

Regular Meeting of the Sandy Springs City Council was held on Tuesday, September 3, 2013, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Pastor Joe B. Martin, Mount Vernon Presbyterian Church, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:04 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 Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny present. Councilmember Chip Collins was absent.

PLEDGE OF ALLEGIANCE

Boy Scout Troup #370 led the Pledge of Allegiance

PUBLIC COMMENT

Penelope Malone, 4655 Lake Forrest Drive, asked for Council's support to request staff review of the City's tree conservation ordinance. Mrs. Leathers will speak on her behalf with respect to Sandy Springs. With respect to the broader issue of the value of trees to clean the environment and cool the overheated planet she quoted Thomas Jefferson, "I wish I was a despot that I might save the noble, the beautiful trees that are daily falling sacrifice to the cupidity of their owners, or the necessity of the poor. The unnecessary felling of a tree, perhaps the growth of centuries, seems to me a crime little short of murder." In a 2009 speech, the President of Indonesia stated, "Our forests are the key to the global climate solution. We must now inject a new economic logic where it is more beneficial for nations and communities to keep the trees up than to chop them down. This is not a time for dogma and confrontation. This is a time for solution and consensus. The only dogma that binds us here is human survival." She thanked Council for their consideration of her request.

Nina Cramer, 5280 Long Island Drive, stated she has lived at her current home for fifteen years and is the President of Trees Sandy Springs. She asked Council to consider the request to focus on the review of the City's existing tree ordinance. It has been over 6 ½ years since the ordinance has been reviewed. According to the document provided to Council from Councilmember Meinzen McEnerny, the ordinance should do what it is intended to do. The ordinance can be strengthened to preserve the beautiful community in protecting the residents, neighbors, property owners, property values, and the tree canopy.

John Gillin, 4645 Harris Trail, stated he represents Northside Woods neighborhood association. He asked for Council support for staff review of the tree conservation ordinance according to the framework provided by Councilmember Meinzen McEnery. Six and a half years have passed since the City adopted the tree ordinance. Staff recommendations are needed to ensure the ordinance is working as originally created. The idea is to preserve the tree canopy.

Joseph Trammell, 4620 Riverview Rd NW, stated he agrees with the previous comments regarding the tree ordinance. He submitted three photographs along with his public comment card. If you drive by 4610 Riverview Road, you will see that Sandy Springs does not really have a tree protection ordinance.

Pat Daly, 950 Davis Drive NW, stated she and her husband have resided in their current home for thirty-four years. She supports the proposed revisions to the tree ordinance. She has been a victim of the current inaccurate tree ordinance.

Nancy Leathers, 1301 Meriweather Drive, stated she represents the citizens group that support a revised tree conservation ordinance in which a number of citizen concerns have been accumulated. She gathered a few items in the ordinance that need to be looked at. This list is based on discussions over the past few years and some issues that have arisen in enforcement. Those items include consideration of expanding the protection of existing canopy trees, particularly on large residential lots, and to evaluate the effectiveness of the current boundary tree provision. It appears there may be some additional work that needs to be done in that area. It impacts the values and property of adjacent property owners when some incursions are done. Another suggestion is to consider whether the removal of landmark trees from the buffer areas should be considered by the Board of Appeals or some other process that formalizes the review process in terms of the kind of considerations and priority the considerations have. Another suggestion is to consider whether to add historic trees as a protected status for hardwoods of thirty-seven inches or larger. This would be where protection could be provided for the tree by using tax reductions for commercial properties. Another suggestion is to address the language intent of the ordinance more clearly, specifically relating to the landmark, historic, boundary trees, and the character of the canopy. The four evaluation criteria that are currently used in the ordinance should be prioritized or modified, and also offsite mitigation should be done for tree preservation. The next step is to evaluate the removal of trees just prior to applying for a building permit as a homeowner is clearing the lot, and then the homeowner can come back and request a building permit, which was probably not the intent of the original ordinance. The last two items on the list are clean up issues. One is to add an item requiring the City to adopt an annual plan for the use of funds in the tree bank. This would be similar to the capital improvement program. The last request is to set a regular schedule for tree canopy studies in order for staff to continue to evaluate the trees.

Bill Harrison, 4880 Northside Drive, stated he works with Harrison Design and Associates. He was involved with the City's original tree ordinance when it was written. Sandy Springs has a professional permitting process and excellent staff. The tree ordinance is vague and arbitrary. His staff has to contact City staff often regarding the interpretation of the ordinance. The meaning of the ordinance varies from situation to situation. The ordinance was originally meant to be much more descriptive than it is now. When the ordinance was cleaned up before it was passed many items were removed. As professionals, it is extremely difficult for consistency in the permitting process. The largest issue he has with the ordinance is it leaves out 80% of the City's population. The tree ordinance does not apply to homeowners in the same way it does to builders and developers. This is the equivalent of passing a speeding law and only giving speeding tickets to commercial trucks, but allowing private individuals to speed. It is hard for City staff to enforce an ordinance under those conditions. Staff does a great job of managing the department, but there is a lot of work load on the employees due to increased construction. At some point, the City needs to realize they cannot get by with the current staff. More staff needs to be added to the permitting department. There is nothing in the ordinance that addresses dead, dying, diseased, or hazardous trees. Insurance companies give notices to property owners when trees need to be removed,

because they may fall on the house. This is nothing in the ordinance that allows the removal of those trees. There have been instances where property owners had their insurance revoked because of this. The ordinance was a start, but needs improvements. The ordinance needs to be looked at carefully, thoughtfully, revisited, and defined. Staff is being asked to make day-by-day decisions without clear guidelines.

Bill Caldwell, 3195 Cains Hill Place Atlanta, GA, stated he is a landscape architect with Harris Design and Associates. He does a lot of work in Sandy Springs preparing land disturbance permit plans. In working with other municipalities the minimum lot coverage ratio for a residential lot is thirty percent. It is very easy to meet the thirty percent minimum coverage. One thing the City should consider is increasing the minimum lot coverage ratio to above thirty percent. He does not believe he has had one scenario where he has had to plant more trees to meet the minimum lot coverage ratio. There has been discussion regarding buffer trees between the building setback and the property line. It is very difficult to meet the zoning requirements. Sometimes the buffer tree restriction can be difficult to meet. There are trees that may be impacted when meeting the zoning requirements. A lot of thought needs to be given to the buffer trees. It is very difficult for his company to get a building permit when impacting trees on the side yard lines, but yet meeting all the other zoning ordinances. There needs to be a clear direction on the hazardous tree removal permit process. To circumvent developer abuses, there should also be a clear process outline for permits to remove trees by an existing homeowner.

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Sterling moved to approve the Regular Meeting agenda for September 3, 2013. Councilmember DeJulio seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 13-154)

1. Meeting Minutes:
 - a) August 20, 2013 Regular Meeting
 - b) August 20, 2013 Work Session
- (Michael Casey, City Clerk)*

Motion and Vote: Councilmember DeJulio moved to approve the Consent Agenda for September 3, 2013. Councilmember Fries seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

(Agenda Item No. 13-155)

1. Public Hearing and Adoption of Consolidated Annual Performance and Evaluation Report (CAPER) for the 2012 CDBG Program

Director of Community Development Angela Parker stated the CAPER report is required to be submitted annually to HUD for any municipality that has a CDBG program. The plan outlines the activities of the City's CDBG program that have occurred in the preceding year. This CAPER summarizes the history of what projects the City has been working on and the funding history. The City received information from HUD that the City will receive approximately \$533,000 for FY2015. She referenced a slide in the presentation that indicates what money has been spent over the last several years. The City focused on the sidewalk project from Dalrymple Road to Northridge Road along Roswell Road.

This project was recently completed in May 2013. The Hightower Trail project was just let to construction and construction began on June 24th. The current City projects will use the money through the middle of the 2014 funding cycle. Staff will come back to Council early next year with recommendations regarding a new project for the upcoming funding.

Councilmember Dianne Fries asked when the second phase of the project will begin from Northridge to the river.

Director of Community Development Parker stated part of Phase II was just let to construction.

Director of Public Works Garrin Coleman stated the Hightower project is under construction. The project from Northridge to the river is under design and almost permitted and will be put out to bid in the next several months.

Councilmember Gabriel Sterling asked if the \$533,000 the City will receive will be impacted by the sequester or was the amount going to be more and the sequester affected that amount.

Director of Community Development Parker stated at this point the City has received notice this is the amount of money the City will receive. There is nothing to indicate the City will receive less than that amount.

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

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-155, adoption of the Consolidated Annual Performance and Evaluation Report (CAPER) for the 2012 CDBG Program. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2013-09-52

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 13-156)

1. Consideration of the Extension of the Atlanta Grand Bohemian Hotel Land Disturbance Permit under Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs

Director of Community Development Angela Parker stated staff recommends approval of the land disturbance permit extension for 180 days. The extension is required per the City's ordinance. The applicant provided the necessary documents and has met the requirements.

Joe Foltz, representative of the Kessler Collection, stated as requested by staff he submitted letters from two of the leading construction lenders. While they are not yet committing to the project, it is not a reflection on Sandy Springs, which shows great hotel occupancy rates. There is a turn around to the luxury segment of construction lending, but so far on a smaller scale. The proposed hotel is for 275 rooms. The current construction lending is for 120 and less rooms. Sandy Springs will support a four star luxury boutique hotel of this size.

Mayor Eva Galambos asked if there are any hotels of that size in metro Atlanta that have received financing in recent months.

Mr. Foltz responded he is not aware of anyone who has closed a construction loan for a luxury hotel.

Councilmember Tibby DeJulio stated Council heard rumors two or three months ago that the Grand Bohemian Hotel would not be located in Sandy Springs. He is glad to hear that is not true.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 13-156, Extension of the Atlanta Grand Bohemian Hotel Land Disturbance Permit under Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs. Councilmember Sterling seconded the motion. The motion carried unanimously.

Councilmember Fries asked how long the extension is for.

Councilmember Sterling responded 180 days.

(Agenda Item No. 13-157)

2. A Resolution to Clarify Certain Provisions of the City's Economic Development Incentive Policy

Director of Economic Development Andrea Hall stated this item was brought before Council with members of the Economic Development Advisory Committee during the first meeting in August. At that time, Council requested further refinements and recommendations to the incentive policy. The policy has two major item updates. The current policy does not contain any reference to an application deadline. The advisory committee feels the incentive application should be submitted to staff prior to the applicant applying for a building permit. The other change is policy language regarding making sure the capital investments made by the companies moving into the City is permanent in nature. The City's existing ordinance has three tiers in the incentive policy based on the number of jobs created by the company and the amount of capital investment. Staff is proposing adding a required commitment of a number of years. For Tier I it would be four years, Tier II would be seven years, and Tier III would be a ten year commitment. This commitment would be in order to receive the business occupancy tax waivers.

Mayor Eva Galambos asked if the commitment has to come in the form of a lease.

Director of Economic Development Hall responded yes.

Mayor Galambos asked if that language needs to be added to the policy.

Director of Economic Development Hall stated the current language in the policy should cover what staff is looking for.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 13-157, a resolution to Clarify Certain Provisions of the City's Economic Development Incentive Policy. Councilmember Fries seconded the motion.

Councilmember Karen Meinzen McEnerny stated she is under the impression that Council asked for clarification on tenant improvements. She asked Director of Economic Development Hall how she dealt with that request for clarification.

Director of Economic Development Hall stated the committee, in working with staff, determined that tenant improvements are considered a permanent piece of the building, if they stay within the walls. If a tenant moves out, they cannot leave with the improvement. Furniture, fixtures, and equipment would not

count towards that. This change, along with the provisions of adding a time commitment, would equate to making sure the improvements are more permanent.

Councilmember Meinzen McEnery stated a landlord fully amortizes the leasing commissions which are soft costs and the TI over the term of the lease. After a lease has expired the value of the tenant improvements is worthless to the landlord. She does not feel that allowing tenant improvements in the City's incentive program is appropriate. Therefore, she will not support the policy.

Mayor Galambos stated the Economic Advisory Committee listened to the comments of Council. The predominate view from the point of Council was that tenant improvements should be counted as capital. She does not necessarily agree with that. She is more reconciled to that idea now that there is a lease requirement. Tenant improvements are not cosmetic, but will last the term of the lease. The committee listened to Council and came up with their interpretation of what Council wants.

Councilmember Gabriel Sterling stated the committee did listen to the Council. Council charged the committee with filling the vacant rental office space in the City. The policy addresses filling the office space directly. The policy shows a financial, lease, and job commitment. The policy allows the filling of office space with an amount of flexibility and also a true commitment. He is in favor of both changes to the policy.

Mayor Galambos stated it would be good to give instructions to the applicants that they not report furniture and equipment on the application.

Director of Economic Development Hall responded that can be done.

Councilmember Meinzen McEnery stated many times the landlord provides the tenant improvements. She asked if there is any concern from the Economic Development Committee or staff on who is paying for the TI allowance.

Director of Economic Development Hall stated she believes the committee's view, and hers as well, is because that part of the incentive only creates about \$5,000 in building permit fees, it is not an issue who pays for it. The committee's issue was regarding the occupancy tax that is waived, because it can be a significant item. The committee wants to make sure a company that is making an investment in the building is getting credit for it.

Councilmember Meinzen McEnery stated she may not have made herself clear. She asked Director of Economic Development Hall if she and the Economic Development Committee have any concern about who pays the \$2 million worth of TI. Very often the landlord pays that amount to induce the tenant to pay the rent at a higher rate, sometimes over the term of the lease, and not who pays the company taxes.

Director of Economic Development Hall stated she believes the committee's view on that is that it is a part of the negotiation of the lease. For example, if the landlord is not putting up tenant improvements there will be a rent reduction. Both she and the committee feel comfortable with the recommendations to Council.

Vote on the Motion: The motion carried 4-1, with Councilmember Meinzen McEnery voting in opposition.

Resolution No. 2013-09-49

(Agenda Item No. 13-158)

3. Consideration of Axiall Corporation Incentive Request

Director of Economic Development Andrea Hall stated this application was received prior to the revisions to the City's Economic Development Incentive Policy. However, this company will qualify

under the new incentive policy plan as well. Axiall Corporation is a headquarters company formerly known as Georgia Gulf that recently merged with another company. This company is looking to consolidate and move into new office space of 45,000 square feet. The build out would be approximately \$2.6 million, not including the furniture, fixtures, and equipment. The company would like to be moved into the building by the end of 2013. Axiall is committing to a twelve year lease at this location and would bring approximately 150 employees. The employees would have an average salary above the average wage level for Sandy Springs. The total projected value of all the incentives would be at Tier II. This applicant qualifies for a building permit waiver as well as two years of business occupational tax waivers of approximately \$156,000.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-158, Axiall Corporation Incentive Request. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-159)

4. Nomination of a Member to the Board of Ethics (David Evans)

Mayor Eva Galambos stated there was a resignation by a Board of Ethics member, so there is now a need for a replacement. She nominated David Evans, who is a long term resident of Sandy Springs, and is an active member of the Rotary Club.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-159, the nomination of David Evans to the Board of Ethics. Councilmember Sterling seconded the motion. The motion carried unanimously.

Resolution No. 2013-09-50

(Agenda Item No. 13-160)

5. Voter Registration List Analysis and Resulting Issues

GIS Analyst Josh Lontz stated around the middle of August staff was given a list of all the registered voters in the City from the Fulton County Department of Registration and Elections. He was asked to QC the list for the accuracy of voters within the City. He did the QC with the assistance of the City Clerk. He geo-coded all the addresses using the City's address point file. This was done to verify that the addresses are located within the City. He completed the QC on August 14th and found numerous issues with the results. Out of the 67,831 addresses City staff was given, 702 addresses did not match.

Councilmember Tibby DeJulio asked if those addresses do not exist.

GIS Analyst Lontz responded that is possible. Judging against the City records, the answer is yes, the addresses do not exist. Staff found 4,000 addresses that were given the wrong Council district number. He referenced the maps that he created with the addresses in the wrong district. He created the Council district maps and placed colored dots on the maps showing which addresses should be in each district and which addresses are outside the districts.

Councilmember John Paulson asked if Fulton County or the City's records are correct.

GIS Analyst Lontz stated he is confident the City records are correct.

Councilmember Karen Meinzen McEnerny stated on the District 1 map she sees District 1 green dots in District 4. She asked if the green dots represent addresses that Fulton County shows are District 1, but the individual really resides in District 4.

GIS Analyst Lontz responded yes. Staff found 115 addresses that are not in the City at all. There are a few addresses that need to be checked, because the range is very close to what the City records show. He will check those addresses himself. He also found addresses that seem to be in commercial districts.

Councilmember Dianne Fries stated some of these numbers are large. When looking at the District 2 map, some District 1 green dots are in District 2. Those dots do not add up to 932.

Councilmember Gabriel Sterling stated some of the dots represent multi-family residential. The geocoding is going to be site specific and not voter specific. There are a lot of green dots in the corner of District 4, near District 1, because this is an apartment complex.

Councilmember DeJulio asked why there are so many dots in District 5 and why 1,200 voters are unaccounted for.

GIS Analyst Lontz stated staff addressed the voters in districts they are assigned to, but Fulton County records do not reflect that.

Councilmember Sterling stated when the district maps were redistricted, only three precincts were modified and two were between District 5 and District 6. That is where there may be some errors. However, Districts 1, 2, and 4 went unchanged from the 2005 district map to the 2011 map. Staff does not know what system Fulton County uses. Fulton County received the voter files directly from the State and may have imported the data and then gave City staff the list. He asked if the City requested the QC check.

City Manager John McDonough stated Fulton County sent the list to the City and asked the City to review it.

Councilmember DeJulio asked if anyone knows how long this problem has been lingering.

GIS Analyst Lontz responded no.

Councilmember DeJulio stated he remembers during the City's very first election there was a gentleman that was running against Councilmember Meinzen McEnery. The gentleman could not vote for himself, because Councilmember DeJulio was on the candidate's ballot. This problem has been going on for at least eight years.

Mayor Eva Galambos stated the voter addresses have never been checked before.

Councilmember Paulson stated there were many complaints at the election last fall. The voter addresses are the issue. He asked what the next step is in correcting this.

GIS Analyst Lontz stated the correct information has been sent to Fulton County.

Councilmember Meinzen McEnery asked how Fulton County or Councilmember DeJulio can understand the red dots between District 6 and District 5. She asked GIS Analyst Lontz to recolor the dots in order to be able see the difference, since the colors are so similar.

GIS Analyst Lontz responded he will change the colors. There are also Excel spreadsheets that list all of the addresses that are in the wrong location.

Councilmember DeJulio stated absentee voting starts in four to five weeks.

Councilmember Sterling stated he believes absentee voter applications are being received now. Advanced voting starts in thirty days.

Councilmember DeJulio asked if the addresses can be corrected in time to have new voter registration cards sent out to voters.

GIS Analyst Lontz stated from the City's GIS perspective, yes.

Councilmember DeJulio asked if Fulton County will have the information corrected in time.

Mayor Galambos stated GIS Analyst Lontz cannot answer that question.

Councilmember Fries asked if the addresses were ones that no longer exist.

Mayor Galambos stated there were many issues regarding the addresses.

Councilmember Paulson stated 702 addresses could not be found within the City.

Councilmember Sterling stated The Cliffs apartment complex was demolished. Fulton County does not purge their voter files often. This is why the City list has 67,831 voters. There is no way the City has that many voters. That will account for part of the 702 addresses. At the intersection between Buckhead and Sandy Springs there is a few streets that have twelve homes that are located in Sandy Springs, but are on the City of Atlanta voter files.

Councilmember Paulson asked what Council can do to encourage the records to be corrected.

City Clerk Michael Casey stated the spreadsheets that were created by GIS Analyst Lontz were provided to the Fulton County Director of Voter Registration and Elections Department, as well as his staff. City staff is currently awaiting a response from Fulton County to the request to advise the City how they plan on correcting the files. He asked Fulton County, once the files are corrected, to provide a copy to the City in sufficient time to QC the file prior to the November elections.

Mayor Galambos asked when the list was sent.

City Clerk Casey responded a week ago yesterday.

Councilmember Paulson asked to be updated at the next City Council meeting whether or not Fulton County responded to City staff.

Mayor Galambos asked City Clerk Casey to call Fulton County tomorrow to check on the list.

Councilmember DeJulio stated there has been publicity on this issue. He received a call yesterday and was interviewed this morning by WSB Channel 2, which was supposed to do a report about this on the 5:00 p.m. news today.

Councilmember Sterling stated in the geo-coding he sees that the Council Districts are wrong. He asked if the maps were geo-coded to the voter precinct level to see if they are correct. If the precincts are coded correctly, other than the other three split precincts, Fulton County should be able to make the corrections relatively quickly.

GIS Analyst Lontz stated he did not check the file at the precinct level.

Councilmember Sterling stated a few years ago, before the voting was electronic, this would not have mattered as much. If a voter showed up to vote, they would receive the correct ballot. Now, with an electronically coded ballot, the ballot will be placed in the machine and the voter will be put in whatever district, per the Fulton County files. The easiest fix for Fulton County is to check on the precinct.

Mayor Galambos asked GIS Analyst Lontz to let Council know at a later time if the original electronic file staff received from Fulton County included precincts.

There was no action taken on this agenda item.

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 Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session began at 6:54 p.m.

Motion and Vote: Councilmember Sterling moved to adjourn Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 7:38 p.m.

(Agenda Item No. 13-161)

6. Resolution for the City of Sandy Springs, Georgia, with intention of settling its dispute with Fulton County over the Local Option Sales Tax (LOST) dispute and authorizing the Mayor to execute a Certificate of Distribution; and for other purposes

City Attorney Wendell Willard stated this item was discussed in Executive Session. This is the proposal that has been brought forward for Sandy Springs and the thirteen other cities in Fulton County. This item is the proposed resolution of the ongoing litigation for the last year. Working out an agreement with Fulton County is contingent upon all of the cities approving the settlement as well as Fulton County. All the cities have verbally agreed to support this item and take it to their Council for approval. There is also verbal support from the Fulton County Commissioners to accept the resolution.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-161, a resolution for the City of Sandy Springs, Georgia, with intention of settling its dispute with Fulton County over the Local Option Sales Tax (LOST) dispute and authorizing the Mayor to execute a Certificate of Distribution; and for other purposes. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2013-09-51

REPORTS

1. Mayor and Council Reports

Councilmember Tibby DeJulio asked for a report from the Police Chief regarding the incident that occurred at Ridgeview Charter School regarding one of the students carrying a gun to school.

Police Chief Kenneth DeSimone stated on August 26, 2013, at Ridgeview Middle School, the Assistant Principal was notified by two students of another student who had a pistol on his person. The Principal called the student to his office and did find a loaded 9mm pistol on the student and seized the pistol. Since that time, the student has been expelled from the school. It was Fulton County School's Police case

and Sandy Springs Police were not notified until later in the week. Since then, a Sandy Springs Police detective was assigned to assist the school police with the investigation.

Councilmember Gabriel Sterling asked if the child claimed an affiliation with a gang.

Police Chief DeSimone stated the child claimed an affiliation with a gang called Vato Locos.

Councilmember Tibby DeJulio asked if the child lives in Sandy Springs.

Police Chief DeSimone stated the child lives on the south side of Sandy Springs.

Mayor Eva Galambos asked if there are other gang members in the school.

Police Chief DeSimone stated not really. The child is claiming the affiliation, but he is pretty young. After speaking with the Sandy Springs gang specialist, the child may be trying to be someone he really isn't. He believes the child is in the 7th grade.

Councilmember DeJulio asked what grade levels are at Ridgeview Middle School.

Police Chief DeSimone responded 6th, 7th, and 8th grades.

Councilmember John Paulson asked what is the standard procedure for something like this happening in the school and when does the Sandy Springs Police Department assist.

Police Chief DeSimone stated this is a school police case. Sandy Springs Police can offer assistance, if the school requests it. They did not request assistance, since they had the suspect and placed him under arrest. The Sandy Springs Police Department was called after internal school issues were discovered in which Fulton County may not have been following their protocol, but not police related issues.

Mayor Galambos asked if the protocol not followed was in terms of not examining or checking what is brought into the school.

Police Chief DeSimone stated the protocol was regarding a non-law enforcement officer approaching someone with a weapon.

Councilmember Karen Meinzen McEnery stated this is a Fulton County Police case. She asked if they are required to turn it over to the judicial system as if it happened within the jurisdiction of the Sandy Springs Police Department.

Police Chief DeSimone stated the Fulton County School police are a fully sworn police agency, also. They would follow nearly the same protocols as the Sandy Springs Police.

Councilmember Meinzen McEnery asked if the Fulton County School Police have discretion to ignore this matter.

Police Chief DeSimone responded no. The Fulton County School Police may be better able to handle this situation than the Sandy Springs Police Department, because they are within the school system and know the school regulations.

Councilmember Meinzen McEnery asked if the student will have to go into the Fulton County judicial system.

Police Chief DeSimone responded yes.

Councilmember Sterling asked what is the SOP if something happens inside the boundaries of a jurisdiction, and when the Sandy Springs Police are supposed to be notified.

Police Chief DeSimone stated there is no written agreement between the Sandy Springs Police Department and Fulton County School Police Department. There is nothing the Fulton County School Police Department did or did not follow in regards to notifying the Sandy Springs Police about this incident. The City has a very good working relationship with the school's police.

Councilmember Sterling stated Vatos Locos is more of an overarching gang affiliation that has sub gangs to it. Obviously the culture goes from south Florida to New York and is also in Los Angeles. This child is probably just following what he saw from somewhere else. He asked if there has been an increase in graffiti activity or has this gang unit tried to make any moves in the Sandy Springs area.

Police Chief DeSimone responded no.

Councilmember Fries stated she is glad to hear the Sandy Springs Police Department has a good working relationship with the Fulton County School Police Department. She wants to be sure both departments are communicating all along. She asked if both departments train together for hostage situations.

Police Chief DeSimone responded yes. When there was a barricaded gunman situation a few weeks ago, the Fulton County School Police Department sent one of their Captains to assist with regards to school bus routes in the area.

Councilmember DeJulio stated one of the complaints he received from parents was the school did not go into a "lockdown" situation. He asked Police Chief DeSimone if in his opinion that would have been advisable.

Police Chief DeSimone stated the occurrence was over by the time the school would have called the Sandy Springs Police Department. They had the student and the gun. He did not see the need to go into a full lockdown at that point, when the situation was already contained and defused.

Councilmember Sterling stated panic should not be created where it is not necessary. He asked if the Fulton County Schools have cameras for emergency situations that the City can access.

Police Chief DeSimone stated he believes all the schools have cameras. Staff is working on the process of being able to access the school cameras through Iron Sky in a timely fashion.

Director of Public Safety Terry Sult stated currently the City does not have the funding to connect the school cameras to Iron Sky. The City has the ability to access the school's links in order for the City to access the cameras. Sandy Springs is working with the City of Alpharetta in order to access the camera links of the schools in Sandy Springs, if there should ever be an active shooter situation.

Councilmember Sterling asked if the cameras are internet wired.

Director of Public Safety Sult stated he believes most of the cameras are IP based. When an active shooter exercise was held at North Springs High School, it was recognized at that point that there is the availability of cameras. The City is in the process of gathering that information and including it in the Police Department's protocol.

Councilmember Sterling asked about the private schools.

Director of Public Safety Sult stated the City is in discussion with the private schools regarding sharing the funding of the cameras.

Councilmember Sterling asked if the City would only have access to the school cameras if there was an emergency.

Director of Public Safety Sult stated the City could have shared access or limit the camera access for the City to common areas, and then be given a code to access all of the cameras if an incident occurs. Most of the school cameras are in public areas where there is not a reasonable expectation of privacy.

Councilmember DeJulio asked staff to keep Council advised of the progress in working with the schools to help protect the students.

2. Staff Reports

There were no staff reports.

PUBLIC COMMENT

There were no public comments.

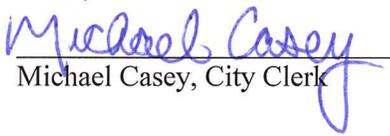
ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:51 p.m.

Date Approved: September 17, 2013



Eva Galambos, Mayor



Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

September 3, 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 3rd day of September, 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 3rd day of September, 2013.



Notary public (SEAL)

