

Regular Meeting Minutes of the Mayor and City Council held Tuesday, February 21, 2006, 7:00 PM, Mayor Eva Galambos presiding.

Welcome by the Mayor and City Council to 6th District Congressman Tom Price.

Congressman Price thanked the Councilmembers, and stated that it is his plan to meet with them at least twice per year and will represent the Council on issues brought forward. He further stated that certain plans are on hold depending on the I-285 expansion. He would like to put the Chattahoochee River Bridge back on the front burner.

Mayor Galambos asked about the immigration issues, and Congressman Price responded that the House is considering a new bill which is in the Senate Committee chaired by Senator Frist. He stated the need is for more resources for enforcement.

Call to Order

Mayor Galambos called the meeting to order at 7:00 PM.

Roll Call and General Announcements

City Clerk Jeanette Marchiafava called roll.

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

Invocation

Dr. John Bryan, Sr., Minister, Mount Vernon Baptist Church presided over the invocation.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance.

Meeting Agenda

Mayor Eva Galambos asked if there were any requests to add or remove items from the agenda.

Motion and Second: Councilmember Jenkins moved to table Item 9 under New Business. Councilmember Meinzen-McEnery seconded the motion. Discussion of proper procedure followed. Assistant City Attorney Bentley requested a roll call vote.

Roll Call Vote by the City Clerk: Councilmembers Meinzen-McEnery, Jenkins, and Greenspan voted for the Motion to Table. Councilmembers DeJulio, Paul, and Fries voted in opposition of the Motion. Mayor Galambos broke the tie vote 3-3 and voted in opposition of Motion to Table. The Motion to Table failed 3-4.

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

Consent Agenda

The Minutes were approved for the following sessions:

- January 10, 2006 Special Called Meeting
- January 10, 2006 Work Session Minutes
- January 17, 2006 Regular Meeting Minutes
- January 24, 2006 Regular Meeting Minutes

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

Approval of Financial Status Report for the period ending January 2006

Mayor Galambos stated that the next item is the financial status report for the period ending January 2006.

Finance Director Steve Rapson clarified the line item budget for seven (7) months in detail. A suggestion was made by Councilmember Fries regarding a forecast at the end of the fiscal year period of the final budget comparing the first few months of the budget to show operations at end of year. He agreed and will make that amendment.

Motion and Vote: Councilmember Meinzen McEnery moved to approve the Financial Status Report for the period ending January 2006. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

Organizational Items

Judge Jim Anderson administered Oath of Office to Assistant City Clerk Christina Rowland.

Judge Jim Anderson administered Oath of Office to Sandy Springs Police staff.

Reports and Presentations

Mayor and Council Reports

Reading of Opportunity, Responsibility, Training (ORT) Proclamation

Councilmember Dave Greenspan read the ORT (Opportunity, Responsibility, and Training) Proclamation, and recognized the 14 children completing the 5-week course as Ambassadors to Israel.

Staff Reports

Update from the City Manager's Office

City Manager John McDonough made note of the three (3) vacancies on the Fulton County Board of Tax Assessors needing to be filled with over 1,000 appeals pending, and the effect on the City of Sandy Springs tax collections. Assessments are anticipated to be made by mid-April.

Update on Parks IGA

Deputy City Manager Aaron Bovos spoke on the Intergovernmental Governmental Agreement (IGA) regarding the Parks and Recreation document. He anticipates receipt in the near future from Fulton County.

Probation Contract

Clerk of Court Tony Day advised that language was added per a recommended suggestion on February 7, 2006, this language being under Paragraph 3, subparagraph d on page 2, under Article I, regarding a 70/30 split of the fines for certain indigent probationers.

Indigent Defense Plan

Municipal Court Judge Anderson stated that he and other city and state attorneys created the plan through volunteerism. He stated that the City is in compliance with Georgia law. Judge Anderson clarified the definitions of the Indigent Defense plan. Mayor Galambos inquired about the payment arrangement which is \$65/hr. for court time, and \$45/hr. for out of court time for the list of contracted attorneys. She asked if the money is in the budget for these costs. It was determined to be an amount of \$35,000.00 with an additional amount of \$10,000.00 for issues of conflict.

Announcement

City Clerk Jeanette Marchiafava stated for those who would like to make comments on agenda items, there are public comment cards available at the front and back tables. She requested the comment cards be filled out and returned to her.

Unfinished Business

Approval of an Ordinance adopting Chapter 8, Recreation and Parks, of the Code of Ordinances for the City of Sandy Springs, GA (Second Reading)

Ordinance No. 2006-02-11

Mayor Galambos stated that this item is the Second Reading of an Ordinance to adopt Chapter 8, Recreation and Parks. She requested that the City Clerk read Ordinance for consideration.

City Clerk Marchiafava conducted the Second Reading of an Ordinance adopting Chapter 8, Recreation and Parks, of the Code of Ordinances for the City of Sandy Springs, GA.

Discussion followed regarding leasing out space for events and the fees involved.

City Manager John McDonough stated that he will append the directory, and will establish the duties and standards for operations in the park.

Mayor Galambos asked if there was any public comment on this item. There was no public comment.

Motion and Vote: Councilmember DeJulio moved to approve the Ordinance to Adopt and Approve Chapter 8, Recreation and Parks, for the inclusion and identification in the Code of Ordinances for the City of Sandy Springs, GA, to be referenced in the future as Chapter 8. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance to Adopt and Approve Chapter 3, Elections, for the inclusion and identification in the Code or Ordinance for the City of Sandy Springs, GA to be referenced in the future as Chapter 3. (Second Reading)

Ordinance No. 2006-02-13

Mayor Galambos stated that the next item is Second Reading to adopt Chapter 3, Elections. She requested that the City Clerk read Ordinance for consideration.

City Clerk Marchiafava conducted the Second Reading of an Ordinance to Adopt and Approve Chapter 3, Elections, for the inclusion and identification in the Code of Ordinances for the City of Sandy Springs, GA to be referenced in the future as Chapter 3.

City Clerk Marchiafava stated that this ordinance clarifies that all municipal elections will be in compliance with the Georgia Election Code. She explained that this will be Chapter 3 of the Code of Ordinances which addresses how the City handles general and special elections. The City will appoint the municipal superintendent, and confirms candidate qualifying dates and fees.

Mayor Galambos asked if there was any public comment on this item. There was no public comment.

Motion and Vote: Councilmember Paul moved to Adopt and Approve Chapter 3, Elections, for the inclusion and identification in the Code of Ordinances for the City of Sandy Springs, GA to be referenced in the future as Chapter 3. The motion was seconded by Councilmember DeJulio. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance Amending the Open Records Policy

Ordinance No. 2006-02-15

Mayor Galambos stated that the next item is an ordinance amending the Open Records Policy. She requested that the City Clerk read Ordinance for consideration.

Assistant City Attorney Bentley stated that this is the second reading and with the amendments made, he recommended approval.

Councilmember Paul asked the Assistant City Attorney Bentley if email communications even those reflecting comments and thoughts were required to be archived.

Assistant City Attorney Bentley stated that there is a required retention if it is germane to a lawsuit. He suggested that the City of Sandy Springs begin developing a policy. He has not researched it yet, but there is a good chance that all emails are subject to Open Records. Councilmember Paul stated that this was very important and needed clarification as email is such a convenient way to communicate. Attorney Bentley stated that only "privileged" information was not subject to ordinance requirements; such as an attorney-client privilege. He encouraged the Council to mark any legal advice or personal intentions as privileged.

Deputy City Manager Aaron Bovos further clarified the issue of what creates a quorum of the membership, and how it would constitute a violation of the Georgia Open Records Act. He explained that a server archives all emails and therefore no further personal archival is necessary.

Assistant City Attorney Bentley recommended that if an email relates to city business, that a Councilmember not communicate with more than three (3) Councilmembers or staff at one time. He stated that this would constitute a quorum. He recommended that all emails are forwarded through the City Manager's office. This would prevent a quorum.

Councilmember Paul questioned if all emails are archived, does this make them subject to the opens record act.

Assistant City Attorney Bentley stated that they would be subject to the open records act.

City Manager John McDonough suggested that recommendations be discussed at the next work session. Mayor Galambos expressed the importance of following the rules.

Mayor Galambos asked if there was any public comment on this item. There was no public comment.

City Clerk Marchiafava conducted the Second Reading of an Ordinance to Amend the Open Records Policy for the City of Sandy Springs

Motion and Vote: Councilmember Paul moved to approve the Ordinance Amending the Ordinance to Amend the Open Records Policy for the City of Sandy Springs. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance to Adopt and Approve the Purchasing Policies for the City of Sandy Springs; to provide for guidance in administering such policies; and for other purposes

Mayor Galambos stated that the next item is an Ordinance to adopt and approve the purchasing policies.

City Manager McDonough stated that he had met with Director of Operations Howell and Finance Director Rapson and it may be possible to streamline some of the items in this proposed policy. City Manager McDonough requested that this item be tabled so until it could be discussed further at a work session.

Mayor Galambos requested that the City Clerk read Ordinance for consideration.

City Clerk Marchiafava conducted the Second Reading of an Ordinance to Adopt and Approve the Purchasing Policies for the City of Sandy Springs; to provide for guidance in administering such policies; and for other purposes.

Mayor Galambos asked if there were any public comments, and there were none.

Motion to table and Vote: Councilmember Greenspan moved to table the Policies Relating to Purchasing to the next Council Work Session. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

**Approval of an Ordinance to Amend Chapter 11, Business Occupation Tax, Licenses, and Regulations, Article 2, Section 4, License Fees for Insurers Insuring Certain Risks at Additional Business Locations
Ordinance No. 2006-02-17**

Mayor Galambos stated that this item is an Ordinance to Amend Chapter 11, Business Occupation Tax, Licenses, and Regulations, Article 2, Section 4, License Fees for Insurers Insuring Certain Risks at Additional Business Locations. She requested that the City Clerk read Ordinance for consideration.

City Clerk Marchiafava conducted the Second Reading of an Ordinance to Amend Chapter 11, Business Occupation Tax, Licenses, and Regulations, Article 2, Section 4, License Fees for Insurers Insuring Certain Risks at Additional Business Locations.

Director of Operations Don Howell stated that the City of Sandy Springs adopted this original ordinance on December 1, 2005. We worked with the State Insurance Commissioner's office, and received notice on January 18, 2006 that one of the components of the Code needed to be revised. It applies to financial institutions which also offer life insurance as part of the loan transaction, and it limits the amount to 35% of the flat fee that is set forth at this time at \$52.50 per institution. This amendment would achieve compliance with that statute.

Mayor Galambos asked if there were any public comments, and there were none.

Motion and Vote: Councilmember Jenkins moved to approve an ordinance to Amend Chapter 11. Councilmember Meizen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

**Approval of a Resolution to Serve as Official Notification of the City of Sandy Springs' intent to Start a Police Department on July 2, 2006; and to Terminate Police Services Currently Being Provided by Fulton County
Resolution No. 2006-02-25**

Mayor Galambos stated that this item is a Resolution serving as notification of the City of Sandy Springs' intent to start a police department on July 1, 2006.

Deputy City Manager Aaron Bovos recapped that the City of Sandy Spring's entered into an intergovernmental agreement with Fulton County on December 21, 2005 for Police Services for six months. He explained that this agreement expires at midnight on June 30, 2006. Mr. Bovos explained that Article 3 of the IGA requires notification by April 15, 2006 from the City to the County regarding the length of the contract. He stated that this resolution serves as notice to the County to terminate services on June 30, 2006.

Motion and Vote: Councilmember Fries moved to approve a Resolution to serve as official Notification of the City of Sandy Springs' intent to start a Police Department on July 1, 2006; and to terminate current Police Services by Fulton County. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Capital Improvement Plan (CIP) and Fiscal Year 2006 Budgetary Allocation for Projects, and Approval of the Fiscal Year 2006 Capital Plan.

Mayor Galambos recognized Assistant City Manager Al Crace who presented to the Mayor and Council an updated list of projects. Mr. Crace stated that projects that did not require City appropriations had been removed. Mr. Crace also stated that items that were considered "watch care" had also been removed from the list. He stated that the Abernathy/Johnson Ferry Road project has been designated as a priority.

Motion to amend: Councilmember Meinzen McEnerny moved to amend the Capital Plan referencing the line item regarding the Mount Vernon Parkway Sidewalk and Traffic Calming program be deferred until such time as the community and the Mount Vernon Neighborhood Association is able to be briefed on the project and surveyed as to whether or not they want to move forward with it in its current scope or a lesser scope. Councilmember Paul seconded the motion.

Discussion on the Motion: Councilmember DeJulio questioned what the \$1.5 million expenditure is for. Assistant City Manager Crace explained that these are obligations that could be incurred in FY2006. Councilmember DeJulio questioned when these projects would begin. Assistant City Manager Crace stated that upon approval of this Capital Plan, these projects would move forward but explained that this does not mean that this money would be not necessarily be expended at this time.

Vote: After no further comments from the Council, the motion to amend passed unanimously.

Mayor Galambos called for a motion to approve the Capital Improvement Plan as amended.

Motion and Vote: Councilmember DeJulio moved to approve the Capital Improvement Plan as amended. Councilmember Paul seconded the motion. After no further comments from the Council, the motion passed unanimously.

Approval of a Resolution creating a Committee Volunteerism Task Force to Explore All Avenues for Volunteerism possibilities within the City of Sandy Springs; and for other purposes

Resolution No. 2006-02-26

Mayor Galambos stated that this item is a Resolution creating a Committee Volunteerism Task Force to Explore All Avenues for Volunteerism possibilities within the City of Sandy Springs. She asked if the City had an opportunity for an intern to come on board, and each Councilmember was encouraged to bring in a list of names for volunteerism. Councilmember Paul suggested the creation of a catalogue matching individual skills with City of Sandy Springs needs.

Mayor Galambos asked for any public comment.

Gail Cohen stated that her goal is to help create an outstanding people oriented government for the City. She offered her services in the realm of diversity training, as a facilitator in the justice arena, customer service, conflict resolution, and any other way in helping develop community relations.

Mayor Galambos thanked Ms. Cohen for her willingness to help.

Motion and Vote: Councilmember Paul moved to approve a Resolution Creating a Committee Volunteerism Task Force to Explore All Avenues for Volunteerism Possibilities within the City of Sandy Springs; and for other Purposes. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

A Resolution Supporting and Authorizing the City Manager to Negotiate a Lease Agreement with Fulton County for space at the North Fulton Government Center.

Resolution No. 2006-02-27

Deputy City Manager Aaron Bovos clarified that in the future, this building will be at capacity. Mr. Bovos stated that he then requested that Assistant City Manager Al Crace has reviewed locations to no avail. Deputy City Manager Bovos stated that this space would be for any City department, not just the Police Department. He stated that this is not to enter into an agreement but to begin negotiations and is not binding

Councilmember Jenkins expressed her concerns that the City is trying to get away from Fulton County and now the City is considering entering into another agreement with the County. She stated that this property is in need of much work.

Deputy City Manager Bovos stated that this is to address short term needs. City Manager John McDonough explained that this only to review the City's options.

Councilmember DeJulio stated that the City has hired competent staff and the Council should let them do their job.

Motion: Councilmember DeJulio moved to approve the Resolution authorizing the City Manager to negotiate a lease agreement with Fulton County for space at North Fulton Government Center. The motion failed for lack of a second.

Assistant City Manager Al Crace stated that he had been told that this property may become vacant which is what initiated these discussions. He encouraged the Council to make him aware of any other available properties.

Motion to Amend: Councilmember Fries moved to amend the Resolution authorizing the City Manager to explore options for space for the Sandy Springs Police Department and report back to the Mayor and Council at the next scheduled Work Session. Councilmember Paul seconded the motion.

Discussion on the Motion: Councilmember Meinzen McEnerny requested that all options for space be brought back at the work session. She also stated that these questions could have been answered prior to the Council Meeting had this been discussed at a work session. Councilmember Greenspan requested that this be looked at as the final facility for the Police Department. Councilmember Fries stated that this would be an interim move because at some point, the City will have a Police Facility.

Mayor Galambos stated that this Council needs to differentiate between policy making and micro-managing. She stated that there are now two good managers on board who can do this work. Councilmember Jenkins stated that it is Council's decision whether or not to work with Fulton County and where the Police Department should be located.

Mayor Galambos requested that City Clerk Marchiafava read the motion to amend on the floor.

Vote: After no further discussion, the motion passed unanimously.

Approval of an interim Alcoholic Beverage License process and a 90 day extension on the Temporary Permits issued on January 1, 2006 and thereafter until June 1, 2006

Mayor Galambos stated that this item is requesting an interim 90 day extension on the temporary permits issued on January 1, 2006 and thereafter until June 1, 2006 for Alcoholic Beverage Licenses.

Director of Operations Don Howell stated that on December 27, 2005 the Council approved a temporary 60 day issuance for license for alcoholic beverages, which expires on March 1, 2006. 85% of 250 files examined lacked key essential requirements. He stated that staff is requesting approval of a 90 day extension on the Temporary permits.

Motion and Vote: Councilmember DeJulio moved to approve a process developed by the City Attorney and the Director of Operations for an interim Alcoholic Beverage process regarding a 90 day extension on the Temporary Permits issued on January 1, 2006 and thereafter until June 1, 2006 with a requirement of a license holder to deliver the original affidavit form no later than February 28, 2006. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Public Comment

Peter Fitzpatrick, 1525 Landing South, asked if the Open Records Policy applied to records or activities by the CH2MHILL Company. Mayor Galambos referred his question to Assistant City Attorney Bentley, who advised that specific activities related to the City of Sandy Springs would be applicable.

Invitation to Town Hall Meeting.

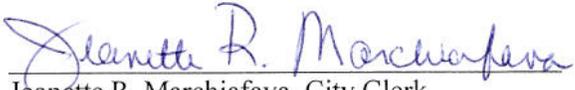
Councilmembers Greenspan and Fries advised they would be hosting a Town Hall meeting tomorrow night, February 22, 2006 at 7:00 PM in their districts 1 and 2, and encouraged all to attend.

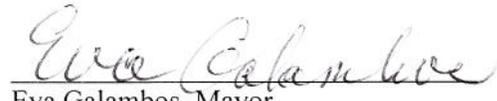
Adjournment

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

The meeting was adjourned at 8:52 PM.

Date Approved: March 21, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor