

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, May 03, 2011, at 6:00 p.m., Mayor Eva Galambos presiding.**

### **INVOCATION**

Reverend Tryggvi Arnason, Holy Innocents Episcopal Church, offered the invocation.

### **CALL TO ORDER**

Mayor Eva Galambos called the meeting to order at 6:18 p.m.

### **ROLL CALL AND GENERAL ANNOUNCEMENTS**

City Clerk Michael Casey reminded everyone to silence cell phones and pagers at this time. Additionally, those wishing to provide public comment during either a public hearing or the Public Comment section 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.

**(Agenda Item No. 11-091)**

### **APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Fries moved to approve the Meeting Agenda for May 3, 2011. Councilmember Sterling seconded the motion. The motion carried unanimously.

### **CONSENT AGENDA**

**(Agenda Item No. 11-092)**

1. Meeting Minutes:
  - a) April 19, 2011 Regular Meeting
  - b) April 19, 2011 Work Session

*(Michael Casey, City Clerk)*

**(Agenda Item No. 11-093)**

2. Approve 2011 CDBG Action Plan and Resolution  
*(Vann McNeill, Community Development Block Grant Manager)*  
**Resolution No. 2011-05-40**

**(Agenda Item No. 11-094)**

3. Fulton Tennis Services - Recommendation to Extend the Current Contract until December 31, 2012  
*(Ronnie Young, Director Recreation and Parks)*

**Motion and Vote:** Councilmember Fries moved to approve the Consent Agenda for May 3, 2011. Councilmember DeJulio 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 section of the meeting.

**(Agenda Item No. 11-095)**

1. Consideration of Approval of Land Exchange for property located at 185 Allen Road, Land Lot 90, 17th District as a right of way donation of .023 acres for an abandonment of .027 acres on same parcel of land

Transportation Planning Division Manager Garrin Coleman stated this item was last discussed at the April 19, 2011, City Council Work Session. Since that date, staff has advertised the property in the legal organ and also posted a sign on the property and mailed letters to adjacent property owners.

Mayor Eva Galambos asked if this item is included in the City budget.

Transportation Planning Division Manager Coleman stated there is no money involved in this transaction.

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

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 11-095, Approval of Land Exchange for property located at 185 Allen Road, Land Lot 90, 17th District as a right of way donation of .023 acres for an abandonment of .027 acres on same parcel of land. Councilmember Fries seconded the motion. The motion carried unanimously.

**Resolution No. 2011-05-41**

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

**(Agenda Item No. 11-096)**

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 Blake Dettwiler stated this item is a request from Kessler Enterprise, Inc. to again extend the land disturbance permit for the Grand Bohemian Hotel pending construction loan financing. The representatives for the applicant are present to answer any questions.

**Mayor Eva Galambos** called the representatives to the front.

**Joseph Foltz, attorney for Kessler Enterprise, Inc.**, stated he would like to assure Council of the intention of the Kessler Company to proceed with the development. The CFO of Kessler is also here tonight to answer any questions.

**Councilmember Dianne Fries** stated she wonders if the applicant has seen the wonderful reports of how the Sandy Springs hotels are thriving.

**Day Dantzler, Kessler Enterprise, Inc., CFO** assured Mayor and Council that his company is one hundred percent committed to completing this project. The company's time and money have been invested in this project. The hospitality business over the last two years has been extremely difficult. Kessler Enterprise, Inc opened two new hotels in 2009. These were both projects which started in 2008. One of the hotels is located in Savannah, GA, and the other is located in Asheville, NC. The Sandy Springs project is their top priority, because currently it is their only project.

Mayor Galambos asked if he was aware of the monthly data on the report on where Sandy Springs is ranked in hotel occupancy rates. Month after month the Sandy Springs hotel occupancy rate has an average per room that exceeds the City of Atlanta and the surrounding jurisdictions.

Mr. Dantzler stated he is aware of the overall Atlanta market as it pertains to occupancy rates.

**Councilmember Tibby DeJulio** stated the hotel keeps being referred to as the Atlanta project, even though it is located in Sandy Springs. Will it be referred to as the Sandy Springs hotel or the Atlanta hotel? He asked if in advertising the hotel will be referred to as being located in Sandy Springs.

Mr. Dantzler stated the address will reflect that the hotel is located in Sandy Springs, GA. The hotel will be named the Atlanta Bohemian Hotel.

Councilmember Fries stated she thinks that this hotel will be great for Sandy Springs.

Mayor Galambos asked Mr. Dantzler if he would like the occupancy data, so that he can use it as part of the financing process.

Mr. Dantzler stated that would be great to be able to use that information.

**Councilmember Karen Meinzen McEnerny** thanked Mr. Dantzler for the commitment he shows for this development by coming before Council tonight.

Councilmember DeJulio asked how close the company is to obtaining the financing needed to begin the project.

Mr. Dantzler stated he has spoken to many different sources that have the ability to provide construction loans and potentially lower their equity dollars. Currently, loans on hotels require forty to fifty percent equity.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 11-096, 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.

**(Agenda Item No. 11-097)**

2. Approval of a Right-of-Way Acquisition Contract for the Roswell Road Streetscape, Project, Johnson Ferry to Abernathy Road, (T-0012), subject to Financial and Legal Review and Approval

**Transportation Engineer Greg Ramsey** stated this is a typical GDOT agreement between the City and the State to execute right-of-way negotiations on a State funded project. This is similar to the T-0008.

**Motion and Vote:** Councilmember DeJulio moved to approve Agenda Item No. 11-097, Approval of a Right-of-Way Acquisition Contract for the Roswell Road Streetscape, Project, Johnson Ferry to Abernathy Road, (T-0012), subject to Financial and Legal Review and Approval. Councilmember Fries seconded the motion. The motion carried unanimously.

**Resolution No. 2011-05-42**

**(Agenda Item No. 11-098)**

3. Resolution Reallocating CIP Funds for IT Equipment Purchase

**Director of Finance Amy Davis** stated the IT equipment purchase was approved and the financing was discussed at a previous City Council Meeting. The decision was made to purchase the equipment with CIP funds that have not been spent for road paving and sidewalk projects. Currently, there is about \$1 million in the paving CIP that will not be used and \$1.8 million in the sidewalk fund. She asked for approval from Council to move the money to make the purchase of the IT equipment.

**Councilmember Gabriel Sterling** asked how much money will be moved in order to purchase the IT equipment.

Director of Finance Davis stated the amount that will be moved is \$1,536,011.84.

**Councilmember Dianne Fries** asked what the total cost is, including the money that is being borrowed.

**Mayor Eva Galambos** stated we are not borrowing any money. That is the total amount.

Director of Finance Davis stated the proposition was brought up to purchase the IT equipment. The numbers were worked regarding the zero percent interest loan with Cisco, but there were many stipulations that would not be beneficial to the City.

Councilmember Fries asked if our position on the zero percent has changed.

Mayor Galambos responded correct. This item is to buy all the equipment and not finance any of it.

Councilmember Sterling asked what the cost of the interest would be if the City decided to finance the equipment at the current interest rate.

Director of Finance Davis stated the interest rate would be 2.9% on non Cisco equipment, which would be calculated on \$1.1 million.

**Assistant City Manager Noah Reiter** stated it came down to a timing issue. Staff could have worked through the zero percent financing. However, this option became infeasible due to the time constraints of the lead time required to take delivery of equipment, configure it, and have it operational by July 1<sup>st</sup>.

Councilmember Fries asked how much it would cost the City on an annual basis, if the money was borrowed and the 2.9% interest rate was paid.

Director of Finance Davis stated the cost would be 2.9% of \$1.1 million, which would be \$32,000 a year. It was largely a timing issue.

**Councilmember Tibby DeJulio** stated the City has the money to pay for the equipment, as opposed to financing the equipment and paying \$30,000 in interest annually.

**Councilmember Karen Meinzen McEnerny** stated the remainder of the CIP money is the result of a very good procurement policy saving money by bidding out services, which is wonderful.

Councilmember Sterling stated we just came out of a budget meeting. He does not like that the City will have to use the capital money on the equipment, but that is what has to be done.

Councilmember Fries stated that the Sandy Springs budget is healthier compared to a lot of cities.

**Motion and Vote:** Councilmember DeJulio moved to approve Agenda Item No. 11-098, A Resolution Reallocating CIP Funds for IT Equipment Purchase. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

**Resolution No. 2011-05-43**

## **REPORTS AND PRESENTATIONS**

### 1. Mayor and Council Reports

There were no reports from the Mayor or Council.

### 2. Staff Reports

#### a) March Financial Report – Amy Davis

**City Manager John McDonough** stated the March Financial Report will be heard at a future City Council Meeting.

#### a) Report on State & Federal Seized Funds – Chief Sult

**Police Chief Terry Sult** stated this item is to comply with State statutes in regards to seized funds. There are different guidelines and procedures on State and Federal seized funds. The Police Department is required under statute to report on the State seized funds, but for the purpose of transparency, there will be a report on Federal seized funds as well. The process requires approvals from the Finance Department and the City Manager's office, before any purchases are made with seized funds. The restriction on the seized funds is they cannot supplant the budget. The purchases have to be for law enforcement purposes and non-budgeted items. There are three basic accounts that are being maintained, one of which is a restricted fund. The restricted account is where funds have been received, but the funds have yet to be distributed to the various departments. By statute, the District Attorney's office receives a certain percentage of that money. The seized funds have to stay in that account until the money has been approved for unrestricted use. Once the money becomes unrestricted, it will be available for departmental use. Currently, in the restricted funds account there is approximately \$166,000 waiting to be moved into the usable fund account. The money available at the State level is about \$123,000 and at the Federal level is about \$178,000. The Police Department is working on a major project, which is the video integration system called the Iron Sky camera system. Incorporated into this system would be the police car cameras, the traffic cameras, and public cameras. The project will cost \$189,000, which will be paid from the State and Federal seized funds. Included in the report is a detailed list of how the seized funds have been spent, a listing of the items seized that were subject to forfeiture, and whether they have been awarded or not

awarded. There are very few items seized that are converted to police use. Typically, all the seized items are sold at auction and placed in the seized funds account.

**Councilmember Dianne Fries** asked if the City holds these auctions.

Police Chief Sult stated the auctions are a continual process and most of the auctions are online.

**Councilmember John Paulson** asked if the report includes what the seized funds have been spent on.

Police Chief Sult stated the information on what the money was spent on is included as an attachment.

Councilmember Fries stated the Mayor and Council did not receive this information.

Police Chief Sult stated he would email the information to the Mayor and Council. The money was spent on a couple of pieces of equipment for the S.W.A.T team and additional radios to make their communications more complete. Typically, the seized money is used for advanced education for succession planning or leadership training.

**Councilmember Gabriel Sterling** asked if part of the seized funds will be used to pay for the two problem solving individuals that will be coming over from Great Britain.

Police Chief Sult responded yes. The seized funds will be used to pay for the two individuals.

**Councilmember Tibby DeJulio** asked if the City is conducting our own auctions or using an online auction service.

Police Chief Sult stated the auction process was set up by the previous Finance Director. Most of the items sold are vehicles, which are contracted through A-Tow to sell.

Councilmember Sterling asked if this item was brought before Council due to the recent news reports where other jurisdictions were not disclosing how seized funds are being spent.

Police Chief Sult responded yes. There are at least three or four statutes that mandate how the seized funds are spent. He hopes to work with City Attorney Wendell Willard during the next legislative session on making the process more understandable and more transparent.

**Mayor Eva Galambos** thanked Police Chief Sult for the report.

b) Upcoming Events – Community Information

May 3, Budget Workshop #1, City Hall, 4 pm

May 3, City Council meeting, City Hall, 6 pm

May 6, Sandy Springs 2011 Business Expo, 246 Perimeter Center Parkway, NE, 8am – 3pm

May 7, Sandy Springs Farmers Market, 235 Sandy Springs Circle NW, 8:30am – 12pm

May 7, Pet First Aid, Sandy Springs Library, 395 Mt Vernon Highway, 11:30am – 12:30pm

May 7, Coupon Clipping 101, Sandy Springs Library, 395 Mt Vernon Highway, 2:30 – 3:30pm

May 8, Sandy Springs Cycling Challenge, 6075 Sandy Springs Circle, all day

May 10, Budget workshop #2, City Hall, 5 pm

May 13, North Fulton Golden Games (Sr. Adult Tennis Tournament hosted by SSRP), SS Tennis Center, 8:30 am/6:30 pm

May 14, Sandy Springs Farmers Market, 235 Sandy Springs Circle NW, 8:30am – 12pm

May 14, 2011 Arthritis Walk, 5 Concourse Parkway, 9am  
May 14, Turtle Tours, 6075 Sandy Springs Circle, 11 – 11:30am  
May 14, Children & Dogs - Dog Bite Prevention, Fire Department #4, 4697 Wieuca Road, 2 – 3pm  
May 14, Spring Gymnastics Showcase, Hammond Park Gym, 705 Hammond Dr, 2 pm – 3:30 pm  
May 17, City Council meeting, City Hall, 6 pm  
May 18, Wind Down Wednesdays, Heritage Green, 6110 Bluestone Road, 5:30 – 8pm  
May 21, Sandy Springs Farmers Market, 235 Sandy Springs Circle NW, 8:30am – 12pm  
May 24, Budget presentation, City Hall, 5 pm  
May 25, Georgia Teens Ride with P.R.I.D.E., ChatComm, 859 Mt Vernon Hwy, 6 – 8pm  
May 28, Sandy Springs Farmers Market, 235 Sandy Springs Circle NW, 8:30am – 12pm  
May 30, Memorial Day Holiday, City Hall closed  
June 4, Sandy Springs Farmers Market, 235 Sandy Springs Circle NW, 8:30am – 12pm

**Councilmember Karen Meinzen McEnerny** stated she is holding a Town Hall Meeting on May 9, 2011, at 6:30 p.m. and would like it added to the community information list. There will be three legislators attending and updating the citizens with a legislative overview on the last session at the State Capital. One of the legislators attending will be State Representative Wendell Willard.

### PUBLIC COMMENT

**Robert Pashaian, 8110 Ball Mill Road,** stated he would like to comment on the issue of bow hunting. He is not opposed to bow hunting or preventing anyone the right to hunt. He is opposed to bow hunting in an environment such as the City of Sandy Springs. He believes bow hunting within the City is a safety issue. He has discussed bow hunting with avid hunters as well as doing research on his own. Bows are exceptionally powerful and dangerous weapons. The arrows have a velocity of 300 – 360 feet per second, which is more than the length of a football field. The average range of a bow arrow is 120 feet. When a deer is struck with an arrow, it is put in a state of panic. An arrow can deflect off a deer and where the arrow will land is unpredictable. A deer does not usually fall where it is hit by the arrow and may run up to a mile. The deer is disoriented and anyone that is in the path of the deer is put in a dangerous situation. It is the hunter's responsibility to track the deer and kill it. It is trespassing when the hunter goes onto your property. He received feedback from his insurance company that if a hunting accident were to occur on his property, the claim would more than likely not be paid. The neighbors are against bow hunting within Sandy Springs, because it is a safety concern. He has a nearby neighbor that is a hunter who stated he would never kill a deer within the City limits. He received responses from a few Councilmembers that are opposed to bow hunting. One Councilmember stated there are no records of reports of incidents. He wonders if the City should wait until someone is injured or killed before this issue is taken seriously. Another Councilmember commented that the City should adhere to the State law and keep status quo. Sandy Springs is a growing City and must adapt to the current environment, particularly when it comes to the safety of the residents. The City leaders' job is to promote the health, public safety, and general welfare of the citizens. This would include the passing of a City ordinance that prohibits bow hunting in the City. He thanked the Mayor and Council.

**Councilmember Dianne Fries** asked if Mr. Pashaian's opposition to bow hunting includes archery practice in one's backyard.

Mr. Pashaian stated he has not considered that question.

Councilmember Fries asked that he give this some thought and email her with a response.

**Marie Brumbach, 175 Spalding Mill,** stated a few years ago there was an incident of an arrow spearing a deer in Sandy Springs. Her family doctor, who lives near the Chattahoochee River, stated a deer was

shot from a neighbor's deck. After the deer was shot, it ran across several properties and ended up in a yard where children were playing, which scared the children. Another neighbor had to come outside and kill the deer by shooting it. She asked that an ordinance be passed that prohibits bow hunting in Sandy Springs that it include fines and penalties.

**Patty Berkovitz, 800 Crest Valley Dr. N.W., Sandy Springs Council of Neighborhoods**, thanked the Mayor and Council for requesting the Governor of Georgia to not sign into law the billboard bill.

**City Manager John McDonough** introduced Gary Nichols and Daniel Schultheiss with InterDev.

**Gary Nichols, CEO of InterDev**, introduced himself and stated InterDev has provided managed services within the metro Atlanta area for the past thirty years. Daniel Schultheiss will be the permanent IT manager on site.

**Daniel Schultheiss, IT Manager for InterDev**, introduced himself.

**City Manager John McDonough** recognized the Mayor for the award she received from the Andrew Young School as a distinguished alumnus.

**(Agenda Item No. 11-099)**  
**EXECUTIVE SESSION – Litigation**

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss litigation. 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 6:58 p.m.

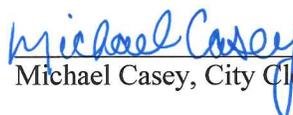
**Motion and Vote:** Councilmember DeJulio moved to adjourn Executive Session. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 7:13 p.m.

**(Agenda Item No. 11-100)**  
**ADJOURNMENT**

**Motion and Vote:** Councilmember DeJulio moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:16 p.m.

Date Approved: May 17, 2011

  
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Eva Galambos, Mayor

  
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Michael Casey, City Clerk