

Regular Meeting of the Mayor and City Council of the City of Sandy Springs was held February 5, 2008 at 6:00 p.m., Mayor Eva Galambos presiding.

Call to Order

Mayor Galambos called the meeting to order at 6:03 p.m.

Roll Call and General Announcements

Mayor Galambos requested that the City Clerk call the roll.

City Clerk Rowland reminded everyone to silence their cell phones and pagers at this time. Additionally, those wishing to provide public comments either during a public hearing or at the conclusion of the meeting under the public comment section, are required to complete a public comment card. They are located at the back counter and need to be turned in to the City Clerk.

City Clerk Rowland called the roll.

Councilmembers Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance

Approval of Meeting Agenda

Mayor Galambos asked if there were any changes to the agenda.

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

Consent Agenda

1. Meeting Minutes:
 - a. January 15, 2008 Regular Meeting Minutes
2. Approval of a Resolution re-appointing members to the Planning Commission.
Resolution No. 2008-02-03
3. Approval of a Resolution re-appointing members to the Board of Zoning Appeals.
Resolution No. 2008-02-04
4. Approval of a Resolution appointing members to the Stormwater Utility Advisory Committee.
Resolution No. 2008-02-05

Motion and Vote: Councilmember Fries moved to approve the consent agenda. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

Presentations

Proclamation in recognition of Mr. Steve Levitan of Pull-A-Part

Mayor Galambos read the Proclamation for Mr. Steve Levitan of Pull-A-Part.

Regular Meeting of the Sandy Springs City Council

February 5, 2008

Page 2 of 4

Fire Chief McElfish stated that Mr. Levitan has allowed the Sandy Springs Fire Rescue Department to utilize his salvage yard on several occasions for vehicle extrication training. This enabled all firefighters to complete state firefighter competency training for 2007. Chief McElfish presented Mr. Levitan a plaque in appreciation for helping the Fire Department.

Presentation by Art Schultz regarding International Tennis Tournament

Mr. Schultz stated that the First Annual Junior International Tennis Invitational will be held in Sandy Springs from October 19 through October 26, 2008 at the Sandy Springs Tennis Center.

The tournament is being hosted by the City of Sandy Springs, the Sandy Springs Hospitality and Tourism Committee and the Sandy Springs Tennis Association. They have teamed up to develop a weeklong event for future pros from around the world who are 14 and under.

The Committee will be making a major donation to the Children's Health Care of Atlanta for the purchase of a new playroom.

New Business:

**Consideration of approval of an Ordinance amending Chapter 8, Article 2, Section 4, Subsection (g) of the Code of Ordinances of the City of Sandy Springs, Georgia, relating to the possession of weapons in City parks.
Ordinance No. 2008-02-06**

City Attorney Willard stated that Sandy Springs and a number of other counties and municipalities have an ordinance restricting the possession of firearms in City parks and these ordinances have been challenged by georgiacarry.org, Inc. Coweta County did not prevail in the Superior Court, but the Superior Court's decision was appealed by georgiacarry.org, Inc. to the Court of Appeals of Georgia. In December 2007, the Court of Appeals rendered its decision and found Coweta County ordinance restricting the carrying of firearms to be preempted by state law. The Court said that municipalities do not have the ability to control the carrying of firearms.

Staff recommends that the Council approve the ordinance to amend the current gun carry ordinance to make it a "discharge" of firearms prohibition as opposed to a "possession" of firearm prohibition.

There is a bill going through the General Assembly now that will make it more difficult to control the carrying of firearms as a matter of state law. The bill has gone through the House and over to the Senate. The Senate made changes and now it is before a Conference Committee. Mr. Willard stated that he would update Council on this issue when the process is complete.

Motion and Vote: Councilmember Paul moved to approve an Ordinance amending Chapter 8, Article 2, Section 4, Subsection (g) of the Code of Ordinances of the City of Sandy Springs, Georgia relating to the possession of weapons in City parks. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of a Resolution of the City of Sandy Springs to Authorize the Mayor or Authorized Representative to establish a Franchise Fee applicable to holders of Cable and Video Franchises issued by the State of Georgia.
Resolution No. 2008-02-06**

City Attorney Willard stated that last year the General Assembly enacted what is known as a "Consumer Choice for Television Act". The intent of it is to have licensing of franchises from the State level with oversight by the Secretary of State's office as a licensing body. This Act became effective January 1, 2008. The City received notice that AT&T filed with the Secretary of State, an application for a state franchise to provide video service on January 2, 2008. In order to receive its franchise fee, the City must adopt a Resolution recognizing the City's participation for the franchise fee of five (5) percent. Staff recommends that the Council approve the Resolution.

Regular Meeting of the Sandy Springs City Council

February 5, 2008

Page 3 of 4

Motion and Vote: Councilmember DeJulio moved to approve a Resolution of the City of Sandy Springs to Authorize the Mayor or Authorized Representative to establish a Franchise fee applicable to holders of Cable and Video Franchises issued by the State of Georgia. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

Consideration of approval of a facility use agreement between the City of Sandy Springs and Sandy Springs Youth Sports for the use of Morgan Falls Park.

Councilmember MacGinnitie stated that the county managed the facility through a management contract with Sandy Springs Youth Sports Association, and the city continued this contract until it could be reviewed and a new contract written to address operational and maintenance related items for Morgan Falls. A new agreement has been written to address these issues. The first term of the agreement is for 17 months and became effective February 1, 2008. The agreement has the provision for two (2), one (1) year extensions. This is a non-profit partnership. The City of Sandy Springs will own the land and improvements that are in the park. The Sandy Springs Youth Sports Association will provide the operations for baseball, softball, football and cheerleading leagues. The Youth Association is responsible for all the maintenance and the City is responsible for the capital and the improvements. In exchange, the City will pay the Youth Association a little over \$10,000 a year for maintaining the facility. Prior to this agreement, the City had a separate agreement through CH2M Hill to do the maintenance. Now the Sandy Springs Youth Association will provide the maintenance and the City saves approximately \$27,700 a year. The City agrees to pay the Association the amount of \$180,000 for the initial Term and \$127,000 for the subsequent Terms to provide services.

Councilmember Meinzen McEnerny stated that she would like staff to submit an estimated cost that the City will be providing in Exhibit B to include the annual cost of approximately \$270,000 for the lighting of the fields which additional costs are not included in the prior discussion. Councilmember MacGinnitie stated that it would not be an additional cost of what is currently being provided by the City.

City Manager McDonough stated that this is the City's responsibility and it will be fixed on an as needed basis.

Motion and Vote: Councilmember Jenkins moved to approve a facility use agreement between the City of Sandy Springs and Sandy Springs Youth Sports for the use of Morgan Falls Park. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried 5-0, Councilmember DeJulio recused himself.

Consideration of approval of a Resolution designating the two CH2M Hill sponsored events for 2008. Resolution No. 2008-02-07

Councilmember Fries stated that in the contract the City has with CH2M Hill it states they will sponsor two special events each year for the City. The first year event sponsored was the Sandy Springs Festival. Last year the events sponsored was Sandy Springs Festival and The Green Tour. The cost allocated in the contract agreement is for \$25,000. She would like for the City to continue with the special events. This year the events will be; Sandy Springs Festival held in September 2008 at the Sandy Springs Historic Site and the Sandy Springs Cycling Challenge to be held in May 2008.

Motion and Vote: Councilmember Fries moved to approve a Resolution designating the two CH2M Hill sponsored events for 2008; the events will be Sandy Springs Festival and the Sandy Springs Cycling Challenge. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

Reports and Presentations:

City Manager McDonough stated that Council has unfinished business remaining from the retreat. Several weeks ago staff had a number of reports to update Council on. This meeting will be held at City Hall on February 26, 2008 at 6:00 p.m.

Councilmember Paul inquired about the status of the cell phone ordinance. City Attorney Willard stated that he would present a draft at the next Work Session.

Regular Meeting of the Sandy Springs City Council

February 5, 2008

Page 4 of 4

Councilmember Meinzen McEnery inquired about the 90 day cemetery moratorium ordinance that was approved by Council on November 20, 2008. Ms. Leathers stated that the Planning Commission approved the ordinance and will come before Council at the next zoning hearing.

Councilmember Jenkins inquired about the sidewalk ordinance. Mr. McDonough stated that discussions will be held at the next Work Session.

Executive Session-Pending Litigation, Personnel & Real Estate

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss pending litigation, personnel and real estate matters. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session began at 7:00 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 7:25 p.m.

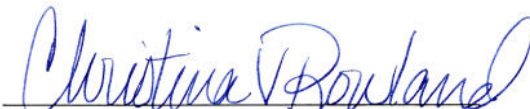
Adjournment

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously. The meeting adjourned at 7:30 p.m.

Date Approved: February 19, 2008



Eva Galambos, Mayor



Christina V. Rowland, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

February 5, 2008

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 5th day of February, 2008, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

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).

Discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, but not receiving evidence or hearing argument on charges filed to determine disciplinary action or dismissal of a public officer or employee, pursuant to O.C.G.A. 50-14-3(16);

Future acquisition of real estate pursuant to O.C.G.A. 50-14-3(4);

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



Eva Galambos, Mayor

Sworn to and subscribed before me,
this 5th day of February, 2008


Notary Public
