

Regular Meeting of the Sandy Springs City Council was held on Tuesday, October 15, 2013, at 6:00 p.m., Mayor Eva Galambos presiding

INVOCATION

Pastor David Shivers, First Baptist Church of Sandy Springs, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:05 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos present

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery present.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Regular Meeting agenda for October 15, 2013. Councilmember Sterling seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 13-182)

1. Meeting Minutes:
 - a) October 1, 2013 Regular Meeting
 - b) October 1, 2013 Work Session*(Michael Casey, City Clerk)*

(Agenda Item No. 13-183)

2. Acceptance of the Agreement to Purchase Real Estate in connection with the purchase and installation of Tornado Warning Sirens
(Garrin Coleman, Director of Public Works)

Resolution No. 2013-10-63

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for October 15, 2013. Councilmember Paulson seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

City Clerk Michael Casey read the rules for the Public Hearings segment of the meeting.

(Agenda Item No. 13-184)

1. A Resolution for the Adoption of the Annual Capital Improvement Element (CIE) Update

Director of Community Development Angela Parker stated this item is a requirement of the impact fee legislation. In order for the City to charge impact fees, an annual update is required. This item was before Council when it was sent to the Atlanta Regional Commission (ARC) and the Department of Community Affairs (DCA). Staff recommends approval.

Councilmember Karen Meinzen McEnery asked why some, but not all of the City public parks are selected for receiving impact funds.

Councilmember Dianne Fries stated she received Councilmember Meinzen McEnery's email. This item was before Council in August 2013 and was approved unanimously with four City parks on the list.

Councilmember Meinzen McEnery stated just because something has been discussed at a prior time does not mean she cannot ask a question about it later.

Councilmember Fries stated the question regarding the parks on the list is not something that just occurred.

City Manager John McDonough stated the City is required to allocate a certain percentage of the impact fees towards the projects. The City has collected \$150,000 to date for Parks and Recreation impact fees. Staff tries to allocate the funds to specific projects in the City. This document is changed on a regular basis. Staff reviews how much the City has collected over the previous year and the document is submitted. The money should be allocated on a percentage basis from the total amount that has been collected in impact fees towards a specific project. It does not mean that other City parks cannot be added to the list. Based on Council's priorities, this is how the money has been allocated.

Councilmember Gabriel Sterling stated the City has about \$76,000 on the line item for the Parks and Recreation Department.

Director of Community Development Parker responded yes. The amount is just under \$75,000.

City Manager McDonough stated staff is recommending that half of that amount be used for the park in District 1 that is on the agenda this evening. This will be a \$150,000 project for which staff recommends using \$75,000 of impact fees.

Mayor Eva Galambos stated everyone needs to keep in mind that capital improvement money was allocated for the restrooms at Big Trees.

Councilmember Meinzen McEnery stated in eight years \$250,000 has been allocated to Big Trees whereas other parks have received millions of dollars.

Mayor Galambos stated the City has had quite a bit of assistance from the City's subcontractors in cleaning up the trails from many trees that fell after the last storm.

Councilmember Sterling asked if Council recommends using the money for a particular park, does the list have to be amended, since this park is not currently on the list.

Councilmember Meinzen McEnery stated the City does not own Old Riverside Park, yet.

City Manager McDonough stated the property being discussed is not Riverside Park.

Councilmember Sterling stated the parks on the list are Abernathy Greenway, Morgan Falls, Lost Corners, and Old Riverside. The District 1 park is not currently on the list.

Mayor Galambos stated the City did not own that park until this afternoon.

Councilmember Sterling stated the City does not own Old Riverside either. If Council is going to recommend money towards the park, it should be on the list submitted in order for the money to be legally expended.

Assistant City Attorney Cecil McLendon stated Council is discussing the future park at Spalding and Old Riverside. The park needs to be included on the list in order to be able to be approved for financing.

City Manager McDonough asked if a project number has been assigned that project.

Finance Director Karen Ellis responded no. A project number is not needed for the CIE.

Councilmember Meinzen McEnery asked the rationale behind a project for Morgan Falls River Park that will cost \$1.5 million.

Director of Community Development Parker stated that particular amount is the estimated cost for the project. If you look at the percent charged in impact fees, it is zero. Those projects listed are not necessarily receiving impact fee monies, but are projects on the list that would qualify for impact fees.

Councilmember Meinzen McEnery stated then for this purpose it seems that all the City public parks should be on this list. If a future project occurs, money can be allocated to it. This is what concerns her about why some of the parks are on the list, but not all of them.

Councilmember Sterling stated he believes the list is items that have a project designation where Council decided to spend the money to achieve a specific thing. These are capital improvement projects that are already included in the budget. For the other parks, they aren't capital improvement projects, and that is why they are not on this list.

Councilmember Meinzen McEnery stated a park that does not have capital allocated to it cannot receive funds at a later date.

Councilmember Sterling stated money can be allocated to the project at a later time.

Mayor Galambos stated if Council determines they want to add impact fees, they would not be limited just because it is not a capital improvement project.

Councilmember Meinzen McEnery stated some of the parks have received so much money from capital funds. Other parks could use the money too. An example is Heritage Green or Big Trees.

Mayor Galambos stated the needs are evaluated and considered when they are brought to Council.

Councilmember Fries stated the City gave Heritage Green almost \$2 million to build the Bluestone building and provides over \$100,000 a year to operate the building.

Councilmember Meinzen McEnerny stated it should be considered how much money is being funneled into the Abernathy Greenway/Project.

Councilmember Fries stated Council would like to see a project completed that has been started.

Mayor Galambos called for public comments in support of or in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-184, a Resolution for the Adoption of the Annual Capital Improvement Element (CIE) Update, with an amendment adding the Spalding Road Park to the Parks and Recreation line item.

Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2013-10-64

(Agenda Item No. 13-185)

2. Consideration of Approval of an Application under the Georgia Transportation Infrastructure Bank (GTIB) Grant Program for Windsor Parkway Realignment at SR 9/Roswell Road, CIP T-0045

City Manager John McDonough stated this is a program that staff became aware of within the past year. Municipalities are now eligible to submit an application for this grant. This item is for the grant program and the next agenda item is the loan portion of the program. There is a total of \$16 million available statewide for the grant. The maximum funding request allowed is \$4 million. The program is overseen by the Georgia State Tollway Authority (SRTA). It is staff's recommendation that Council authorize the submission of a grant application in the amount of \$750,000 for the Windsor Parkway project. This is a competitive project and staff believes the \$750,000 amount would be well received.

Mayor Eva Galambos called for public comments in support of or in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 13-185, an application under the Georgia Transportation Infrastructure Bank (GTIB) Grant Program for Windsor Parkway Realignment at SR 9/Roswell Road, CIP T-0045. Councilmember Fries seconded the motion.

Councilmember Gabriel Sterling asked if the City applies for the \$750,000, does it preclude or interfere with the loan.

City Manager McDonough stated the grant and the loan follow separate review processes. To staff's knowledge, there is nothing that will interfere with the City's ability to compete successfully for both the loan and the grant.

Councilmember Sterling asked if the loan and grant run parallel.

City Manager McDonough responded yes. This is a once a year application process. The deadline for the application is October 31st.

Councilmember Karen Meinzen McEnerny stated the answer to her question is in the hands of the Tollway Authority. She asked if the funds are to be spent on feeder roads that connect to GA 400.

City Manager McDonough responded no, there is no stipulation. The funds are tied to economic development.

Councilmember John Paulson asked how staff arrived at the amount of \$750,000.

City Manager McDonough stated this amount is under twenty percent of the project cost. The City would be locally funding around eighty percent and applying for the remaining twenty percent of the cost.

Vote on the Motion: The motion carried 5-1, with Councilmember Meinzen McEnery voting in opposition.

Resolution No. 2013-10-65

(Agenda Item No. 13-186)

3. Consideration of Approval of an Application under the Georgia Transportation Infrastructure Bank (GTIB) Loan Program for Windsor Parkway Realignment at SR 9/Roswell Road, CIP T-0045

City Manager John McDonough stated this is the same program that was just discussed with the exception that this would be for a loan. The maximum loan term available is twenty years. Staff recommends making application for \$2.75 million for a ten year period. The reason for the \$2.75 million is the loan is tied to what staff considered requesting from the Development Authority for their consideration of a bond. Instead of the Development Authority having to take out the loan, it would be done at 2.4% under this program. The debt service would be paid for by the developer through the tax abatement that will be considered over the next several weeks. The City would not pay the debt service on the loan. That would instead be paid for by the value of the tax abatement on the JLB property. The property is adjacent to the Windsor Parkway intersection.

Councilmember Karen Meinzen McEnery asked if the developer defaults on the loan to the City, who is liable for the payment of the principal.

Assistant City Attorney Cecil McLendon stated ultimately there will be a bond the City is backing up with its full faith and credit that will be issued to the developer and payable by the developer.

Councilmember Gabriel Sterling stated he does not believe that is fundamentally correct. His understanding is the developer's credit would back the loan. The City would be the flow through authority similar to the Development Authority. Neither the Development Authority nor the City would be responsible for the loan.

Assistant City Attorney McLendon stated his understanding is the City will be responsible for the loan.

City Manager McDonough stated staff has not gotten the specific terms of that loan. This will be something that staff will be looking at. The intent is to have a separate agreement with the developer to deal with the debt service payment of the loan. Staff will report back to Council regarding the specifics of the loan agreement. It is his belief the City will be responsible for the loan, if the City signs the loan agreement.

Councilmember Tibby DeJulio asked once Council votes to approve to proceed with the loan if that will obligate the City to accept the loan, if the terms are not agreed upon.

City Manager McDonough responded no. The deadline for the loan application is October 31st for 2.4% over a ten year period, which is a very favorable loan rate. If the City is approved for the loan program, staff will bring the item back to Council for review and authorization to enter into the loan agreement.

Councilmember Meinzen McEnery stated she asked the City Manager for an estimate of the City's outstanding debt. Sandy Springs has been extraordinary for not incurring debt. The biggest debt the City has is for the purchase of fire trucks at \$3.5 million. The City just signed a sale leaseback for a property at Trowbridge, but that is not debt service. The City's current debt is now \$4.2 million. The loan will have a good interest rate and the City would not be tying its hands right now. To add \$2.75 million of debt is more than half the debt the City has accumulated since its inception eight years ago.

Mayor Galambos stated the number is very little compared to the budget and the general fund.

City Manager McDonough stated the important thing to point out is that there is no operational impact to the City on a year to year basis, because the loan will be paid for by the developer.

Councilmember Meinzen McEnery stated if the developer performs.

Councilmember John Paulson stated this intersection will probably be improved before the development is complete. Unfortunately, he has experience with developments that get half completed and then the developer abandons the project. The arrangement should be set up to where the developer has some "backstop", just in case the project is not completed. The City should have a bond or something that will allow the City to receive some of the money back.

City Manager McDonough stated staff will look at that in whatever agreement is made with the developer.

Councilmember Meinzen McEnery stated the developer will not receive the tax abatement until the project is finished.

City Manager McDonough stated the tax abatement is up for consideration within the next couple of months.

Councilmember Sterling stated Councilmember Meinzen McEnery is talking about the cash flow the developer receives from the tax abatement. That money would go towards the debt service. The City will not receive \$2.75 million on the first day.

Mayor Galambos stated staff will be looking at all the details on how the loan will be funded before moving forward with the loan.

City Manager McDonough stated Council already approved a tentative funding plan for this project. The grant program and the loan program could relieve the sources that were previously identified. The grant money is free money. The loan money at 2.4% paid for by the developer will allow \$2.3 million for the T-0019 project to go back into the projects funds for that project to be accelerated.

Councilmember Paulson stated he is not against the loan. The City is relying on the developer to pay the money. He suggested staff looking at what securities the City can receive, in case the developer was to default on the loan.

Councilmember Sterling asked what is the T-0019 project.

City Manager McDonough responded T-0019 is the Roswell Road streetscape project on the south side of the City.

Mayor Eva Galambos called for public comments in support of or in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-186, an application under the Georgia Transportation Infrastructure Bank (GTIB) Loan Program for Windsor Parkway Realignment at SR 9/Roswell Road, CIP T-0045. Councilmember Paulson seconded the motion. The motion carried 5-1, with Councilmember Meinzen McEnery voting in opposition.

Resolution No. 2013-10-66

(Agenda Item No. 13-187)

4. Consideration of Approval of a Letter of Support for an Application by PCID under the Georgia Transportation Infrastructure Bank (GTIB) Grant Program for a GA 400 South Bound Slip Lane and Design Phase for Abernathy/GA 400 Interchange Improvement Project

City Manager John McDonough stated staff received a letter from the PCID requesting a letter of support for an application they would like to submit under the grant program. This is the same grant program for which Council just approved the City submitting an application.

Yvonne Williams, President and Chief Executive Office of the PCID, stated the PCID is asking for a letter of support for a GA 400 south bound slip lane and the design phase for the Abernathy/GA 400 Interchange improvement project. The City will be engaged at every level of design. The slip ramp would be off of GA 400 south and would go directly into the Glenlake office complex. The PCID will then look at Abernathy Road, because it is a project attached to the City, and team with the City to develop Phase I. The CID may contribute \$700,000 for the \$2.2 million improvement for the slip ramp and design process. The PCID will apply for \$1.5 million from a STRA grant.

Mayor Eva Galambos asked what is a slip ramp.

Ms. Williams stated when driving south on GA 400, one would drive on the “dog leg” or slip ramp, which will be a dedicated lane that will curve adjacent to Abernathy Road and turning into Glenlake. The slip ramp would not interfere with Abernathy traffic. The ramp would curve directly into the office complex where UPS and Newell Rubbermaid are located and avoid the traffic at Abernathy Road. There is a large utility pole in the area that was supposedly going to cost \$1.5 million to relocate. The ramp can now be designed without having to relocate the utility pole. This application would be great to start the project phase in which the PCID is asking the City for a letter of support.

Mayor Galambos asked how much will the PCID ask for.

Ms. Williams stated the PCID will contribute \$700,000 and the request on the application will be for \$1.5 million.

Councilmember Gabriel Sterling stated the electrical pole will be left inside a green island.

Ms. Williams responded yes. There will be sidewalks installed with the project. The City will be involved in the process when creating the design of the ramp for the Phase II project.

Mayor Galambos asked if the slip lane will go all the way to Abernathy Road and make a curve into the Glenlake complex or does it cut across Abernathy.

City Manager McDonough stated the slip lane will travel across to the entrance of Newell Rubbermaid. The ramp will keep the cars traveling to that office complex off of Abernathy Road.

Mayor Galambos asked if the lane will be located next to the lake.

Councilmember Sterling responded yes, the lane ends near the lake.

Councilmember Dianne Fries asked if this type of lane will be installed on the other side of the street to alleviate traffic from the Hines project.

Ms. Williams stated the PCID will partner with the City on the design of what that interchange needs to look like in the future. This is a very critical interchange with all of the new incoming jobs. The PCID believes the whole complex needs to be looked at.

Councilmember Tibby DeJulio asked if there are about 6,000 new jobs coming to the area.

Ms. Williams responded yes. There are about 6,000 State Farm and 2,000 Airwatch new jobs that will be coming to the area.

Councilmember Sterling stated the City is going after the same grant money for the Windsor Parkway realignment. The \$750,000 is about twenty-five percent of the overall cost for the project. The PCID is applying for a grant asking for over half the project cost.

Ms. Williams stated the CID believes it is best to be very aggressive with the project and that Phase II investments will need to be made in the area. The Abernathy Road area is very important. The PCID wants to contribute \$700,000 to the project in order to move forward.

Councilmember Sterling stated his tactical question is does the PCID think that will hurt their bid to receive the grant, since they are requesting such a large percentage of the overall cost, compared to what other cities and jurisdictions are requesting.

Ms. Williams stated the PCID is requesting \$1.5 million while contributing \$700,000. The slip lane is very attractive for the GA 400 needs. It is a very competitive opportunity.

Councilmember Sterling asked if the City supports one grant while applying for the same grant, does it jeopardize the City's chance of receiving grant funds.

Mayor Galambos stated what worries her is this grant being in competition with the Windsor Parkway grant.

Ms. Williams stated the grant fund requests will be evaluated on the merits of each application. These are two separate projects.

Councilmember Sterling stated these are two separate projects that are competing for only \$16 million.

Councilmember Karen Meinzen McEnery stated the slip ramp would help bring 8,000 new jobs to the area.

Councilmember Sterling stated the jobs will come whether the slip lane is installed or not. He asked if the City is tactically doing everything the right way. This project is a good idea. He spoke to GDOT officials about a slip exit similar to what the City of Roswell is doing. The slip exit could go into the Hines property, so the drivers will not be driving on City streets. Tactically speaking, the City is asking for a lot of money for different projects and priorities around the City.

Ms. Williams stated the high end amount of the grant funding is \$4 million. Based on PCID's history, they have been good producers. There is a lot of attention on this area and they will be rewarded for their ingenuity. She has an optimistic approach. The City putting in two applications for a grant is a very good opportunity.

Councilmember Sterling stated the I-285 corridor is important due to the new jobs coming to the area.

Ms. Williams stated last time the PCID applied for a STRA grant they received a call and had to renegotiate the application. The application deadline is October 31st.

Mayor Galambos asked what is the total amount of grant money available.

Ms. Williams stated the STRA program grant fund is \$16 million. There was \$10 million for the last grant program.

Councilmember Meinzen McEnery stated that is why each application should be expected to stand on its own in terms of quality.

Councilmember Fries asked if the entire \$10 million of grant funds were awarded last year.

Ms. Williams responded yes. There were a couple projects that were awarded grant funds that did not produce and due to that, the money went back into the grant fund. If there are very qualified programs, the State will find a way to incorporate partnership opportunities. To at least have the applications submitted is a very good strategy.

Mayor Galambos stated the Northridge Road project is STRA funded, if she recalls correctly. She asked if the State will be looking at those funds as well, stating the City received so much for the Northridge project.

Mayor Galambos called for public comments in support of or in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-187, Approval of a Letter of Support for an Application by PCID under the Georgia Transportation Infrastructure Bank (GTIB) Grant Program for a GA 400 South Bound Slip Lane and Design Phase for Abernathy/GA 400 Interchange Improvement Project. Councilmember Fries seconded the motion. The motion carried unanimously.

Ms. Williams thanked the Mayor and Council for their support.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 13-188)

1. Proposed 2014 City Council Meeting Schedule

City Clerk Michael Casey stated he created a proposed calendar for the 2014 City Council meeting schedule. There are not any significant date conflicts during the year. The meetings will be held on the first and third Tuesday of every month. The exception is the first meeting in July which was deleted to go along with historical practice of City Council to allow for a summer break.

Councilmember Dianne Fries stated the one meeting of the month in July is usually a very long meeting due to zoning cases. It has been asked before why only one meeting is held that month. The 4th of July is on Friday next year, which allows for a long weekend break.

Councilmember Sterling stated the zoning cases are not heard during the first meetings of the month. The one meeting held in July is usually long due to zoning cases being deferred and is not related to the first monthly meeting date.

Councilmember Karen Meinzen McEnerny stated she has a comment from the public regarding a City Council meeting being held on September 2nd, the Labor Day weekend.

Councilmember Sterling suggested moving the September 2nd meeting to September 9th.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-188, 2014 City Council Meeting Schedule, with one modification, changing the September 2, 2014 City Council meeting date to September 9, 2014. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-189)

2. Purchase and Closing of Property Located at the Intersection of Spalding Drive and River Exchange Drive (Tax Parcel 06-0313-LL0364) in Sandy Springs, Georgia

Assistant City Attorney Cecil McLendon stated pursuant to Council's direction staff engaged Jim Cowerdine regarding the property at Spalding Drive and River Exchange Drive. Staff entered into a contract with the property owner. The property is approximately five acres with a purchase price of \$150,000. The City has a time period in which to terminate the contract, if needed, through November 13, 2013. The closing date for the property is set for December 16, 2013. The City is currently conducting due diligence for the property and will be completing an environmental analysis, appraisal, survey, and a title search. He asked that Council approve moving forward with closing on this property following the completion of due diligence.

Councilmember Dianne Fries asked if there are any restrictions on the use of this property.

Assistant City Attorney McLendon stated there are zoning restrictions on the property. There are no other restrictions, but there are easements crossing the property.

Councilmember Fries asked if there are restrictions that the City cannot have an active park at this location.

Assistant City Attorney McLendon responded no.

Mayor Eva Galambos asked if this property is adjacent to any of the National Recreation area.

City Manager John McDonough stated the property is close, but not adjacent. The property is mostly flood plain area.

Councilmember Gabriel Sterling asked if the property is in the Metropolitan River Corridor.

City Manager McDonough responded a part of the property may be. The higher ground located at the front of the property may be about .75 of an acre.

Mayor Galambos asked to what extent the property has any connection to the river.

City Manager McDonough responded there is no connection. The property fronts on Spalding Drive. There is a possibility in the future that connectivity could be achieved, but no guarantee that will happen.

Councilmember John Paulson stated there is a National Forest about .25 miles north of this location that abuts the river.

City Manager McDonough stated this would be an additional five acres of greenspace added to the total acreage.

Councilmember Sterling asked what the physical barrier is between this property and the National Forest.

Assistant City Manager Bryant Poole stated there is a condominium complex in the area, the river, and a property owner on the opposite side of the creek. He referenced a map of where the property is located.

City Manager McDonough stated the river is located at the top of the map.

Councilmember Tibby DeJulio stated the property does not go into the National Forest, but it is almost adjacent to it.

City Manager McDonough stated this is something that will have to be worked out with the condominium association.

Councilmember Fries asked about the open space on the map.

Assistant City Manager Poole stated that area is the private property that has access all the way to the river.

Councilmember Karen Meinzen McEnerny stated she would like to give Councilmember Paulson the opportunity to make the motion, but when he does she would like him to consider stating the property will be used for a public park, as stated in the memo.

Motion and Vote: Councilmember Paulson moved to approve Agenda Item No. 13-189, the Purchase and Closing of Property Located at the Intersection of Spalding Drive and River Exchange Drive (Tax Parcel 06-0313-LL0364) in Sandy Springs, Georgia, for the purpose of a public park. Councilmember Fries seconded the motion. The motion carried unanimously.

Mayor Galambos asked if Councilmember Paulson has already walked the property.

Councilmember Paulson responded yes, most of the property. He tried to walk around the condominiums, but that area is difficult to navigate.

(Agenda Item No. 13-190)

3. A Resolution Reappointing Member(s) to the Sandy Springs Design Review Board

Mayor Eva Galambos stated there is a member on the Design Review Board whose term expires in December 2013. The resolution states to extend the term for three months, but mistakenly stated two months, from December 2013 to January 2014. A correction needs to be made to the resolution extending the term to end in February, not January. The reason for this is to allow the incoming Mayor to nominate an individual to the Design Review Board. She asked this resolution be for a three month extension of the present term.

City Clerk Michael Casey stated the resolution does say three months.

Mayor Galambos responded yes, but the dates do not match.

Director of Community Development Angela Parker stated the resolution should state two months. Ms. Landeck's term expires on November 30th.

Councilmember Dianne Fries asked if the resolution needs to be corrected where it states three months, since the dates are correct.

Director of Community Development Parker responded yes.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 13-190, Reappointing Marlese Landeck to the Sandy Springs Design Review Board, for a two month term commencing December 1, 2013 through January 31, 2014. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Resolution No. 2013-10-67

(Agenda Item No. 13-191)

4. Resolution for the City of Sandy Springs, Georgia, to Submit a Voluntarily Negotiated Certificate Filed with the Commissioner; Authorizing the Mayor, or Mayor Pro Tem, to Execute a Certificate of Distribution; and for Other Purposes

City Manager John McDonough stated this item has been an ongoing issue. Council approved and submitted a resolution about one month ago. This was when baseball arbitration was the law. Since that time, the Supreme Court has found the baseball arbitration legislation to be unconstitutional. The City is now in a position to take new affirmative action. The application was submitted before the Supreme Court decision was decided upon. The recommendation of the Georgia Municipal Association and the County Commissioners is to pass a new resolution before October 17th. Most of the cities have already had it on their agendas or will have it on their agendas for action between now and tomorrow evening. Staff is asking Council to authorize the submission of a voluntarily negotiated certificate. The words "voluntarily negotiated" distinguishes the application from what was done under the baseball arbitration, which was considered coerced. This is an action that Council already authorized for the same percentages in the resolution one month ago. On October 17th, a new certificate with Fulton County will be submitted to the Georgia Department of Revenue Commissioner.

Councilmember Gabriel Sterling asked if Fulton County will be signing this as well, and when will they sign the resolution.

Mayor Eva Galambos stated the Sandy Springs City Attorney will be in touch with Fulton County's attorney.

City Manager McDonough stated he cannot speak for Fulton County, but he hopes they will have the resolution before their Commission by tomorrow.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 13-191, a Resolution for the City of Sandy Springs, Georgia, to Submit a Voluntarily Negotiated Certificate Filed with the Commissioner; Authorizing the Mayor, or Mayor Pro Tem, to Execute a Certificate of Distribution; and for Other Purposes. Councilmember Meinzen McEnery seconded the motion.

Councilmember John Paulson stated the resolution does not specifically say with regards to Local Option Sales Tax (LOST).

City Manager McDonough stated that language is in the body of the resolution.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2013-10-68

REPORTS

1. Mayor and Council Reports
2. Staff Reports
 - a) August Financial Report – Karen Ellis

Mayor Eva Galambos stated she noticed that the City has received an amount of money for the automobile titles. This number seems to more than make up for the numbers in sales tax lost for the City. She asked if that would be staff's interpretation.

Finance Director Karen Ellis responded yes. The numbers have not been a steady flow due to starting in the prior fiscal year. The numbers fluctuate and are not an easy traceable flow of income. So far the funds have been a good replacement for what the City may lose from the ad valorem taxes.

Councilmember Gabriel Sterling stated the City was already receiving this money. The funds were just lumped in with other monies. He asked if staff will be able to retrospectively separate those funds for the City audit.

Finance Director Ellis stated staff has already done that. She can send Council an updated June financial report that will show what was pulled out of the regular motor vehicles taxes from last year and where it went in.

Mayor Galambos asked if Johns Creek is up to date with the Chatcomm payment.

Finance Director Ellis stated Johns Creek normally trends two months behind on the payment. Chatcomm is a non-income fund. At the end of the year the payments are on target. At the last quarterly meeting it was mentioned that Johns Creek will work on adjusting their budget, so they will be more on time as far as sending the City the correct payment amount.

Mayor Galambos asked how the revenues are coming in from the various phone companies and if the City still has to make up the difference.

Finance Director Ellis stated for the 911 phone charge the City is trending the same as previously. Staff is looking at different avenues as far as an audit to see that the individuals who should be paying the 911 fee are doing so.

Councilmember Sterling stated since 2012 the City has had \$200 million of business investments and 8,000 new jobs that can be tracked and they must have phones.

Finance Director Ellis stated it is difficult because the charge is tracked to the phone bill address. The hardship is meeting with the phone companies in order to review the phone records to complete the audit.

Councilmember Tibby DeJulio asked if the VOIP systems can have the phone bill registered in Wisconsin and the phones being used in Sandy Springs.

Finance Director Ellis stated it is not the registry location, but instead where the bill is paid.

Councilmember DeJulio asked if the bill is paid in Wisconsin, then is Wisconsin collecting the City's \$1.50.

Finance Director Ellis responded yes.

b) Registered Voter List Update – Michael Casey

City Clerk Michael Casey stated City staff sent back the corrections to the registered voter list on October 1st. He followed up with Fulton County staff on October 11th to see if they completed the corrections, at which time they stated they were almost done making the corrections. He contacted Fulton County again today and they stated the City lists should be correct now. He requested version three of the list, so City staff can complete an audit in order to ensure the corrections have been made.

Councilmember Tibby DeJulio asked what staff will do, since early voting started yesterday.

City Clerk Casey stated if Fulton County has any registration concerns, the voters will have to cast their ballots as provisional votes.

Councilmember Gabriel Sterling stated the issue is the voters are using electronic voting cards and that when they go to vote, they may not know who should be on their ballot. The voters will have to be educated on who they can vote for in their district. Once a voter submits the ballot, a provisional vote cannot be done.

Councilmember Karen Meinzen McEnerny asked how many items were identified for corrections.

City Clerk Casey stated the last correction count was about 1,000.

Councilmember Sterling stated the first set of corrections was about 4,700 and the last set of corrections was approximately 1,070. Half of the corrections were for unknown addresses.

PUBLIC COMMENT

Michael McDonald, 7040 Riverside Drive NW, stated he has been privileged to be a resident of the community since 1968. He moved here with his wife and three daughters to where they reside today. He started a business in 1969, which grew to be the largest ad agency in the south and he ended up selling the company. He has knowledge about marketing and communications, which is the topic of his subject today. He stated the following, “The issue that I am raising concerns the most fundamental right that we, as citizens hold most precious: the right to vote in a fair election. Sandy Springs represents to its citizens, the first green blade of grass-roots-democracy. If voting laws are not enforced at home, where people live, it bodes poorly for our state and national political freedom. My issue is this: two candidates who are incumbents in the Sandy Springs City Council elections of 2013, Dianne Fries and Gabriel Sterling have erected signs that blatantly violate the City of Sandy Springs signage ordinances. This gives them an unfair advantage in their quest for votes. It is a moral, as well as a political, outrage that these experiences office holders would attempt to game the system of the City of Sandy Springs laws at the expense of the rest of the field of law abiding, fellow candidates. The City’s published laws clearly spell out the size dimension permitted for political signs on private, commercial property: no more than four square feet of message area per sign which is designated as a Standard Informational Sign (SIG). Larger signs called Expanded Informational Signs (SIG) or Cantilever Signs (CL) are not permitted in nonresidential locations. These latter two sign categories allow for a maximum of six square feet. However, this is a moot point since they are strictly an option in a residential locations context where there is only one such six foot sign permitted along with the smaller SIG at four square feet. I believe that these two larger sizes have greatly confused the City’s ruling regarding the signs in question. In the case of both of the above named candidates, their signs measure in excess of ten square feet. To be exact they measure 10.67 square feet. This is over 2.5 times larger than allowed. In terms of visual impact, they are exponentially even more powerful.” Having been in the business of signage and media he understands this advantage which is worth tens of thousands of dollars. He displayed a photograph of the signage located in front of the Sandy Springs Gun Club. What is seen in the photograph is Dianne Fries’ sign and

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

October 15, 2013

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 15th day of October, 2013, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Discussion or voting on real estate matters pursuant to O.C.G.A, 50-14-3(b)(1);

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).

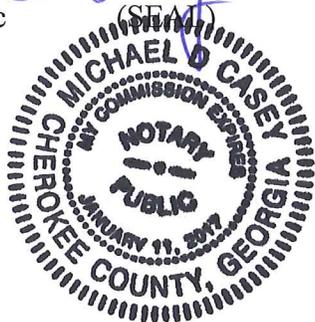
and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.

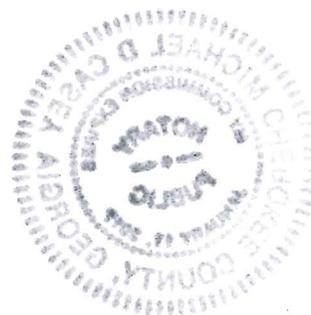


Eva Galambos, Mayor

Sworn to and subscribed before me,
this 15th day of October, 2013.



Notary public



Gabriel Sterling's sign. He referenced a third standard size sign in the photograph as well. This is one of several sign locations that Dianne Fries has along the highly travelled artery on Roswell Road. The signs are Broadway spectaculars in relation to what is around the signs. To make matters worse, when other candidates challenged this malfeasance, the City's attorney Wendell Willard, Esq., in a letter to candidates dated Friday, October 11th, ordered the signs removed by day's end on Monday, October 14th. He issued a second letter, the very next day, Saturday, October 12th, doing a 180-degree about-face, in essence, condoning the out-sized signage violation. Incredibly, this new interpretation is predicated on the absurdity that these outsized signs can be said to be two distinct signs by virtue of being butted together with a mid sign support. However, this deceptive argument ignores the fact that even if split in two, the individual segments are over-sized according to the City's ordinances, further compounding the violation. No matter how you slice it, these are over-sized single signs and they are clearly outlawed by the City of Sandy Springs ordinance and must be removed immediately. Some self-examination of judicious enforcement of our important laws might be in order as well. There is no need for trivial pursuits. He hopes there will be immediate action, because every day that dawns this is an unfair situation and should be immediately eliminated. This City is about fair play.

Mayor Eva Galambos thanked Mr. McDonald for bringing this to Council's attention.

Councilmember Gabriel Sterling asked if he could address the public comment. Mr. McDonald discussed the right to vote as being the most sacred. There is something else as sacred as voting in his opinion, which is the First Amendment. A Supreme Court decision in 2000 is the basis of the sign regulation. One cannot limit the number of election candidate signs. The only reason the size of the signs can be limited, according to the United States Supreme Court, is for safety purposes. He had a discussion regarding the sign sizes with City Attorney Willard, who agreed the ordinance should be reviewed after the election, because there is conflicting law. Everyone has been advised to follow what they were told is allowable by the City Attorney.

Mr. McDonald stated Councilmember Sterling's point is about some future legal debate that might be had. His point is about the law as it exists on the books of the City of Sandy Springs today. He challenges anyone on City staff to disprove his contention that it violates the City ordinance.

Councilmember Tibby DeJulio stated on a sad note, Judge Charlie Carnes, who has helped the City throughout the years, passed away. He will be missed.

Mayor Galambos stated Judge Carnes swore her in at the City election and lobbied for the City as well.

EXECUTIVE SESSION – Litigation and Real Estate

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss litigation and real estate matters. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session began at 7:15 p.m.

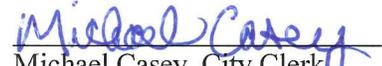
Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 8:01 p.m.

ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 8:01 p.m.

Date Approved: November 12, 2013


Eva Galambos, Mayor


Michael Casey, City Clerk