

Regular Meeting of the Sandy Springs City Council was held on Tuesday, January 3, 2017, at 6:00 p.m., Mayor Rusty Paul presiding.

INVOCATION

Rabbi Ellen Nemhauser, Center for Israel Education, Emory University, offered the invocation.

CALL TO ORDER

Mayor Rusty Paul called the meeting to order at 6:01 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment 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 Rusty Paul present.

Councilmembers: Council Member John Paulson, Council Member Chris Burnett, Council Member Gabriel Sterling, Council Member Tibby DeJulio, and Council Member Andy Bauman were present. Council Member Ken Dishman was absent.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance.

PUBLIC COMMENT

There were no public comments.

APPROVAL OF MEETING AGENDA

1. 17-001 Add or remove items from agenda

Motion and Vote: Council Member DeJulio moved to approve the Meeting Agenda for January 3, 2017. Council Member Paulson seconded the motion. The motion carried unanimously.

CONSENT AGENDA

2. 17-002 Meeting Minutes

1. December 20, 2016 Regular Meeting
(Michael Casey, City Clerk)

Motion and Vote: Council Member Sterling moved to approve the Consent Agenda for January 3, 2017. Council Member Burnett seconded the motion. The motion carried unanimously.

PRESENTATIONS

3. 17-003 Presentations

1. Code Enforcement Officer of the Year - Paula Allen
(*Jim Tolbert, Assistant City Manager*)

Assistant City Manager Jim Tolbert introduced Ms. Yvonne Smith and stated Sandy Springs has been recognized by the great performance of one of the City's code enforcement officers. Ms. Yvonne Smith is the Code Enforcement Manager, and has been on the job for seven months. She has done a great job in managing the Code Enforcement Division.

Code Enforcement Manager Yvonne Smith provided the following comments: "My name is Yvonne Smith and I am the Manager of the Sandy Springs Code Enforcement Division. I have served in this role over six months and have been with the City since 2011. Throughout my tenure, I have witnessed the growth of Sandy Springs and that of Community Development. When the City was founded, Code Enforcement was and continues to be one of the most desired services sought by the residents of Sandy Springs. The division, which was once staffed with five officers and a manager, has risen to the task with just four officers. As I embark on my 11th year in the field of Code Enforcement, it brings me great pleasure to speak about the talented staff that I have had the opportunity to work with, under the great leadership of our City Council, John McDonough, Bryant Poole and the direct supervision of Jim Tolbert and Michelle Alexander. In particular, I am here tonight to recognize the hard work and dedication of our newly promoted Senior Code Officer and Field Training Supervisor, Paula Allen. Paula has been with the City since 2013 and has been exceptional in her duties as a Code Officer II. While serving in my new role, Paula has been vital in helping to ensure the continuity of services in our division, especially as we underwent some staffing changes in June of 2016. The changes required extra effort from all of the remaining staff and allowed Code Enforcement to be successful with the support of Community Development and the Collaborative Group as a whole. Paula stepped up to the plate during our transition demonstrating she is a natural born leader and has shown the utmost integrity in performing her duties. So far, Paula has implemented a multitude of training procedures to which the officers of our division have shown great benefit. She has accomplished this using technology and a common sense approach. In addition, she brings over twenty years (20) of law enforcement experience and several years of supervisory experience from her former role as a police officer. She is great at team building and fostering a familial work environment. She has a heart of gold and is very giving of her time and knowledge. Paula has led some groundbreaking projects with our Code Enforcement Team. For example, she has helped to provide a safer and more sanitary environment to residents of a blighted townhome community with approximately 180 units, North of City Hall. In addition, she has helped to provide a better quality of life for several residents who were impacted by three (3) separate hoarding cases. Lastly, she is responsible for several specialized duties including solid waste and taxicab enforcement. As a part of the team's effort, she has helped to inspect ten (10) apartment complexes in 2016 with about 1,977 units and assisted the Revenue Department in inspecting 748 businesses for license renewal. She performs her job with grace and integrity and often serves as the point of contact, handling many important tasks during my absence. As a great example of her dedication and drive, she is also working on her Master's Degree in Homeland Security while working full-time. Moreover, because of her education and desire to help protect critical infrastructure and our natural resources, she was selected to be the Primary Department Warden to assist with Emergency management should the need arise. It was her well-rounded personality, experience, integrity and giving nature that made her my nominee for Code Officer of the Year. In October of 2016, Paula was formally honored at the annual conference as the American Code Enforcement Association's Code Officer of the year and was featured in the November/December newsletter. Founded in 1988, AACE provides career development, internationally recognized training courses and continuing education credit for America and Canada's property maintenance, housing and zoning officials. Please join me in giving Paula Allen a round of applause for her hard work and dedication to our great City."

Mayor Rusty Paul thanked Code Enforcement Officer Paula Allen for her dedication and congratulated her on receiving the AACE Code Officer of the Year award.

2. FY 2016 Annual Financial Audit Report - Mauldin & Jenkins, LLC
(*Karen Ellis, Finance Director*)

Finance Director Karen Ellis introduced Adam Fraley of Mauldin & Jenkins, LLC.

Mr. Adam Fraley, Mauldin & Jenkins, stated he would present the results of the FY2016 audit of the financial statements of the City of Sandy Springs. Included in the packets for Mayor and Council is the City's CAFR, which is prepared by the City's Finance Department, and the Annual Audit Agenda. The key members, or Engagement Team Leaders, of the Annual Audit Agenda included Adam Fraley, James Bence and Tim Lyons. Page five of the report lists the ultimate results of the audit. The City's management team pulls together the Financial Statements through the Finance Department, and then Mauldin & Jenkins presents an opinion about the financial statements through the report. The City also issues a Comprehensive Annual Financial Report (CAFR). The CAFR is annually submitted to the Government Finance Officers Association (GFOA). The City has achieved the Excellence in Financial Reporting designation through GFOA for many years. Taxes are the primary revenue sources for the City, including sales tax. Non-tax revenue sources include licenses and permits; charges for services; fines and forfeitures; and other. The largest City expenditures are for Public Safety. Equity has grown over the past several years, and continues to add to the City's reserve funds. At the end of FY2016, equity was about \$38 million. In FY2016, the net position increased from \$304,763 to \$322,877. Approximately \$74,000 is unrestricted and available for future operations. Mauldin & Jenkins did not have any difficulties or disagreements with management. The audit process was very smooth, and management was very helpful. There were no findings to report, but there were some suggestions made to management to strengthen and streamline City processes. The last several pages of the report relate to the new accounting standards. Currently, not all of them relate to the City, though they may relate to future City transactions.

Mayor Rusty Paul asked if the one of the new processes included was related to the designation of any tax incentives for businesses and economic development incentive programs, and what impact those will have on our accounting.

Mr. Fraley responded that tax abatements awarded by the cities would need to be reported in the next fiscal year's report. Mauldin & Jenkins is encouraging all of their clients to take inventory of all agreements related to tax abatements. Cities should also promptly begin working with the counties to identify the abatements that the counties have issued within the respective cities.

Council Member Gabriel Sterling asked if the future reporting would include incentive awards that have been in existence for many years, and are now expiring.

Mr. Fraley stated that the new reporting requires retroactive reporting.

Council Member Andy Bauman asked that staff provide information to Council about the five-year expenditure trends to assist with future budgeting.

Council Member Tibby DeJulio asked how the City's recent bond deal is reflected in the reporting.

Mr. Fraley responded that the issuing of bonds is a liability and long-term debt on the statement. The debt will go down each year as the City pays on the principal. The amount reported on the statement of net position is in addition to the premium. The entire \$179 million is reported on the statement of net position. Moving forward, the standard setting body, the Governmental Accounting Standards Board (GASB),

requires the effective interest method to be used, which compares the interest payments due through the life of the bond, and then amortizes that premium down pro rata based on interest.

PUBLIC HEARINGS

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

Alcoholic Beverage License

4. **17-004** Approval of Alcoholic Beverage License Application for Trusha Roswell Inc. DBA Quick Shop #2, 5000 Roswell Road, Suite C, Sandy Springs, Georgia 30342. Applicant is Nisha Asher for Retail/Package Wine & Malt Beverage.
(Presented by Karen Ellis, Finance Director)

Finance Director Karen Ellis stated this is a change of ownership for retail package for wine and malt beverage for Trusha Roswell Inc. DBA Quick Shop #2. The applicant Nisha Asher has met all requirements and staff recommends approval.

Mayor Rusty Paul called for public comments in support of or opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Vote: Council Member DeJulio moved to approve Agenda Item No. 17-004, Alcoholic Beverage License Application for Trusha Roswell Inc. DBA Quick Shop #2. Council Member Sterling seconded the motion. The motion carried unanimously.

5. **17-005** Approval of Alcoholic Beverage License Application for VMSM Enterprises LLC DBA Vinny's NY Pizza & Grill 111 Glenridge Point Parkway, Sandy Springs, GA 30342. Applicant is Abel Mira for Consumption Wine, Distilled Spirits, and Malt Beverage.
(Presented by Karen Ellis, Finance Director)

Finance Director Karen Ellis stated this is a new application for consumption on the premises for wine and malt beverage for VMSM Enterprises LLC DBA Vinny's NY Pizza & Grill. The applicant Abel Mira has met all requirements and staff recommends approval.

Mayor Rusty Paul called for public comments in support of or opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Vote: Council Member DeJulio moved to approve Agenda Item No. 17-005, Alcoholic Beverage License Application for VMSM Enterprises LLC DBA Vinny's NY Pizza & Grill. Council Member Burnett seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

6. **17-006** Resolution for Adoption of the 2016 Annual Capital Improvements Element (CIE) Update (financial reporting)
(Presented by Michelle Alexander, Director of Community Development)

Director of Community Development Michelle Alexander stated Mayor and Council voted to transmit this financial report in September 2016, which shows how the City collected impact fees in 2015. The Georgia Department of Community Affairs approved the report and now the Mayor and City Council can officially adopt the update, if they choose to do so.

Motion and Vote: Council Member Sterling moved to approve Agenda Item No. 17-006, a Resolution for Adoption of the 2016 Annual Capital Improvements Element (CIE) Update (financial reporting). Council Member Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2017-01-01

7. **17-007** Consideration of Approval of a Contract to Construct Project T-0034, Morgan Falls Road Transportation Enhancement (TE) from Morgan Falls Apartments to Overlook Park, P.I.# 0010652

(Presented by Marty Martin, Unit Manager)

Public Works Unit Manager Marty Martin stated the Morgan Falls Road Transportation Enhancement Project was developed as the final phase of improvements for access to Morgan Falls Overlook Park. Last year, the City completed construction of the retraining walls and sidewalk access along Morgan Falls Road. Over the summer, Morgan Falls Road was repaved from Roswell Road to the park. This final phase of the project, which includes \$500,000 in federal matching funds, includes the construction of a retaining wall, monument signage, and some onsite draining and erosion control features. There will also be landscaping along the recently developed sidewalk shoulder that was installed this past year. The project was put out to bid in October 2016, and bids were received on November 21, 2016. Four bids were submitted including Ed Castro Landscape as the low bidder at \$490,343.01, and Lewallen Construction as the high bidder at \$1,048,472.02. The engineers construction cost estimate for the work was \$629,188. Since the project has \$500,000 of federal matching funds associated with it, the award approval from Council tonight is contingent upon GDOT's review and approval. Staff requests that City Council approve a contract award to Ed Castro Landscaping for \$490,343.01. If approved, staff will draw the \$500,000 in federal matching funds available to the project, as well as approximately \$240,000 that were made available in City funds.

Motion and Second: Council Member Sterling moved to approve Agenda Item No. 17-006, a Contract to Construct Project T-0034, Morgan Falls Road Transportation Enhancement (TE) from Morgan Falls Apartments to Overlook Park, P.I.# 0010652. Council Member Paulson seconded the motion.

Council Member Gabriel Sterling asked where the cost difference comes from between the highest and lowest bidder.

CIP Unit Manager Martin replied the retaining wall is a significant cost difference, because of the slope excavation required and the build of the wall itself. Another cost difference factor is the bio-retention rain garden that will be graded out and created once the wall is installed.

Council member Sterling asked how large is the rain garden, and is it part of the erosion control.

CIP Unit Manager Martin replied it is the distance between the roadway shoulders and ten to fifteen feet off the storage buildings. The rain garden will tie into the storm drainage system previously installed. It will catch rainwater off the roadway.

Council Member John Paulson asked whether the City provided a design for the retaining wall or if the contractors provided a design.

CIP Unit Manager Martin replied the City requested contractors include a design for the retaining wall. The City provided the wall envelope for the design to the contractors, which included detail about how

large the wall should be and where it would be located. Contractors were also provided with three options regarding how to bid the wall. Those options included a modular block retaining wall (such as the existing retaining wall that is behind the pavilion at Overlook Park, a cast in place concrete wall encased in the finished materials, and a Soil Nail Wall. The bid responses included proposals for all three options. The modular block retaining wall proved in all cases to be the lowest price option offered by the bidding contractors, which satisfied the needs of the project.

Council Member Chris Burnett asked is this the last phase of the Morgan Falls project, and when will the project be completed.

CIP Unit Manager Martin replied that this is the last part of the Morgan Falls Access Improvement project. Staff structured 120 days for the performance period, dependent on weather and planning. The initial construction and grading should only take a few months, so staff is hoping for the right planting season. Staff plans for landscaping to be completed by the summer.

Council Member Paulson stated there will be remaining funds available from the \$500,000 federal funds and the City's 20% match, and asked if it would be possible to expand the project's scope to use the remaining funds.

CIP Unit Manager Martin stated the City used local funds for the project design, and these funds will be used as the local match. The Federal matching funds will be used for the construction portion of the project.

Vote on the Motion: The motion carried unanimously.

REPORTS

Mayor and Council Reports

Mayor Rusty Paul provided an update on the bees at Lost Corner Park, and stated the bees were fed just before the holidays began and will not be rechecked until the end of February or beginning of March. The bees are in good shape.

8. 17-008 Staff Reports

1. John McDonough, City Manager

City Manager John McDonough announced that the City has made a couple of key hires to the City's leadership team including Mr. Michael Perry as the new Recreation and Parks Director; and Mr. Michael Enoch as the Performing Arts Center General Manager. Mr. Perry joins the City from the City of Alpharetta, and he will be instrumental in moving forward on several priority projects in the community. Mr. Enoch will join the City on or about February 1.

2. November 2016 Financial Report – Karen Ellis, Finance Director

Finance Director Karen Ellis stated the City is at 41.6% of the year. Revenues are trending at approximately 48% or approximately 6% above budget. Expenditures are at 35.76%, which is a little below budget. At the City Council Retreat, staff will review midyear budget numbers with the City Council.

Council member Gabriel Sterling asked if the City is capturing all of its call revenues. In addition, has the Department of Revenue replied to the City regarding if residents with Atlanta-based zip codes are being charged appropriately?

Finance Director Ellis replied that she has been working with the State and will soon review an analysis sent from the State identifying how the City will be impacted with TSPLOST funds.

Mayor Rusty Paul stated that it might be worthwhile to visit with Georgia Department of Revenue Commissioner Lynne Riley. Particularly when it comes to TSPLOST, the City will need to make sure the revenues are accounted for and properly apportioned. This is not only to make sure that Sandy Springs citizens are not paying the higher Atlanta tax, but also to make sure that the City is collecting what the City is entitled to collect. When people use the Atlanta mailing address instead of Sandy Springs, it makes it difficult for the Department of Revenue to identify where those sources are coming from, particularly on internet sales. These people end up paying higher taxes for their internet purchases. In regards to TSPLOST, there will be a much higher differential than there has been in the past.

PUBLIC COMMENT

Bill Gannon, 505 Taunton Way, stated that mail carriers have told residents not to use Sandy Springs as their address. Under certain zip codes, such as 30318, it is hard to book airline tickets when you put in Sandy Springs. The Post Office for this zip code is located on Clairmont. Mail is often lost, and residents continue to have problems.

Council Member Gabriel Sterling stated it might be time to ask for the vote again, referencing the 2011 "Zip up Sandy Springs" postal code campaign.

Council Member Tibby DeJulio stated many businesses do not allow you to put in "Sandy Springs," but require that you put in "Atlanta," and then you are advised to write into the company or the State to claim the difference on the sales tax.

Council Member Sterling stated the postal software used defaults to Atlanta. If the action were passed, then the default would change to "Sandy Springs," avoiding these problems in the future.

Mayor Rusty Paul stated this is costing residents and businesses money. Many residents may not notice they are paying higher taxes, because the calculations are done automatically. The City may need to explore options again, and make sure, through education, that people understand that they are paying higher taxes and other costs as a result. It is worth having some further conversations about.

EXECUTIVE SESSION

9. 17-009 Litigation and Real Estate

Motion and Vote: Council Member DeJulio moved to enter into Executive Session to discuss litigation and real estate. Council Member Paulson seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Burnett, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive Session began at 6:47 p.m.

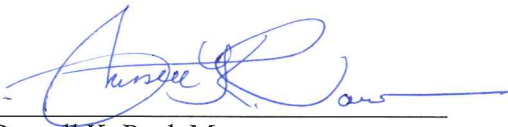
Motion and Vote: Council Member DeJulio moved to adjourn Executive Session. Council Member Paulson seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Burnett, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive session adjourned at 7:40 p.m.

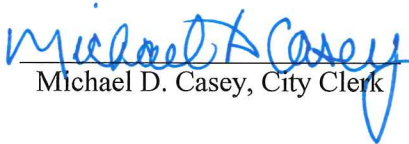
ADJOURNMENT

10. 17-010 Adjournment

Motion and Vote: Council Member DeJulio moved to adjourn the meeting. Council Member Bauman seconded the motion. The motion carried unanimously. The meeting adjourned at 7:40 p.m.

Date Approved: January 17, 2017



Russell K. Paul, Mayor

Michael D. Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

January 3, 2017

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Russell K. Paul, Mayor of the City of Sandy Springs, who on oath says that to the best of his knowledge and belief, on the 3rd day of January, 2017, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Discussion or voting on real estate matters pursuant to O.C.G.A. 50-14-3(b)(1);

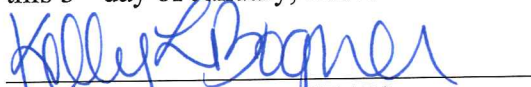
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.



Russell K. Paul, Mayor

Sworn to and subscribed before me,
this 3rd day of January, 2017.


Notary public (SEAL)