

**Continuation of the Special Called Meeting of the Mayor and City Council was held Thursday, December 1, 2005, 7:00 PM, Mayor Eva Galambos presiding.**

**Call to Order**

Mayor Galambos called the Special Called Meeting to order.

**Roll Call**

**Don Howell, Director of Operations, CH2M HILL,** called roll.

**Council Members Present:** Councilmember Tibby DeJulio, Councilmember Dianne Fries, Councilmember Karen Meinzen McEnery, Councilmember Rusty Paul

**Welcome – Mayor Galambos**

Mayor Galambos declared a Quorum and welcomed everyone present.

**Approval of Meeting Agenda**

**Motion and Vote:** Councilmember Fries moved to approve the continuation of the meeting agenda. Councilmember Paul seconded the motion. The motion passed unanimously.

**Organizational Items**

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

**Approval of a Resolution to appoint James M. Anderson, III as Chief Judge of the Municipal Court for the City of Sandy Springs, GA for a term of four (4) years commencing December 1, 2005 including compensation at \$100.00 per hour pursuant to Article IV of the City Charter.**

**Resolution No. 2005-12-11**

**Motion and Vote:** Councilmember Paul moved to approve the Resolution to appoint James M. Anderson, III as Chief Judge of the Municipal Court for the City of Sandy Springs, GA for a term of four (4) years commencing December 1, 2005 including compensation at \$100.00 per hour pursuant to Article IV of the City Charter. 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 Resolution for consideration. Ms. Marchiafava read the caption:

**Approval of a Resolution to appoint Lawrence D. Young as Judge Pro-Tem for the Municipal Court for the City of Sandy Springs, GA for a term of four (4) years commencing December 1, 2005 including compensation at \$100.00 per hour pursuant to Article IV of the City Charter.**

**Resolution No. 2005-12-12**

**Motion and Vote:** Councilmember DeJulio moved to approve the Resolution to appoint Lawrence D. Young as Judge Pro-Tem for the Municipal Court for the City of Sandy Springs, GA for a term of four (4) years commencing December 1, 2005 including compensation at \$100.00 per hour pursuant to Article IV of the City Charter. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

**Oath of Office**

**Judge Don Langham,** Senior Judge, Superior Court of Fulton County administered the Oath of Office to James M. Anderson, III, as Chief Judge of the Municipal Court for the City of Sandy Springs, GA.

**Oath of Office**

**Judge Don Langham,** Senior Judge, Superior Court of Fulton County administered the Oath of Office to Lawrence D. Young as Judge Pro-Tem for the Municipal Court for the City of Sandy Springs, GA.

Mayor Galambos stated a Resolution to appoint William K. Riley as Solicitor was voted on last night and it was already approved. She asked if Judge Langham would administer the Oath of Office.

**Oath of Office**

Judge Don Langham, Senior Judge, Superior Court of Fulton County administered the Oath of Office to William K. Riley as City Solicitor for the City of Sandy Springs, GA.

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

**Approval of a Resolution to appoint members to the Sandy Springs Design Review Board, who shall serve four (4) year staggered terms to commence December 1, 2005, pursuant to Section 12b .3 of the Zoning Ordinance of the City of Sandy Springs. GA.**

**Resolution No. 2005-12-13**

**Motion and Second:** Councilmember Paul moved to approve the Resolution to appoint members to the Sandy Springs Design Review Board, who shall serve four (4) year staggered terms to commence December 1, 2005, pursuant to Section 12b .3 of the Zoning Ordinance of the City of Sandy Springs. Councilmember DeJulio seconded the motion.

**Discussion on the Motion:**

Councilmember Meinzen McEnery asked if there was a listing of the members included in the material they just received and if the list could be read.

Mayor Galambos read the list of names; Andy Porter, Cheri Morris, Mel Mobley, Marlise Landeck, Eric Gregory, Colin Lichtenstein. She asked if there any other discussion or questions.

**Nancy Leathers, Director of Community Development**, stated it was also necessary for post numbers to be assigned to the positions, and we can order them as they are on the Design Review Board member sheet. She stated there are differing lengths of terms, and that a recommendation had yet to be made. At this time, the nominees were just presented.

Mayor Galambos stated to Councilmember Meinzen McEnery that the terms of expiration are included as part of the Resolution and are included on the list of the members to be voted on. She stated the terms are staggered so that they will not all expire in one term. She asked if there were any additional questions.

Councilmember Meinzen McEnery stated that Ms. Leathers mentioned that they have not been identified and asked if Mr. Crace can add to that.

**Al Crace, Assistant City Manager, CH2M HILL**, provided the order: Andy Porter would be Post 5 - 2007; Cheri Morris will be Post 1 - 2005; Melton Mobley will be Post 3 - 2006; vacant Post 4 will also be 2006; Marlise Landeck will be Post 7 - 2008; Eric Gregory will be Post 6 - 2007; Colin Lichtenstein will be 2005 which is Post 2. He stated the staggered sequence will move down the Post in an orderly fashion.

Mayor Galambos requested the order be reflected in the minutes and asked if there was any further discussion on the Design Review Board.

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

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

**Approval of a Resolution to appoint the Community Development Director as the Building Official for the City of Sandy Springs, GA to commence December 1, 2005.**

**Resolution No. 2005-12-14**

**Motion and Vote:** Councilmember DeJulio moved to approve the Resolution to appoint the Community Development director as the Building Official for the City of Sandy Springs, GA to commence December 1, 2005. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Galambos asked City Clerk Marchiava to read the caption of the Resolution for consideration. Ms. Marchiava read the caption:

**Approval of a Resolution to appoint Oliver Porter to serve as a Transition Consultant for the City of Sandy Springs, GA for an initial period commencing December 1, 2005 and ending March 31, 2006.  
Resolution No. 2005-12-15**

**Motion and Vote:** Councilmember Fries moved to approve the Resolution to appoint Oliver Porter to serve as a Transition Consultant for the City of Sandy Springs, GA for an initial period commencing December 1, 2005 and ending March 31, 2006. Councilmember DeJulio seconded the motion.

**Discussion on the Motion:**

Councilmember Meinzen McEnery asked in the event Mr. Porter wanted or needed to leave earlier than March 31, would the Resolution allow for him to leave somewhat earlier than that date?

**City Attorney Willard** stated this is "service at will."

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

**Reports and Presentations**

Mayor Galambos asked if there was a Report from the Governor's Commission. She was advised by City Attorney Willard that the Governor's Commission dissolved as of the evening of the Council Meeting on December 1, 2005 at 12:01a.m. She requested that Aaron Bovos, Acting City Manager, draft a letter of thanks to each member of the Governor's Commission from the City of Sandy Springs.

City Attorney Willard stated as the next item he would recommend that there be an amendment made to the agenda which would ask for staff comments. He requested that there be a motion made and approved by Council to do so.

**Motion and Vote:** Councilmember Paul moved to approve an amendment to the agenda which would include staff comments. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion was passed unanimously.

**Staff Comments**

**Aaron Bovos, Acting City Manager,** stated he had a few things from the City Manager's Office. He advised Council that the recruitment firm for the Chief of Police recommended three candidates out of fifty that applied for the position and those interviews will be held Saturday. Another recruitment that is currently ongoing is for the Clerk of the Court, and he is working with Mr. Porter to finalize those interviews. Secondly, the (IGA) Intergovernmental Agreement from Fulton County on Animal Control will be coming before Council very shortly. He advised there were no changes from staff's perspective and that will be forwarded to the Mayor and City Attorney for review. He stated that he had a conversation with Terry Todd from the County Manager's Office regarding E911, Police and Fire. He is planning on having a contract to us for review no later than Monday. They have received comments back from the Task Force and hopefully the feedback will be incorporated in the contracts that they will be recommending for us. He stated he had already scheduled for the County Commission to review and adopt these documents on December 7<sup>th</sup> and December 21<sup>st</sup> respectively.

Mayor Galambos asked if Council will look at the proposed agreements before they go to the County Commission.

In answer to the question by Mayor Galambos, Mr. Bovos stated that he will send out the proposed agreements to Council no later than Monday for review.

**Don Howell, Director of Operations, CH2M HILL**, stated that Susan Mays in the Communications Department will present a report regarding the first day of activity on the Call Center.

**Susan Mays, Communications Director, OMI**, stated that as of 6:00 p.m. there were fifty-seven calls to the new Call Center which opened at 7:00 a.m. The Call Center has a dedicated number and is staffed from 7:00 a.m. to 7:00 p.m. There had been the same number of calls to the transition office and directly to staff. The majority of the calls were regarding Community Development, more specifically, permits and zoning as well as employment. There were seven visitors to the information office at City Hall, the first was at 9:00 a.m. and the last at 5:00 p.m. The customer call number was 770-730-5600 which is open from 7:00 a.m. to 7:00 p.m. She also stated that calls after hours are answered by someone. If it is an emergency, they will route it to the appropriate staff or to emergency services; otherwise, if it is a routine call it will be forwarded to staff and be returned the following day. The number is also available at the top of the website and the email address is [www.sandyspringsga.org](http://www.sandyspringsga.org).

**Nancy Leathers, Director of Community Development**, added an additional staff report that related to Code Enforcement. There were a number of Notices of Violations and Stop Work Orders to be issued tomorrow. Many of them related to erosion violations on building sites. There are a number of other sign and use violations that are also being addressed. She stated she will submit a report reflecting the numbers that were issued by Tuesday of next week. We then expect to follow up on the Notices of Violation which are three day notices. We expect people to either come into compliance or to notify us with a schedule of how they are going to come into compliance within three days; following that we will be issuing tickets and citations and taking them to court. We have not yet defined the first day of court, but we will be bringing that to you probably the first part of next week.

#### **New Business**

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

**Approval of a Resolution to approve the Memorandum of Understanding, attached hereto, between CH2M HILL, Inc and City of Sandy Springs, GA and authorized execution hereof.  
Resolution No. 2005-12-16**

**Motion and Vote:** Councilmember Paul moved to approve the Resolution to approve the Memorandum of Understanding, attached hereto, between CH2M HILL, Inc and City of Sandy Springs, GA and authorized execution hereof. 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 Resolution for consideration. Ms. Marchiafava read the caption:

**Approval of an Ordinance to authorize the establishment of the Administration, Finance, Community Development, Transportation, Public Works, Police, Fire, Parks and Recreation, and Building Departments according to Chapter 2, Article IV, Section 1 of the Code of Ordinances of the City of Sandy Springs, GA.  
Ordinance No. 2005-12-05**

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve the Ordinance to authorize the establishment of the Administration, Finance, Community Development, Transportation, Public Works, Police, Fire, Parks and Recreation, and Building Departments according to Chapter 2, Article IV, Section 1 of the Code of Ordinances of the City of Sandy Springs, GA. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

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

**Approval of a Resolution to approve an Agreement between Fulton County, GA and the Tax Commissioner of Fulton County, GA and the City of Sandy Springs, GA. For the billing and collection of certain taxes and fees**

**further authorizing City Attorney Willard, and the Acting City Manager to finalize the specifics of said Agreement in the best interest of the City of Sandy Springs, GA.  
Resolution No. 2005-12-17**

**Motion and Second:** Councilmember DeJulio moved to approve the Resolution to approve an Agreement between Fulton County, GA and the Tax Commissioner of Fulton County, GA and the City of Sandy Springs, GA. For the billing and collection of certain taxes and fees further authorizing City Attorney Willard, and the Acting City Manager to finalize the specifics of said Agreement in the best interest of the City of Sandy Springs, GA. Councilmember Fries seconded the motion

**Discussion on the Motion:**

**Don Howell, Director of Operations, CH2M HILL,** stated the reason for the authorizations for the City Manager and City Attorney to finalize negotiations after a meeting held with the Tax Commissioner and Rodney Floyd. There are a number of changes that we would propose. There are no substantial changes to the form of the Agreement; however, the purpose in asking for this is to authorize the City Attorney and City Manager to finalize the specifics. The Agreement that you have before you is not the final form of the document.

**City Attorney Willard** stated as a follow up that once the document is completed it will still require the Mayor's signature; however, the steps we are taking now is to go ahead and permit City Attorney to begin the process which he described as mostly technical. There are some substance issues such as reducing the terms on some provisions and allowing more of an option out at some stage should the City at a future date elect to take certain things in-house and not have a lengthy contract and dealing with another governmental agency. He did not see this as a problem from a policy standpoint to have the Tax Commissioner's Office continue to have the tax processing on behalf of the City as this is done in several other cities and that is to the benefit to all parties. However, other things such as business licenses and alcohol beverage are something that may be brought in-house.

Councilmember Karen Meinzen McEnerny asked City Attorney Willard what method was used to determine compensation to the Tax Assessor.

**City Attorney Willard** stated the Tax Commissioner does the same service for other local governments and this is in line with what he is doing for the cities of Roswell, Alpharetta and Mountain Park. There are a number of municipalities that are provided this same service through his office by this standard.

**Don Howell, Director of Operations, CH2M HILL,** referred to Business Occupation Tax collection piece and the Alcoholic Beverage collection piece and stated the Tax Commissioner did agree to lower that percentage rate which he cut in half to 1/2 of a percent.

City Clerk Jeanette Marchiafava requested that as a Point of Clarification could the record reflect that once this contract is executed that is made a part of the minutes and attached to the minutes.

**Vote:** There was no further discussion. The motion passed unanimously.

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

**Approval of a Resolution designating Sandy Springs Community Bank as depository for city funds and authorizing and designating signatories on behalf of the City of Sandy Springs, GA.**

**Resolution No. 2005-12-18**

**Motion and Vote:** Councilmember Paul moved to approve the Resolution designating Sandy Springs Community Bank as depository for city funds and authorizing and designating signatories on behalf of the City of Sandy Springs, GA. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion passed unanimously.

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

**Approval of a Resolution to authorize and designate GA Fund 1 Account as a depository for certain tax revenues, grants, loans, and investment services for the City of Sandy Springs, GA.  
Resolution No. 2005-12-19**

**Motion and Vote:** Councilmember Fries moved to approve the Resolution to authorize and designate GA Fund 1 Account as a depository for certain tax revenues, grants, loans, and investment services for the City of Sandy Springs, GA. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

**Approval of Revenue and Expenditure estimates for December, 2005.**

**Motion and Second:** Councilmember Paul moved to approve Revenue and Expenditure estimates for December, 2005. Councilmember DeJulio seconded the motion.

**Discussion on the Motion:**

Mayor Galambos addressed the Revenue and Expenditures...The total revenues anticipated for December are \$50,000.00. The total expenditures, including a \$13,568.00 Contingency Fund equals the revenue, and that total is \$50,000.00 but does include a cushion for December. We will bring you revenue and expenditures for the first seven months later now that we have an Acting City Manager. She asked is there was any discussion about this budget.

Councilmember DeJulio advised the Council that the City will be receiving a gift in the next couple of weeks in excess of \$50,000.00 so there will not be a revenue short fall for the month of December.

Mayor Galambos asked if he would identify the source of this windfall.

Councilmember DeJulio stated the groups who have been spearheading the move to incorporate The Committee for Sandy Springs and Citizens for Sandy Springs. He stated when the City of Sandy Springs was incorporated there would not be any need for the two organizations, as a result both organizations voted to clear out their treasuries and make a gift of almost all of what was in there, with the exception of what was needed to pay bills, etc. The anticipated amount is just over \$50,000.00, which the City should receive by next week.

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

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

**Approval of an Ordinance to be adopted entitled Chapter 1: General Provisions, including definitions of words and phrases as used under the Code of the City of Sandy Springs, GA.  
Ordinance No. 2005-12-06**

**Motion and Second:** Councilmember DeJulio moved to approve the Ordinance to be adopted entitled Chapter 1: General Provisions, including definitions of words and phrases as used under the Code of the City of Sandy Springs, GA. Councilmember Fries seconded the motion.

**Discussion on the Motion:**

Mayor Galambos asked City Attorney Willard to clarify the meaning of the Ordinances

**City Attorney Willard** advised the Council that these were new-to-be-implemented Ordinances for the Code of the City of Sandy Springs. They are setup by chapters and are being adopted in order of priority. He stated that last evening three chapters were adopted and tonight we are adopting five of what we feel are some pertinent Ordinances that need to be in place for the operation of the City. On the forthcoming meetings of either December 13<sup>th</sup>, 20<sup>th</sup> or 27<sup>th</sup>, we would have completed all of the Ordinances and there would be a full set of ordinances in place by January 1. We have them by chapters and the first your reading tonight is General Provisions that includes the definition of terms used within the full body of the Ordinances, plus some other directive matters.

**Vote:** There was no further discussion. The motion passed unanimously.

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

**Approval of an Ordinance to be adopted entitled Chapter 2: Administration, addressing the operation and function of governmental agencies, committees, and departments of the city, purchasing and procurement standards and procedures.**  
**Ordinance No. 2005-12-07**

**Motion and Vote:** Councilmember Paul moved to approve the Ordinance to be adopted entitled Chapter 2: Administration, addressing the operation and function of governmental agencies, committees, and departments of the city, purchasing and procurement standards and procedures. 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 Resolution for consideration. Ms. Marchiafava read the caption:

**Approval of an Ordinance to be adopted entitled Chapter 4: Municipal Court, creating the Municipal Court of the City of Sandy Springs, court positions, sessions and court standards.**  
**Ordinance No. 2005-12-08**

**Motion and Vote:** Councilmember Fries moved to approve the Ordinance to be adopted entitled Chapter 4: Municipal Court, creating the Municipal Court of the City of Sandy Springs, court positions, sessions and court standards. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

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

**Approval of an Ordinance to be adopted entitled Chapter 12: Offenses and Violations, defining crimes and criminal conduct, and conduct prohibited within the city.**  
**Ordinance No 2005-12-09**

**Motion and Vote:** Councilmember Paul moved to approve the Ordinance adopting Chapter 12: Offenses and Violations, defining crimes and criminal conduct, and conduct prohibited within the city. 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 Resolution for consideration. Ms. Marchiafava read the caption:

**Approval of an Ordinance to be adopted, entitled Chapter 13: Traffic and Public Roadways, defining prohibited roadways and removal and storage of motor vehicles within the city.**  
**Ordinance No 2005-12-10**

**Motion and Vote:** Councilmember Meinzen McEnemy moved to adopt the Ordinance, entitled Chapter 13: Traffic and Public Roadways, defining prohibited roadways and removal and storage of motor vehicles within the city. 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 Resolution for consideration. Ms. Marchiafava read the caption:

**Approval of a Resolution adopting and approving Schedule of Fees and penalties for the City of Sandy Springs, GA for community development, permits and services, and those fees related to the pertinent provisions of the City Code and authorizing the Mayor and City Clerk or their designees to execute any and all documents necessary for the implementation thereof. Resolution No. 2005-12-20**

**Motion and Second:** Councilmember DeJulio moved to approve the Resolution adopting and approving Schedule of Fees and penalties for the City of Sandy Springs, GA for community development, permits and services, and those fees related to the pertinent provisions of the City Code and authorizing the Mayor and City Clerk or their designees to execute any and all documents necessary for the implementation thereof. Councilmember Fries seconded the motion.

**Discussion on the Motion:**

Aaron Bovos, Acting City Manager, stated there are a few items that are noteworthy regarding this particular agenda item. First, in the section of Community Development there is a demolition permit under "other fees" listed in your agenda packet at \$100.00. He pointed out that that fee currently charged by Fulton County is \$25.00. The reason we would like to go to the \$100.00 versus the \$25.00, and we will get into a little bit more when we are setting our financial policy, but the goal for any license or charge for service is to recap our expenses associated with the issuance of that permit, and clearly under what has been discovered today by Nancy Leathers and her team \$25.00 is not enough for us to cover our own internal operating expenses for demolition permits so we're recommending that it be \$100.00. As we gain additional detailed information about how much demolition is truly costing the City to maintain and oversee, we will come back to Council in future years or future months and revise that number. In addition, under "Land Disturbance Permits", there are two sections, residential and commercial. The \$350.00 plus the \$20.00 per lot is consistent with Fulton County, referred to the section in italics "...additional revenue fee of \$250.00 accessed for the subsequent re-submittal of plans". The goal behind that is to ensure that when we receive plans for review that they be accurate and that the planning staff not be used as a second set of eyes in the review of documents that are submitted. He asked Nancy Leathers is she had any additional comments.

Nancy Leathers, Director of Community Development, stated the concern is that if we are accurate when we do our first review then we would expect that the re-submits on the plans would reflect all the comments made by staff relating to all of the Ordinances. Any additional re-submittals are additional time and the above fee does not capture that cost, so we are asking that be included.

**Vote:** There was no further discussion. The motion passed unanimously.

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

**Approval of a Resolution to approve an Intergovernmental Agreement between the City of Sandy Springs, GA and the City of Roswell, GA for the Housing of Prison Inmates.  
Resolution No. 2005-12-21**

**Motion and Second:** Councilmember Fries moved to approve the Resolution to approve an Intergovernmental Agreement between the City of Sandy Springs, GA and the City of Roswell, GA for the Housing of Prison Inmates. Councilmember Paul seconded the motion.

**Discussion on the Motion:**

City Attorney Willard referred to page four of the Agreement under the "Per Diem" paragraph, Section six, there are two figures, which did not make sense so he called, and talked to Mayor Wood of Roswell. Mayor Wood assured him their committee passed today the rate \$65.00 per diem only. The expectation is at some point down the road as we have experience of how much we will use the jail, Roswell would like to work out an agreement with Sandy Springs as well as Alpharetta to run the jail based upon a cost share usage. He informed Mayor Wood that he would bring to the Council agreements for consideration with his recommendation.

Councilmember Karen Meinzen McEnerny asked City Attorney Willard, how comparable is the daily per diem of \$65.00 relative to other services of this nature.

City Attorney Willard stated that for the use of this particular facility the City of Sandy Springs is paying above what is being paid by Alpharetta. The reason is due to other tradeoffs made with Alpharetta dealing with a waste disposal site; however, this is the cost for budgeting a prisoner or detainee at the jail on a daily basis.

Mayor Galambos inquired whether the proposed rate of \$65.00 was countered by us at \$50.00 and the rate we arrived at was \$55.00.

**City Attorney Willard** stated that the rate started out at \$75.00. We were looking at \$50.00 or \$55.00 and he was hoping to get it down lower, but we arrived at a rate of \$65.00.

Councilmember Karen Meinzen McEnerny asked if the rate included transportation to the facility.

**City Attorney Willard** stated it does not if we are taking a prisoner or detainee who has just been arrested, it would be at our expense getting them there. During the time they are there, if they are taken out on a work detail which they can do by Roswell, then Roswell has that cost.

**Vote:** There was no further discussion. The motion passed unanimously.

#### **Memorandum of Understanding with City of Atlanta regarding Water Systems**

City Attorney Willard had two additional New Business items not reflected on the agenda. He first addressed a Memorandum of Understanding with the City of Atlanta dealing with the water systems. The past practice has been between the City of Atlanta and Fulton County. There was not a written document memorializing what the terms were under which water was being supplied by the City of Atlanta within this area of Sandy Springs unincorporated Fulton County. They went on with an agreement in the development of the system and its maintenance over the years. The Georgia Constitution directs that when there is a service provided by one local government inside the limits of another local government, there is to be a written contract. There has been discussion and negotiations between the City and then-to-be Mayor-elect Galambos for some time with his assistance. We explained to the City of Atlanta that we are not looking to change or modify at this time the terms by which water is being supplied for the citizens of Sandy Springs, we just felt it was in the best interest of both parties to have it memorialized in a written document. City Attorney Willard prepared what is referred to as a Memorandum of Understanding between Atlanta and the City of Sandy Springs. We are recommending that this be entered into by authorization of the Council to Mayor Galambos to sign on behalf of the City. To take it a step further, we expect there will be a more formalized agreement at some further date. The problem was because of the limited time during December the City Council of Atlanta would be in session, which is only one day, it was not time to have it go through their process for the city to have a written document prepared to be approved by the Atlanta City Council, so there will be a subsequent document he will bring before Council at some point in time. He wanted to go ahead and have a document signed as a Memorandum of the Agreement.

Mayor Galambos inquired if she was correct in understanding that what we are doing is a short-term agreement until the Service Delivery Strategy Agreement is negotiated, which is by law with all the new governments and the City of Sandy Springs sometime in the year 2006, but until that is done this will tide us over?

**City Attorney Willard** advised this was true partly. The Service Delivery Strategy Agreement is a document that is entered by all of the municipalities and Fulton County. Because of the incorporating of Sandy Springs it triggers a requirement that there be a new Service Strategy Agreement entered into by all parties. He stated he hoped that before the event happened the Mayor will have a new written agreement with the City of Atlanta. In addition, as a part of that agreement it will also outline the terms and what services will be provided by Atlanta to Sandy Springs for water.

Councilmember Karen Meinzen McEnerny asked if the Memorandum, or a subsequent final contract, will spell out the obligations of the Public Works Department of the City of Sandy Springs with regard to trenching, and if there are any obligations of the City.

**City Attorney Willard** stated everything is done as far as the work within the right-of-ways for the delivery of water for Atlanta, at their total and sole expense. We would require it be done by certain standards when the work is performed.

**Al Crace, Assistant City Manager, CH2M HILL**, stated Public Works will set standards for opening and closing and digging in public right-of-ways. Regarding utility cuts, we will start a program to monitor those and see that they do an adequate job of operating and doing those things. We have a lot of street failures. One of the things we will start is a campaign to bring them up to standard and let them know the expectations of all the public utilities.

**Approval of a Memorandum of Understanding with the City of Atlanta regarding water systems for the City of Sandy Springs, GA**

**Motion and Vote:** Councilmember Paul moved to approve the Memorandum of Understanding with the City of Atlanta regarding water systems for the City of Sandy Springs, GA. Councilmember DeJulio seconded to motion. There was no further discussion. The motion passed unanimously.

**Approval of the issuance of a license under the application provided by Crown Plaza to Fulton County for a wine and malt beverage, distilled spirits and Consumption on Premises License at the location 6345 Powers Ferry Road, NW, contingent upon their providing to us the appropriate application to the City of Sandy Springs, GA.**

**City Attorney Willard** advised the Council of a recent discussion he had with Dr. Ferdinand in which Dr. Ferdinand advised him of a request submitted to him for a pouring license permit under of Alcohol Beverage Control Ordinance from the Crown Plaza Hotel on Powers Ferry Road. This situation is referred to as a gray area. They applied for the Ordinance, which was being processed. However, Dr. Ferdinand held up the issuing of the permit due to the fact that the City of Sandy Springs was coming online. The difficulty is Dr. Ferdinand can issue a temporary permit and so can the State. However, the State will only issue one temporary permit. Dr. Ferdinand could continue his, but this particular party is caught in a catch twenty-two because they will not have a chance to get their license applied for before the time runs for their temporary license. The Crown Plaza has had a pouring license for some time; however, this situation resulted in a change in the management of the hotel. They need to get a new license and meet all the requirements. They meet all the setback requirements, licensing application requirements, and the person who is managing the facility meets all the requirements. What we are suggesting the Council do is authorize the issuing of a permit conditioned upon the licensee applying for with the proper documentation for a license. In other words, we can go ahead and issue its license and also have them provide to us appropriate document for the Sandy Springs application.

Mayor Galambos requested that City Attorney Willard phrase a concise motion for Council.

City Attorney stated the motion we are asking for is for Council to approve the issuance of a license under the application provided by Crown Plaza to Fulton County for a wine and malt beverage, distilled spirits and Consumption on Premises License at the location 6345 Powers Ferry Road, NW, contingent upon their providing to us the appropriate application to the City of Sandy Springs.

**Motion and Vote:** Councilmember Fries moved to approve the issuance of a license under the application provided by Crown Plaza to Fulton County for a wine and malt beverage, distilled spirits and Consumption on Premises License at the location 6345 Powers Ferry Road, NW contingent upon their providing to us the appropriate application to the City of Sandy Springs, GA. Councilmember Paul seconded the motion. There was no Council discussion. The motion was passed unanimously.

**Other Business:**

Councilmember Paul stated that he had an item to bring before Council regarding a location within his district. It concerned the area along Roswell Road and Hammond Drive where the City Walk facility is located. He stated he, and others in the district, are concerned that if action is not taken to preserve the ability to widen Roswell Road in that area and make other traffic improvements in that intersection, the transportation problems will never be solved and will be precluded at a very critical juncture. He requested to adopt a motion that the transportation staff of the City of Sandy

Springs brings to Council, at the earliest possible convenience preferably the 13<sup>th</sup> of December, a recommendation about what actions and steps should be taken in order to preserve the ability to redevelop Roswell Road that will maintain mobility in the community.

**Motion and Second:** Councilmember Paul moved to approve a motion to request the transportation bring to Council, at the earliest possible convenience preferably the 13<sup>th</sup> of December, a recommendation about what actions and steps should be taken in order to preserve the ability to redevelop Roswell Road that will maintain mobility in the community. Councilmember DeJulio seconded the motion.

**Discussion on the Motion:**

Councilmember Karen Meinzen McEnemy asked what area of Roswell Road in terms of distance.

Councilmember Paul stated that was what he wanted the staff to look at it. He did not think he was competent to judge how far back or where the lines of demarcation should be. Hence the request to staff to evaluate the area and bring back a recommendation regarding appropriate steps, distances, and other action steps to take to preserve the ability in maintaining the mobility of this community and enhance it.

**Al Crace, Assistant City Manager, CH2M HILL,** advised that with the development that is occurring right now this is an opportunity that could be lost if not acted upon in an expeditious way. Regarding the intersection, he stated there are various design guidelines that dictate how far to go back, transitional lanes and other considerations. He advised a report will be provided at the December 13<sup>th</sup> Council meeting.

**Vote:** There was no further discussion. The motion passed unanimously.

**Discussion on the Motion:**

City Attorney Willard requested that Council amend the agenda to include the two items that was brought forward with regards to issuing of the Crown Plaza Hotel Pouring License Permit and the Memorandum of Understanding regarding water service with the City of Atlanta.

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

**Recess the Meeting**

**Motion and Second:** Councilmember Paul moved to recess the meeting until December 13, 2005 at 7:00 p.m. Councilmember DeJulio seconded the motion.

City Attorney Willard stated the purpose of recessing the meeting was to allow the runoff elections to be completed so there will be a full Council in place and the newly elected Councilmembers will be allowed to make any comments, and recommendations to action taken at the Council Meetings on December 1, 2005.

After no further discussion, the meeting recessed.

**Date Approved:** December 27, 2005

  
Jeanette R. Marchiafava, City Clerk

  
Eva Galambos, Mayor