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

INVOCATION

Reverend Chris Starr, Church of the Atonement, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:04 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 Tibby DeJulio and Councilmember Karen Meinzen McEnerny present.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance.

(Agenda Item No. 11-016)
APPROVAL OF MEETING AGENDA

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

CONSENT AGENDA

(Agenda Item No. 11-017)

1. Meeting Minutes:
   a) January 13, 2011 Regular Meeting
   b) January 13, 2011 Work Session
   c) January 18, 2011 Work Session
   (Michael Casey, City Clerk)

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

PRESENTATIONS

1. Appreciation to Ashley Jenkins

Mayor Eva Galambos asked Councilmember Karen Meinzen McEnerny to make the presentation.

Councilmember Karen Meinzen McEnerny stated the founding Councilmembers owe former Councilmember Ashley Jenkins of District 4 a great debt of gratitude for her serving with honor, distinction, independence, and youth. Her perspectives on our community are outstanding. She will be missed. She thanked former Councilmember Jenkins for her public service to the City and presented her with a plaque.

Former Councilmember Ashley Jenkins stated it has been an absolute joy working with all of you. You are like family and it has been a pleasure to serve District 4 since 2005. She will miss being a Councilmember because she loves the job. She appreciates all the love and support that she has received over the years. She wished Mayor and Council the best moving forward with its great leadership.

Councilmember Dianne Fries stated former Councilmember Jenkins has done a great job for the City.

2. Proclamation for Karen Cox, Principal of Ridgeview Charter School

Councilmember Tibby DeJulio called Karen Cox to the front. Karen Cox is leaving Ridgeview Charter School where she has been the principal for nine years. Children from his district and Councilmember Meinzen McEnerny's district attend Ridgeview Middle School. Councilmember DeJulio read a proclamation stating Karen Cox, Principal of Ridgeview Middle School, left Ridgeview Middle School at the end of January. She has given her talents, skills, and heart to the children, staff, and community of Ridgeview Charter School. She will now increase her influence and leadership throughout Fulton County Schools. She will be missed by many in Sandy Springs. The Mayor and City Council proclaimed February 1, 2011, as Karen Cox Day in Sandy Springs.

Karen Cox, Former Principal of Ridgeview Charter School, thanked the Mayor and City Council. This Proclamation means the world to her. She gave a special thanks to the City of Sandy Springs and all the employees. She is certain she left behind great employees that will continue making the school a premier place within the City.

3. Update on Fundraising – Friends of Sandy Springs

Bruce Weiner, Chairman of Friends of Sandy Springs, stated his presentation will cover what the Friends of Sandy Springs have accomplished since 2006 and what they will work on this year. The Friends of Sandy Springs has a 501(c)(3) status, was formed right after the City, and their mission is to raise the quality of life in Sandy Springs, specifically with Public Safety, Fire Department, and Parks & Recreation. There are seven board members who are all long time residents of Sandy Springs. For the Fire Department the Friends of Sandy Springs has donated LED flashlights, fire commander ear pieces, high rise packs with CO detectors, Stryker evacuation stair chairs, Harvard fire badges, rocking chairs for the stations, gift cards, and fitness equipment. For the Police Department they have donated sixty-eight taser guns, a portable fingerprint kit, two trained police dogs, computerized vehicle mounted license plate scanner, two fully equipped Harley-Davidson Patrol motorcycles, a patrol bicycle, stop sticks, two vending machines, and a fluid evidence drying Chamber. They have donated $48,248 in recreation scholarships for needy children in Sandy Springs and $25,000 toward GreenPrint. The total contributions to date are $203,000. The Friends of Sandy Springs is a volunteer organization. Their next step is to give the $60,000 raised towards scholarships for 750 qualifying children for Parks & Recreation programs. They are teaming with three community agencies to transport the children to the programs. They will be working with the Parks Department to see if other equipment is needed as well.

Mayor Eva Galambos thanked Mr. Weiner and the other members for what they have done to enrich the community. They have provided so many extras the City could not otherwise afford. What the committee is doing for the Recreation Department is fabulous. We cannot thank them enough.

Mr. Weiner stated the committee appreciates being residents of the City and being able to help out. They work with wonderful City staff.

Mayor Galambos asked the board members of the Friends of Sandy Springs to stand to be recognized.

PUBLIC HEARINGS

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

(Agenda Item No. 11-018)

1. Update and Public Hearing for 2011 CDBG Program Annual Action Plan

Community Development Block Grant Manager Vann McNeill stated he wanted to ensure Council is aware of updates for 2011. This is the time of year when the planning process starts and concludes in May with the funding available in July. Staff will submit the annual action plan to HUD in May. For the last three years Council has committed the block grant funds for the first phase of the sidewalk project. The first phase is one mile and one half miles of improvements between Dalrymple and Northridge Road. He expected the project be out to bid by now, but there have been a few changes related to the specifications in the plans and related to permitting. Within the next couple of weeks the invitation to bid will be advertised. The construction should be complete in August, 2011. The estimated cost for Phase I is $1 million. Phase II is two miles and is from Northridge Road to the Chattahoochee River. The cost of Phase II is approximately $1.1 million. For 2011, the City used the previous year's allocations to start the planning process. The City received $581,336 in 2010. When that funding is available and the planning process is complete, the City will have half of what is needed to complete Phase II. He is offering four options for Council to consider. He will do more research and bring it before Council for a final determination on whether or not to accelerate the process of starting Phase II. Based on the way the funding is released, the City would need to wait until July, 2012 when the City receives the second year's allocation to start on the project. This can happen in July, 2012, but there may be ways to speed up the process. Options include updating the Section 108 application, splitting Phase Two into two phases, or executing a pre-award agreement with HUD. The pre-award agreement would allow the City to borrow a percentage of a future allocation. It is twenty-five percent or up to $300,000. That might be an option staff can pursue in order to get started on Phase II faster.

Councilmember Dianne Fries asked when the project will be started.

Community Development Block Grant Manager McNeill stated he believes the invitation to bid will be out in the next couple of weeks. There have been revisions to the plans related to the GDOT encroachment permit and the LDP permit. The consultant has gone back and revised those and made new submissions. The Community Action Center staff came before Council last March, 2010, and asked for a review of the need for sidewalks on Hightower Trail. Council looked at north versus south side and decided to construct sidewalks on the north side in August, 2010. The consultant had to be sent out again to survey and complete the design work that needs to be resubmitted.

Councilmember Fries stated that is actually part of Phase II.

Community Development Block Grant Manager McNeill responded yes. The contract is for the entire three and a half mile stretch. It has evolved into two phases and more time is involved.

Councilmember Fries stated she is concerned with too much time passing. She is ready for this project to move forward.

Councilmember Karen Meinzen McEnerny stated in Phase I and II it appears as if the sidewalks are being constructed on both sides of the road versus the standard policy of the sidewalk being on one side of the road.

Community Development Block Grant Manager McNeill stated this goes back to the strategy that Council adopted initially for the program, which was to do infrastructure improvements and focus on sidewalks. When this type of project is completed with block grant funds, it is qualified based on census data and where there are residents within the target areas. There are census tracks that are qualified on the east side and just that census track from Hightower Trail down to Northridge Road on the west side.

Councilmember Meinzen McEnerny stated then the sections shown on the west side do qualify.

Community Development Block Grant Manager McNeill stated they are also in the target areas that Council adopted two years ago.

Councilmember Meinzen McEnerny stated the Fulton County requirement is all new installations of street lights are done with full cut lenses, so there is less spillover of light. She asked if the plan is to do full cut lenses on the pedestrian lights.

Community Development Block Grant Manager McNeill stated the lights that are currently included are the ones specified by the overlay district, which are the lights seen on the streetscape improvements.

Councilmember John Paulson stated the package is being put together to go out to bid in the next few weeks. Could construction start this spring?

Community Development Block Grant Manager McNeill responded yes.

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

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-018, Update for 2011 CDBG Program Annual Action Plan. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-019)

2. Substantial Amendment to 2009 CDBG Action Plan to Purchase Pedestrian Street Lights and Public Hearing

Community Development Block Grant Manager Vann McNeill stated the total received over the last three years is $1.8 million. HUD determines how compliant a city or county is based on the annual plan submitted in September and also on the timeliness review that occurs each year on May 1st. There currently is approximately $1.2 million available in the line of credit. The statute requires the grantee not have more than a year and a half in the bank account. Sandy Springs at the moment has 2.08 years in the bank account. The reason is because the money is being held to start Phase I. The time is approaching for the invitation to bid and start the construction. The funds will be drawn from the line of credit, but there will not be enough draws between now and May 1st to hit the timeliness deadline. The way to address this, as was done last year, is to amend the action plan based on the funding available. Most of the 2008 funding is committed or expended. The minimum expense needed to draw is $336,324. The recommendation is to finish purchasing the rest of the street lights. There are 125 total street lights in Phase I and this action would purchase ninety-two. The amount for the street light purchase is approximately $491,783. This is the best option given there will not be enough construction draws to pull funds down by May 1st. Construction will be started and going on at the same time, just not quite fast enough. This involves a substantial amendment for which he will execute the process and bring it before Council for final approval at the April, 2011, City Council Meeting. In 2010, Council approved drawing

$176,292 for thirty-three street lights to be installed in Phase I to meet the timeliness review. This is a reasonable, acceptable approach for HUD and it meets the timeliness limits review.

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

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-019, Substantial Amendment to 2009 CDBG Action Plan to Purchase Pedestrian Street Lights at a cost of approximately $491,783 to complete the street light purchase. Councilmember Paulson seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 11-020)

1. Memorandum of Understanding between the Georgia Department of Transportation and the City of Sandy Springs for the Regional Traffic Operations Program

Deputy Director of Public Works Jon Drysdale stated this is where the City enters into an agreement with GDOT to receive maintenance support and services from their consultant. These would be under the City's control using the local option.

Mayor Eva Galambos stated this was discussed at the last City Council Meeting and Council wants the local option.

Deputy Director of Public Works Drysdale stated Traffic Services Division Manager Chris Waters should receive credit for pulling this together. This will bring funds and extra services for Roswell Road at no cost to the City.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-020, Memorandum of Understanding between the Georgia Department of Transportation and the City of Sandy Springs for the Regional Traffic Operations Program, with the local lead. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.
Resolution No. 2011-02-03

(Agenda Item No. 11-021)

2. Approval of Georgia Power Relocation Agreement T-0031 Roswell Road Bridge Widening Project Subject to Validation and Approval by the Legal and Finance Departments

Transportation Planning Manager Garrin Coleman stated this item is to consider authorizing the City Manager to enter into an agreement with Georgia Power to escrow funds for utility relocations related to the T-0031 Roswell Road bridge widening project. This is to determine actual financial responsibility. The cost is $196,468 to relocate the distribution power to the transmission poles at the bridge. It is staff's opinion that it is a widening project, the agreement would apply and Georgia Power would be responsible for that cost. Georgia Power came back saying they believe they have prior rights and since it is a GDOT right-of-way, it is not a City project and does not apply. The franchise agreement would not apply to this project, per their reasoning.

Mayor Eva Galambos stated we are caught between a rock and a hard place.

Transportation Planning Manager Coleman responded yes. In the meantime, the contract let is in April. Staff would like to get the utilities moving, because they have seen delays during recent projects.

Mayor Galambos asked if this money is coming from the contingency fund.

Transportation Planning Manager Coleman stated when the project was first set up, $400,000 was moved from the contingency fund for the match to the earmark, the $1.6 million in Federal funding. That money is still in the account, so staff is hoping to use that and possibly having to backfill that amount if the City is responsible in April, once the bids are received.

Councilmember Tibby DeJulio asked if this counts towards the City's match.

Transportation Planning Manager Coleman stated the City is 100% responsible for the utilities. It would not count towards the match.

Councilmember John Paulson asked who arbitrates this.

Transportation Planning Manager Coleman stated it can go to litigation. Staff will have more discussions with Georgia Power, since the City is spending a lot of money with them buying pedestrian lights and other things.

Mayor Galambos stated if we go to court, the contract will not be let in April.

Transportation Planning Manager Coleman responded yes, that would delay construction.

City Manager John McDonough stated GDOT is looking through their records to see if they can find anything. Staff will know relatively soon if the City has a good case.

Councilmember DeJulio stated from the way this item reads, it looks like the $180,000 is being escrowed.

City Manager McDonough responded it is being escrowed so the project can move forward. If the money is placed in escrow, Georgia Power will be begin the utility relocation.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-021, Approval of Georgia Power Relocation Agreement T-0031 Roswell Road Bridge Widening Project Subject to Validation and Approval by the Legal and Finance Departments. Councilmember Fries seconded the motion. The motion carried unanimously.
Resolution No. 2011-02-04

(Agenda Item No. 11-022)

3. An Ordinance Calling for a Special Election for District 4 to be held on Tuesday, March 15, 2011, and for Other Purposes

City Attorney Wendell Willard stated there is a vacancy on the Council as a result of the resignation of Ashley Jenkins. There are statutory dates by which the City can run elections to fill the seat. The elections can be held once every quarter. The upcoming election date is March 15, 2011. In order to meet that date, the time for qualifying needs to be set up promptly. Under this proposed ordinance, qualifying would be the week of February 7-11, 2011, ending at 4:30 p.m. on February 11, 2011. This ordinance is an action item for Council to direct that the election take place under these guidelines.

Councilmember Dianne Fries asked about the required qualifying time.

City Attorney Willard stated from what he recalls it is three days, per the State Code. We expanded that to a week by the language in this ordinance.

Councilmember Fries stated this is one vacant seat. Perhaps three days would be sufficient time and easier on staff.

City Attorney Willard stated he will verify the language in the Code, if that is the will of the Council.

Mayor Galambos asked why qualifying cannot start on February 2nd.

City Manager John McDonough replied qualifying needs to be advertised first and that cannot be done until Council takes action on this ordinance. The timeline established meets all the State requirements.

Mayor Galambos asked if the advertising would be complete by February 7th.

City Clerk Michael Casey stated the advertisements are planned to run February 3rd and February 4th, if Council takes action tonight.

Mayor Galambos stated if this is not agreed upon tonight, the voting will not occur until June, 2011. That would not be good for District 4.

Councilmember Fries asked if City Attorney Willard could verify the time frame now.

City Attorney Willard stated he could look up the election code and find out the minimum time for qualifying.

Councilmember Chip Collins asked if the basic process is that interested individuals show up at the City Manager's office area and fill out a form.

City Manager McDonough stated the City Clerk has a simple form and there is not much imposition on the staff.

Councilmember DeJulio asked if there is an imposition difference if the time period is three or five days.

City Clerk Casey answered either option is fine.

Councilmember Collins stated five days is good. People have different days of the week off of work.

Motion and Vote: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 11-022, An Ordinance Calling for a Special Election for District 4 to be held on Tuesday, March 15, 2011, and for Other Purposes. Councilmember Paulson seconded the motion. The motion carried unanimously.
Ordinance No. 2011-02-01

Mayor Galambos stated she noticed the cost numbers from Fulton County. Why do they have so much overtime in their cost?
City Attorney Willard answered Fulton County estimates overtime as part of their procedure. Whatever time Fulton County works is what will be billed to Sandy Springs.

Mayor Galambos asked if Fulton County documents the overtime that is charged.

City Clerk Casey stated Fulton County provides a breakdown of their expenses at the conclusion of the election.

Mayor Galambos asked if there is documentation of this overtime

City Clerk Casey responded no. He has not received that information in the past.

(Agenda Item No. 11-023)

4. Approval of an Agreement between the City of Sandy Springs and Fulton County to Conduct a Special Election on March 15, 2011, and Authorize the Mayor to Sign

City Attorney Wendell Willard stated this is the Intergovernmental Agreement negotiated to bring down the past costs incurred for conducting a Special Election. Staff thought this was a favorable sum and with the short time frame, it would be prudent to use the current system for this election.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-023, Approval of an Agreement between the City of Sandy Springs and Fulton County to Conduct a Special Election on March 15, 2011, and Authorize the Mayor to Sign. Councilmember Paulson seconded the motion. The motion carried unanimously.

REPORTS AND PRESENTATIONS

1. Mayor and Council Reports

Councilmember Chip Collins stated it was his pleasure to cut the ribbon on the reopening of Riverside Drive. He thanked the Public Works Department for completing the project.

Mayor Eva Galambos thanked Council and staff for the beautiful flowers.

City Manager John McDonough called Linda Bain to the front. The City has enjoyed a good partnership with the Sandy Springs Conservancy. The City just received a check from the Conservancy for approximately $17,000 or $18,000. The total committed funds on behalf of the Conservancy are over $300,000 in support of Overlook Park. He thanked Linda Bain for her support.

Linda Bain, Executive Director for the Sandy Springs Conservancy, stated when she went to Overlook Park this past Saturday the parking lot was packed and she could not find a parking space. None of us fully realized what this park could be, is, and will be in the future. She thanked the City for allowing the Conservancy to be a part of it.

Councilmember Karen Meinzen McEnerny stated she received information from a user of the park. The user told her there were people of all ages, not just children, using the swings and equipment. It is a stellar park.

Councilmember Dianne Fries stated the film industry event that was hosted through Hospitality & Tourism went really well. Kym Hughes and her group had a fantastic set. Our set was a movie theater where they had director's chairs, a popcorn machine, and a screen that played a video. Also included in the set up were pictures of movies that have been filmed in Sandy Springs. It was well received.

Mayor Galambos thanked Councilmember Fries for her leadership on this project.

Councilmember Collins stated he was on the way back from Birmingham, AL, this weekend, stopped in a rest area at the Alabama/Georgia State line and picked up a Georgia magazine. If you look at this magazine, it appears that Sandy Springs is the top tourist attraction in the State of Georgia. The Sandy Springs name appeared throughout the magazine.

2. Staff Reports
   a) December Financial Report

Finance Director Amy Davis stated the total revenues for the City were $63.5 million and expenses were down at $48.4 million. The general fund revenues were $50.9 million. That is about sixty-four percent of the City's annual budget and 26.9% of that was from property taxes. This brings the City up to a 98.9% collection rate. The sales taxes in December were $1.7 million and that brings the City to three percent over this time last year. Last month the sales taxes were twenty-five percent below and now are three percent above. The cash balances are $65.2 million.

PUBLIC COMMENT

Bill Gannon, 505 Taunton Way, provided public comment on the following: previous Principal Karen Cox; High Point Elementary School; previous Councilmembers; the Holy Spirit zoning; tax credits; Roswell and Alpharetta regarding Gwinnett Technical College; and the possible locations in Sandy Springs for Gwinnett Technical College.

EXECUTIVE SESSION

There was no executive session.

(Agenda Item No. 11-024)

ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 7:02 p.m.

Date Approved: March 1, 2011

Eva Galambos, Mayor

Michael Casey, City Clerk