

Regular Meeting of the Mayor and City Council was held Tuesday, January 3, 2006, 7:00 PM, Mayor Eva Galambos presiding.

Call to Order

Mayor Galambos called the meeting to order.

Roll Call

City Clerk Jeanette Marchiafava called the roll.

Councilmembers Present: Councilmember Tibby DeJulio, Councilmember Dianne Fries, Councilmember Dave Greenspan, Councilmember Ashley Jenkins, Councilmember Karen Meinzen McEnerny, and Councilmember Rusty Paul

General Announcements

City Clerk Marchiafava stated for those would like to make comments on agenda items, there are public comment cards available at the front and back tables. She requested that the comment cards be filled out and returned to her. Additionally, she asked if you have a cell phone to please turn it off.

Invocation

Reverend Barge gave the invocation.

Pledge of Allegiance

The audience recited the Pledge of Allegiance.

Meeting Agenda

Mayor Galambos asked if there were any requests to add or remove items from the agenda.

Councilmember DeJulio added a Resolution for Red Light Traffic Signal Proposal. In addition, Acting City Manager Aaron Bovos advised that an additional agenda item had been added which was a Resolution to Establish a Municipal Court Fee.

Motion and Vote: Councilmember Paul moved to approve the meeting agenda as amended. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Consent Agenda

Approval of Minutes for Special Called Meeting of the Mayor and City Council on December 13, 2005.

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

Reports and Presentations

Mayor Galambos reported to Council that an offer had been made to establish a 501(c) 3 non-profit Police Foundation that would accept tax deductible contributions to help develop our Police Department. She stated that Bruce Weiner had volunteered to head the Foundation which had been discussed with Police Chief Gene Wilson.

Unfinished Business

Approval of an Ordinance Adopting and Approving Ad Valorem, Hotel Motel, and Motor Vehicle Rental Taxes and Providing for their Inclusion and Identification in the Future Developed Code of Ordinances for the City of Sandy Springs, GA to be referenced in the future as Chapter 10 and providing for an effective date; and repealing all Code and Laws which may be in Conflict with this Ordinance. First Reading on December 27, 2005.

(Second Reading)

Ordinance No. 2006-01-01

Mayor Galambos stated that the next item is adopting and approving ad valorem, Hotel Motel, and motor vehicles rental taxes.

Acting City Manager Aaron Bovos stated that the Ordinance had not changed from the First Reading. He recapped the Ordinance stating that the Millage Rate would be set during the annual budget process, which is consistent with the

Financial Plan. He further stated that the Hotel/Motel Tax is currently set at 7% and Rental Vehicle is at 3%, which is consistent with Fulton County.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Ordinance for consideration.

City Clerk Marchiafava conducted the Second Reading of Ordinance Adopting and Approving Ad Valorem, Hotel Motel, and Motor Vehicle Rental Taxes and Providing for their Inclusion and Identification in the Future Developed Code of Ordinances for the City of Sandy Springs, GA to be referenced in the future as Chapter 10 and providing for an effective date; and repealing all Code and Laws which may be in Conflict with this Ordinance.

Motion and Second: Councilmember DeJulio moved to approve an Ordinance Adopting and Approving Ad Valorem, Hotel Motel, and Motor Vehicle Rental Taxes and Providing for their Inclusion and Identification in the Future Developed Code of Ordinances for the City of Sandy Springs, GA to be referenced in the future as Chapter 10 and providing for an effective date; and repealing all Code and Laws which may be in Conflict with this Ordinance. Councilmember Meinzen McEnerny seconded the motion.

Discussion on the Motion:

Councilmember Meinzen McEnerny asked City Attorney Willard to confirm if there was a budget available and approved for the expenditure of the 7% on the hotel at this time.

City Attorney Wendell Willard advised that a requirement of the law is that a percentage of the 7% is specifically allocated for tourism, conventions, trade shows, etc. He suggested that an account be established as a part of the budget, and as funds are received Council would be restricted to utilize the funds for those specified purposes. Currently, there is a special account for that money and during the year the Mayor and Council can make programs for the use of those funds.

Vote: There was no further Council discussion. The motion passed unanimously.

Approval of an Ordinance Amending Chapter 11, Business Occupation Tax, Licenses and Regulations, Article 2, Section 7, Due Date for License Fees of the Code of Ordinances of the City of Sandy Springs. First Reading December 27, 2005.

Ordinance No. 2006-01-02

Mayor Galambos stated that the next item is an Ordinance Amending Chapter 11, Business Occupation Tax, Licenses and Regulations. She requested that the City Clerk read Ordinance for consideration.

City Clerk Marchiafava conducted the Second Reading of an Ordinance Amending Chapter 11, Business Occupation Tax, Licenses and Regulations, Article 2, Section 7, Due Date for License Fees of the Code of Ordinances of the City of Sandy Springs.

Director of Operations Don Howell stated that there are two revenue sources which municipalities derived from and in Georgia one of those was the Gross Premium Tax that, by statute, has a due date of March 31. The second revenue source, License Fees on insurance companies, inadvertently has a due date similar to the Gross Premium Tax. He stated that this Ordinance would correct that and set it to January 1.

Motion and Second: Councilmember Paul moved to approve an Ordinance Amending Chapter 11, Business Occupation Tax, Licenses and Regulations, Article 2, Section 7, Due Date for License Fees of the Code of Ordinances of the City of Sandy Springs. Councilmember Fries seconded the motion.

Discussion on the Motion:

Councilmember Greenspan asked Director of Operations Howell to confirm whether or not any penalties were incurred as a result of the deadline, which was two days ago. He confirmed that no penalties had incurred and added that we have been in contact with the State Commissioner's Office and the paperwork was in process.

Vote: There was no further Council discussion. The motion passed unanimously.

New Business

**Approval of an Ordinance Adopting an Open Records Policy.
(First and Second Reading)**

Ordinance No. 2006-01-03

Mayor Galambos stated that the next item is an Ordinance to Adopt an Open Records Policy. The City Clerk will present this item.

She requested that the City Clerk read Ordinance for consideration.

City Clerk Marchiafava stated that this is an Ordinance requesting that Council adopt and approve an Open Records Policy. She further stated that records were created and acquired in the course of conducting government business and was the property of the City of Sandy Springs and of the State of Georgia. This policy would provide surrounding principles for managing open records consistent with Federal and State guidelines. The City has an obligation to provide public records and this policy would provide a standard mechanism to facilitate the timely and accurate distribution of records by staff. Through the establishment of this policy for Open Records, the City of Sandy Springs would ensure compliance with the legal requirements while creating a system for tracking those records. She recommended approval of the Ordinance.

Mayor Galambos requested that the City Clerk read Ordinance for consideration.

City Clerk Marchiafava conducted the First and Second Reading of an Ordinance to Adopt and Approve an Open Records Policy for the City Of Sandy Springs; to provide for guidance in administering such policy; and for other purposes.

Motion and Second: Councilmember Fries moved to approve an Ordinance Adopting an Open Records Policy. Councilmember Meinzen McEnery seconded the motion.

Discussion on the Motion:

Councilmember Greenspan asked how time sensitive is the first and second reading items. He requested an explanation for the record as to why these items were time sensitive for the benefit of the public.

Acting City Manager Bovos stated that the goal was not to push anything through outside of the normal judicial or Council process. He added, the Ordinances on tonight's agenda regarding Records Management and the Open Records Policy were extremely important to implement due to the fact that we are currently engaging in some litigation and the need to have these processes and procedures in place is very important. The Council should adopt the Ordinance so that staff would know how to react in accordance to the policy.

The other Ordinance he referenced was the Financial Management Program. He stated that when we begin a financial plan for the budget, without a policy on how the budget is prepared could get counterproductive in getting to the end results without that program in place.

Councilmember Greenspan asked Acting City Manager Bovos if he could address the court issue.

Acting City Manager Bovos stated the agenda was amended to include a Municipal Court fee that will be addressed by Municipal Court Chief Judge, Jim Anderson tonight. He added the reason for that was because the goal was to have court before the next Council meeting on the 17th and, in the event that we have court on January 13, 2006, which is the current schedule, we would need to be sure that procedures are in place for a Municipal Court fee.

Vote: There was no further Council discussion. The motion passed unanimously.

**Approval of an Ordinance Adopting the Financial Management Program.
(First and Second Reading)**

Ordinance No. 2006-01-04

Mayor Galambos stated that the next item is an Ordinance to adopt the Financial Management Program.

Acting City Manager Bovos referred to a document he distributed to Council at a work session last Thursday regarding the Financial Management Program. He outlined the policies within the Ordinance, which included Accounting Auditing, Financial Reporting, Budgetary Policies, Capital Assets, Cash and Investment Management, Debt Management, Elected Officials Expenditures, Traditional Operating Expenses, Grant Management, Records Retention, Revenue Administration, and Travel and Meal Expenditures. He asked the Council if they had any questions regarding the Ordinance. There were no questions.

Mayor Galambos requested that the City Clerk read Ordinance for consideration.

City Clerk Marchiafava conducted the First and Second Reading of an Ordinance to Adopt and Approve Policies Relating to Accounting, Auditing, Financial, Reporting, Budget, Capital Assets, Cash and Investment Management, Debt Management, Elected Officials Expenditure Reimbursement, Expenses, Grants, Record Retention, Revenue Administration, and Travel and Meal Expenditures, Comprising the Financial Management Program for the City of Sandy Springs and to provide for Guidance in Administering such Policies and for other purposes. This is the First and Second Reading.

Motion and Vote: Councilmember DeJulio moved to approve an Ordinance to Adopt and Approve Policies Relating to Accounting, Auditing, Financial, Reporting, Budget, Capital Assets, Cash and Investment Management, Debt Management, Elected Officials Expenditure Reimbursement, Expenses, Grants, Record Retention, Revenue Administration, and Travel and Meal Expenditures, Comprising the Financial Management Program for the City of Sandy Springs and to provide for Guidance in Administering such Policies and for other purposes. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance Amending Chapter 4, Courts, Article 2, Section 4, Sentences, and Supplementing Chapter 4, Court, with a new Article 4, Court procedures, of the Code of Ordinances of the City of Sandy Springs GA. (First and Second Reading)
Ordinance No. 2006-01-05

Mayor Galambos stated that the next item is an Ordinance amending Chapter 4, Courts, regarding court procedures.

Mayor Galambos requested that the City Clerk read Ordinance for consideration.

City Clerk Marchiafava conducted the First and Second Reading of an Ordinance Amending Chapter 4, Courts, Article 2, Section 4, Sentences, and Supplementing Chapter 4, Court, with a new Article 4, Court procedures, of the Code of Ordinances of the City of Sandy Springs, GA.

Assistant City Attorney Fred Bentley, Jr., stated that Section 4 dealt with sentencing and the maximum services that are provided by law. He added that currently under Georgia Law there is a \$1,000 fine, six months in jail, unless there are certain provisions that may be higher than that. Those are provided by law and there is a provision for that under Section 4. Under Article 4, Court Procedures, allows the City to put in place the issuance of summons, and if people fail to appear then appropriate action can be taken if they fail to show up in court. It is a fairly simple item, but it is something significant to the proper handling of the municipal court.

Motion and Vote: Councilmember Jenkins moved to approve the Ordinance Amending Chapter 4, Courts, Article 2, Section 4, Sentences, and Supplementing Chapter 4, Court, with a new Article 4, Court procedures, of the Code of Ordinances of the City of Sandy Springs, GA. Councilmember Fries seconded the motion. The motion passed unanimously.

Approval of a Resolution to Authorize the issuance of a Tax Anticipation Note (TAN) and to authorize the Mayor City Manager, and City Clerk to execute all related documents.
Resolution No. 2006-01-01

Mayor Galambos stated that the next agenda item is the approval of a Resolution to authorize the issuance of a Tax Anticipation Note (TAN) and to authorize the Mayor, City Manager, and City Clerk to execute all related documents.

City Attorney Willard explained to Council that Sandy Springs would experience a financial crunch toward the end of the year with the collection of Ad Valorem Taxes around October 15, 2006. As a result several alternatives were explored and it was determined that the most profitable and least expensive approach for the City is known as a Tax Anticipation Note (TAN). It comes qualified as a tax free note that is purchased in this case by a bank. Our primary banking institution, The Community Bank, was not able to do it because of certain requirements they had to meet for funding reserves. However, SunTrust is willing to do a \$10 million Tax Anticipation Note (TAN). He further stated that they offered a very favorable rate of .85 of the LIBOR rate, which runs the rate to approximately 3.6. He said that rate was better than Fulton County whose rate is 3.96 in addition to other favorable terms. He pointed out changes that were made because of what was addressed as the Right of Redemption. He explained that we would have the right to pay off the loan after July 1, 2006 if we wanted to although the financial projections do not indicate the need to and there would be a \$10,000 cost for that option; however there had been discussion to have that provision removed as a part of the loan program with SunTrust. There would be a \$10,000 savings. The money would be borrowed at one time and the City would have the ability to reinvest on a short-term basis to help cover part of the cost of the money that is being borrowed. Most local governments use the TAN as a borrowing program for various reasons and the only requirements is that we have to pay it off during the same year we borrow it. That is why you wait until January to go through this type of program.

Councilwoman Meinzen McEnerny asked City Attorney Willard to clarify the pre-payment option and to further explain and confirm the pre-payment penalty option fee.

City Attorney Willard confirmed the fee amount and explained that the reason was that we were buying that right and that it was for the investor to know whether or not he has the ability to keep that investment out for the full term of the year or not.

Councilwoman Meinzen McEnerny inquired if you pay for the fee in advance. City Attorney Willard confirmed that you do pay the fee in advance.

Councilmember Greenspan inquired about the total fee amount and what was the net amount that the City can expect to receive from the TAN.

City Attorney Willard stated that a cost of \$2,500 was paid to King and Spalding for setting up this loan proposal for the City with SunTrust, which is less than other local governments have paid. The fee varies from \$10,000 on up, depending on the size of the loan.

Councilmember Greenspan confirmed that the total fee is \$2,500 and the City would receive \$10 million less the \$2,500 and the City Attorney answered that is correct.

Councilwoman Meinzen McEnerny commented that only SunTrust is actually headquartered in the Atlanta Metropolitan area.

City Attorney Willard thanked SunTrust Bank for stepping up and putting everything aside. At this time he recognized and thanked Hank Harris of SunTrust Bank for his assistance and commitment. He stated that Friday was the closeout and the reason was the Deposit Trust Corporation (DTC), which is a clearing house to which all bonds are registered as a means of having payments made by the issuer and by the people. If we wait until Friday, the fee is only \$250. Once registered it is good at all times in the future.

Councilmember Jenkins confirmed that we will have the money Friday to pay Fulton County and he answered that is correct.

Mayor Galambos stated that it was her understanding that there was going to be a negotiation to eliminate the \$10,000 penalty. City Attorney Willard confirmed that was already agreeable and stated that if we do not want that in the note it can be amended accordingly.

Transition Consultant Oliver Porter inquired if it was considered that if we took a line of credit and did not draw upon it, there would be no cost to us, as opposed to the current proposal in which we would be paying an ongoing cost whether we draw on it or not.

City Attorney Willard stated that Acting City Manager Bovos could address the financial side. He stated the biggest benefit was a lowered rate. We were expected to pay 5.29 borrowing on just an open line of credit; however, the rate was 3.6 which is a substantial interest savings.

Transition Consultant Oliver Porter further stated that the difference may be that you may not have to draw upon the line of credit and did not drawn upon there would be not costs to us as opposed to this in which we would be paying an ongoing cost whether we draw upon it or not. He is assuming that has been weighed out. He confirmed that this in no way prohibits us should we need an additional amount of money to go back to a line of credit if the TAN was exhausted.

City Attorney Willard explained that there was a limited amount to the total amount borrowed during the year despite if the City had a line of credit or used TAN. The maximum amount we could borrow was up to \$10 million, but if we borrowed in \$1 million or \$2 million increments and paid it back we were still limited as to the total borrowing amount of \$10 million even if we borrowed it in increments and paid parts of it back.

Transition Consultant Porter further asked if it turned out that we needed \$12 or \$15 million, would we be prohibited from striking a line of credit with someone else. City Attorney Willard stated that the only limit we had was what we was limited by law.

Mayor Galambos inquired if an amendment was needed for the Ordinance.

City Attorney Willard stated that the amendment would be in the proposal which is the Resolution was authorizing among other things, the issuances of a TAN in the aggregate principle amount of \$10 million to strike the provisions under the note.

Hank Harris, SunTrust Bank, stated that he would have to go back and re-price the percentage if the \$10,000 amount is taken out. If the City wanted a fixed rate we could do away with the \$10,000. But to have a floating rate and not prepay, they would still have to bump the coupon rate up probably from 3.73 today to 3.83. It is a better transaction for the City to keep the interest coupon as you have it here, but he will rework it and provide other options.

Acting City Manager Bovos responded to Mr. Porter's questions and stated that the TAN allows us a one time draw of the \$10 million net the expenses. That affords the City the ability to invest that cash over the next 11 to 12 months and earn interest. What a line of credit does not allow us to do is any type of investing. We would withdraw at the point and time that we need the cash, but there is no offset to any existing revenue. He further stated that the difference between the line of credit versus the TAN is actually pretty minimal. There was about a \$60,000 difference in interest expense. The difference being the line of credit has no way to recoup or mitigate any of those interest expenses and the TAN provides us the ability to do all of that.

He further stated that although he would prefer that the \$10,000 fee is removed from the indenture agreement, he had no problem leaving it in because he did not think the City would be repaying the note prior to our time period in December. He then stated that his recommendation would be to allow us to pick the option that best allows us the end result that we need and that is a higher amount of interest and removing the fee. If the expense to the City is based on when we plan to retire that TAN is less expensive than the other option, then we would move forward within that respect.

Mayor Galambos stated that it is the Acting City Manager recommendation to adopt the ordinance as it is written.

Councilman Paul stated we would need a provision to allow City Manager and the City Attorney based on their negotiations with the bank to get us the lowest possible in costs.

Acting City Manager Bovos confirmed that Councilmember Paul's comments were correct.

Mayor Galambos asked the City Clerk Marchiafava to read the Resolution for consideration.

City Clerk Marchiafava conducted a reading of the Resolution to Authorize the issuance of a Tax Anticipation Note (TAN) and to authorize the Mayor, City Manager, and City Clerk to execute all related documents.

Motion and Second: Councilmember DeJulio moved to approve a Resolution to Authorize the issuance of a Tax Anticipation Note (TAN) and to authorize the Mayor, City Manager, and City Clerk to execute all related documents. Councilmember Jenkins seconded the motion.

Discussion on the Motion:

Councilman Paul stated that we have to approve the \$10 million TAN giving the City Manager and the City Attorney the ability to negotiate with SunTrust Bank in order to get the lowest net cost to the City for the borrowing of the \$10 million.

Mayor Galambos asked Councilmember Paul if he were stating that as an amendment and he confirmed that he stated that as an amendment.

Acting City Manager Bovos interjected that the motion needed to include a not to exceed interest rate of 3.9%.

Amendment to Motion: Councilmember Paul moved to amend the motion authorizing the City Manager and City Attorney to negotiate with SunTrust Bank in order to get the lowest net cost to the City for borrowing of the \$10 million and that the interest rate not exceed 3.9%. Councilmember Fries seconded the amendment to the motion.

Mayor Galambos requested that the City Clerk read the resolution for consideration.

City Clerk Marchiafava conducted a reading the Resolution to Authorize the issuance of a Tax Anticipation Note (TAN) and to authorize the Mayor, City Manager, and City Clerk to execute all related documents.

Vote: The motion and amendment to the Motion passed unanimously

Councilmember DeJulio commented that some people had wondered on the change in the structure of the TAN from the line of credit as the Finance Committee had proposed several months ago. Just for clarification purposes, the Finance Committee was dealing with partial information. We did not have the final numbers, the final Intergovernmental Agreement numbers with Fulton County, or when drawers were going to be needed and to what extent so we made the best estimate we could with the information we had available at the time. In working with the Acting City Manager, we came across much better information and better numbers. As a result, it became obvious that the TAN for the full \$10 million was a much wiser decision. He wanted to put that in the record because the planning process was good, but obviously it was not complete.

Approval of a Resolution Appointing Members to the City of Sandy Springs Planning Commission.

Resolution No. 2006-01-03

Mayor Galambos stated that the next item is a Resolution Appointing members to the Sandy Springs Planning Commission.

Deputy Director of Community Development Tom Wilson read the names of the nominees to serve on the Planning Commission: Roger Rupnow for a term of 2 years, Lea Duncan for a term of 2 years, Wayne Thatcher for a term of 2 years, Bob Wylie for a term of 3 years, David Rubenstein for a term of 3 years, Bill Huff a term of 4 years and Susan Mazier a term of 4 years.

Mayor Galambos requested that the City Clerk read the resolution for consideration

City Clerk Marchiafava conducted a reading of Resolution Appointing Member to the Sandy Springs Planning Commission.

Motion and Vote: Councilmember Paul moved to approve the Resolution Appointing Members to the City of Sandy Springs Planning Commission. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution Appointing Members to the City of Sandy Springs Board of Zoning Appeals.

Resolution No. 2006-01-04

Deputy Director of Community Development read the names of the nominees to serve on the Board of Zoning Appeals: Al Pond for a term of 2 years, Ron Carpinella for a term of 2 years, Oswald Hill for a term of 2 years, Mark King for a term of 3 years, Paul Reale for a term of 3 years, Ken Moller for a term of 4 years and Ruth Coan for a term of 4 years.

Mayor Galambos requested that the City Clerk read the resolution for consideration

City Clerk Marchiafava conducted a reading of Resolution Appointing Members to the Sandy Springs Board of Zoning Appeals.

Motion and Vote: Councilmember Fries moved to approve the Resolution Appointing Members to the City of Sandy Springs Board of Zoning Appeals. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution Requesting the Georgia General Assembly to Amend the Charter of Sandy Springs by Extending the Time Period for the Adoption of the Comprehensive Plan.

Resolution No. 2006-01-04

Mayor Galambos stated that the next item is a Resolution requesting the General Assembly to amend the Charter of Sandy Springs extending the time to adopt the Comprehensive Plan.

Deputy Director of Community Development Tom Wilson stated that this Resolution would request the Georgia General Assembly to amend a chapter of the City of Sandy Springs to extend the time period required for the City to adopt a Comprehensive Plan from 13 months to the proposed 24 months. He stated that his recommendation was because the product at the end of 24 months will be a much better product, especially considering the time it would take the Department of Community Affairs (DCA) to review this document.

Councilmember Paul asked City Attorney Willard if this would be done by local legislation. City Attorney Willard confirmed it would and that it applied to our Charter.

Motion and Vote: Councilmember DeJulio moved to approve a Resolution Requesting the Georgia General Assembly to Amend the Charter of Sandy Springs by Extending the Time Period for the Adoption of the Comprehensive Plan. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution Establishing a Temporary Fee Schedule for Hammond Park.

Mayor Galambos stated that the next item is a resolution establishing a fee schedule for Hammond Park.

Assistant City Manager Al Crace introduced Director of Public Work Buddy Reneau and stated that Mr. Reneau oversees the program. He informed Council that this Resolution was set up as a transition during the winter session for Parks and Recreational Services and for the various citizens and participants for the program. It would also provide that authorization to the City Manager to set any other fees, with advice and approval of Council that may come up during this transition. Additionally, to perform a more thoughtful evaluation of programs, fees, and schedules before the spring and summer programs, which would be the busiest period.

Councilmember DeJulio asked Assistant City Manager Crace if the current programs would continue because there are some special needs programs for some of our special needs citizens in North Fulton that are headquartered out of Hammond Park. Constituents questioned if they would be continued. Assistant City Manager Crace confirmed that Parks and Recreation Programs would be continued. He stated that there were some special needs programs run by Health and Human Services of Fulton County that served a wider district. We have offered to continue to host those programs at that facility. He explained that the special needs program was a Health and Human Services Program and not a Parks and Recreation Program and albeit an important program, thought it was best that the Mayor and Council take a more thoughtful look before they commit to underwriting the program.

Councilmember DeJulio stated that it was his understanding we do not underwrite the program and host the program at that facility. Assistant City Manager Crace confirmed that we would be glad to continue to host it if that was what Fulton County wished to do. He further stated that it had been a matter of discussion; however, he would be willing to initiate discussion once again.

Councilmember Fries commented that we need to take the initiative to contact Fulton County regarding this program.

Acting City Manager Bovos advised Council of a conversation with Ralph Daniels, Fulton County was doing everything in his control to ensure the program continues on and had requested that we provide him the ability for the space.

Assistant City Manager Crace stated that the City of Sandy Springs would be glad to sublet to Fulton County if that would help.

Councilmember Meinzen McEnerny asked Assistant City Manager Crace if there would be any other structures impacted other than Hammond Park, and if so would they be addressed at a later time. He advised that other structures would be addressed at a later time. The ballparks which are a part of the spring programs still give us a little time to get those prepared for Council.

Mayor Galambos requested that the City Clerk read the resolution for consideration.

City Clerk Marchiafava conducted a reading of a Resolution establishing a temporary fee schedule for Hammond Park and authorizing the City Manager to adjust fees to accommodate and provide flexibility necessary to meet the changing needs of the program as they develop throughout the year.

Motion and Vote: Councilmember Fries moved to approve the Resolution Establishing a Temporary Fee Schedule for Hammond Park and Authorizing the City Manager to Adjust Fees to Meet the Changing Needs of the Programs as they Develop throughout the Year. Councilmember Jenkins seconded the motion. There was no further Council discussion. The motion passed unanimously.

Approval of a Resolution Supporting and Requesting Introduction of Legislation Into the 2006 General Assembly to Facilitate the Creation of Homestead Exemptions for Residents of Sandy Springs and for other Purposes.

Resolution No. 2006-01-06

Mayor Galambos stated that the next item is a Resolution to Facilitate the Creation of a Homestead Exemption for Sandy Springs residents.

Acting City Manager Bovos stated that this Resolution is supporting the creation of Homestead Exemptions for the residents of Sandy Springs. He explained that with Homestead Exemptions through property tax ownership or property ownership, the exemptions were not currently being applied in the Charter and that this Resolution requested that legislation be enacted to create the Homestead Exemptions that were previously afforded to the residents of Fulton County.

Mayor Galambos requested a clarification of the Homestead Exemptions and asked was this additional exemptions that residents would receive depending on income, age and other various specifications.

City Attorney Willard explained that these were the same Homestead Exemptions that were applicable to the unincorporated areas of Fulton County. We passed the Charter Bill last year, but could not pass the Homestead Exemptions at the same time. The reason for that is because the Homestead Exemptions are dependent upon the creation of the City and the City of Sandy Springs was not set up until December 1, 2005. We are going to be introducing six different bills that have already been advertised for the Homestead Exemption. These bills will be put on the ballot for the first general primary election in July, and they will also set up the effective date of that legislation will be January 1, 2006. If it is passed as part of the referendum in July, no one will lose a part of their Homestead Exemption because they had 2005 exemptions from Fulton County. Beginning January 1, 2006, with the adoption of these six bills by referendum, you will have it the full year.

Mayor Galambos inquired if this was local legislation. City Attorney Willard confirmed that it was local legislation, and it only had to be signed by the Representatives and Senators who represent the territorial area of Sandy Springs.

Acting City Manager Bovos stated this was anticipated and knew that we could not pass these together during the general assembly last year.

Mayor Galambos requested that the City Clerk read the resolution for consideration.

City Clerk Marchiafava conducted a reading of a Approval of a Resolution Supporting and Requesting Introduction of Legislation Into the 2006 General Assembly to Facilitate the Creation of Homestead Exemptions for Residents of Sandy Springs and for other Purposes.

Motion and Vote: Councilmember Paul moved to approve a Resolution Supporting and Requesting Introduction of Legislation Into the 2006 General Assembly to Facilitate the Creation of Homestead Exemptions for Residents of Sandy Springs and for other Purposes. Councilmember Jenkins seconded the motion. There was no further Council discussion. The motion passed unanimously.

Approval of a Resolution Supporting the Creation of a Public Facilities Authority and Requesting the Introduction of Legislation into the 2006 General Assembly to Facilitate the Creation of Such Authority and for other Purposes. Resolution No. 2006-01-07

Mayor Galambos stated that the next item is the approval of a Resolution Supporting the Creation of a Public Facilities Authority.

Assistant City Manager Crace stated that the Public Utilities Authority is used by a number of local governments, as well as the State government, and similar communities such as Columbus, Augusta, and Athens have used this authority. He explained it was a financing institution group that was controlled by and subject to the appointments of the Mayor and Council who have the final say regarding any transactions that they would conduct. The primary purpose would be for public facilities such as police facilities, fire stations, or other public buildings that need to be purchased that you would need to buy, build, finance, or construct on a long-term basis. This would be the most advantageous way to do that. It is a financing vehicle for the city government, and is for Sandy Springs only. The net interest cost by using this instrument is about a quarter percent lower or 25 basis points lower than Certificates of Participation (COP), or the lease/purchase programs that are available through the Georgia Municipal Association that has been set up. It is limited by State law for the debt limits under those State laws, and it is also by the financial ratings of Standards and Poor and Moody's in protecting those.

Councilmember Paul added the State of Georgia authorities are quite frequently used to accomplish public objectives because they have independent borrowing power and certain advantages. He then inquired if Council retained any authority. Assistant City Manager Crace confirmed that Council appoints all of the members. They cannot do business with another private sector or development authority that does business with other private entities. This is exclusively for doing business with you or your designated agencies. Before any decisions are made Council can require that it come back before Mayor and Council for approval.

Mayor Galambos inquired if this would cover the possibility of a joint 911 authority with other municipalities. Assistant City Manager Crace stated that he did not think it would cover that. City Attorney Willard replied that he thought it could be done, but did not think that other governmental entities would want to have us be the sole one to control how this is being set up, appointments made, management of it, etc.

Transition Consultant Oliver Porter stated that this was not in lieu of public safety authorities. We are in the process of drawing a potential piece of legislation to create public safety. The idea would be to set up an authority that may or may not be joined by other municipalities; however, we hope to get that into the legislature this session. Assistant City Manager Crace stated we anticipate that may be another tool to ensure that there is a common interest here. It would be beneficial to all area municipalities that are possibly looking at some joint facilities.

Councilmember Jenkins asked if there is an authority, would that prevent us from adding on surcharges in our Municipal Court. Assistant City Manager Crace confirmed that you can create those revenues and pledge them. He further stated that there are some State mandates or general enabling acts would allow you to activate that. Councilmember Jenkins further inquired if that had to be created by law or the legislature to act as a surcharge. Assistant City Manager Crace confirmed that a law had to be created. Councilmember Jenkins then asked if we need to draw up a Resolution. City Attorney Willard explained if you have it for a specific fund or designated purposes, then you have to do that by special legislation. He distinguished the two issues stating that in creating the authority you could pledge that have that side of the vehicle if that ever came about. If you want to activate that kind of a revenue stream, then additional legislation needs to occur.

Councilmember Jenkins inquired if it would be possible to acquire land and not just construct facilities. Assistant City Manager Crace stated if it is associated with a legally defined project. The project has to be defined a public project, if it is in the interest of the city, and if the land acquisition is directly related to the public project.

Councilmember Meinzen McEnerny inquired if a specific park acquisition would that be part of it. Assistant City Manager Crace explained you could do that, but you would need to make that the case. It is important to understand that you are pledging the revenue stream from the general fund to underwrite the purchase. He further stated that the business question is if you are willing to get into that particular type of thing as opposed to a police facility.

Councilmember Meinzen McEnerny asked would if there be an advantage to go with an existing development authority or some other entity that has had a lot more experience issuing bonds than this newly created one. Assistant City Manager Crace stated not as far as a Public Facilities Authority. If you have good seasoned advisors and professionals that are working for you, they can take you through it whether it is the first time or the tenth time.

Councilmember Paul clarified that the purpose of this authority was to give us advantages in borrowing and other areas so that we can lower our costs in pursuing these particular projects. Assistant City Manager Crace confirmed that was correct and was the primary reason for the Resolution.

Mayor Galambos asked if the Resolution specified that the borrowing would be retired by revenue bonds. Assistant City Manager Crace could not confirm, but believed the actual bonds would be revenue bonds based upon the lease/purchase.

City Attorney Willard explained that the authority would sell the bonds. The City would make a contract, which is an Intergovernmental Agreement, for the payment of that money to the authority for the purpose of then paying off the debt. The City cannot make the loan itself beyond the year; however it can, through an Intergovernmental Agreement, make a long-term commitment with another governmental agency that has that authority.

Councilmember Paul added that this governing body cannot obligate the City beyond a year for any debt. The authority has the ability to enter into long-term debt to allow us to be able to do projects and pay for them over an extended period of time rather than have to pay for it all within one fiscal year. City Attorney Willard confirmed that was correct, with one exception. The fact is that you as a City can enter into a long-term Intergovernmental Agreement with another agency and the authority would commit to paying funds over a long-term basis.

Assistant City Manager Crace advised that the member of the finance staff had advised him that it was about a quarter percent lower to use this vehicle when you are looking at a comparable needed for a justified public project rather than using things like certificates of participation, or lease/purchase. It is a less expensive vehicle, so not overextending would make a difference.

Mayor Galambos requested that the City Clerk read the Resolution for consideration.

City Clerk Marchiafava conducted a reading of the Approval of a Resolution Supporting the Creation of a Public Facilities Authority and Requesting the Introduction of Legislation into the 2006 General Assembly to Facilitate the Creation of Such Authority and for other Purposes.

Motion and Vote: Councilmember Paul moved to approve a Resolution Supporting the Creation of a Public Facilities Authority and Requesting the Introduction of Legislation into the 2006 General Assembly to Facilitate the Creation of Such Authority and for other Purposes. Councilmember DeJulio seconded the motion. There was no further Council discussion. The motion passed unanimously.

Approval of a Resolution Establishing a Municipal Court Fee to Offset Expenses Associated with Providing and Running a Municipal Court.

Resolution No. 2006-01-08

Mayor Galambos stated that the next item is the Approval of a Resolution Establishing a Municipal Court Fee to Offset Expenses Associated with Providing and Running a Municipal Court. Judge Anderson will present this item.

Municipal Court Chief Judge James Anderson stated that this Resolution would authorize the Court to recommend a schedule of fees to assist in defraying the costs of Court operations. This fee would be assessed to those who use the

services of the Court. He added there was not a lot of statutory case law on the issue of how much we can charge and how the fees are set forth; however, he thought we could spread the costs among those who, by virtue of their need of the Court, have been found guilty of, have plead guilty to, plead nolo contendere, or entered into some sort of plea agreement with the solicitor that is accepted by the Court. That would include individuals who were paying fines voluntarily through mail, the internet, or otherwise. He then stated that the problem is that we had an idea of what the budget was going to be the first six months at \$642,000. It is very difficult to project how many cases were going to fit into aforementioned categories. The statistics from Fulton County varied drastically and without data to determine the cost per case, he did not want to impose fees greater than the need to defray Court costs. He suggested an interim fee schedule of \$30 per disposition that would be imposed upon pleas of guilty, pleas of nolo contendere, findings of guilt, voluntary payments of fines, and voluntary dismissals based upon negotiation with a solicitor. However, if someone comes to Court and pleads innocent, has a trial, and is found not guilty, there would be no imposition of a fine or fee on that person. He felt that as we develop our own statistics and determine the court costs, we would come back with refined numbers to Council and recommended that a schedule of fees be added on to the fines.

Councilmember DeJulio asked what the fees in other surrounding municipalities were. He stated that it was difficult to determine because an actual survey was not done. He spoke with a Magistrate Judge in Fulton County and she was not able to provide an exact dollar amount. He further stated \$50 appeared to be the court fee in Roswell. He stated that \$50 was a good estimate of the fee that Sandy Springs could end up at, but without hard budget figures and without hard caseload statistics, he was very reluctant to propose a much greater fee. There is no prohibition in our Charter, State law, or City ordinances adopted that would prevent us from coming back and adopting another fee should the statistics prove that another fee is warranted.

Councilmember Paul asked if any portion of the fines imposed on the Court were used for the defrayal of court costs or toward court administration.

Municipal Court Chief Judge James Anderson explained that the general fine that a court imposes is payable directly to the treasury of the municipality. There is no separate court treasury. Our budget is the budget that Council proposed. There are surcharges that are added every fine, pursuant to State law and none of those surcharges come back to the City.

Councilmember Greenspan inquired if Council were to come back in 30 days or in May to adjust these fines for the second half of the year or adjust the costs for the second half of the year, do we publicize the change in this cost. Municipal Court Chief Judge James Anderson advised that the way the Charter and enabling Ordinance was written it was up to the Court to suggest a schedule of fees, and it was up to the Court to bring it to the City Council for approval, and if it was not acted on in thirty (30) days, then it is deemed to be approved without your approval.

Mayor Galambos requested that the City Clerk read the Resolution for consideration.

City Clerk Marchiafava conducted a reading of Resolution establishing a Municipal Court Fee to Offset Expenses Associated with Providing and Running a Municipal Court.

Motion and Vote: Councilmember Fries moved to approve the Resolution Establishing a Municipal Court Fee to Offset Expenses Associated with Providing and Running a Municipal Court and for other Purposes. Councilmember Jenkins seconded the motion. There was no further Council discussion. The motion passed unanimously.

A Resolution for Red Light Traffic Signal Proposal.

Mayor Galambos stated that the next agenda item is a Resolution for Red Light Traffic Signal Proposal.

Councilmember DeJulio stated that the purpose of this Resolution was to authorize the City staff, which would be the Chief of Police and the City Attorneys, to investigate the likelihood of adding red light cameras to some of our intersections, and to investigate requests for proposals. This was not to go ahead and authorize them, and was to authorize the investigation of the same.

Councilmember Jenkins stated that the red light cameras are highly controversial, and spoke of studies that showed that it increased rear-end accidents at the intersections, which was why the State of Virginia and State of Ohio both pulled the

red light cameras out. She further stated to direct the Chief of Police to do this, she wanted to make sure that someone who has an opposing viewpoint is also included in this investigation.

Councilmember DeJulio stated that after additional study it can be brought back to City Council before decisions are made. This was just to give them the go-ahead and to get started.

Mayor Galambos inquired if this would include a report on what other jurisdictions in the metropolitan area were doing. Councilmember DeJulio confirmed it would include a report on what other jurisdictions in the metropolitan area were doing in addition to the pros and cons of the red light cameras.

Councilmember Paul stated that he worked on this legislation and there are restrictions on the use of this technology. One is you cannot do a frontal shot and can only photograph the tag.

City Attorney Willard stated that if this resolution were to pass, he would get the law and explanation of it as well as court decisions, and Attorney General opinions regarding the use of the cameras for the Council.

Councilmember Jenkins stated that she does not doubt that this will make money for the City. Her concern is the increase of accidents. Councilmember Paul shared her concerns too. He does not have any objection to studying, but he has a lot of questions that would need to be answered before he could vote on it. After the discussion, it was decided by Council that more study was needed.

Mayor Galambos stated that we have a public comment.

Daniel VanDyke, Sandy Springs resident, stated that he felt as a new City there were more important things that needed to be done, and that the red light cameras seemed to be a lower priority. He further stated the Police Chief will have so many new things to look at and to burden him with an investigation that would not add much value at this time was asking too much of him. He also added that when the time comes to address the red light cameras, it should be revisited with two people that can give a balanced look and present that to the court as pros and cons rather than one person.

Mayor Galambos stated that a public hearing would probably be needed before Council could take any definitive direction on this issue and, as a result, would be gathering information at this time.

Councilmember Fries stated that personally she would like to see the lights synchronized so that we can get everyone moving through them a little quicker before consideration of installing cameras. Mayor Galambos stated that she spoke with staff today and the contractor is looking at all of the traffic signals and the timing and it is underway. Councilmember Meinzen McEnerny state that she concurs with Councilmember Fries' comments as to priorities for our new City and would agree that this study matter does not rise to the top of her agenda at this point.

Mayor Galambos requested that the City Clerk read the Resolution for consideration.

City Clerk Marchiafava conducted a reading of a Resolution Directing the City Attorney to research the installation and use of automated red light enforcement devices and begin preparation of a request for proposal for same.

Councilmember Paul suggested tabling this to the next Council meeting. He thinks that rather than to take this up as an agenda item now, he would like to put it on a Work Session giving the Council an opportunity to think through it and have discussion on it.

Motion: Councilmember DeJulio moved to approve a Resolution for the use of an automated Red Light Traffic Signal Proposal.

Discussion on the Motion:

City Attorney Willard suggested tabling to the January 27th Council Meeting to provide Council a chance to review all documents, and to provide an opportunity to discuss and review this issue.

Motion Failed: The motion failed for lack of a second.

Public Comments

Jean Brunner, Sandy Springs resident, stated that she rides MARTA buses all the time. She brought to Council's attention that she has noticed violence has increased substantially in the North Fulton area and most of the area was poorly lighted. She suggested better protection and lighting to help decrease the violence and bring about change in that area.

Councilman Greenspan stated that as a result of the Martin Luther King Day Proclamation being passed, he suggested that Acting City Manager Bovos work with the various organizations within the community and present a report at the Council's work session on Thursday. Acting City Manager Bovos stated he would be happy to meet with the various organizations and present an update on where we are in the planning process, but wanted to remind Council that Thursday's work session was dedicated to the budget, and offered to amend the agenda to include Martin Luther King Day activities. Councilmember Greenspan stated the observance was less than two weeks away and he wanted to ensure that enough time was given to planning the event. Councilmember Fries stated that they would not need much time at the work session.

Councilmember Greenspan stated he would like to request that the Community Development department retrieve the documents that Fulton County had prepared insofar as intersection improvements and traffic studies specifically as it relates to the Dunwoody Club at Spalding. He stated that to his knowledge, Fulton County had invested \$110,000 in design and development of that intersection and thought it would be wise for us to retrieve that information to see how we might be able to incorporate that into our plans in the future. Councilmember Fries asked the documents also be retrieved for intersections at Dunwoody Place and Roswell Road and Northridge and Roswell Road fall into that same category.

Councilmember Greenspan inquired if there was an update on the SSP Reserve. Mayor Galambos stated that she had spoken with Commissioner Rob Pitts and it totally a matter of their willingness and he said that he would try to do what is fair. Councilmember Greenspan asked if a more formal dialogue was needed to consider we have made a claim that we are entitled to 49% or a percentage to the \$33 million. City Attorney Willard advised that the law states that there is not a legal claim that we have a means of asserting to receiving back any portion of that money regretfully. It came as a part of our being a part of the Special Service Tax District. We have met with Commissioner Pitts specifically and see his interest being one that would be hopeful and supportive of our getting part of that money back. As far as taking any other action, he would urge that we just leave communication between the Mayor and the Commission members on that point.

Councilmember Paul asked City Clerk Marchiafava if the consent agenda had been approved.

City Clerk Marchiafava confirmed that consent agenda had been approved, but the actual meeting agenda was not approved and suggested that Council go back to approve the meeting agenda.

Councilmember Paul suggested that Council make a motion to approve both the Meeting Agenda and the Consent Agenda to make sure it was approved.

Motion and Vote: Councilmember Paul moved that the Consent Agenda and the Amended Agenda were both approved. Councilmember Fries seconded the motion. The motion passed unanimously.

Adjourn

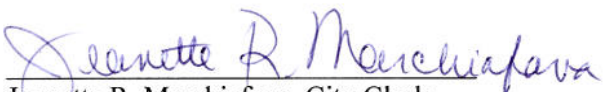
Motion and Second: Councilmember Meinzen McEnerny moved to adjourn. Councilmember Paul seconded the motion.

Before adjourning, Councilmember Meinzen McEnerny stated to the City Attorney Willard that the Board of Commissioners agreed to consider setting aside in a escrow account \$1.8 million for the sale of real estate properties in Sandy Springs on South Johnson Ferry. She asked that because that was a Board action if he felt we had any greater grounds of being able to continue to get that \$1.8 million for those land sales. City Attorney Willard stated that he had to read what the Resolution specifically directed to be done, but believed it was just to hold the money which has now become a part of the general fund. He stated that we were in limbo regarding the funds and said that he would look at that Resolution to see if it provided further direction.

Vote: There was no further Council discussion. The motion passed unanimously.

After no further business, the meeting adjourned at 8:39 PM.

Date Approved: February 7, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor