

Regular Meeting of the Sandy Springs City Council was held on Tuesday, March 1, 2011, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Rabbi Josh Heller, B’Nai Torah, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:06 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 Tibby DeJulio and Councilmember Karen Meinzen McEnery were present. Councilmember Chip Collins was absent. The District 4 Council seat is vacant.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance.

Mayor Eva Galambos called Deputy Police Chief Ken DeSimone to the front. He has been called to serve in Afghanistan. Our hearts and thoughts will be with him and we will pray for his safe return.

Deputy Police Chief Ken DeSimone thanked the Mayor, City Council, and everyone for their support. He expressed his appreciation for all the men and women who are currently serving in Afghanistan.

(Agenda Item No. 11-025)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for March 1, 2011. Councilmember DeJulio seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 11-026)

1. Meeting Minutes:
 - a) January 18, 2011 Regular Meeting
 - b) February 1, 2011 Regular Meeting
 - c) February 1, 2011 Work Session
 - d) February 15, 2011 Regular Meeting

(Michael Casey, City Clerk)

(Agenda Item No. 11-027)

2. Consideration of Approval of the Acceptance of the Donations of the Right-of-Way as part of the zoning requirements (Nickerson)
(Tom Black, Director of Public Works)
Resolution No. 2011-03-05

(Agenda Item No. 11-028)

3. Consideration of Approval of the Acceptance of the Donations of the Right-of-Way as part of the zoning requirements (Cornwell)
(Tom Black, Director of Public Works)
Resolution No. 2011-03-06

(Agenda Item No. 11-029)

4. Consideration of Approval of the Acceptance of the Permanent Drainage Easements for Storm water
(Tom Black, Director of Public Works)
Resolution No. 2011-03-07

(Agenda Item No. 11-030)

5. Consideration of Approval of the Acceptance of the Permanent Subsurface and Construction Easement for Construction and Maintenance of Retaining Wall
(Tom Black, Director of Public Works)
Resolution No. 2011-03-08

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for March 1, 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. 11-031)

1. **RZ10-008** - 220 Sandy Springs Circle, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District).

Assistant Director Planning and Zoning Patrice Ruffin stated this item is a rezoning request to rezone the property from C-1 conditional to C-1. This would allow the property to have a broad range of commercial uses within the development, which is consistent with what was previously allowed on the property. Staff is recommending conditional approval. The case was heard on January 20, 2011, by the Planning Commission and they recommended approval subject to staff conditions.

Mayor Eva 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 Second: Councilmember Fries moved to approve Agenda Item No. 11-031, RZ10-008 - 220 Sandy Springs Circle, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District). Councilmember Meinzen McEnery seconded the motion.

Councilmember Karen Meinzen McEnery stated when Fulton County regulated the property, it was only allowed retail for the sale of items. In this particular shopping center, restaurants and hair salons have been allowed. This rezoning is to bring the property into compliance with the existing uses.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2011-03-02

(Agenda Item No. 11-032)

2. **RZ10-010** - 7700 Spalding Drive, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District).

Assistant Director Planning and Zoning Patrice Ruffin stated this item is similar to the previous one. Staff is recommending approval of rezoning from C-1 conditional to C-1. This would allow additional uses on the property. The case was heard by the Planning Commission on January 20, 2011, and they recommended approval.

Mayor Eva 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 Paulson moved to approve Agenda Item No. 11-032, RZ10-010 - 7700 Spalding Drive, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District). Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance No. 2011-03-03

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 11-033)

1. Quarterly Updates on the Capital Improvement Program and other Major Public Works Programs

Deputy Director of Public Works Jon Drysdale stated this item is to formalize the information given to Council and to authorize the presentations to be placed on the City website.

Councilmember Karen Meinzen McEnery asked about the anticipated savings from the sidewalk and paving programs.

Deputy Director of Public Works Drysdale stated regarding the sidewalk program, the City is currently \$1,332,000 below budget. The paving program is \$1.6 million below budget. Due to competitive bidding and market conditions the costs have been below budget.

Councilmember Meinzen McEnerny stated Council has the ability at sometime in the future to decide how to spend the \$2.9 million savings.

No action was required for this agenda item.

(Agenda Item No. 11-034)

2. Waiver of Penalty and Interest for PhyTest, Inc located at 5909 Peachtree Dunwoody Rd Ste 900 Sandy Springs, GA 30328. Applicant is Bill Pappas

Finance Director Amy Davis stated the applicant has requested a waiver for a total of \$13,725.67, which is \$3,200 in penalties and \$10,525.27 in interest.

Councilmember Dianne Fries asked for the first number to be repeated.

Finance Director Davis responded \$13,725.67.

Mayor Eva Galambos asked if the City has a consistent policy for waiving penalties.

Finance Director Davis stated applicants can write a letter to the Finance Director asking for a waiver. The policy states the Finance Director can waive up to \$500, but anything over that amount has to be decided by City Council.

Mayor Galambos asked if there were extenuating circumstances as to why the license was not paid.

Finance Director Davis responded a vendor doing business with PhyTest asked to see their business license and the applicant did not have it. In the applicant's letter it states their business is located at 5909 Peachtree Dunwoody Road in Sandy Springs, GA, and this was an unintentional oversight that recently came to light.

Mayor Galambos asked if there have been unintentional oversights in the past where the City has forgiven the interest and penalties.

Finance Director Davis stated there have been situations where the dollar amount is very insignificant. Most of the waivers are under \$100. This is the largest amount she has seen.

Councilmember Fries asked how many years of fees this represents.

Finance Director Davis stated PhyTest has been in business since 2008 without a license.

Councilmember Tibby DeJulio asked what type of business PhyTest is.

Finance Director Davis responded it is a physician service organization.

Councilmember Fries asked how the applicant did not know to apply for a business license in 2008.

Stephen Greenberg, Attorney for PhyTest, Inc., stated he would like to answer Council's questions. PhyTest, Inc. is a company located in the City of Sandy Springs since 2008. The company was in existence for ten years prior to relocating here. The nature of the business is a billing service for laboratory tests for physician practices. In 2008, PhyTest moved its office from The Ravinia to Sandy

Springs. Mr. Greenberg introduced the applicant, Bill Pappas. The year the company moved, applying for the business license slipped through the cracks. PhyTest was unaware they needed to obtain a business license within the City. As a result, the license did not become a budgeted item on their annual budget. During the years 2008, 2009, and 2010 the taxes were not paid. Those taxes have now been paid. He handed out a summary sheet that listed the amounts paid. The tax is determined by the type of business and by the annual revenues generated in the State of Georgia. As shown on the summary, all the taxes have been paid, totaling \$21,196.69. PhyTest is requesting a waiver of the penalties and late fees, which total \$9,288. The total revenue impact is less than what is stated on the agenda materials. The dollar amounts are quite large due to the fact the taxes have been outstanding and the penalties accrue each month. The 2008 fees account for half of the total. Penalties and late fees are to encourage people to pay on time, but will not serve that purpose in this case. The penalty is in excess of \$9,000, compared to the tax of \$21,000 that has already been paid. Now that PhyTest is aware of the City tax, the late fees will have a deterrent effect. The large penalty is unnecessary and he asked that it be waived.

Councilmember DeJulio asked if PhyTest is a bill collecting agency.

Mr. Greenberg stated it is a service that is provided for physicians, which in the past was handled by the physician's office. The service outsources this function to PhyTest.

Councilmember DeJulio asked if PhyTest typically charges penalties and interest to the customers who do not pay on time.

Bill Pappas, COO of PhyTest, stated PhyTest collects fees from physician clients by meeting with them every month. It is extremely rare that PhyTest is not paid on time. PhyTest does not charge a penalty, because they see their client within thirty to sixty days to collect fees.

Councilmember DeJulio asked if PhyTest collects fees only from physicians and not from the physician's patients.

Mr. Pappas stated PhyTest is paid by physicians for the service they provide. PhyTest collects payments from insurance companies and patients as part of their service.

Councilmember DeJulio asked if PhyTest charges interest when they collect a bill from a patient that was not paid on time.

Mr. Pappas responded no.

Councilmember DeJulio asked if the physician charges the patient late fees.

Mr. Pappas stated the physician can choose to turn the customer over to a collection agency.

Councilmember DeJulio stated the patients are paying interest or a penalty for not paying their bills on time, yet you feel that you should not have to pay penalties or interest.

Mr. Pappas stated he is asking for the waiver because he was not aware a business license was needed.

Mayor Galambos asked if he paid the business and occupation tax in DeKalb County.

Mr. Pappas responded yes.

Mayor Galambos asked if, when the company moved to Sandy Springs, it never occurred to them that they would be liable for business and occupation tax.

Mr. Pappas responded that is true. PhyTest rolled the budget over for the next two years and the tax never appeared as an item.

Mayor Galambos asked Mr. Pappas if he thought that Sandy Springs was not going to charge business and occupational taxes.

Mr. Pappas stated that is not their assumption. He assured the Mayor that PhyTest pays all of their State and Federal taxes in a timely manner.

Councilmember Fries asked Mr. Pappas when he realized he needed to pay City taxes.

Mr. Pappas answered when a vendor asked PhyTest to see a copy of their business license for a purchase they were making.

Councilmember Fries stated we are discussing three years of penalties and fees. Three weeks ago PhyTest paid all their fees to bring them current. Is there a ten percent charge that is required by State to be included in these fees?

City Attorney Wendell Willard stated there are two provisions in the law. In § 48-13-21, it states, should any license fee imposed by law remain due and unpaid for ninety days from the date due on the fee, the person liable for that fee shall be subject to and pay a penalty of ten percent of the tax or fee due. A local government is authorized to provide in their ordinances for interest on delinquent occupation taxes and administrative fees not to exceed five percent. The City has in place an administrative process that is used to discuss business occupational taxes with if a business owner. Staff agrees to waive fees under certain circumstances. For the first year of penalties, the customer may not have been aware of the fees. Staff has not looked at waiving multiple years. There has been room to decide on whether to waive any interest or all of the interest due to how the law is written.

Councilmember Fries stated the only fee that could be adjusted is the City's interest fee of 1.5%.

Mr. Greenberg stated the company came forward and reported this situation. There were no bills sent out for the occupation tax. There were no bills sent out that PhyTest ignored or paid late. One has to apply for a license before a bill is sent out.

Motion and Vote: Councilmember Fries moved to deny Agenda Item No. 11-034, Waiver of Penalty and Interest for PhyTest, Inc located at 5909 Peachtree Dunwoody Rd Ste 900 Sandy Springs, GA 30328. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-035)

3. Resolution to Reduce Fees Collected by the Department of Community Development for Economic Development Purposes

Director of Community Development Blake Dettwiler stated this Resolution proposes to extend the fifty percent reduction of permit fees passed by Council last year. This item was to be heard at the February 15, 2011, City Council Meeting. The resolution now retroactively asks that those permit fees remain at fifty percent from February 16, 2011, to June 30, 2011.

Councilmember Tibby DeJulio stated that homeowners in his district asked about repairing retention ponds. The repair of the ponds will be occurring all over the City, as the stormwater system is being improved. The City charges residents permit fees to make corrections to the residential retention ponds.

Director of Community Development Dettwiler stated staff has not had a retention pond repair case that has come to the City.

Councilmember DeJulio stated this will be the first case of many that will come to the City. He thinks this is something that needs discussion, possibly at a Work Session.

Mayor Eva Galambos asked if the ordinance requires permit fees when residents make repairs to retention ponds.

Director of Community Development Dettwiler stated it depends on the scope of work. If the repair is extensive in grading or excavating, there is a possibility a permit fee will be charged.

Councilmember DeJulio stated there will probably be extensive work on the retention ponds in the City. This is one item that is being encouraged. He asked Director of Community Development Dettwiler to come back to Council with guidance on this issue.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-035, A Resolution to Reduce Fees Collected by the Department of Community Development for Economic Development Purposes. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2011-03-09

(Agenda Item No. 11-037)

4. A Resolution Confirming and Re-Appointing Members of the City of Sandy Springs Public Facilities Authority and Appointing Certain Officers for the Authority

City Attorney Wendell Willard stated a Facilities Authority was set up when the City was created. The City itself is not able to sign long term lease agreements, but the Facilities Authority is able to. This item is to re-appoint the members of Council as members of the Authority.

Councilmember John Paulson asked if the Authority was originally set up because Sandy Springs was not yet a City. He asked if the Authority is still needed.

City Attorney Willard responded yes. There are limitations with the City executing and committing to contracts beyond a certain term, as far as the financial commitment. The City can sign contracts with the Facilities Authority, which is able to execute longer term contracts.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-037, A Resolution Confirming and Re-Appointing Members of the City of Sandy Springs Public Facilities Authority and Appointing Certain Officers for the Authority. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2011-03-10

(Agenda Item No. 11-038)

5. Approval of Recommendation to Purchase a Digital In-Car Video System and Units for the Sandy Springs Police Department

Police Chief Terry Sult stated this item was in the budget last year. At that time an analysis was done and it was believed the Police Department would be able to get a new system and replace approximately twenty five in-car camera recorders. The current system is outdated and was purchased from a vendor which no longer services the system. The system is almost out of storage capacity and there is a 10-35% failure rate. Lt. Roskind worked through the budget process and was able to get a good quote from L-3 Communications. This quote would allow the City to replace sixty-two of the units, as opposed to twenty-five, including the backhouse information. It is a system that will help carry the Police

Department into the future with new technologies. This would leave approximately twenty to twenty-five units that would need to be replaced in the next budget cycle.

Councilmember Tibby DeJulio asked about the life expectancy of the units.

Police Chief Sult stated technology reinvents itself every two years and he hopes the City will get five years out of the equipment. He hopes the backhouse will work well into the future, which is a good part of the expense. The backhouse is where the storage is located and it is an expandable system.

Councilmember John Paulson asked if L-3 Communications works with other police departments.

Police Chief Sult stated yes. They service the cities of Alpharetta, Johns Creek, and Dunwoody. This system is a very stable platform and has downloading capabilities.

Councilmember Karen Meinzen McEnerny stated it was mentioned this was included in the FY2010-2011 budget. She asked if that means the current budget.

Police Chief Sult responded yes.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-038, Approval of Recommendation to Purchase a Digital In-Car Video System and Units for the Sandy Springs Police Department using L-3 Communications at a cost \$447,540.54. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2011-03-11

(Agenda Item No. 11-039)

6. Approval of a Resolution to Partner with and Provide to the Georgia Department of Revenue Pursuant to O.C.G.A. § 48-13-20.1 Registered Business Information

City Attorney Wendell Willard stated last year the legislature passed a bill for the Governor to sign authorizing the Revenue Department to receive information from cities and counties as to those parties who have a business license. This will assist the State to know if individuals paying a local business license tax are also paying the State sales tax. The City has to pass a Resolution to authorize providing the information to the Department of Revenue.

Mayor Eva Galambos stated this was tried with one city. She asked if the State reciprocated with information to the city where it was tried.

City Attorney Willard stated he believes it was tried in the Columbus, GA area, and the information flow was one way.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-039, Approval of a Resolution to Partner with and Provide to the Georgia Department of Revenue Pursuant to O.C.G.A. § 48-13-20.1 Registered Business Information. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2011-03-12

(Agenda Item No. 11-040)

7. Approval of a Resolution to Collaborate and Support the Application for the Atlanta Regional Commission's Community Choices Program

Director of Community Development Blake Dettwiler stated this Resolution is in support of the City of Dunwoody's application for Community Choices Program through the Atlanta Regional Commission. This would provide Dunwoody's staff with pro bono technical support in developing an overlay plan for their portion of the Perimeter CID. The City of Sandy Springs developed and implemented a plan in 2007. This Resolution will allow the two communities to collaborate together for a consistent plan.

Mayor Eva Galambos asked if this is a courtesy to Dunwoody.

Director of Community Development Dettwiler responded yes. This will be at no cost to the City.

Councilmember Karen Meinzen McEnery stated the Perimeter center has a lot of office space and mixed use development which is residential. Are there any single family residential developments that would be included in this CID area?

Councilmember Dianne Fries stated this would be a decision left up to the City of Dunwoody on where the boundaries will be.

Director of Community Development Dettwiler stated the boundary already exists. This item refers to the overlay standard for a portion of the design standard.

Mayor Galambos asked if the question is whether the PCID in the City of Dunwoody includes any single family residential homes.

Councilmember Meinzen McEnery responded yes.

Mayor Galambos stated we do not know this.

City Attorney Wendell Willard stated because of where a business may be located, it would be difficult to draw around the residential areas. They may be included in the CID, but they are not taxed.

Councilmember Meinzen McEnery asked if "Pill Hill" is part of the CID.

Councilmember Tibby DeJulio responded yes.

Councilmember Meinzen McEnery stated she is trying to ask if there are neighborhoods involved, even though they are not paying taxes.

Mayor Galambos stated it is up to Dunwoody to decide.

Councilmember Fries asked if Sandy Springs City staff will assist Dunwoody with defining the PCID in Dunwoody.

Director of Community Development Dettwiler stated this Resolution is to collaborate for the development of an overlay for the Dunwoody portion of the Perimeter CID.

Councilmember Fries stated the City of Dunwoody's Council will be voting and deciding on it.

Councilmember Meinzen McEnery asked why Dunwoody needs Sandy Springs assistance.

City Manager John McDonough stated this request came from Yvonne Williams at PCID. The point of this exercise is to make sure there are uniform design standards across the district and the city lines. This

resolution is to show support. He recommended to Council they support this application. We want to work with the City of Dunwoody and the partners at PCID. It is a courtesy and is no cost to the City.

Councilmember Meinzen McEnery stated she does not want a situation where there is a change in the standard in the overlay district relative to density.

Mayor Galambos stated that is decided by the City of Dunwoody, not Sandy Springs.

City Manager McDonough stated that is correct.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-040, Approval of a Resolution to Collaborate and Support the Application for the Atlanta Regional Commission's Community Choices Program. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2011-03-13

(Agenda Item No. 11-041)

8. Consideration of Rural/Metro Ambulance Request to Increase User Fees

Assistant City Manager Noah Reiter stated Rural Metro has been under contract with the City for enhanced emergency medical services since July 2008. In exhibit D of the contract, the City's obligations are to establish maximum rates that Rural Metro is allowed to bill directly to the patient or to third party insurers. As previously heard from Reg James, Rural Metro has had economic challenges. Their collections have fallen and the expenses have increased. In November 2010, Rural Metro requested that Council consider a request to allow a slightly higher fee to be charged to the patients. Staff met with Rural Metro and reviewed comparable EMS services in the Atlanta Metro area. The rates Rural Metro proposed range in the fifteen to twenty percent increase per level of service. Staff still found these prices to be at or below the average being charged in the metro area. Staff is seeking approval to authorize the City Manager to amend exhibit D of the contract.

Councilmember John Paulson asked if this would change the City's contribution.

Assistant City Manager Reiter stated it would not. The City's subsidy remains at \$450,000 a year.

Mayor Eva Galambos asked if this is to approve what Rural Metro charges the people they transport.

Assistant City Manager Reiter responded that is correct.

Councilmember Dianne Fries asked if Rural Metro has looked at the amount of their city tax since our tax reduction.

Assistant City Manager Reiter stated the business is not located in Sandy Springs.

Councilmember Karen Meinzen McEnery stated the reason for the increase has to do with the cost of oxygen and fuel.

Assistant City Manager Reiter stated the primary cost increases are fuel and benefits for Rural Metro's staff. Another reason is a lot of citizens have lost insurance through layoffs and other reductions by their employers.

Mayor Galambos stated a twenty percent increase in staff cost is pretty stiff. However, she looked at the comparison with what other nearby EMS systems are charging and Rural Metro is below the others.

Motion and Vote: Councilmember Paulson moved to approve Agenda Item No. 11-041, Consideration of Rural/Metro Ambulance Request to Increase User Fees. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2011-03-14

REPORTS AND PRESENTATIONS

1. January 2011 Winter Storm Debriefing & Recommendations for Future Response

City Manager John McDonough stated staff would like feedback from Council on the January, 2011 Winter Storm Report as staff prepares to enter the FY12 budget process. In Council's packet is the PowerPoint presentation, the after action report, and the Annex R. The Annex R is an annex of the City's emergency operations plan which deals specifically with the storm response. He would like to focus on the level of resources for an event that the City may experience in the future.

Councilmember Dianne Fries asked about the emergency fueling plan. She asked if it refers to fueling the vehicles.

City Manager McDonough stated this refers to the different types of fuels and vehicles used. The City does not currently have a fuel storage tank capacity on City owned facilities. Staff is looking to place a gas tank at Fire Station #2, so the City would have a local source. The City has an agreement with a few of the local gas stations in the event there is a shortage on gas or an emergency situation. This would allow the City to fuel the Police fleet, Public Works vehicles, ambulances, and fire trucks.

Councilmember Fries asked if this is the final draft; if Council is being asked to approve this as given, or if staff is still working on it.

City Manager McDonough stated there is not any particular action required from Council. If Council has specific questions or suggestions, staff can incorporate those into the plan. This is the City's plan that staff will operate from in the future.

Councilmember Fries stated she is not interested in purchasing any equipment. Snow storms do not happen enough in Sandy Springs to spend money for extra equipment.

City Manager McDonough stated there are three spreadsheets that show equipment capabilities and costs. Staff needs feedback from Council on the roads that have been placed into three priority levels. This is similar to the Public Works work order system. It depends on how important and how timely a request needs to be addressed. For priority number one, staff has identified bridges, overpasses, arterial roads, and other known problem locations that have been encountered over the past five years. Based on the assessment, there are over one hundred miles of priority one roads. Priority two are the collector streets. There are 84.4 miles of collector streets within the City. Priority three are the residential streets consisting of approximately 521 miles of road. The Emergency Operations Center was staffed 24/7 for five straight days. After day three staff was inundated with approximately 350 specific requests for service. Staff did the best they could to address the service calls. There were questions on why staff did not do a better job of clearing residential streets. As shown on the report, there are hundreds of miles of primary and secondary roads, and five hundred plus miles of residential streets. He challenged the staff to come up with a matrix on the cost to treat the streets. The cost adds up to hundreds of thousands of dollars. Staff needs to know what Council's expectations are for a storm event. Staff will then be able to

tell Council what the costs will be and budget accordingly. The costs will be placed in the FY12 budget to ensure there is a contingency fund for this type of thing.

Councilmember Karen Meinzen McEnerny stated she would prefer a Work Session on this item.

City Manager McDonough stated this is essentially a Work Session. If Council would prefer to study this report and then discuss it at a later time, that would be fine. Staff provided Council with decision points on specific things that need feedback.

Councilmember Meinzen McEnerny stated at this point she has more questions than opinions. She noticed during the snow event the City was proactive in keeping Roswell Road and lanes on the interstate open. The reason the City did this was because GDOT did not. She asked if staff addressed a more active role for GDOT during future events.

City Manager McDonough stated there have been discussions with GDOT. He cannot speak to what GDOT may do for the next storm event. He anticipates a similar or slightly improved level of response.

Councilmember Meinzen McEnerny stated she appreciates seeing in the material that staff may bring in the Fire Department CERT and the Police Department's citizen volunteers.

City Manager McDonough stated the volunteer response programs will be improved to better utilize those capabilities going forward.

Councilmember Meinzen McEnerny stated she is not prepared to give staff her direction regarding this item. She would like to defer her opinion until she has a chance to receive more information on this.

Councilmember Tibby DeJulio stated the City did an outstanding job with the snow storm. He agrees the priority one roadways have to be cleared. Prioritization is important and staff has done a good job on this. Most citizens would like to have their residential street cleared, but the equipment cannot be taken off Roswell Road and the main arteries to clear the residential streets. The residential streets should be cleared when time permits.

City Manager McDonough stated staff reviewed the priority one response and some of the more dangerous neighborhoods on a case-by-case basis. These neighborhoods are the ones that have very steep inclines with a history of accidents. The contractor costs for these type of responses would be \$300,000-\$350,000. If Council wants to go beyond that, then the cost would be significantly higher.

Councilmember DeJulio asked if this amount is more than the City has budgeted for this type of response for the whole year.

City Manager McDonough responded yes, significantly more. Now that staff knows what these costs are, the costs can be planned for moving forward. The cost depends on the level of expectation from Council.

Councilmember DeJulio stated the general opinion is Council wants the streets passable where needed. The most important thing is the ability for the emergency response vehicles to get to the locations that need help. The City will have to spend what needs to be spent. The reserve funds are there to spend in an emergency.

Mayor Eva Galambos stated that is not the issue. The question is should the City do more than what was done during this storm. How much does Council want to spend in the budget to avoid the risk?

City Manager McDonough stated the City received high marks on the City's response for the snow storm. In the event there is another snow storm, staff needs to know if Council agrees with the current action plan. If Council wants a different type of response, they need to let staff know. Staff will plan for it and include it in the FY12 budget recommendations to Council.

Mayor Galambos stated the City does not need to spend any more money than what was spent this time. We should take the risk of something like this happening every ten years. The roads will need to be cleared for the emergency vehicles to get through. Staff did a great job. The citizens that needed to be taken care of were taken care of.

Councilmember Fries stated she agrees with the Mayor. These type of storms do not happen enough for the City to be overly concerned. Clearing at least one lane each direction on Roswell Road would be sufficient for the emergency vehicles to get around. If this type of storm occurs again, it would not hurt the citizens to stay home and not drive. The City did a spectacular job and more than what she could have expected. She is not interested in purchasing any equipment for this type of emergency. She has an issue with the improvement plan and recommendations that do not mention using Public Works in the planning. She does not understand how staff can work with road clearing equipment for winter storms, with associated costs to be approved by the City Manager, and not include Public Works.

City Manager McDonough responded all departments are involved in the planning.

Councilmember Fries stated she would like to see that in writing.

Councilmember DeJulio asked if Councilmember Fries or anyone received complaints from citizens regarding staff response to the storm. He did not receive a single complaint.

Councilmember John Paulson stated he received about six complaints. The comments were why was the City worried about clearing I-285 when their streets were not cleared. Why does the GDOT not clear I-285 instead of the City? He received responses from citizens stating their streets are fine except one spot in the neighborhood that gets iced over and is the last spot to thaw. One of his constituents wants to know if there is a hot spot map of the City that identifies these areas.

City Manager McDonough stated Public Works Director Tom Black can provide this information.

Councilmember Paulson stated pre-treating the bridges and overpasses within two hours is a necessary step. This proposal seems like a logical way to approach the issue. In the document there is mention of a tandem axle vehicle, which is expensive.

City Manager McDonough stated that vehicle would not be used. He has already discussed this with staff and this resource does not make sense from a cost-benefit stand point.

Councilmember Paulson stated the priorities, time frames and approximations look good. Every one of these storms is different and we will have to be flexible with the guidelines.

Mayor Galambos asked City Manager McDonough if he received enough guidance on this item.

City Manager McDonough responded yes. Council is satisfied with the response. Staff will proceed on a similar or slightly higher level and incorporate the recommendations into the response plan.

Councilmember Karen Meinzen McEnerny stated Tree Sandy Springs presented the City with an award on Arbor Day. The City partnered with Tree Sandy Springs to plant eight oak trees at Sandy Springs Circle and Cliftwood Drive. The award states that Tree Sandy Springs is proud to partner with

the City of Sandy Springs to protect and increase its urban forest for future generations; Arbor Day February 18, 2011.

2. January Financial Report

Finance Director Amy Davis stated the general fund revenues for the month of January were at \$55.1 million, which is 65.2% of the City's budget. Out of the \$55.1 million, \$27.9 was collected in property taxes, and that is 102% of the City's budget. The City's budget for this is \$27.1 million. The expenses are at \$44.6 million and all the departments in the general fund are within their budgets. Cash and investments are at \$63.6 million. The City received \$2.1 million in sales tax for this month, which is a total of \$12 million for the year. This is approximately 62.5% of the budget. The collection of sales tax has increased about twenty-three percent compared to this time last year.

Mayor Eva Galambos stated she noticed in the January report that the City is still subsidizing ChatComm. She would like to see Johns Creek do their part.

Councilmember Tibby DeJulio asked City Manager McDonough what his plan is on this.

Finance Director Davis stated it was on Johns Creek's City Council Agenda this week that their Finance Department be allowed to pay the \$175,000 in their current budget.

Councilmember DeJulio asked if this will bring them up to date on the payments.

City Manager John McDonough stated this payment should bring Johns Creek proportionally up to the Sandy Springs contribution this year.

Mayor Galambos stated the split agreed upon was 35/65. She asked if this payment would bring Johns Creek up to the thirty-five.

City Manager McDonough stated not completely, but proportionally up to what Sandy Springs has interjected into the fund. There is an upcoming Board meeting and this will be a topic of discussion.

Mayor Galambos stated staff should be looking at this number and it should always be 35/65 to add up to one hundred percent.

City Manager McDonough stated Council passed a Resolution effective beginning July 1, 2011, that discusses the terms and conditions for how this joint venture will be funded. It will be done on a 1/12 basis for every month of the year. What is being discussed now is the transition period between now and July 1st, to get through this fiscal year. This should not be an issue starting in July, 2011.

City Attorney Wendell Willard stated a memo from the March 4, 2011, meeting will be given to Council to bring them up to date with what transpired.

Mayor Galambos asked what percentage of the deficit was paid by each jurisdiction.

City Manager McDonough stated staff knows what it is today. Staff can give Council an updated report based on the most recent action by Johns Creek.

Assistant City Manager Noah Reiter stated the Resolution recently passed specifies an annual true-up, looking at the prior year's utilization of ChatComm proportionately. Based on the information today, that percentage will probably change to about 62/38.

Councilmember Karen Meinzen McEnery stated Sandy Springs should not be the bank for Johns Creek. If ChatComm needs to be reviewed monthly, X number of dollars because there is a shortfall, then we come up with our share pari passu with Johns Creek. If not, it may need to be stated in the Resolution to charge Johns Creek penalties and interest.

Finance Director Amy Davis stated another item of financial good news is the City received the Georgia Power check in February 2011. The amount of the check was \$6.1 million, which is about \$400,000 over the budgeted amount.

City Manager John McDonough stated this amount makes up for about 1/3 of the reduction in business license fees.

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION

There was no executive session.

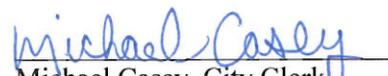
(Agenda Item No. 11-042)

ADJOURNMENT

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:19 p.m.

Date Approved: March 15, 2011


Eva Galambos, Mayor


Michael Casey, City Clerk