

Continuation of the Special Called Meeting of the Mayor and City Council was held Tuesday, December 13, 2005, 7:00 PM, Mayor Eva Galambos presiding.

Call to Order

Mayor Galambos called the Special Called Meeting to order.

Mayor Galambos asked Supreme Court Justice Harris Hines to administer the Oath of Office to the newly elected officials resulting from the runoff election.

Before administering the Oath of Office, Justice Hines remarked that he admired those in local government and spoke highly of a personal friend, Al Boroughs, who at one time was a majority leader of the Georgia House of Representatives. He commented on the importance and responsibility of serving in local office and asked that the community honor and encourage the Councilmembers in their endeavors as elected officials.

Oath of Office

Supreme Court Justice Harris Hines administered the Oaths of Office to Councilmembers Dave Greenspan, District 1, and Ashley Jenkins, District 4.

Roll Call

Mayor Eva Galambos called roll.

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

Waiver of Notice for Special Meeting Approved by City Councilmembers Districts 1 & 4

Waiver signed by Councilmembers for Districts 1 & 4

Motion and Vote: Councilmember DeJulio moved to approve the Waiver of Notice for Special Meeting Approved by City Council Members Districts 1 & 4. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

Invocation

Reverend Don Southworth, Northwest Unitarian Universalist Congregation, presided over the invocation.

Pledge of Allegiance

The audience recited the Pledge of Allegiance.

Questions by Districts 1 & 4 to Action Previously Taken by the City Council

Mayor Galambos asked the newly elected Councilmembers, Dave Greenspan and Ashley Jenkins, if they had any questions resulting from the two previous Council meetings. Neither Councilmember had any questions.

Approval of the Meeting Agenda

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.

Report and Acceptance of Fulton County Election Results for the December 6, 2005 Runoff

Mayor Galambos asked City Clerk Marchiafava to report the election results for the December 6, 2005 runoff. City Clerk Marchiafava reported the elections results that will be made a permanent part of the record of this meeting with the City Clerk's office.

Motion and Vote: Councilmember Paul moved to approve the election results for the December 6, 2005 runoff. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Election of Mayor Pro-Tem

Mayor Galambos requested nominations for an election of Mayor Pro-Tem to serve in the absence of the Mayor.

Councilmember Paul nominated Councilmember DeJulio. There were no other nominations.

Motion and Vote: Councilmember Paul moved to nominate Tibby DeJulio as Mayor Pro-Tem. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Adoption of Rules of Procedure for the City Council Meetings and Public Hearings

Wendell Willard, City Attorney, stated that a set of rules had been prepared for the Council for Public Hearings, as well as regular Council Meetings. He pointed out a change in the Rules and Procedures for City Council Meetings and Public Hearings with regards to Section 19 (a) of Rules of Procedures that the final agenda item of the meeting shall be reserved for comments from the public. All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the City Clerk prior to the start of any meeting held by the City Council; provided, however, that if the applicants of rezoning actions or individuals who wish to oppose a rezoning action had contributed more than \$250 to the campaign of a Councilmember, the individual shall file a campaign disclosure form as required by O.C.G.A. §36-67A-3 at least five calendar days prior to the first hearing by the City Council.

Motion and Vote: Councilmember Greenspan moved to adopt the Rules of Procedures for the City Council Meetings and Public Hearings. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor and Council Reports

Mayor Galambos stated she did not have anything to report and there were no reports from any Councilmembers.

Staff Reports

Fiscal Year 2006 Budget Calendar

Aaron Bovos, Acting City Manager, spoke briefly about how State law had been applied to the Fiscal Year 2006 Budget Calendar. He stated that Steve Rapson, Finance Director, would make a presentation regarding the Fiscal Year 2006 Budget Calendar and the Publishing of Notices.

Steve Rapson, Finance Director, CH2M HILL, discussed the process of publishing a calendar and the advertisement of notices that is in compliance with State law. He stated that a Notice, which he defined as a legal advertisement, is to be published in a legal organ the week of the presentation. He added that a good trigger date for City Council was the first budget, which would be a seven month budget and would be from December 1, 2005 until end of June 2006. A notice would be published that following week. Additionally, there would also be another public hearing with regard to the proposed budget. He advised Council the first document they would receive would be a seven month proposed budget. The advertisement would be posted and Council would have the first budget workshop on January 5, 2006. He advised that workshop was not part of the legal requirements, but provided an opportunity for Council to be briefed prior to the first public hearing budget workshop, which would be on January 10, 2006. Based on the outcome of the January 10th meeting, on January 12th another advertisement would be submitted for the final budget that would run on January 17, 2006 for the final budget hearing scheduled for January 24, 2006. What makes this year unique is the Fiscal year is from July to June, and as a result this entire process, it will start again in early May. At that time, a rolling 12 month budget would be adopted which will be from June to July of the following year.

Aaron Bovos, Acting City Manager, advised Mayor Galambos that at this time the presentation was just for informational purposes. He pointed out that in May as the process begins again, the advertisement and meeting notices would be slightly different because of the adoption of a millage rate. He stated that there were separate legal requirements for adoption of a millage rate.

Presentation of the 15 month Calendar

Aaron Bovos, Acting City Manager, continued with the next staff report item which was the Presentation of the 15 month Calendar and discussed some of the high points of the calendar that had been developed. He stated the calendar provided the Council and staff with a schedule of the Council Meetings, which are the first and third Tuesday of every month at 7:00 p.m. He added that it was important to incorporate the Planning and Zoning public hearing process into the calendar. At the next Council Meeting, Nancy Leathers, Director of Community

Development, and her team will make a presentation of their calendar which incorporates their process into the 15 month calendar for the City Council Meetings.

Presentation and Reporting of City Activities and Staff Functions

Aaron Bovos, Acting City Manager, stated that the next item was a Presentation and Reporting of City Activities and Staff Functions. Mr. Bovos stated that discussion has already taken place in staff meetings about the need to identify some key indicators within the departments and within the government and to walk through the transformation of those key indicators from not just workload base measure, but the outcome base measure that tie back to goals and service level strategies. He added that the City of Austin Texas, City of Phoenix, and the City of Baltimore publish on their website statistics of performance measurements to outcome base measurements. He stated that the goal was not to recreate the wheel, but to become managed by those outcome base performance measures.

Update on Current Revenues and Expenditures through December 12, 2005

Don Howell, Director of Operations, CH2M HILL, presented a 12 day report of revenues and expenditures for December. He stated that although we are \$9,409 over what the project revenue was for the month and we have not spent any money that does not mean we have not incurred liability.

He also reported on the volume of calls received by the Call Center and how improvements were being made to categorize the types of calls received.

Working Draft of Adult Entertainment Ordinance

City Attorney Wendell Willard and Assistant City Attorney, Fred Bentley, Jr. presented a working draft of the Adult Entertainment Ordinance. They prepared a working draft Ordinance that they distributed which reflected studies that had been prepared for various other jurisdictions that had faced a similar need or enactment. The Council was urged review the studies in preparation for the initial public hearing on December 20, 2005, and there would be a second public hearing on December 27, 2005.

Fred Bentley, Jr., Assistant City Attorney, reiterated the importance to read the case studies and urged the Council to contact him if they had any questions regarding the materials provided to them. There is a report from the City of Tucson Arizona, Adams County Colorado, Oklahoma City Oklahoma, Islip, New York who reported to the American Center for Law and Justice; transcripts from the Gwinnett County Board of Commissioners meeting held on August 7, 2001 with an acting ordinance, National Law Center: NLC summaries of sexually oriented business land use studies, and three case precedents.

City Attorney Willard once again reminded Council that they had a "working draft" and not a published document that was to be used in part as preparation for the forthcoming public hearings.

Intergovernmental Agreements:

Consideration and Approval of Intergovernmental Agreement for Animal Control Services with Fulton County.

Aaron Bovos, Acting City Manager, addressed the Intergovernmental Agreement regarding Animal Control Services between the City of Sandy Springs and Fulton County. He explained the contract very specifically would cover cruelty complaints, rabies control, and animal bites. Animals that are at large need to be collected by the County. He advised the annual cost to the City is \$62,000. The contract before Council was for \$30,800, which reflects services for January 1, 2006 through June 30, 2006. He recommended approval.

Motion and Vote: Councilmember Meinzen McEnerny moved to approve the Intergovernmental Agreement for Animal Control Services with Fulton County. Councilmember Paul seconded the motion. The motion passed unanimously.

Consideration and Approval of Intergovernmental Agreements for Police, Fire, E-911 and Sewer Services with Fulton County

Aaron Bovos, Acting City Manager stated the next four services - Police, Fire, E-911, and Sewer services relate to contracts that are currently being developed. He advised that he, City Attorney Willard, and Deputy County

Manager Terry Todd are in the process of working out some of the details. He acknowledged that there is an extremely tight deadline to ensure that we have contracts by midnight December 31st. He advised the Council that the staff recommendation would be a motion to direct the City Attorney and City Manager to incorporate comments received back from Councilmembers and Task Force members to the best benefit and services to the City during the contract negotiations with the County. He commented that he was not sure who would represent the County's perspective, but if it came down to wording for services there would have to be judgment from the City Attorney and City Manager's standpoint to be sure that services are delivered.

Councilmember Paul questioned if the \$5.1 million was an agreed upon amount, and how was that figure arrived at.

Acting City Manager Bovos explained that the numbers in the contracts came from the County. He stated that there have been some debates regarding fees with respect to Police, Fire and E-911; however, the issues had been raised to the County in negotiations as how we would incorporate those fees. These contracts were recommendations from the County.

City Attorney Willard reiterated the seriousness of the deadline and stated that the Board of Commissioners had delegated to their staff to work out the details of the contract and he felt that it would be better to have limited people involved to resolve the issues in an effort to have a document to present to Council on December 20th.

Councilmember Paul asked why is it so important that we have this Agreement on their schedule rather than our schedule considering when the original legislation was drafted, there was a 13 month transition period at which time the County was required to provide services at cost and transition period ends December 31, 2006.

City Attorney Willard advised that the mandate and laws state that there will be a transition period of 13 months and during that time the County will continue to provide services to the City until such time it is negotiated and the City will take over the services. That is true except as to the one unilateral decision the Council had made which dealt with the planning and zoning aspects of it. The problem you have with transition is to continue the operation of services outside of what would be its limited jurisdiction coming in to the City and there should be a written document as a contract addressing those services. They are expecting and demanding a contract, and we should have a contract. The second reason is, certainly as to Police and Fire, is that it is important for us to have those contracts dealing with the level of services to be provided, but also it puts us in a place of being qualified as a municipality in the early stages so we can proceed in seeking the negotiations on the local options sales tax.

Motion and Second: Councilmember Paul moved to authorize the City Manager and the City Attorney to enter into and continue negotiations with the appropriate representatives of Fulton County in order to reach an agreement for Police, Fire, E-911 and Sewer Services for the City of Sandy Springs. Councilmember DeJulio seconded the motion.

Amendment to the Motion and Second: Councilmember Meinzen McEnerney amended the motion that substantive comments of the Council and the Task Force are taken into consideration during negotiations. Councilmember Fries seconded the motion.

Mayor Galambos suggested that each Intergovernmental Agreement be voted on individually to ensure that amendments can be applied to each agreement. She asked if everybody understood the amendment that comments submitted by the Councilmembers were to be taken into consideration in the negotiations.

Acting City Manager Bovos, requested a Point of Clarification from the City Attorneys regarding the voting process. After a short discussion, it was decided that the same points apply for Police, Fire, E-911 and the Sewer agreements. Mayor Galambos stated that the vote would be the same for all of the Intergovernmental Agreements.

Vote on Motion and Amendment to Motion: There was no further discussion. The motion and amendment passed unanimously.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Ordinance for consideration. Ms. Marchiafava read the caption of the Ordinance.

Approval of an Ordinance Amending Chapter 2, Administration, Article 1, General Provisions, Section 1, Meeting Times, Subsection (a) of the Code of Ordinances of the City of Sandy Springs.

Ordinance No. 2005-12-11

City Attorney Willard stated that at the December 1, 2005 Council Meeting a date was inadvertently left incorrect regarding the dates and times the Council will be meeting. He advised that the amendment to Section 1, under Meeting Times was corrected to reflect the 1st and 3rd Tuesday of the month at 7:00 p.m. as the appropriate dates and time.

Motion and Vote: Councilmember Meinzen McEnery moved to approve an Ordinance Amending Approval of an Ordinance Amending Chapter 2, Administration, Article 1, General Provisions, Section 1, Meeting Times, Subsection (a) of the Code of Ordinances of the City of Sandy Springs. Councilmember Greenspan seconded the motion. There was no further Council discussion. The motion passed unanimously.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Ordinance for consideration. Ms. Marchiafava read the caption of the Ordinance.

An Ordinance to adopt the following Articles of Chapter 14, Land Development and Environmental Protection in accordance with State Model Codes as amended: Article 3: Floodplain Management/Flood Damage Prevention, Article 4: Illicit Discharge and Illegal Connection, Article 5: Post-Development Stormwater Management for New Development and Redevelopment, Article 6: Stream Buffer Protection, Article 7: Soil Erosion and Sedimentation Control, Article 8: Tree Preservation Ordinance No. 2005-12-12

Assistant City Attorney, Fred Bentley, Jr. advised the Council that a Memorandum of Understanding would have to be reached with the State before Sandy Springs could take over certain permitting functions and that the State EPD would have that function in the interim.

Motion and Vote: Councilmember Greenspan moved to approve an Ordinance to Adopt the following Articles of Chapter 14, Land Development and Environmental Protection in accordance with State Model Codes as amended: Article 3: Floodplain Management/Flood Damage Prevention, Article 4: Illicit Discharge and Illegal Connection, Article 5: Post-Development Stormwater Management for New Development and Redevelopment, Article 6: Stream Buffer Protection, Article 7: Soil Erosion and Sedimentation Control, and Article 8: Tree Preservation. Councilmember Meinzen McEnery seconded the motion. There was no further Council discussion. The motion passed unanimously.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Ordinance for consideration. Ms. Marchiafava read the caption of the Ordinance.

An Ordinance to Adopt the International Property Maintenance Code, 2003 as amended. Ordinance No. 2005-12-13

Motion and Vote: Councilmember DeJulio moved to approve an Ordinance to Adopt the International Property Maintenance Code, 2003, as amended. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Ordinance for consideration. Ms. Marchiafava read the caption of the Ordinance.

A Resolution Naming An Appointee to Post 4 of The Sandy Springs Design Review Board, who shall serve a two (2) year term to commence December 1, 2005, Pursuant to Section 12b .3 of The Zoning Ordinance of the City Of Sandy Springs, Ga. Resolution No. 2005-12-22

Motion and Vote: Councilmember Paul moved to name Yvonne Rizzo to Post 4 of the Sandy Springs Design Review Board. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Ordinance for consideration. Ms. Marchiafava read the caption of the Ordinance.

A Resolution of the City of Sandy Springs accepting the motions and actions taken by the Governor's Commission of Sandy Springs; and directing the City Clerk to provide a certified copy to Fulton County, Georgia.

Resolution No. 2005-12-23

Oliver Porter, Transition Consultant for the City of Sandy Springs, advised that it was decided to adopt the actions of the Governor's Commission for Resolutions passed and offered to answer any question from Council with regard to the intent.

Councilmember Jenkins asked Mr. Porter if the information provided to Council was everything to be adopted. Mr. Porter advised that all the Resolutions were taken from the minutes of the Governor's Commission and that the Resolutions dealt with relationships with Fulton County. Mr. Porter further stated that he did not know which format the Commission intended to adopt, but did confirm that if Council approved the motions and actions taken by the Governor's Commission it would be the official position of the City.

Mayor Galambos stated this was requested by the Chairman of the Fulton County Commission that this transmission taken place because they wanted it for their records too.

Motion and Second: Councilmember Paul moved to approve the Resolution Accepting the Motions and Actions Taken by the Governor's Commission of Sandy Springs and Directing the City Clerk to Provide a Certified Copy to Fulton County. Councilmember Jenkins seconded the motion.

Discussion on the Motion:

Councilmember Paul stated that if it was still relevant referring to the motion under the June 29, 2005 and stated that if a motion was made and seconded, that the negotiating team consist of not more 5 appointed members.

Mr. Porter advised that the negotiating aspect had dissolved and was advised by City Attorney Willard that if Council did adopt that it would be the position of the City. As a result, Mr. Porter stated to Mayor Galambos that he would like to recommend that the June 29, 2005 be removed from the Resolution.

Amendment to Motion and Second: Councilmember Paul moved to strike the motion dated June 29, 2005. Councilmember Jenkins seconded the motion.

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

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Ordinance for consideration. Ms. Marchiafava read the caption of the Ordinance.

An Ordinance to Set and Adopt the Fiscal Year for the City of Sandy Springs, Georgia as July 1 through June 30, and for other purposes.

Ordinance No. 2005-12-14

Acting City Manager Bovos advised Council that before them was a recommendation for the Fiscal Year July 1 through June 30. He stated that listed on the Memo were several reasons for the recommendation and explained that the budget process, which he referred to as the Capital Planning Process and would later become the Capital Improvement Program, was the process to set the Financial Plan and the Financial Policy of the Government. He further stated that one of the goals was to be sure that our revenue sources and anticipated revenue sources were concrete during the budget process. Every year the Certified Digest would be completed by the Tax Assessors Office and will then become certified by the Department of Revenue. The goal would be to take the Certified Digest and apply our mileage rate and adopt the Certified Digest at the same time as the budget to complete the Financial Plan. Mr. Bovos further explained that as opposed to the Fiscal Year starting from July 1 through June 30, if the budget

were to be adopted January 1 through December 31, it would be without a Certified Digest or finalized property taxes and the largest source of revenue in the Financial Plan would be uncertified or unknown at a time when the budget was being adopted. He added that the City of Atlanta and the majority of the municipalities in Fulton County have a July 1 through June 30 Fiscal Year as a result of the Property Tax Digest certification process. Mr. Bovos confirmed to Council that the recommended Fiscal Year will not affect negotiations with the bank for the line of credit to begin January 1.

Motion and Vote: Councilmember Fries moved to approve an Ordinance Adopting the Fiscal Year. Councilmember DeJulio seconded the motion. There was no further Council discussion. The motion passed unanimously.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Ordinance for consideration. Ms. Marchiafava read the caption of the Ordinance.

**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 a Contract Fee; providing for the establishment and Adjustment of Charges; requiring Indemnity Insurance; providing for Revocation and Amendment; providing for Payment of Taxes by Contractees; prohibiting assignment and subletting of the contract without consent; providing for Forfeiture; and making other provisions.
Ordinance No. 2005-12-15**

Acting City Manager Bovos stated as a Point of Clarification that the Ordinance to be adopted is the basic framework for companies within the City limits to provide Solid Waste Services, which would include non-recyclables or garbage, recyclables and yard waste. He stated that the Ordinance outlines different components of the contracts that would be entered into the service provider and eventually as a City we would be able to provide this service ourselves. With the startup we would like to enter into a one year annually contract with the service providers who are doing business in the City currently and determine in the future how we want to move forward with providing solid waste services. He explained an important factor to know was that this was a non-exclusive versus a non-exclusive franchise and that the difference in a franchise was that there are some legal opinions that fees can be forwarded onto residents. He further explained that this was a non-exclusive and required the service provider to pay us a contract fee based on their gross revenues that are not passed onto the customers that are doing business with them. The rate is 5% which is an industry standard and it does define insurance coverage indemnification, termination of the contracts and transfer sale or conveyance of existing contracting.

He stated once the contract was adopted, it would allow us to extract the components of the contract out into a secondary document and allow service providers to sign that contract based on provisions in the Ordinance. He advised that he would come back to Council with the adoption of specific contracts for providers.

City Attorney Willard asked if the contract differed in any substantial or subsequent way from the current arrangement that homeowners have with their vendors provided with agreements with Fulton County.

Acting City Manager Bovos advised that the contract would not affect the contractual relationship between the resident, corporation and the service provider is not changing, however; the service provider has to comply with certain requirements within the City. For instance, you would have to be insured and pay the City 5% of your gross revenue due to the wear and tear and maintenance on the City's infrastructure. He stated another example would be hours of operation and explained we do not want garbage companies out at 2:00 a.m. collecting garbage. He also added that Fulton County currently does not have contracts with service providers so we are entering into a period where they have expired and they have not renegotiated either a franchise or a non-exclusive contract. He confirmed to Mayor Galambos that the sanitation agreement was one of the agreements that would count toward the services that are recognized for a certified city for the sales tax. He was asked if he anticipated by the levying of a 5% fee on the waste and hauling that the customer's rate would increase and replied that he did not expect a rate increase. He further added that the constituent would not receive a higher bill as a result, but could not confirm an approximate amount of how much revenue would be generated on a yearly basis.

Motion and Vote: Councilmember Meinzen McEnery moved to approve 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 a Contract Fee; Providing for the Establishment and Adjustment of Charges; Requiring Indemnity Insurance; Providing for Revocation and Amendment; Providing for Payment of Taxes by Contracted; Prohibiting Assignments and Subletting of the Contract Without Consent; Providing for Forfeiture, and Making Other Provisions. Councilmember Fries seconded the motion. There was no further Council discussion. The motion passed unanimously.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Ordinance for consideration. Ms. Marchiafava read the caption of the Ordinance.

A Resolution authorizing the City Manager and City Attorney to negotiate and Finalize a Cooperative Agreement between the City of Sandy Springs, Georgia And The City of Smyrna For Library and Book Services.

Resolution No. 2005-12-24

Oliver Porter, Transition Consultant for the City of Sandy Springs, stated that this was an initiative to provide a book deposit system. In an agreement with Smyrna, we would be sharing a distribution van that would carry prepackaged books to sites for distribution. The principle need of this is to take books and literature to lower income, senior citizens, and individuals who are not able to visit our one library site, and this would be a quick way to expand the library influence within the City. He also stated that it could also be utilized as a distribution point for distributing information due to the difficulty in reaching a number of transient citizens, not to mention that many of the local newspapers are not delivered to apartments. This would be a very low cost way of rendering a very good service to a section of our community that we may not otherwise reach. He further stated that with the prepackaged book delivery, there will be a brief survey at each site to determine, for instance, if the elderly prefers large print, or in the Hispanic community the books may be delivered as ESL. This survey would be managed by the Smyrna Library System. He recommend this proposal to Council as a relatively low cost way for the first year and at the end of that time to evaluate whether an actual book mobile, which is much more expensive alternative, might be either added to this or replace this service.

Councilmember Meinzen McEnery asked if there would be any cost to the citizens of Sandy Springs.

Mr. Porter confirmed there would be. He explained that the Smyrna Council had already agreed to proceed and would provide the manpower and expertise regarding the packing of books. We would provide a van, which could be leased or purchased and possibly some of the cost of the bookcases and carts that would be used. Sites are being considered one of which would be City Hall. He added there were several minority church and charitable organizations that had asked for the service and had suggested that we go into major grocery stores as a main point of contact. So far we have received favorable responses from store managers. He stated that there was a cost; however, it was a service that he would recommend for the community.

Motion and Vote: Councilmember Fries moved to approve a Resolution authorizing the City Manager and City Attorney to negotiate and formalize a Cooperative Agreement between the City of Sandy Springs and the City of Smyrna for library/book services. Councilmember DeJulio seconded the motion. There was no further Council discussion. The motion passed unanimously.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Ordinance for consideration. Ms. Marchiafava read the caption of the Ordinance.

A Resolution to outlining the Terms For The Use of Fulton County Parks and Recreation Facilities located within The City of Sandy Springs by the City of Sandy Springs, Ga.

Resolution No. 2005-12-25

Acting City Manager Bovos explained that the Resolution outlined the City's platform regarding the use of the parks. He stated one of the challenges was Fulton County's desire to close their facilities. Our goal as a service

provider to our constituents is not to allow that to happen. He stated the need to move forward and be proactive in discussions with Fulton County about the future use of the parks. He further stated that the service agreement with CH2M HILL under Scope of Service would provide maintenance and support for facilities within the parks as well as programs. In the proposed Resolution several of the stipulations had been outlined which included a \$5,000 a month payment for the use of the parks and recreation facilities within the corporate City limits. The goal would be to do a one year agreement and during that one year time frame negotiate with the County about how that transfer will take place in a more formalized manner and put a proposal to the County Commissioners that has been more appealing to them than they have had before from entities or municipalities. Mr. Bovos stated that studies had been done and confirmed that the contract was more generous than the County currently has with existing municipalities and he recommend approval of the Resolution.

Councilmember Meinzen McEnery suggested that the Resolution should include that we lease not only the facility but the personal property that at that facility in the event that they make us distinguish it. She also inquired if the monthly payment of \$5,000 included the total per month for all the facilities or per park. Acting City Manager Bovos confirmed that it was the total per month.

City Attorney Willard added that maintenance would be extra and this is just to lease their facilities and personal property. Acting City Manager Bovos suggested that we incorporate that into the Resolution prior to having it signed and forwarded to the County.

Councilmember Paul asked Councilmember Meinzen McEnery to define personal property. Councilmember Meinzen McEnery stated it was property that was not affixed to the real estate and it related to the equipment that was used to operate and maintain the facility.

After much discussion regarding the legal definition, it was decided by Council that the legal definition would include the language "... personal property and equipment used in the maintenance and operation of said parks..."

Councilmember Greenspan requested that it be clarified that this was an exclusive agreement between the City and the County and that the County could not sublet of any of these parks during this term. Acting City Manager Bovos stated that this was a Resolution to basically set forward some standards on how we would enter into a contract and that would certainly be a clause that would be included in the final contract. Councilmember Paul stated that this is in essence our negotiated agreement. Councilmember Greenspan stated it should be noted that we should make this as exclusive for the use of the facility.

City Attorney Willard confirmed it would be and that the County was restricted by law in its ability to operate parks inside of municipalities. He explained that there is a transition period where they probably could; however, once the transition period is over they will be prohibited.

City Attorney Willard advised Mayor Galambos of a change to the Resolution for Council to consider and further explained that the within the Resolution it stated "a notice for a public hearing" which is incorrect and as a result should be stuck from the Resolution.

Councilmember Meinzen McEnery stated that there had been discussion on Big Tree Park to exempt them from policing this facility for an indeterminate period of time and asked could the Council accept that part in this Resolution.

Mayor Galambos stated to City Attorney Willard that concern had been raised regarding Big Tree Park working out a separate agreement regarding their lease, and asked if that would be something that could be worked out within the terms of this Resolution. City Attorney Willard confirmed that it was operated by a private foundation and that would be something that could be worked out within the terms of this Resolution.

Motion and Vote: Councilmember Paul moved to approve the Resolution Outlining the Terms for the Use of Fulton County Parks and Recreation facilities located within the City of Sandy Springs striking the section regarding "a notice for a public hearing". Councilmember Fries seconded the motion. There was no further Council discussion. The motion passed unanimously.

Public Comments

Steve Rives, Sandy Springs resident, expressed his concern with regards to the Tree Ordinance.

Mayor Galambos explained to Mr. Rives that Council enacted the current Fulton County Tree Ordinance and that nothing was changed. She also added that in February there will be seminars or workshops in the community dealing with various changes to the Environmental Ordinances where the public will be invited. Acting City Manager Bovos confirmed that date as Saturday, February 18, 2006, for the community workshop.

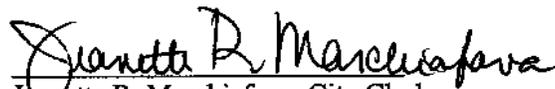
Eric de Groot, Sandy Springs resident, spoke positively about the prompt response time exhibited by a Sandy Springs employee regarding his water leak issue.

Mayor Galambos asked if there were any additional public comments. Hearing none she stated the meeting was adjourned.

Adjourn

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember DeJulio seconded the motion. There was no further discussion. The motion passed unanimously.

Date Approved: January 3, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor