Work Session Meeting of the Sandy Springs City Council was held on Tuesday, June 21, 2011, at 8:09 p.m., Mayor Eva Galambos presiding.

STAFF DISCUSSION ITEMS

City Attorney

1. A Resolution to Approve and Authorize a 9-1-1 Charge on Prepaid Wireless Telecommunications Service Pursuant to House Bill 256

City Attorney Wendell Willard stated this item is a requirement under the House Bill passed by the State. It will allow the City to receive $.75 for prepaid wireless 9-1-1 charges, per each retail transaction. In order to receive the fee, the City has to authorize the collection of that fee and send the resolution to the Department of Revenue Commissioner.

Mayor Eva Galambos asked when the City will start receiving the money, if the resolution is passed.

City Attorney Willard stated this resolution needs to be filed before the end of the year. The check will be written to the City in July 2012, for the amount collected in the fiscal year starting July 1, 2011.

Councilmember Karen Meinzen McEnerny asked if the resolution would cost anyone additional money.

City Attorney Willard responded no. The money is already being collected and being put aside in the State Treasury.

Councilmember Dianne Fries asked if the City would receive a pro-rata share of the State collections based on the City population.

City Attorney Willard responded yes, for the cities and counties that have a 9-1-1 participating service.

Councilmember Fries questioned why the resolution states $.75 per retail transaction is hereby imposed and established in the City. That sounds like the City is asking to be paid directly.

City Attorney Willard responded no. The City is only authorizing the collection of that money in our jurisdiction.

There was a consensus of Council to move forward with this item.

2. Consideration of a totally rewritten Chapter 26, Article IV, on Massage Establishments and Spas

Assistant City Attorney Cecil McLendon stated this ordinance is similar to the ordinance passed in Johns Creek. The old ordinance would have required people that have a State license to register with the City. This ordinance states that if an individual has a State license and they maintain a massage establishment, the State license has to be maintained at that location. The State license requirement does not apply to establishments that perform foot or hand massages. This ordinance says that if an individual does not have a State license, then the individual needs to obtain a license from Sandy Springs. If a license is not maintained, it is a violation of the City code, and it could affect the opportunity to maintain an occupational tax certificate.

Councilmember Gabriel Sterling asked if the required license is for the establishment or the individual.

Assistant City Attorney McLendon stated each individual has to maintain a license. If a citation was issued, it would likely be issued to the individual.

Mayor Eva Galambos stated the establishments previously were required to be closed by 9:00 p.m. and this ordinance changes the closing time to 10:00 p.m. She asked for an explanation of the time change.

Assistant City Attorney McLendon stated the closing time can be specified as 9:00 p.m.

Mayor Galambos stated she would prefer the closing time of these establishments be 9:00 p.m.

Councilmember Chip Collins asked if this ordinance is directed towards the massage parlors and spas that are not licensed and have unlicensed masseurs and masseuses that perform back massages.

Assistant City Attorney McLendon responded if an individual has a State license that is all that is required. If an individual does not have a State license, they would need a license from the City.

Councilmember Collins stated part of the experience at a nail salon includes massages. He asked if all of the nail technicians would be required to have a license from the City.

Assistant City Attorney McLendon responded no. That is not covered under the ordinance.

Councilmember Sterling asked if the hairstylists and such are already State licensed.

Assistant City Attorney McLendon responded yes. The City exempts anyone that has a State license through the Secretary of State.

Councilmember Fries asked if this item will be on the consent agenda for the next City Council meeting.

City Attorney Wendell Willard stated since this item is an ordinance, it should be placed on the agenda under new business.

There was a consensus of Council to move forward with this item.

Councilmember Gabriel Sterling stated he was asked to review the City's upcoming redistricting. The good news is almost all of the districts grew equally. The ideal district size is 15,642. Four of the six districts are at this amount or higher. The only two districts that do not meet this number are District 3, at an amount of 14,417, and District 5 at 16,659. The State allows a five percent deviation with a population count of 14,860 as the lowest number and 16,424 as the highest. Councilmember DeJulio identified an area on Roswell Road to move to District 6. The district lines can be moved slightly while keeping the districts essentially the same and equally populated. He asked how quickly this needs to be completed.

City Attorney Wendell Willard stated the redistricting needs to be completed before the end of the year. If the redistricting is not done this year, there could be an inability to complete it next year. The law states the redistricting needs to be done the year of the census. The City has been excluded from the requirements of Title V, Voting Rights Act, but will have to notify the Department of Justice of the redistricting plan, so they are informed. The five percent deviation was challenged by State redistricting in 2002.

Councilmember Sterling stated he hopes the City can be within a two percent deviation without many boundary changes. He thanked Josh Lontz in GIS for gathering this information.

Councilmember Karen Meinzen McEnerny stated when the City incorporated each of the districts target population number was 14,500. The target number has now increased from 14,500 to 15,642, a difference of more than 1,100.

There being no further discussion, the meeting adjourned at 8:18 p.m.

Date Approved: July 12, 2011

Eva Galambos, Mayor

Michael Casey, City Clerk