



CITY COUNCIL

Eva Galambos, Mayor

John Paulson – District 1

Dianne Fries – District 2

Chip Collins – District 3

Gabriel Sterling – District 4

Tibby DeJulio – District 5

Karen Meinzen McEnery – District 6

Tuesday, October 4, 2011

Action Minutes

6:00 PM

A) INVOCATION – Reverend Tim Black, Holy Innocents Episcopal Church

B) CALL TO ORDER – Mayor Eva Galambos

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

C) ROLL CALL AND GENERAL ANNOUNCEMENTS

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.

D) PLEDGE OF ALLEGIANCE – Mayor Eva Galambos

(Agenda Item No. 11-203)

E) APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for October 4, 2011. Councilmember Paulson seconded the motion. The motion carried unanimously.

F) CONSENT AGENDA

(Agenda Item No. 11-204)

1. Meeting Minutes:
 - a) September 20, 2011 Regular Meeting
 - b) September 20, 2011 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 11-205)

2. Approval of the Acceptance of the Donation of the Right-of-Way Deed (including Temporary Construction Easement) for the Spalding Drive Sidewalks Project/ Mount Vernon Road to Nesbit Ferry Road (Nesbit Ferry Section); Project No. T-6010-14
(Kevin Walter, Director of Public Works)

Resolution No. 2011-10-76**(Agenda Item No. 11-206)**

3. Approval of the Acceptance of the Temporary Driveway Easement for the Dunwoody Club Drive Sidewalk Project; Project No. T-6011-4
(Kevin Walter, Director of Public Works)

Resolution No. 2011-10-77**(Agenda Item No. 11-207)**

4. Approval of the Acceptance of the Temporary Driveway Easement for the Mount Vernon Road Sidewalk Project; Project No. T-6011-9
(Kevin Walter, Director of Public Works)

Resolution No. 2011-10-78

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for October 4, 2011. Councilmember Sterling seconded the motion. The motion carried unanimously.

G) PRESENTATIONS

1. Review of Awards Received by the Sandy Springs CVB and Staff – Mayor Galambos
2. 2011 American Heart Association Mission Award to Chief McElfish - AHA

H) PUBLIC HEARINGS**(Agenda Item No. 11-208)**

1. Consideration of Approval of the Appropriation of the Property located on Morgan Falls Road as part of T-0034/ Morgan Falls Road Improvements, referred to as parcel number 3
(Presented by Assistant City Attorney, Cecil McLendon)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-208, Consideration of Approval of the Appropriation of the Property located on Morgan Falls Road as part of T-0034/ Morgan Falls Road Improvements, referred to as parcel number 3, and to exercise the power of eminent domain. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-79**(Agenda Item No. 11-209)**

2. Consideration of Approval of the Appropriation of the Property located on Morgan Falls Road as part of T-0034/ Morgan Falls Road Improvements, referred to as parcel number 4
(Presented by Assistant City Attorney, Cecil McLendon)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-209, Consideration of Approval of the Appropriation of the Property located on Morgan Falls Road as part of T-0034/ Morgan Falls Road Improvements, referred to as parcel number 4, with the use of eminent domain.

Resolution No. 2011-10-80

Text Amendment**(Agenda Item No. 11-210)**

3. **TA11-004** - An Ordinance to Amend Section 105-119, Fees and Certificates, of the Code of Sandy Springs
(Presented by Fire Chief, Jack McElfish)

Motion and Vote: Councilmember Paulson moved to approve Agenda Item No. 11-210, TA11-004 - An Ordinance to Amend Section 105-119, Fees and Certificates, of the Code of Sandy Springs. Councilmember Sterling seconded the motion. The motion carried unanimously.

Ordinance No. 2011-10-16**I) UNFINISHED BUSINESS** *(none)***J) NEW BUSINESS****(Agenda Item No. 11-211)**

1. Street Name Change - Colonel Drive to Pride Place
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-211, Street Name Change - Colonel Drive to Pride Place. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-81**(Agenda Item No. 11-212)**

2. Approval for Public Works to submit an application to the Atlanta Regional Commission (ARC) for 2011 Livable Centers Initiative (LCI) implementation funding and commitment to required local match
(Presented by Director of Public Works, Kevin Walter)

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-212, Approval for Public Works to submit an application to the Atlanta Regional Commission (ARC) for 2011 Livable Centers Initiative (LCI) implementation funding and commitment to required local match. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-82**(Agenda Item No. 11-213)**

3. Memorandum of Understanding (MOU) for Transportation Enhancement (TE) Activities with GDOT for Morgan Falls Road Construction (CIP T-0034, GDOT PI 10652)
(Presented by Capital Program Manager, Garrin Coleman)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-213, Memorandum of Understanding (MOU) for Transportation Enhancement (TE) Activities with GDOT for Morgan Falls Road Construction (CIP T-0034, GDOT PI 10652). Councilmember Sterling seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-83**(Agenda Item No. 11-214)**

4. Acceptance of Encroachment and Indemnification Agreement located at 5620 Glenridge Drive, in Land Lot 38 of the 17th District for the Glenridge Springs Master Condominium Association, Inc
(Presented by Assistant City Attorney, Cecil McLendon)

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-214, Acceptance of Encroachment and Indemnification Agreement located at 5620 Glenridge Drive, in Land Lot 38 of the 17th District for the Glenridge Springs Master Condominium Association, Inc. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-84

(Agenda Item No. 11-215)

5. Approval of a Right-of-Way Acquisition Matching Funds for the Roswell Road Streetscape Project, Johnson Ferry to Abernathy Road, (CIP T-0012), subject to Financial and Legal Review and Approval
(Presented by Capital Program Manager, Garrin Coleman)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 11-215, Approval of a Right-of-Way Acquisition Matching Funds for the Roswell Road Streetscape Project, Johnson Ferry to Abernathy Road, (CIP T-0012), subject to Financial and Legal Review and Approval. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-85

(Agenda Item No. 11-216)

6. A Resolution to Adopt the City of Sandy Springs Economic Development Incentive Policy
(Presented by City Manager, John McDonough)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-216, A Resolution to Adopt the City of Sandy Springs Economic Development Incentive Policy with the striking of the sentence "This incentive is available two (2) times in a ten (10) year period" from paragraph 3 under Available Incentives. Councilmember Sterling seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-217)

7. Management Analysis of Community Development Department and Task Change Order
(Presented by City Manager, John McDonough)

Motion and Second: Councilmember Meinzen McEnery moved to approve Agenda Item No. 11-217, Management Analysis of Community Development Department and Task Change Order in the amount of \$212,877, with an additional scope of work including .8 arborist, .2 arborist, and .2 building inspector at a cost of \$86,000. Councilmember Paulson seconded the motion.

Substitute Motion and Second: Councilmember Fries moved to approve Agenda Item No. 11-217, Management Analysis of Community Development Department and Task Change Order in the amount of \$212,877, with an additional \$86,878 for FTE employees as determined by the City Manager to support pre and post inspections for residential development. Councilmember Sterling seconded the motion.

Withdrawal of Substitute Motion: Councilmember Fries withdrew the substitute motion. Councilmember Sterling accepted withdrawal of the motion.

Second Substitute Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-217, Management Analysis of Community Development Department and Task Change Order in the amount of \$212,877. Councilmember Sterling seconded the motion. The motion carried unanimously.

K) REPORTS AND PRESENTATIONS

1. Mayor and Council Reports

2. Staff Reports
 - a) Upcoming Events – Community Information

L) PUBLIC COMMENT

Motion and Vote: Councilmember DeJulio moved to recess the regular meeting for a short break and to hear one of the Work Session Agenda Items. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting recessed at 8:16 p.m.

Motion and Vote: Councilmember DeJulio moved to end the recess and resume the regular meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The recess ended at 8:33 p.m.

(Agenda Item No. 11-218)

M) EXECUTIVE SESSION – Litigation

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss pending or potential litigation with Patrice Dickerson and Laurel Henderson included. 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 began at 8:33 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. 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 adjourned at 8:52 p.m.

(Agenda Item No. 11-219)

N) ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 8:52 p.m.