

City of Sandy Springs, Georgia
Council Brief Minutes of the Special Called Work Session
of the Mayor and City Council
Thursday, December 22, 2005 at 6:00 PM

The Work Session was called to order at 6:00 p.m.

Mayor Eva Galambos presiding

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

Discussion Topics:

Workshop Format, Protocol, and Process

- Aaron Bovos, Acting City Manager, stated that this is an informal meeting to have discussion and to give everyone an opportunity to ask questions. It is an education and information exchange process. No vote is taken during a work session.
- The Mayor will run the meetings and the Mayor Pro Tem will run the meetings in the Mayor's absence.
- Work Sessions are open to the public.
- The Minutes will not be detailed and will be in bullet point form.
- The documents handed out by Alan Begner were converted to a CD and the investigator's video has also been converted to a CD. Those documents were provided at this time.

City Attorney Wendell Willard and Assistant City Attorney Fred Bentley, Jr.

- He advised the Mayor and Council that we have received notification that a lawsuit has been filed and he will recommend that we take that matter to Executive Session to discuss the legal ramifications.
- He provided a handout for Procedures for the Acceptance and Processing of Lawsuits, Official Open Records Requests and Administrative Appeals in the City of Sandy Springs, GA and that document was discussed.
- Any documents received such as interrogatories, other pleadings or subpoenas, should be brought to the City Clerk.
- We will be adopting an Open Records Policy. Correspondence, cell phone records for phones paid for by the City, and e-mails, other than attorney/client privilege, are subject to open records.
- City Attorney Wendell Willard stated that everyone now has a City e-mail address. He recommended that e-mails received on personal e-mail accounts be transferred to the City e-mail address before responding.

Adult Entertainment Ordinance

City Attorney Wendell Willard and Assistant City Attorney Fred Bentley, Jr.

- Mayor Galambos requested direction when responding to the press/media regarding the Adult Entertainment Ordinance. City Attorney Willard clarified that it is not only when responding to inquiries for the Adult Entertainment Ordinance and reminded everyone that everything said will reflect your position and could be reflective of the City's position. He suggested that they ask the press to wait and say no comment. If a matter involves litigation, he requested that no comments be made at all. Mayor Galambos added that it would behoove us not say anything because we could send the wrong message. Regarding the Adult Entertainment Ordinance, an appropriate comment would be that we are in the middle of a public hearing and it would be inappropriate to comment.
- Assistant City Attorney Fred Bentley stated that in connection with the Adult Entertainment Ordinance, he cautioned each of them not to discuss this issue or pledge a vote unless they call one of the attorneys in an open setting.
- There will be fourteen (14) locations of possible alternative sites. He requested that they look at the possibility of how they would like to treat the existing sites that could be grandfathered, an amortization method used, removing alcohol, etc. Council has been given a copy of the ordinance and there are several options that this Council may use. They can draft and prepare the ordinance that Council would like to adopt. The Council sets policy and they will have available all of the options prepared in each

methodology and the form of the motion will be prepared at that point the motion is made. Previous testimony indicates obvious criminal activity and that is a totally separate issue.

- This Council will be determining whether or not there are secondary affects that affect alcohol versus adult entertainment.
- There was a question regarding the study and it was decided that the test area that Sandy Springs was compared to was an area in South Fulton that had no adult entertainment. This ordinance will be a comprehensive ordinance that deals with all locations. This Council will be required to consider the studies and court decisions submitted. Once all of that information is reviewed, this Council should decide how all of that information will affect their decision. The attorneys can tell the Council what the Court has done in similar circumstances.
- There was some discussion regarding private or VIP rooms and the distance from the dancers and physical contact. There is a separate ordinance for massage parlors that requires that each person that works in that establishment has a certificate of training and that would ensure that legitimate spas would not be affected
- Enforcement will address many of these issues. There is nothing in the proposed ordinance that affects the massage parlors because they do not serve alcohol and they are not adult entertainment.
- The Mayor and Council were advised that the City has been made a party in a pending court matter and that matter will be discussed in Executive Session. At this time, it was recommended to adjourn into Executive Session.

Motion and Vote: Councilmember Paul moved to adjourn into Executive Session to discuss potential litigation. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

There being no further business, the Work Session adjourned into Executive Session at 6:50 PM.

Date Approved: February 7, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor

CITY OF SANDY SPRINGS, GA

**STATE OF GEORGIA
FULTON COUNTY**

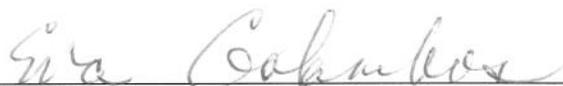
December 22, 2005

AFFIDAVIT FOR CLOSURE

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of his knowledge and belief, on the 22nd day of December, 2005, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

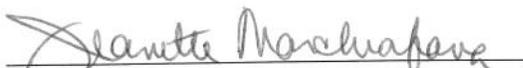
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

Except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.



Eva Galambos, Mayor

Sworn to and subscribed before me,
this 22 day of December, 2005.



Notary public (SEAL)