

Regular Meeting of the Sandy Springs City Council was held on Tuesday, September 11, 2012, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

A moment of silence was observed in remembrance of 9/11/2001.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:02 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 Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, and Councilmember Karen Meinzen McEnerny present. Councilmember John Paulson and Councilmember Tibby DeJulio were absent.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance

PUBLIC COMMENT

There were no public comments.

(Agenda Item No. 12-217)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Sterling moved to approve the Meeting Agenda for September 11, 2012. Councilmember Fries seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 12-218)

1. Meeting Minutes:
 - a) August 21, 2012 Regular Meeting
 - b) August 21, 2012 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 12-219)

2. Consideration of the Acceptance of the Permanent Drainage and Temporary Construction Easement (145 River North Drive)
(Kevin Walter, Director of Public Works)

Resolution No. 2012-09-57

(Agenda Item No. 12-220)

3. Consideration of the Acceptance of the Permanent Drainage and Temporary Construction Easement (8845 North River Parkway)
(Kevin Walter, Director of Public Works)

Resolution No. 2012-09-58

(Agenda Item No. 12-221)

4. Consideration of the Acceptance of the dedication of a Right of Way Deed as part of the zoning requirements (216 East Belle Isle Rd)
(Kevin Walter, Director of Public Works)

Resolution No. 2012-09-59

Motion and Vote: Councilmember Sterling moved to approve the Consent Agenda for September 11, 2012. Councilmember Fries seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Presentation by Sandy Springs Storm Youth Baseball Team to Mayor Galambos

Mayor Eva Galambos invited the Sandy Springs Storm Youth Baseball Team and coaches to the front. The Storm players won the World Series in the 10 year old age group. She congratulated the team members for their accomplishments.

Coach McGee presented Mayor Galambos with a gift from the Sandy Springs Storm Youth Baseball Team. This is the first team in Sandy Springs Youth Sports to win a World Series.

PUBLIC HEARINGS

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

Alcoholic Beverage License

(Agenda Item No. 12-222)

1. Approval of Alcoholic Beverage License Application for MG Growler Store Inc at 6427 Roswell Rd Suite D Sandy Springs, Georgia 30328. Applicant is Govindbhai Patel for Retail/Package Wine and Malt Beverage

Revenue Supervisor Brandon Branham stated this item is a new application for retail/package wine and malt beverage. The applicant has met all requirements and staff recommends approval.

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

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 12-222, Alcoholic Beverage License Application for MG Growler Store Inc. at 6427 Roswell Rd Suite D, for Retail/Package Wine and Malt Beverage. Councilmember Fries seconded the motion.

Councilmember Gabriel Sterling asked if this business is a separate location from their other liquor package store.

Revenue Supervisor Branham stated this business is next door to the owner's other business, but there is not an internal entry to the business next door.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 12-223)

2. Approval of Alcoholic Beverage License Application for The Juice Box at 6300 Powers Ferry Rd Suite 600 Sandy Springs, Georgia 30339. Applicant is Darrell Mays for Retail/Package Wine, Malt Beverage, and Distilled Spirits

Revenue Supervisor Brandon Branham stated this item is a new application for retail/package wine, malt beverage, and distilled spirits. The applicant has met all requirements and staff recommends approval.

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

Motion and Vote: Councilmember Meinzen McEnery moved to approve Agenda Item No. 12-223, Alcoholic Beverage License Application for The Juice Box at 6300 Powers Ferry Rd Suite 600, for Retail/Package Wine, Malt Beverage, and Distilled Spirits. Councilmember Collins seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 12-224)

1. Request Waiver of Late Fees and Penalties for 2009, 2010, 2011, & 2012 Business Occupational Tax Certificate for Rubinger Inc at 825 Glengate Pl Sandy Springs, GA 30328

Revenue Supervisor Brandon Branham stated this applicant came back into the City's system in 2012, when the new software conversion was done. The business originally applied for a business license in 2008. The business did not respond to any of the renewal letters or correspondence from the City for 2009. Once City staff received returned mail, staff inactivated the business account. When this account was converted into the new system, the account showed as active. The business was sent a letter and that is when the applicant came into City Hall and notified staff his business has been open since 2008. The applicant is requesting the late fees and penalties be waived for the intervening years.

Councilmember Dianne Fries asked if the applicant is in attendance this evening.

Revenue Supervisor Branham responded no.

Councilmember Chip Collins asked what is the basis for the waiver.

Councilmember Fries stated the applicant came to the City and applied for a new business license in November 2008. City staff mailed out renewal letters for 2009. The City policy at that time was if the renewal letter was returned to the City, the business would be removed from the City's system. City staff assumed the business was closed since the letter was returned. The new software system provides for follow up with the businesses to help determine if they are still currently operating. She suggested splitting the cost of the late fees and allowing the owner thirty days to pay the remaining fees and penalties. It was a flaw in the City's system that the City did not follow up on the renewal letters.

Councilmember Collins asked why the renewal letter was sent back to the City.

Councilmember Fries stated City staff sends out several renewal letters and not all of them were returned to the City. The one letter that was returned to the City was in 2009. At that time, the City's procedure was to remove the business from the system.

Mayor Eva Galambos asked how staff now checks to make sure a company is not closed.

Revenue Supervisor Branham stated staff prints a list of delinquent accounts. Code Enforcement then goes to the businesses to check the delinquent accounts on the list. For the accounts from which the City receives returned mail, staff will make phone calls to those businesses. If the phone number is disconnected, staff will take the next step.

Mayor Galambos stated the City used Code Enforcement in 2009 and 2010. To some extent, City staff did not follow up on this account.

Councilmember Fries stated there have been previous fee and penalty waiver requests of which Council has approved some and not approved others.

Councilmember Collins asked when does Council approve or deny the waivers.

Councilmember Fries stated each scenario is on a case-by-case basis.

Mayor Galambos stated this is a different case compared to any other that has come before Council.

Councilmember Gabriel Sterling asked if the City has an amnesty policy for businesses that City staff may have missed due to the old system. He asked about an amnesty program for a period of time allowing business owners to pay half the cost of the fees.

Revenue Supervisor Branham stated the City does not currently have a program in place, but could implement one.

City Manager John McDonough stated the City is using the Code Enforcement Department and have identified 300 to 500 businesses that did not renew their business licenses. Staff will use that list and send field inspectors out to the businesses to check if they are still operating.

Councilmember Karen Meinzen McEnerny stated Council is considering waiving fees and penalties for four years and the term flawed was used. She is not sure there was a flaw in the City's system, because it was best efforts that the City has improved upon. She does not agree with an amnesty program regarding late fees and penalties. The City has been very proactive in waiving fees to attract new businesses. To excuse a business owner for not paying fees due to the City for four years sets a dangerous precedent.

Councilmember Collins stated the only basis to waive the fees and penalties is because the City did not send the business owner a bill.

Councilmember Fries stated the business owner came to the City in 2008 and 2012.

Revenue Supervisor Branham stated the business owner received a letter from the City in 2012.

Councilmember Collins stated the business owner did not come to the City and ask if he owned fees. Instead, he waited for the City to send a letter. He asked how long the entity has been in businesses.

Revenue Supervisor Branham responded since 2008.

Councilmember Collins asked if the owner told the City he believed he did not owe the City money.

Revenue Supervisor Branham stated the business owner informed City staff his business was operating, but he did not receive a bill.

Councilmember Collins stated the business owner claimed he did not receive the bill, but was not willing to attend this Council meeting in person to explain why the fees and penalties should be waived. He will not support waiving the fees.

Councilmember Sterling stated small businesses have many fees to pay. If one business did not pay yearly fees and City staff did not actively pursue it, the City should be somewhat friendly to this business owner who did pay his taxes. This is a flaw in the system that has since been fixed with the new software. The City should have a policy for the businesses that are struggling. The total amount due from this business could be the margin for a month for the business.

Councilmember Collins stated the business owner should have attended the meeting.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 12-224, Request Waiver of Late Fees and Penalties for 2009, 2010, 2011, & 2012 Business Occupational Tax Certificate for Rubinger Inc. by waiving 50% of the late fees and penalties leaving a total amount due of \$628.11 to be paid within thirty days. Councilmember Sterling seconded the motion.

Mayor Galambos asked if staff is doing anything proactively to check office buildings to see if new tenants have moved in.

Director of Community Development Angela Parker stated after renewal letters are mailed out, Code Enforcement will send out a ten day letter. Businesses that have not paid after the ten day letter is mailed out will be issued a citation. When City staff goes to the businesses to check on business licenses, staff checks the surrounding businesses as well. Staff's intent is to check every business to ensure they have their business license.

Substitute Motion and Vote: Councilmember Meinzen McEnery moved to deny Agenda Item No. 12-224, Request Waiver of Late Fees and Penalties for 2009, 2010, 2011, & 2012 Business Occupational Tax Certificate for Rubinger Inc. Councilmember Collins seconded the motion. The substitute motion failed for lack of a majority with Councilmember Fries and Councilmember Sterling voting in opposition.

Vote on the original Motion: The vote was split 2-2 with Councilmember Collins and Councilmember Meinzen McEnery voting in opposition. The Mayor voted in favor of the motion to break the tie. The motion carried 3-2.

(Agenda Item No. 12-225)

2. Consideration of Approval for the Mayor to sign the Local Maintenance and Improvement Grant Contract between the City of Sandy Springs and the Georgia Department of Transportation

Director of Public Works Kevin Walter stated this item is a prioritized list of forty-four roads that Public Works submitted in April 2012 to GDOT to seek a local maintenance and improvement grant. GDOT approved the list in July and authorized a contract between the City and GDOT in the amount of \$590,060.96. Staff recommends authorizing the Mayor to sign the local maintenance and improvement grant contract.

Mayor Eva Galambos asked if this list includes more roads than the list that was provided to Council several months ago.

Director of Public Works Walter responded yes. Currently, the City is paving roads with last year's fiscal funds. This is a list of additional roads and the City will be reimbursed by GDOT for these roads. The roads will be paved during spring 2013. The City has until December 2013 to expend these funds in order to be reimbursed.

Director of Public Works Walter stated this work is for paving only. There will be a cost to the City for preparing the roads, which is the City's normal procedure. This grant is not subject to the thirty percent match requirement.

Councilmember Dianne Fries asked when Council will receive the new list of roads to be paved.

Director of Public Works Walter stated Council will receive the list in October.

Councilmember Gabriel Sterling asked what has delayed the list of roads. Council was supposed to receive a preliminary list in August.

Director of Public Works Walter stated the schedule called for staff to review the list with the City Manager. The report has been drafted and staff is preparing a presentation to the City Manager.

Councilmember Sterling asked if the list can be presented to Council sooner.

City Manager John McDonough stated he has not yet seen the list. The presentation of the list is imminent and Council will be briefed soon.

Mayor Galambos asked about a list of roads that she received.

Councilmember Fries stated that particular list is not the complete list of all the roads in the City, including their ranking.

City Manager McDonough stated the list being referenced is the updated pavement condition index of roads that has not been updated for five years.

Director of Public Works Walter stated rating the roads and compiling the list is complicated. The City has rated the roads before, but the new rankings will not be in the exact same order as before.

Councilmember Collins stated he has had numerous complaints and comments from different areas of the City regarding the road ratings without regard to where the roads are located. Some of the roads being paved throughout the City are located sporadically. He asked if more of the streets should be grouped together when being paved. An example would be half a neighborhood could be paved at the same time.

Director of Public Works Walter stated the street segments are split down to very fine levels, sometimes to only a couple of blocks. Staff looks at every street segment that is half a mile long to see if there are cul-de-sacs or dead-end portions that would cost the City more to pave at a later date.

Councilmember Collins stated he understands how and why the road paving is done the way it is, but the constituents are not pleased with the manner in which the paving is being done. He asked if the City should consider a different approach.

Mayor Galambos stated no matter how the City paves the roads, there will be complaints. Staff has a method that tries to take the politics out of the decision.

Councilmember Collins asked if a subjective element could be added to the process instead of going down the list.

Director of Public Works Walter responded that is currently being done.

Councilmember Karen Meinzen McEnerny stated that any road that falls below a certain level and is not paved soon will cost three times more, because it will require reconstruction. At one time she was keeping track of how many miles of roads were being paved in one district versus another. The paving of roads in each district is evenly balanced and the system seems to work.

Mayor Galambos asked if the City is in danger of losing some of the funds in the future due to the failure of TSPLOST.

Director of Public Works Walter responded no. In the future, the funds will still be available to the City. For every grant the City receives, the City will have to pay an additional thirty percent commitment in order to obtain the grant.

Mayor Galambos asked if the jurisdictions that passed the TSPLOST are exempt from this particular requirement.

Director of Public Works Walter responded yes.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 12-225, Approval for the Mayor to sign the Local Maintenance and Improvement Grant Contract between the City of Sandy Springs and the Georgia Department of Transportation. Councilmember Fries seconded the motion.

Councilmember Fries stated she thought Northridge Parkway would be delayed until the construction of the apartments are complete.

Director of Public Works Walter stated the road will not be paved until slightly before the apartments are ready. The goal is to have the majority of the construction complete and then the paving and striping will be done before the apartments open.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2012-09-60

(Agenda Item No. 12-226)

3. Purchase of Police Vehicles

Chief of Police Terry Sult stated this item is a request to approve a contract with a vendor for the budgeted replacement of police cars. Fourteen vehicles will be replaced at a cost of \$371,000. Staff is looking to keep using the 2011 model vehicle and use the vehicle propane systems that are approved. As of August 31, 2012, the Police Department was paying \$1.39 per gallon for propane when gas cost about \$3.60 a gallon.

Councilmember Dianne Fries asked if the police cars achieve similar miles per gallon when using the propane.

Chief of Police Terry Sult stated the cars reach one less mile per gallon when using the propane, compared to the gasoline. Propane burns cleaner, so the oil does not have to be changed on those cars as often.

Motion and Vote: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 12-226, Purchase of Police Vehicles. Councilmember Sterling seconded the motion. The motion carried unanimously.

REPORTS

1. Mayor and Council Reports
 - a) Nomination to Economic Development Advisory Committee – Mayor Galambos

Motion and Vote: Councilmember Fries moved to approve the nomination of Mary Ellen McClanahan to the Economic Development Advisory Committee. Councilmember Sterling seconded the motion. The motion carried unanimously.

2. Staff Reports
 - a) MARTA Bus Shelter Typical Layout – Public Works

Deputy Director of Public Works Garrin Coleman stated this is an update on the MARTA bus shelter program. These bus shelters will be located in the City Center area and encompass twenty-one bus stops. The first map illustrates the main street zoning section. The blue line is the approximate existing right-of-way. The yellow area is the area the City will have to acquire for each of the bus shelters so that the shelters will be nine feet from the curb. There will be additional area behind the bus shelters for landscaping. The non-ad MARTA bus shelter will be used and the MARTA route map stand will also be included. Site furniture will include a bench, trash receptacle, bicycle rack, and landscaping. He presented a photo depicting an example of what the bus shelters will look like in downtown Sandy Springs.

Councilmember Karen Meinzen McEnerny asked where the map will go.

Deputy Director of Public Works Coleman stated the map stand can go anywhere on the site. The map will be 2 ½ feet wide and 2 feet in height.

Councilmember Meinzen McEnerny stated people may sit on the granite walls. She asked if staff wants to think about having something to discourage people from sitting on the walls.

Deputy Director of Public Works Coleman stated the walls will not be at every bus shelter location. An encroachment permit will be required from GDOT to install the walls. At each bus shelter site an engineer will have to determine how much right-of-way is needed.

Councilmember Dianne Fries stated the bus shelters will be completely installed rather than installing the bus shelters first and then two years later installing the rest of the components.

Mayor Eva Galambos asked how much right-of-way will the City be required to purchase for the bus shelters.

Deputy Director of Public Works Coleman stated the amount of right-of-way purchased will be determined on a site by site basis. The right-of-way is required due to the City's streetscape. Additional right-of-way may need to be purchased to accomplish the nine foot width of the sidewalks.

Mayor Galambos asked about the right-of-way for streetscape on Roswell Road.

Deputy Director of Public Works Coleman stated staff is actively acquiring parcels for the T-0012 project. Four parcels have been acquired and negotiations are occurring on eight more parcels. In most cases, the City is acquiring the parcels at the appraised value.

Mayor Galambos stated it bothers her that the City is improving the frontage of these businesses and having to buy right-of-way for public improvements that enhance their property values. She asked about the cooperation of the lenders for purchasing the right-of-way.

Deputy Director of Public Works Coleman stated in most cases lenders and banks are involved.

Councilmember Meinzen McEnery stated the property owner has to speak to the lender to have the right-of-way released. In some cases, 100% of the proceeds the owner receives from the purchase of the right-of-way have to be returned to the bank.

City Attorney Wendell Willard stated Federal law compels an offer to be made for the acquisition of the property.

Councilmember Gabriel Sterling asked about the advertising money from MARTA.

Deputy Director of Public Works Coleman stated that amount is a little less than \$100,000.

Councilmember Sterling asked when the first bus shelter will be built.

Deputy Director of Public Works Coleman stated the work begin once the consultant is procured. By October 2013 the bus shelters will be complete.

b) Update on Nonprofit Program – City Manager’s Office

Assistant City Manager Eden Freeman stated Council has a draft of the FY13 solicitation and a spreadsheet of the final report of the FY12 competitive solicitation program. Eight different nonprofit organizations received \$50,000 that resulted in services to 8,068 Sandy Springs residents. For the Mary Hall Freedom House, fifteen children were served by that program. The Child Development Association number is also the number of children served by the program. Staff’s proposal is to use the same solicitation as last year. The criteria will be the same and the only difference is the applications will be submitted online. Staff will offer an application workshop in the City Hall training room on October 9, 2012. The applications will be due online November 2, 2012. The scored recommendations will be brought to Council in mid-December. These funds were already budgeted for FY13.

Councilmember Karen Meinzen McEnery asked about the approval of \$150,000 for the nonprofit allocation and why the Community Action Center is not on this report.

Assistant City Manager Freeman stated this report is for the competitive solicitation. The other allocation was a directed award which was separate from the competitive solicitation.

Councilmember Meinzen McEnery asked to see a report that shows the same information for the CAC as is provided on the chart for the other not for profits, since the CAC is allocated 2/3 of the budget.

PUBLIC COMMENT

There were no public comments.

(Agenda Item No. 12-227)

EXECUTIVE SESSION – Land Acquisition and Litigation

Motion and Vote: Councilmember Sterling moved to enter into Executive Session to discuss land acquisition and potential or pending litigation with Director of Community Development Angela Parker included. Councilmember Fries seconded the motion. The motion carried unanimously, with

Councilmember Fries, Councilmember Collins, Councilmember Sterling, 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 Fries, Councilmember Collins, Councilmember Sterling, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 7:51 p.m.

(Agenda Item No. 12-228)

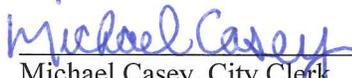
ADJOURNMENT

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 7:52 p.m.

Date Approved: September 18, 2012



Eva Galambos, Mayor



Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

September 11, 2012

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 11th day of September, 2012, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Future acquisition of real estate pursuant to O.C.G.A, 50-14-3(4);

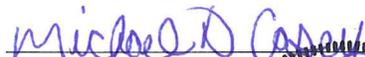
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any 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 11th day of September, 2012.


Notary public

