force to have this vehicle towed in the event it is violation.

Councilmember Meinzen McEnery requested that this ordinance encompass all vehicles.

Councilmember Fries questioned if staff had an opinion regarding this. Deputy Director Wilson stated that staff did not have an opinion regarding this and added that it could be done if Council chose to.

Councilmember Jenkins questioned if there was currently a way to remove abandoned vehicles from the streets. Deputy Director Wilson stated that it was his understanding that a vehicle that is abandoned for five days, the police may have it towed.

Mayor Galambos requested that staff define abandoned. Deputy Director Wilson defined abandoned as any vehicle that is either inoperable or has no tag on it.

Councilmember DeJulio questioned if this is a problem in Sandy Springs. Councilmember Greenspan explained the 18-wheeler parked in a neighborhood in his district. He stated that it is currently not in violation of any City ordinances, but it has been parked there for three and a half months.

Councilmember Meinzen McEnery stated that she would like to add all vehicles, tagged or not, where the owner cannot be located, be subject to this ordinance.

Mayor Galambos questioned what Director Wilson explained that after five days, the vehicle may be towed. This is for an abandoned vehicle as defined. Mayor Galambos clarified that this amendment to the Ordinance would include commercial vehicles parked in residential areas.

Councilmember Fries stated that power the police department has currently to tow an abandoned vehicle. Deputy this does not cover vehicles that have a valid tag and are operable on neighborhood roads. If a vehicle is parked on a major road, it becomes an illegally parked vehicle and therefore this Ordinance would apply to neighborhood/unlined roads.

Councilmember Meinzen McEnery clarified that she is referring to tagged, operable vehicles whose owner cannot be located within 72 hours. Police Chief Wilson cautioned against the 72 hour limit. He explained that in a parking deck, the limit is 30 days.

Councilmember Meinzen McEnery stated that she would be willing to expand the hours from 72 hours to 150 hours for an abandoned vehicle whose owner cannot be located. Mayor Galambos questioned if Councilmember Meinzen McEnery was referring to a vehicle with a valid tag and is operable. Councilmember Meinzen McEnery stated that is correct. Mayor Galambos stated that this is not an abandoned vehicle by definition. Councilmember Meinzen McEnery stated that what she is going after is a legal vehicle whose owner is no where to be found. If 72 hours is too short a time period, would someone offer another time period?

Councilmember DeJulio questioned if the Police could be given the discretion on the time frame and the state of abandonment.

**City Attorney Willard** cautioned against giving that type of discretion and the Police do not want that type of discretion because it raises a liability. He stated that there are some State laws that cover extended parking on public right of ways and the City's rights in their regard. He suggested that the Council address this Ordinance dealing with commercial vehicles and he will research and report back regarding these questions. Mayor Galambos questioned if City Attorney Willard was suggesting that they could amend this ordinance in the future based on that information. City Attorney Willard stated that they could either amend the Ordinance or have an additional Ordinance.

Councilmember Meinzen McEnery stated that she is willing to address this Ordinance as it relates to commercial vehicles and wait for the report from the City Attorney.

**City Clerk Marchiafava** conducted a Second Reading of an Ordinance to Adopt Regulations for the Removal of Abandoned Vehicles from Public Streets.

Mayor Galambos invited public comment. There was no public comment.

**Motion and Vote:** Councilmember Paul moved to approve an Ordinance to Adopt Regulations for the Removal of Abandoned Vehicles from Public Streets. Councilmember Fries seconded the motion. There was no further discussion. The motion passed unanimously.

#### **New Business**

#### **Public Hearings**

**To receive public input for consideration and adoption of a Resolution establishing a wireless enhanced 911 charge on wireless communications within the City of Sandy Springs and the consideration and adoption of a Resolution establishing a 911 charge for telephone communications within the City of Sandy Springs. This public hearing is being held pursuant to O.C.G.A. 46-5-133.**

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**City Clerk Marchiafava** stated that the first public hearing is to receive input for consideration and adoption of a Resolution establishing a wireless enhanced 911 charge on wireless communications within the City of Sandy Springs and the consideration and adoption of a Resolution establishing a 911 charge for telephone communications within the City of Sandy Springs. This public hearing is being held pursuant to O.C.G.A. 46-5-133. This item will be presented by Deputy City Manager Aaron Bovos.

**Deputy City Manager Bovos** explained that these resolutions do not change the existing amount, rate structure, or administration. O.C.G.A. 46-5-134 allows municipalities to collect a wired and wireless telecommunications fee which funds a 911 call center. The City entered into an intergovernmental agreement with Fulton County for the 911 services and these fees have been collected. Staff is not recommending any changes to the revenue structure. Fulton County will continue to collect the fee on the City's behalf until a point in time that the existing relationship is changed. At that point in time, the City will collect the fee and provide the call center.

Councilmember Greenspan clarified that these fees are currently being charged and all these resolutions are doing is reassessing the bank account in which these fees are being directed. Deputy City Manager Bovos stated that is correct.

Mayor Galambos opened the public hearing.

**Richard Parker**, Sandy Springs resident, stated that he does not have a problem paying what he is already paying, but he has Verizon Wireless and they only charge \$1.00 per month. Mr. Parker questioned the budget in the work session minutes for 911.

Mayor Galambos explained that was a report from the Administrator of Fulton County 911 explaining the estimated amount of money spent on the 911 system in Sandy Springs. Mr. Parker stated that the revenue is \$2.5 million and the cost is \$1.5 million. Mayor Galambos stated that was correct and it is definitely an issue with the City. Unfortunately, Federal Law prohibits transferring operating funds to capital projects. Deputy City Manager Bovos concurred.

#### **Alcohol Beverage License Applications**

**City Clerk Marchiafava** called the public hearing for the following Alcohol Beverage License Applications and read each into the record.

##### **ALO60197**

**Approval of Alcoholic Beverage License Application for DVP Investments, LLC dba Timmy's Village Pub located at 2090 Dunwoody Club Drive, Sandy Springs, GA 30350, applicant is Thair Hanaway for Consumption on the Premises Sale of Distilled Spirits, Wine and Malt Beverage License**

##### **ALO60179**

**Approval of Alcoholic Beverage License Application for Chinese Gourmet Classic, Inc. dba Chinese Gourmet Classic Restaurant located at 5920 Roswell Road, N.E., Sandy Springs, GA 30328, applicant is Hon Shak Chan for Consumption on the Premises Sale of Wine and Malt Beverage License**

##### **ALO60178**

**Approval of Alcoholic Beverage License Application for His Blessing, Inc. dba Roswell Food Mart located at 5645 Roswell Road, N.E., Sandy Springs, GA 30342, applicant is Saleem Ali Sundrani for Retail Sale of Wine and Malt Beverage License**

**ALO60202**

**Approval of Alcoholic Beverage License Application for Meridian Capital Group dba Artuzzi's Sandy Springs located at 5992 Roswell Road, Sandy Springs, GA 30328, applicant is Brandon Bierfreund for Consumption on the Premises Sale of Wine and Malt Beverage License**

**ALO60201**

**Approval of Alcoholic Beverage License Application for Noble Groceries, Inc. dba Quick Pick Food Mart located at 7355 Roswell Road, Sandy Springs, GA 30328, applicant is Sakkerben Royal for Retail Sale of Wine and Malt Beverage License**

**ALO60200**

**Approval of Alcoholic Beverage License Application for Mainstay Hospitality Group, LLC dba The Saloon located at 8610 Roswell Road, Sandy Springs, GA 30350, applicant is Christopher White for Consumption on the Premises Sale of Distilled Spirits, Wine and Malt Beverage License**

**ALO60199**

**Approval of Alcoholic Beverage License Application for Kelly & Kayla, Inc. dba Asian & Latin Buffet located at 8803 Roswell Road, Sandy Springs, GA 30350, applicant is Fellyppe Pradines for Consumption on the Premises Sale of Wine and Malt Beverage License**

**ALO60198**

**Approval of Alcoholic Beverage License Application for Kyungjoo Investments, LLC dba Three Dollar Cafe located at 8595 Roswell Road, Sandy Springs, GA 30350, applicant is Kyung Joo Han for Consumption on the Premises Sale of Wine and Malt Beverage License**

**ALO60448**

**Approval of Alcoholic Beverage License Application for Geetha, Inc. dba Phillips 66 located at 5345 Roswell Road, Sandy Springs, GA 30342, applicant is Prasadarao Kotapati for Retail Sale of Wine and Malt Beverage License**

**City Clerk Marchiafava**, after reading these applications for the record, stated that Director of Operations Don Howell will present these items.

**Director of Operations Don Howell** explained that the applicants were present for questions if necessary. The applications have completed all requirements. They have passed all background investigations. Advertisings were accomplished in two publications as required. Staff recommends approval.

Mayor Galambos invited public comment. There was no public comment.

Councilmember Jenkins questioned if any of these applications were at Dalrymple Road and Roswell Road where there is an issue regarding the distance from the school. Director of Operations Howell stated that if there was an issue regarding the distance from the school, it would not be before the Council.

**Director of Operations Don Howell** noted that there are approximately 200 licensees in the City and approximately 154 have submitted their applications. Their licenses expire on June 1 and staff is not recommending any extension of their temporary license. Therefore, they will not be able to sell alcohol once their license expires. Staff will notify the State Department of Revenue and the wholesalers who supply them if their license is expired.

Councilmember Greenspan questioned when they would be able to reapply. Director of Operations Howell stated that they could apply any time. However, they would not be able to sell alcohol until they have an approved license.

**City Manager John McDonough** questioned if staff is requesting that these applications be approved and Director of Operations Howell confirmed that it correct.

**Motion and Vote:** Councilmember Jenkins moved to accept the nine applications listed above, and approve the licenses be granted as submitted. Councilmember Meinzen McEnery seconded the motion. There was on further discussion. The motion passed unanimously.

**Approval of a Resolution Establishing a 911 Charge on Telephone communications within the City of Sandy Springs.**  
**Resolution No. 2006-04-42**

**City Clerk Marchiafava** stated that the next item on the agenda is the Approval of a Resolution Establishing a 911 Charge on Telephone communications within the City of Sandy Springs. Deputy City Manager Bovos will present this item.

**Deputy City Manager Bovos** stated that this is a resolution establishes a 911 charge on telephone communications. He asked if anyone had any questions.

**Motion and Vote:** Councilmember Jenkins moved to approve a Resolution Establishing a 911 Charge on Telephone communications within the City of Sandy Springs. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

**Approval of a Resolution Establishing a Wireless Enhanced 911 Charge on Wireless Communications Within the City of Sandy Springs.**  
**Resolution 2006-04-43**

**City Clerk Marchiafava** stated that the next item on the agenda is the Approval of a Resolution establishing a Wireless Enhanced 911 charge on Wireless Communications within the City of Sandy Springs.

**Deputy City Manager Bovos** stated that this resolution establishes a wireless enhanced 911 charge on wireless communications.

**Motion and Vote:** Councilmember Jenkins moved to approve a Resolution Establishing a Wireless Enhanced 911 Charge on Wireless communications within the City of Sandy Springs. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

**Approval of a Resolution Adopting the Employee Benefits Program.**  
**Resolution No. 2006-04-44**

**City Clerk Marchiafava** stated that the next item on the agenda is the approval of a Resolution adopting the Employee Benefits Program. Deputy City Manager Bovos will present this item.

**Deputy City Manager Bovos** provided the background for this stating that a study for benefits began in December 2005, led by the Acting City Manager. He provided the history of the process including mirroring CH2MHill benefits and the plan design. The goal of the plan is to design a benefits program to supplement a pay package with services paid by the employer, in lieu of increased base pay. Surrounding jurisdictions and recruitment needs were assessed during the process.

**Deputy City Manager Bovos** explained there are two procurement processes. In a non-broker environment, there are staff members who are knowledgeable in the healthcare area to review proposals. This is the largest time

component in this process. We did not have the time to do an RFP for coverage and comprehensively review it in time. This is a six month process.

The City contacted Todd Bryant of Bryant & Wharton who worked with the Human Resources task force prior to the City's incorporation. Any broker is paid through the health care provider and Mr. Bryant is agreeable to the standard schedule that is published for brokers. He has a registered nurse on staff that is available to review claims. He also provides customer service representatives to facilitate HIPPA claims issues between the employees and the carrier. He provides an annual health fair as well as COBRA compliance.

**Deputy City Manager Bovos** explained that 16 carriers/providers were contacted; 6 were not competitive in rates or declined to quote. Blue Cross was contacted and refused to discuss anything without a census. A census cannot be provided because there is no history on the employees.

**Deputy City Manager Bovos** explained that staff moved forward with United Healthcare and designed two plans. The first is a POS (Point of Service) and an HSA (Health Savings Account). The City is not going to offer post employment health care benefits and instead will offer the HSA which allows the employee to contribute to a health IRA to use between the times the employee retires and when Medicare picks up.

**Deputy City Manager Bovos** stated that the POS is more flexible than an HMO and provides better coverage. There are also less administrative overhead for employees.

Staff is recommending in the POS plan a 20% Employee Contribution and 80% Employer Contribution. Staff is recommending a 0% to 23% employee contribution.

The recommended carrier for dental coverage is Guardian. Two plans will be offered: the NAP Plan and the Value Plan. The only difference is out-of-network coverage. The employee contribution is calculated pre-tax on both medical and dental. Staff is recommending in the NAP and Value plans a 50%/50% Employee/Employer contribution.

Vision Coverage will be provided by Eyemed. They offer one plan and the employee contribution is 100% and is calculated pre-tax.

He explained that the carrier recommended for short and long-term disability is Standard and staff is recommending that this be 100% employer paid. The long-term disability would expire at the age of 65; however, we have asked for a Social Security rider. That means the benefit received at the age of 65 would be reduced by the Social Security income and does not go away. This is taxable and employees will be responsible for that tax.

Staff is recommending Standard to provide Life Insurance. Optional coverage for the employee, spouse, and children is available.

Deputy City Manager Bovos explained the two retirement plans considered; a defined contribution and a defined benefit. Staff is recommending a defined contribution plan in which the City contributes 12% of each employee's annual salary to a 401(a). The City will match after initial the 12% - dollar for dollar up to 5% of employee's salary based upon employee's contribution. Employees can contribute up to maximum allowed by State law into 457.

American Intercontinental University is offering to all city employees and their families a 5% total tuition discount and enrollment fee waived. He reviewed the maximum out of pocket costs for family medical coverage.

He reviewed the three staff recommendations including accepting the staff recommendation to initiate a benefits plan as reviewed, authorize the City Manager to enter into final negotiations and contracts with providers, and

direct staff to complete and RFP for brokerage services in late summer in order to competitively review premiums at renewal.

Councilmember Jenkins questioned if this was reviewed with the existing Police Department staff. City Manager McDonough stated that they were involved in the creation of the plan.

Councilmember Meinzen McEnery stated that she is impressed with the level of detail provided and believes that this benefits package is competitive within the community we serve. The costs are in line also.

Councilmember Paul commended staff on their hard work. He stated that he had planned to offer an amendment to this plan to change the ratios between smokers and non-smokers. He stated that he is not going to do that tonight, but requested that staff take into consideration some incentives and to incorporate a wellness program and a smoking cessation program.

Councilmember Fries questioned if a gym discount was being offered to employees. City Manager McDonough stated that would be included in the Personnel Policy and would be forthcoming in the budget presentation.

Councilmember Greenspan questioned if staff was considering an EAP (Employee Assistance Program). City Manager McDonough stated that staff is reviewing this.

Councilmember DeJulio questioned if the health benefits provided for a physical for senior staff and will the City require them for senior staff as do most large companies. City Manager McDonough stated that there are no provisions for that currently. Deputy City Manager Bovos stated that physicals are covered in the plan.

**Motion and Vote:** Councilmember Greenspan moved to approve a Resolution Adopting the Employee Benefit Program. Councilmember Jenkins seconded the motion. There was no further Council discussion. The motion passed unanimously.

#### **Removed from Consent**

#### **Consideration of RC 05-12-001, 6420 Riverside Drive – Larry Lucas – A request of a Metropolitan River Protection Act Certificate.**

**City Clerk Marchiafava** stated that the next item on the agenda was removed from the consent agenda and it is the consideration of RC 05-12-001, 6420 Riverside Drive for Larry Lucas, a request of a Metropolitan River Protection Act Certificate. Deputy Director of Community Development Tom Wilson will present this item.

**Deputy Director Wilson** stated that this application requests to use the maximum allowable land disturbance and impervious surface area under vulnerability category "E", as defined by the Atlanta Regional Commission Chattahoochee River Corridor Plan, for the lot located at 6420 Riverside Drive. The applicant intends to construct a new single family residence, pool house and deck on site of former house.

He stated that this application was submitted to the Department of Community Development on December 1, 2005, and was found to be consistent by the Atlanta Regional Commission on January 30, 2006. Staff recommends approval.

Mayor Galambos invited public comment. There was no public comment.

Councilmember Meinzen McEnery stated that the application has been reviewed by staff against the ARC Metropolitan River Act and found it to be in compliance. They sent it to the ARC who confirmed its compliance with the Act. There is no reason this item would not be in compliance. Deputy Director Tom Wilson concurred.

**Motion and Vote:** Councilmember Paul moved to approve RC 05-12-001, 6420 Riverside Drive-Larry Lucas, a request of a Metropolitan River Protection Act Certificate. Councilmember DeJulio seconded the motion. There was no further Council discussion. The motion passed unanimously.

**Public Comment**

**Pat Hagan**, Sandy Springs resident, expressed concerns regarding a vacant lot next to Spaulding Drive Elementary School owned by Fulton County School Board. It is in need of cleaning and there is some illegal activity going on there. He stated that Councilmember Greenspan has initiated a plan for Sandy Springs residents to use school property as parks. He expressed his gratitude for this to both Councilmember Greenspan and Councilmember Paul. He stated that he has over 100 hours cleaning this lot and welcomed any one who would like to help.

**Patty Berkovitz**, Sandy Springs resident, requested that the Green Tour bicycle signs be removed. They are all over District 6 and were put up a couple years ago.

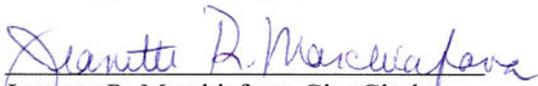
**City Manager McDonough** stated that staff would look into this.

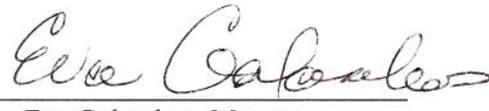
**Adjournment**

**Motion and Vote:** Councilmember Paul moved adjourn the meeting. Councilmember Meinzen McEnerly seconded the motion. There was no Council discussion. The motion passed unanimously.

After no further discussion, the meeting adjourned at 9:03 PM.

**Date Approved:** May 2, 2006

  
Jeanette R. Marchiafava, City Clerk

  
Eva Galambos, Mayor