

Regular Meeting of the Sandy Springs City Council was held on Tuesday, June 7, 2016, at 6:00 p.m., Mayor Rusty Paul presiding.

INVOCATION

Reverend Tom Van Laningham, Care and Counseling Center of Georgia, offered the invocation.

CALL TO ORDER

Mayor Rusty Paul called the meeting to order at 6:02 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 Paul present

Councilmembers: Council Member John Paulson, Council Member Ken Dishman, Council Member Gabriel Sterling, Council Member Tibby DeJulio, and Council Member Andy Bauman were present. Council District 3 Seat is vacant.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance.

PUBLIC COMMENT

Bruce Cusmano, 1013 Evergreen Drive, stated he has had difficulty resolving an issue. He has been a resident of Sandy Springs for the last twenty years. The Police Department did a spectacular job at 12:00 a.m. on April 20th, at which time they retrieved a stolen car that ended up in his front yard. The vehicle did about \$10,000 worth of damage to his property. The reason he is in attendance this evening is because he called quite a few people that work at City Hall and no one has returned his phone calls, with the exception of Mayor Paul and Council Member DeJulio. He is concerned this matter is getting no attention as he was told he should consult with his insurance company. The circumstance is that an individual stole a car, evaded the police, crashed into a Sandy Springs police car and then ended up on his property. He is not sure who will be responsible for repairing the police car. He asked Council what he should do about the damage to his property. He does not think he should have to report his property damage to his insurance company, since the police chase initiated with the City of Sandy Springs Police Department.

City Attorney Wendell Willard stated he has had conversations twice with Mr. Cusmano. Legal staff is waiting to receive a letter from the City's insurance company. There is no liability on the part of the City as there was no negligence. The damage done to Mr. Cusmano's property was a result of the driver of the stolen car leaving the roadway and hitting his property. He spoke to Mr. Cusmano and suggested he contact his homeowners insurance company, which would generally cover that. He stated Mr. Cusmano has a very high deductible and that is a choice that property owners make. Without having negligence by the City, the City will not be able to make a payment. If the City did make a payment, it would be

improper and a gratuity under the law. Mr. Cusmano has also advised that he plans on bringing a lawsuit against the City.

Mr. Cusmano asked who will be paying for the repairs to the City police car.

City Attorney Willard responded the City will be.

Mr. Cusmano asked if he should be treated any different.

Mayor Rusty Paul stated he understands Mr. Cusmano's dismay and consternation. He would be feeling exactly the same way. The City is required to follow the State law as outlined by the City Attorney. Per the City Attorney advice, he suggests Mr. Cusmano contact his insurance carrier. He assumes they will take up any litigation on Mr. Cusmano's behalf to recover any damages.

Megan Hanson, House Candidate, states she is a Republican Candidate for House District 80, which includes Sandy Springs. There was an election on May 24th where she received 43% of the votes from Sandy Springs. She thanked everyone for their support and asked for their support again on July 26th.

APPROVAL OF MEETING AGENDA

1. **16-184** Add or remove items from agenda

Motion and Vote: Council Member DeJulio moved to approve the Meeting Agenda for June 7, 2016. Council Member Dishman seconded the motion. The motion carried unanimously.

CONSENT AGENDA

2. **16-185** Meeting Minutes
 1. May 17, 2016 Regular Meeting
(*Michael Casey, City Clerk*)
3. **16-186** Consideration of a Resolution to Quitclaim to the Georgia Department of Transportation property appropriated through the use of eminent domain for the T-008 Project, Roswell Road Streetscape from Carpenter Drive to Hammond Drive
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2016-06-57

Motion and Vote: Council Member Sterling moved to approve the Consent Agenda for June 7, 2016. Council Member Paulson seconded the motion. The motion carried unanimously.

PRESENTATIONS

Mayor Rusty Paul stated he wants to recognize Deborah Silcox, who is a State Representative elect, and Claire Bartlett, who is representing Congressman Loudermilk. He asked Ms. Silcox to the front of the room. Those working towards Sandy Springs incorporating as a City were told by the General Assembly that Sandy Springs would become a City when pigs flew. The symbol of Sandy Springs is now the flying pig. He presented Ms. Silcox with a flying pig statue.

4. **16-188** Presentations
 1. Proclamation - Purple Heart City

Mayor Rusty Paul stated he comes from a long line of family members that are military veterans. His father was in the Air Force and his grandfather was in the last infantry charge of WWI. His grandfather fought his way through the German trenches at 6:30 a.m. on November 11, 1918. He had an uncle who was a prisoner of war in the Battle of the Bulge. When Council Members Paulson and DeJulio approached him about the City becoming a Purple Heart City there was nothing that he thought would be more important for the City to do. He asked Mayor pro tem DeJulio, who is a Purple Heart Veteran, to read the proclamation. He invited Purple Heart recipients in attendance to the front of the room.

Council Member John Paulson stated there are about 330 million people in the United States, about 10 – 15 million veterans, and several million combat veterans, and some of those are Purple Heart Veterans. The Purple Heart Veterans are a select group in that they were actually in combat and injured as a result of it. Those that receive this award were in harm's way and were injured. The least the City can do is put a day like this together and recognize them.

Mayor pro tem Tibby DeJulio stated this is an incredible honor for him, the City, and for the Nation to have people who served and bled. These men in attendance this evening are true heroes. He read the proclamation which states, "The Purple Heart is the oldest declaration in present use and was initially created as the Badge of Military Merit by George Washington in 1782. In 1932, upon the 200th anniversary of George Washington's birth, the Purple Heart was revived as a medal recognizing American soldiers wounded or killed in the line of duty; and was emblazoned with George Washington's profile and coat of arms. The mission of the Military Order of Purple Heart, chartered by an act of Congress, is to foster an environment of goodwill among the combat wounded veteran members and their families, promote patriotism, support legislative initiatives, and most importantly, make sure that we never forget. Veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all. The contributions and sacrifices of the men and women from Sandy Springs who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by all citizens. Sandy Springs appreciates the sacrifices our Purple Heart recipients made in defending our freedoms and believe it is important that we acknowledge them for their courage and show them the honor and support they have earned. I Tibby DeJulio, by virtue of authority vested in me as Mayor Pro tem and on behalf of Russell K. Paul, Mayor of the City of Sandy Springs and on behalf of the City Council proclaim the City of Sandy Springs a Purple Heart City. The City Council hereby encourages the citizens of Sandy Springs to show their appreciation for the sacrifices Purple Heart recipients have made in defending our freedoms, to acknowledge their courage, and to show them the honor and support they have earned."

Mayor Paul stated in addition to these fine individuals, he knows there are people in the audience who have family members who were killed in action. This proclamation celebrates those individuals who are here, but also others whose family members sacrificed in defense of freedom. The City thanks you as well.

2. Georgia House Resolution 1052 Renaming the Interchange at GA 400 and U.S. 19 after Mayor Eva Galambos

Mayor Rusty Paul stated he served in the State Senate. One evening there was a road naming bill and he and Representative Tom Price were asked who a road should be named after and they suggested the Northridge Interchange for John and Eva Galambos. Mayor Eva Galambos was not well liked by the leadership of the House and Senate. The legislature was so aggrieved by the suggestion that they killed the road naming bill and placed a rule that one has to be deceased before you can have a road named after them. This year in the legislative session he went to the delegation and asked them to finish up his unfinished business. Representative Wendell Willard, Representative Joe Wilkinson and several other members were able to pass House Resolution 1052 that renames the interchange at GA 400 and U.S. 19 after Mayor Eva Galambos. The sign has been placed at this location. In attendance this evening is a

distinguished individual, Mr. John Galambos. He asked Mr. Galambos and City Attorney Willard to the front of the room. He read the proclamation that states, "Honoring the life of Mayor Eva Cohn Galambos and dedicating an interchange in her memory; and for other purposes. Mayor Eva Cohn Galambos is remembered by the citizens of this state for the vital role she played in leadership and her deep personal commitment to the welfare of the citizens of Georgia. Born in Berlin, Germany, Mayor Galambos graduated summa cum laude with a bachelor's degree in business administration from the University of Georgia, earned a master's degree in labor and industrial relations also from the University of Georgia, and obtained a doctorate in economics from Georgia State University. Her first professional job was as an associate editor for the Atlanta Journal of Labor and she went on to work with the Georgia State Merit System and the International Association of Machinists and taught at Clark College and Georgia State University. She was elected to serve as the first mayor of Sandy Springs after the city's incorporation in 2005, a position she maintained until 2014. Prior to Mayor Galambos' service as mayor she served as president for the Committee for Sandy Springs, co-founder and secretary of Sandy Springs Revitalization, Founder of Sandy Springs Clean and Beautiful, chairperson of services committee for the Sandy Springs Council of Neighborhoods, chairperson of the Fulton County Housing Authority, and founder of the Sandy Springs Civic Roundtable. It is abundantly fitting and proper that this remarkable and distinguished Georgian be recognized appropriately by dedicating an interchange in her memory. Now, therefore, be it resolved and enacted by the General Assembly of Georgia that the interchange at Georgia 400 and U.S. 19 in Sandy Springs is dedicated as the Mayor Eva Cohn Galambos Memorial Interchange. Be it further resolved that the Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the Mayor Eva Cohn Galambos Memorial Interchange. Be it further resolved that Clerk of the House of Representatives is authorized and directed to make appropriate copies of this resolution available for distribution to the family of Mayor Eva Cohn Galambos and to the Department of Transportation."

PUBLIC HEARINGS

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

Alcoholic Beverage License

5. **16-190** Approval of Alcoholic Beverage License Application for Top Notch Events Center, 5861 Roswell Road Suite B, Sandy Springs 30328. Applicant is Chul Ho Yun for Consumption Wine, Liquor and Malt Beverage

Finance Director Karen Ellis stated this is a new alcohol application for consumption on the premises of distilled spirits, wine, and malt beverage for Top Notch Events Center located at 5861 Roswell Road, Suite B. The applicant 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 Sterling moved to approve Agenda Item No. 16-190, Alcoholic Beverage License Application for Top Notch Events Center, 5861 Roswell Road Suite B, Sandy Springs 30328. Applicant is Chul Ho Yun for Consumption Wine, Liquor and Malt Beverage. Council Member Dishman seconded the motion. The motion carried unanimously.

6. **16-191** Approval of Alcoholic Beverage License Application for Pinocchios Atlanta, 5975 Roswell Road Suite B-211, Sandy Springs 30328. Applicant is Katherine Gould for Consumption Wine, Liquor and Malt Beverage

Finance Director Karen Ellis stated this is a new alcohol application for consumption on the premises of distilled spirits, wine, and malt beverage for Pinocchios located at 5975 Roswell Road, Suite B-211. The applicant has met all the 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 Sterling moved to approve Agenda Item No. 16-191, Alcoholic Beverage License Application for Pinocchios Atlanta, 5975 Roswell Road, Suite B-211, Sandy Springs 30328. Applicant is Katherine Gould for Consumption of Wine, Liquor and Malt Beverage. Council Member Paulson seconded the motion. The motion carried unanimously.

7. **16-192** Approval of Alcoholic Beverage License Application for Tootie's Playhouse DBA Living Color, 7878 Roswell Road Suite A, Sandy Springs 30350. Applicant is Keya Fulton for Consumption BYOB

Finance Director Karen Ellis stated this is a new alcohol application for consumption on the premises for a BYOB limited pouring license of wine only for Tootie's Playhouse, DBA Living Color, located at 7878 Roswell Road Suite A. The applicant has met all the 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 Dishman moved to approve Agenda Item No. 16-192, Alcoholic Beverage License Application for Tootie's Playhouse DBA Living Color, 7878 Roswell Road, Suite A, Sandy Springs 30350. Applicant is Keya Fulton for Consumption BYOB. Council Member Paulson seconded the motion. The motion carried unanimously.

Budget

8. **16-193** First Public Hearing on FY2017 Budget

City Manager John McDonough stated the proposed Fiscal Year (FY) 2017 budget was prepared based on established priorities and defined rankings developed at the Annual Retreat and from budget workshops held with City Council in April and May 2016. This proposed budget is submitted to the Sandy Springs City Council in compliance with State Law (O.C.G.A. § 36-81-2 et seq.) that provides the budget requirements for Georgia local governments. The FY 2017 Budget provides for the same millage rate of 4.731 mills as last year and maintains adequate reserves in the fund balance to ensure sound fiscal integrity of the City in addition to meeting the criteria of credit rating agencies. The FY 2017 Budget includes resources that will allow the City to provide a high level of public safety services to the citizens of Sandy Springs. This budget includes funding for City Center Projects, for park projects, transportation infrastructure, towards the completion of the North Fulton Regional Radio Authority project, and for stormwater infrastructure, among other items. The proposed budgets for all operating, capital and special revenue funds total \$401,735,771. The City's General Fund provides for general government operations of the City and maintains adequate working capital necessary for the City's financial health and stability. This fund accounts for most of Sandy Springs' operations and has a budget of \$103,562,695. The remaining funds include: Confiscated Assets, E911, Tree Fund, Multiple Grants, Community Development Block Grant, Private Donations, Hotel/Motel, Rental Motor Vehicle Excise Tax, Capital Projects, Impact Fees, Public Facilities Authority, Stormwater Maintenance and Development Authority Funds. All funds are presented as balanced and remain unchanged as presented at the May 17th Budget Presentation. Public hearings are scheduled to gain citizen input and enable all members of City Council to better understand the needs of the entire community prior to budget adoption. The budget can be

revised during the public hearings by the City Council. The final budget is scheduled to be adopted by City Council on June 21, 2016.

Mayor Rusty Paul called for public comments in support of the application.

Chris Gadrix, 185 Stone Mill Trail, stated he has lived his whole life in Sandy Springs. He lives in the Brandon Mill Woods subdivision. His neighborhood is directly behind the Abernathy Greenway Park. His neighborhood has taken an initiative to work on getting signage. He has been working with Director of Parks and Recreation Ronnie Young on the sign designs. A meeting was held at his home where about 70 people attended and voted on various designs. He presented a design that the neighborhood approves of. The monument sign will need to be located in the right-of-way at the two entrances. He requests that the City grant an encroachment and indemnification agreement for the right-of-way for the signage. His neighborhood will be fundraising for the signs. He is also requesting that Council consider assisting with funding the sign initiative.

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

Mayor Rusty Paul stated this is a public hearing. Council will take this request under advisement and get back to him.

Council Member John Paulson asked Mr. Gadrix if he has put the request in writing and formally submitted it to the City.

Mr. Gadrix responded no. He was told to come to the City Council meeting and present his idea.

Council Member Paulson asked Mr. Gadrix to submit his request in writing.

Council Member Tibby DeJulio asked what Mr. Gadrix is requesting.

Mr. Gadrix stated the estimate he received for the cost of the signs is \$15,000. There is a precedent for the signs. In February 2015, the City approved and granted both encroachment indemnification agreements for the Wyndham Hills neighborhood. The City granted that neighborhood \$11,000.

City Attorney Wendell Willard stated there is a process for having the encroachment indemnification agreements granted. Staff can meet with Mr. Gadrix to assist with beginning the process.

T-SPLOST

9. **16-194** Resolution of the City of Sandy Springs, Georgia, approving an Intergovernmental Agreement by and Between Fulton County and All the Cities Within It (Exception of City of Atlanta) for Use and Distribution of Proceeds Generated by the 2016 Transportation Special Purpose Local Option Sales Tax Referendum; Authorizing the Mayor of Sandy Springs to Execute the Intergovernmental Agreement on Behalf of the City of Sandy Springs; Repealing Prior Resolutions in Conflict; and for Other Purposes

City Manager John McDonough stated Mayor and Council have been briefed extensively on the Transportation Sales Tax initiative, which was started by Fulton County. Recently, the City received a briefing by Fulton County Chief Operating Officer Todd Long on this item. Since that time, staff has received questions from Council and some citizens regarding the need for, in particular, one of the projects on the list. At the request of Council, staff is providing feedback specifically related to the corridor along Hammond Drive before discussing the TSPLOST study.

Interim Traffic/Transportation Unit Manager France Campbell gave a Hammond Drive Corridor Study PowerPoint presentation.

Mayor Rusty Paul stated the City anticipates it will not build a project that will leave so much red, which indicates a low level of service for traffic. During the design process the City will incorporate innovations and solutions designed to make all of these intersections operational at a grade of C or better.

Council Member Tibby DeJulio asked what are Mr. Campbell's credentials.

Interim Traffic/Transportation Unit Manager Campbell stated he is a licensed Georgia professional engineer, which means he has passed the entry level engineering exam and the special engineering exam. He is also PTOE, which is a Professional Traffic Operations Engineer. He has a Master's Degree in Transportation Systems and has been working in the field for about twelve years.

Council Member John Paulson stated these are traffic counts from April 2016. Hopefully, this is not the first time there have been traffic counts and studies along this stretch. He asked how this relates to past studies and who has done the past studies.

Interim Traffic/Transportation Unit Manager Campbell stated traffic counts have been collected at most of these intersections through the last few years. GDOT maintains count stations nearby and one on the corridor. Every year GDOT looks at the traffic counts on this road and come up with a daily trip volume for that station. He did the comparison analysis and the counts have been very consistent over the last few years with the slow amount of growth. The traffic has increased some since we are now coming out of the recession. He found two other studies in a cursory review.

Council Member Andy Bauman asked if Interim Traffic/Transportation Unit Manager Campbell has looked at the projects that are under construction in that corridor or planned.

Interim Traffic/Transportation Unit Manager Campbell responded yes. That is one of the steps he does when looking at the future street network, looking at the planned improvements. The staff review did not show specific improvements that are planned for that corridor from Roswell Road to Glenridge.

Council Member Gabriel Sterling asked about the eleven projects.

Interim Traffic/Transportation Unit Manager Campbell stated all the planned developments on the map had traffic studies. He took the a.m. and p.m. peak hour trips that are expected to be generated and those were layered on the City's model.

Council Member Bauman asked if a level of service D is considered acceptable.

Interim Traffic/Transportation Unit Manager Campbell stated level D is minimum acceptable. There is one at Hilderbrand that is an unsignalized intersection and that delay is related to the side street. Hammond and Glenridge is unacceptable in the p.m. peak with a level of service E. Minimum acceptable means traffic is still expecting delays and once you reach level E or F, that is when congestion occurs. In the Atlanta area a level of service at E or F is not desired.

City Manager John McDonough gave the TSPLOST 2016 Sandy Springs PowerPoint presentation.

Mayor Rusty Paul called for public comments in support of or opposition to Agenda Item No. 16-194. There were no public comments. Mayor Paul closed the public hearing.

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 16-194, Resolution of the City of Sandy Springs, Georgia, approving an Intergovernmental Agreement by and Between Fulton County and All the Cities Within It (Exception of City of Atlanta) for Use and Distribution of Proceeds Generated by the 2016 Transportation Special Purpose Local Option Sales Tax Referendum; Authorizing the Mayor of Sandy Springs to Execute the Intergovernmental Agreement on Behalf of the City of Sandy Springs; Repealing Prior Resolutions in Conflict; and for Other Purposes. Council Member Dishman seconded the motion.

Council Member Paulson stated he agrees with the 2016 TSPLOST Project List. He asked about the last line item, the roadway and maintenance paving. He asked what if the language is changed to, "roadway paving and roadway maintenance and improvement throughout the City." He asked if the addition of the word improvement would allow the City to construct the shoulder lanes.

City Manager McDonough stated if the City does get to Tier Three projects, they may be partially completed. This gives the City additional flexibility in the CIP program. He recommends that Council leave the list as is. If the City receives the funds, we will have the availability to use other funds to accomplish the goals.

Mayor Paul stated this is an important issue, because it deals with Braves traffic on I-285. There will be a "catch 22", because we would be legally bound to do a project that the City physically could not do.

Council Member DeJulio asked about the mechanics of the sales tax, the time frame and when the City receives the funds.

City Manager McDonough stated the City will receive its share of the funds deposited every month. The first deposit would be sometime in the month of May. The tax will commence in the month of April and every month thereafter the Department of Revenue will deposit funds in to the City's bank account of the prorata share. The City will collect around \$20 million a year.

Council Member Sterling stated this mechanism is the same for the LOST revenue.

Mayor Paul stated the challenge is these projects have to be started within five years and completed within ten years after the tax goes into effect. The money will come to the City incrementally. The City will not have a lot of money at the beginning to launch these projects. The City cannot begin the projects until the capital is available for the projects. Some of the money will need to accumulate until the City has enough.

City Manager McDonough stated staff can look at alternative financing options. The City will move right into the Tier One projects. The design piece will begin first and staff will look at the impact on the transportation network to do projects in a smart way. We do not want to do two or three projects in the same area at the same time. Staff will come to Council with a full recommendation and report on what staff recommends.

Council Member Sterling stated there will be a lot of additional projects. He assumes staff will be available to deal with these projects as they move forward.

City Manager McDonough responded yes. The project management expense will be used to add the appropriate expertise to deliver these projects.

Council Member Sterling stated the first of the traffic efficiency improvements should be getting all the traffic lights connected to the adaptive level. He asked if that is considered in the first \$18 million.

City Manager McDonough stated he believes that will be an eligible project.

Mayor Paul stated the SCOOT program will be continued as well, focusing on those intersections that are heavily congested.

Council Member Bauman stated if Council has ever had a situation where we have to vote on something in terms of joining in the IGA, this is it. The Council could choose not to sign the IGA.

City Manager McDonough stated if the Council chooses not to join the IGA, they will be giving the City's portion of the funds to Roswell, Johns Creek, and College Park. He would not recommend that.

Council Member Bauman stated not participating in the IGA is not an option. In regards to Tier One priorities, this is a list where all have equal parts. The first \$18 million in funds does not have to go towards the first project.

City Manager McDonough stated \$18 million would not be spent on the first item.

Mayor Paul stated Tier One projects have to be done whether the City collects the money or not.

City Manager McDonough stated he is not sure about that, but the money has to be spent for those projects up to those amounts.

Mayor Paul stated there are questions about the spending requirements. The expectations have been managed on the revenue collection in order to make sure there is a strong possibility the funds will be collected. From his understanding, if the City signs the IGA, the City is committing itself to that level of funding.

City Manager McDonough responded only to the extent the City collects those funds.

Council Member Bauman stated this is a voter decision. Council will approve a list and the IGA and then the voters get to decide. He has had a few people ask about Fulton County's involvement in the Sandy Springs administration.

City Manager McDonough stated Fulton County is only involved from an auditing standpoint. The County is not involved administratively in the City's delivery of these projects. If the tax referendum passes, it will fall solely on the City to administer this program.

Council Member Bauman stated regarding the Hammond Drive efficiency improvements, this is not a GO/NO-GO decision of the Council. The City should be committed to a design with fully vetted public input. There will be a lot of consideration that will go into the plan and the City will continue to buy right-of-way. This evening Council is not making a final decision on whether to do anything on Hammond other than allowing for the voters to approve it and to continue to acquire right-of-way.

City Manager McDonough stated the City is not making a decision to construct anything. Only the design and right-of-way acquisition is being agreed upon.

Council Member Sterling stated the Fulton County audit provision is part of the law.

City Manager McDonough stated Fulton County will handle the election and auditing requirements. As far as the design of the City's projects, the project management and delivery of the projects, Fulton County will have no authority in that.

Council Member DeJulio asked if the TSPLOST passes, will it pay for the elections or is the City paying for that.

Mayor Paul stated Fulton County is the only body that can call the election.

City Manager McDonough stated the City does not have a municipal election in November. The City of Sandy Springs tax millage is part of the overall Fulton County tax bill and is approximately 14%. The other 86% is going to Fulton County schools and the Fulton County general fund.

Council Member Sterling asked how long is the multiuse path from City Springs to MARTA.

City Manager McDonough stated it will be about two miles.

Council Member Paulson stated the TSPLOST is for the entire Fulton County, except for the City of Atlanta.

Council Member Bauman stated the issue of why the City is not keeping what we collect in Sandy Springs is because the City does not have Point of Sale.

City Manager McDonough stated there are issues in South Fulton with the annexations and that will be completed by July 1. Every dollar that Atlanta captures that is in unincorporated South Fulton comes out of the funds for the rest of the County.

Council Member Sterling stated there is concern about overlap at the City's border where zip codes 30327 and 30342 cross over into Atlanta, especially for internet sales. He asked if anyone received an answer from the Department of Revenue.

Mayor Paul responded no, this is still an issue. The City shares certain zip codes with the City of Atlanta.

City Manager McDonough stated this would not be an issue if Atlanta had joined the agreement with the rest of the cities.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2016-06-58

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

10. **16-187** Approval to Enter into an Intergovernmental Agreement (IGA) with the City of Dunwoody

Director of Public Works Garrin Coleman stated this item is a request to enter into an IGA with the City of Dunwoody for the purposes of paving a segment of Dunwoody Club between Vernon Road and Happy Hollow Road, as well as to replace an eighteen inch corrugated metal pipe with an eighteen inch RCP reinforced concrete pipe. The total amount the City will be obligated to is approximately \$170,000, based on the estimates obtained from the bids that Dunwoody received. The City of Dunwoody presented this IGA to their Council meeting on May 23rd and approved it.

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 16-187, to Enter into an Intergovernmental Agreement (IGA) with the City of Dunwoody. Council Member Sterling seconded the motion.

Council Member John Paulson stated he saw an email regarding lane width and installing bicycle lanes. There was a discussion a few years ago regarding Dunwoody Club from Spalding Drive south and Council voted against that because of safety concerns. He is hesitant to narrow the roads for bicycle lanes and make the street unsafe.

Director of Public Works Coleman stated generally staff will evaluate a roadway and if it seems feasible or possible to stripe in eleven foot lanes with an added bicycle shoulder, then staff will do so.

Council Member Gabriel Sterling stated he knows there are certain sections of the road where pavement will be added. He agrees with Council Member Paulson that the City should never go below the eleven feet requirement. He asked if staff has looked at the striping for this road and if a wider incline, including the curb section, would be a good bikable lane between the two communities.

Director of Public Works Coleman stated that is something staff will evaluate once the pavement is down and measured, before the final striping is painted. The City does not usually construct an additional shoulder.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2016-06-59

11. 16-183 Approval of the Probation Services Contract Subject to Validation and Approval by the Legal and Finance Departments

City Attorney Wendell Willard stated the Court Department has a private probation company that provides probation services for those that have been sentenced and not incarcerated. There are two types of probation, reporting and nonreporting. This contract deals with the reporting probation, for which the individual on probation reports to the probation officer in a timely and usually monthly basis. The purpose of probation is to ensure the individual is complying with the sentence that was imposed. The current service contract which has been in place since the incorporation of the City has been with Judicial Correction Services. There were changes in the law about 1 ½ years ago and under those changes there are provisions that were not in the current contract. The City revised the contract and placed an RFP out to bid for other companies to consider. The review was done by a committee. The City received five different proposals from: Integrity Supervision Services, LLC; Professional Probation Services; Judicial Correction Services; Mason Co.; and Sentinel Defender Services. After review, the committee felt that Integrity Supervision provided the best contract provisions for the City. The contract calls for a term of five years, but there is a right of cancellation by either party with a thirty day notice. The contract also sets forth the specific fees to charge for the services provided. Cheston Roney, Court Administrator, is in attendance this evening and can answer any questions Council may have.

Motion and Second: Council Member Dishman moved to approve Agenda Item No. 16-183, the Probation Services Contract, Subject to Validation and Approval by the Legal and Finance Departments. Council Member Sterling seconded the motion.

Council Member John Paulson asked about the evaluation and why the new contractor is a better choice.

City Attorney Willard stated a panel member would be better able to respond to that question.

Court Administrator Cheston Roney stated the committee included three of the municipal court judges and the Chief Solicitor, Bill Riley. In the evaluation they reviewed the performance and the experience of those involved with the new company. The company is about 2 ½ years old and the owner of the company previously worked with the City's current provider. Integrity Supervision has contracts with two cities in North Fulton and one in Acworth. The committee felt the company has a good understanding of the court system in Sandy Springs and will provide the services the City needs. The committee also took into account the fee schedule, which includes a fee that is less for family supervision, that will be beneficial for the defendant.

Council Member Gabriel Sterling asked if the probationers are paying for the probation services and not the City.

City Attorney Willard responded yes. The cities have the choice of setting up their own program and hiring their own probation officers or to contract with an outside firm. Most cities and counties have chosen to have outside probation firms complete the work for misdemeanors.

Council Member Tibby DeJulio stated the situation with probation services around the country has made the news over the last several years. One of the things that has been in the news is the people that are less fortunate and are inundated with probation fees. He asked about the electronic monitoring on the fee schedule at \$14 per day. That is over \$5,000 per year. If a person is on probation and subject to electronic monitoring, they are probably not earning that type of money. He wonders if these fees are less than the current contract.

Court Administrator Roney stated the general fee is less overall. The City's current fee is \$35, plus a \$9 State fee, for month for standard supervision. The pay only supervision will be less in the new contract, which is standard at \$35 across the board.

Council Member Andy Bauman asked about the other fees.

Court Administrator Roney stated the committee did look at those fees, but he does not have that comparison with him at the moment.

City Attorney Willard stated with the ankle monitoring there is an ongoing daily requirement of the probationer to be sure that the monitoring takes place and they are where they are supposed to be.

Council Member Bauman asked how many people are currently on the ankle monitoring program.

Court Administrator Roney stated over the last year there have been 1,000 – 1,200 on the reporting probation program.

Council Member DeJulio asked if there was a concern about those on reporting probation going to nonreporting and the probation companies still charging them fees, even though they were no longer on probation.

Court Administrator Roney stated he is not sure about that. One thing addressed in the new law is the Judges work with the individuals that cannot pay the fines. Those individuals are able to work off that fine with community service at a rate of \$10 an hour.

City Attorney Willard stated people cannot be incarcerated because they cannot pay their fines. Council Member DeJulio was correct that there is a major concern, for example in Augusta, GA. Because of that, the Governor's Criminal Justice Reform Council took under review the entire process of private probation. This is where specific legislation came from and also a template contract that is being used.

Council Member DeJulio asked if there are standard fees throughout the State.

City Attorney Willard stated the fees are negotiable.

Council Member Bauman stated he supports this. If the City were to perform the probation service on their own, would the City be able to charge fees as well.

City Attorney Willard stated probation services is not known to be a profitable type of operation.

Council Member Bauman stated he encourages the State legislature to continue looking at this issue.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2016-06-60

12. 16-195 Establishing the Judges' Compensation for Time Spent on Electronic Warrants

City Attorney Wendell Willard stated the salaries and compensation of the City Judges are required by the City Charter to be set by Council. The Judges are paid on an hourly basis and at times they are called upon to perform outside of serving on the bench for court dates. Those services involve the police seeking arrest and search warrants. He is asking Council to approve a payment for the arrest warrant applications. This process usually takes about fifteen minutes at a cost of \$25. Search warrants usually take about 30 minutes and that cost will be \$50, which is half an hour of what the Judges normal pay rate is.

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 16-195, Establishing the Judges' Compensation for Time Spent on Electronic Warrants. Council Member DeJulio seconded the motion.

Council Member Tibby DeJulio asked if the City has been doing this in the past and if this is just an update.

City Attorney Willard stated this has not been done in the past.

Court Administrator Cheston Roney stated in the past the police officers would have to find a Judge. The electronic warrants give the ability to have a Judge sign a warrant over a tablet. This allows for the warrants to be done remotely. There have been times when officers have had to go to Magistrate Court to get an electronic warrant. This allows the police officers to be able to use the City's Judges.

Council Member DeJulio stated there are five municipal court Judges. He asked if they will be utilized on a rotating basis.

Court Administrator Roney stated yes. He will have to determine a schedule for the Judges. There will be an on call Judge and three of the Judges are interested in participating.

Mayor Paul stated when he was first elected he set up a Judicial Review Committee to recommend Judges. He has asked the committee to come back and visit with the Judges and look at the Court operations as a midpoint check to make sure things are operating as they should.

Vote on the Motion: The motion carried unanimously.

13. 16-196 Consideration of a Purchase and Sale Agreement for Property located at 145 Mount Vernon Highway (Parcel 17-0089-0005-002-9)

Assistant City Attorney Cecil McLendon stated this item is a purchase and sale agreement for 145 Mount Vernon Highway. This is the parcel next to the insurance agency on the corner that has a small brick ranch home. As a result of the road improvement project, a portion along the front of the property is needed for utility location. The City began negotiating with the owners and were advised by the City Manager that the City had not just a desire for the right-of-way strip, but rather to acquire the whole parcel in conjunction with the Bluestone Road improvements which will be adjacent to the east. Staff has communicated this with the owners. The parcel is approximately a half acre.

Council Member Andy Bauman stated the memo states .03 acres.

Assistant City Attorney McLendon stated if you look on the tax record on the documents, the parcel is .5475 acres. The memo has an error. The valuations in this area have gone from \$30 a square foot to \$40 with some sales up to \$50 a square foot. The property owners are not particularly excited about selling their property. The negotiated purchase price was \$600,000. The owner has agreed that immediately upon Mayor and Council's approval of this contract, the City will receive the right of entry to the property and able to move forward with the project. The closing date for this property is June 30th. He asked that Council approve this contract.

Mayor Rusty Paul stated as he understands the City cannot proceed with the utility work in that parcel until the contract is approved.

Motion and Vote: Council Member Sterling moved to approve Agenda Item No. 16-196, a Purchase and Sale Agreement for Property located at 145 Mount Vernon Highway (Parcel 17-0089-0005-002-9). Council Member DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2016-06-61

14. **16-197** Approval of revised Right-of-Way Acquisition Contract for the Sandy Springs Circle Streetscape, Phase 2 Project, Mount Vernon Highway to Hammond Drive, (CC-010), PI# 0010385

CIP Unit Manager Marty Martin stated this is a request for Council's approval for the City to enter into a revised right-of-way acquisition agreement with GDOT in support of Project CC-010, the Sandy Springs Circle Streetscape project. The detailed cost estimate changed slightly as a result of advancing the project to the design phase. Council saw this initial right-of-way agreement in October 2015.

City Manager John McDonough stated curb and gutter work has been completed. Paving should have started today and the intersection should be open by June 18th. The \$2.16 million proposed in this agreement is 80% federally matched to the right-of-way acquisition required for this project. The City will be required to provide the other 20% funding to fully acquire the right-of-way.

Motion and Vote: Council Member Sterling moved to approve Agenda Item No. 16-197, the revised Right-of-Way Acquisition Contract for the Sandy Springs Circle Streetscape, Phase 2 Project, Mount Vernon Highway to Hammond Drive, (CC-010), PI# 0010385. Council Member Dishman seconded the motion. The motion carried unanimously.

Resolution No. 2016-06-62

15. **16-203** Approve 2016 Draft CDBG Annual Action Plan for 30-day Comment Period

Director of Community Development Michelle Alexander stated this item is a request to post and make the Action Plan for 2016 available. This is a document that reports to the public how the City will implement the consolidated housing plan for this year. This is the same project that has come before Council in the past. The Action Plan is also available in hard copy, which will be left in Raquel

Gonzalez's office. The Plan is about twenty pages and not much different from the plan last year. She asked that Council allow it to be posted and allow for comment. After the thirty day comment period those comments will be consolidated and brought back for Council to consider approving the plan. Then it will be submitted to HUD.

Motion and Vote: Council Member Dishman moved to approve Agenda Item No. 16-203, 2016 Draft CDBG Annual Action Plan for the 30-day Comment Period. Council Member Paulson seconded the motion. The motion carried unanimously.

REPORTS

Mayor and Council Reports

Council Member John Paulson stated he attended the Georgia Orthodontist College grand opening. It is a fantastic facility with state of the art equipment. This is a great addition to the City.

City Attorney Wendell Willard stated there was a nice open house on the ground floor of the building at Roberts Drive and GA 400. The business expects to be expanding around the Metro Atlanta area with other satellite offices.

Mayor Rusty Paul stated he attended the Conexx dinner the other night, which used to be known as the American Israeli Chamber of Commerce. Attendees expressed interest in the City's sister city relationship with Western Galilee.

16. 16-198 Staff Reports 1. April 2016 Financial Report

Finance Director Karen Ellis stated in the agenda package this evening is the April financial reports for review. Currently, the City is trending above budget for revenues at 102.1% and at 83.33% of the year. Expenditures are trending slightly below budget at about 75%.

City Manager John McDonough stated from time to time, at Council's direction, staff will conduct a review of various policies and procedures. Recently, staff conducted a full review of the City's nondiscrimination policies and contract provisions to determine if revisions should be made. With review of the applicable law, staff reviewed current City policies, including the employee handbook, as well as the Recreation and Parks use and facilities agreements. Staff also reviewed current contracts, which included general government services contracts, standardized contracts being utilized by the City, and the facility use agreement between the City and Sandy Springs Youth Sports. Staff also reviewed nondiscrimination policies in surrounding jurisdictions. As part of the process, a review was conducted of the applicable law which includes State and Federal laws, including the equal protection clause of the 14th Amendment and Title VI and Title VII of the Civil Rights Act of 1964. As a result of the review, and to ensure consistency across all areas, he suggests an update to the City EEO statement as follows, "City provides equal opportunity to all employees and applicants for employment without regard to race, color, religion, sex, sexual orientation, gender, national origin, age, disability, or military or veteran status, or any other status or classification protected by applicable Federal, State, and local laws. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, lay off, recall, transfer, leave of absence, compensation and training." If he hears no objections, this updated statement will serve as the basis to update all the other City documents to reflect these changes. Those will include the handbook, Recreation and Parks Facilities Agreement, general government contracts, and standardized contracts utilized by the City.

There was a consensus of Council to move forward with the suggested changes.

Mayor Paul stated the City's normal procedure is to finish all business and then go into Executive Session, so that anyone who wants to watch all of the Council business transactions can more easily do so. This evening the agenda will be slightly different, because an Executive Session is needed in order to review an item that appears later on the agenda.

PUBLIC COMMENT

Tochie Blad, 7320 Hunters Branch Drive, stated she is glad to see that the TSPLOST is moving forward and the plan is not set in stone. There is a lot of strong public discussion on the Hammond Drive road widening. The budget was posted online so that the public may view it. The final budget will be approved in two weeks. There are two items that she keeps focusing on, one being the policy in which money can be moved, as long as it does not exceed the total budget. Locking down those numbers more firmly would be more helpful. There seems to be a pattern of unfunded expenditures which are budget surpluses. The budget is "trued up" mid-year and at the end of the year and the funds are moved to capital improvements. It would be a better use of the taxpayers dollars if they are spent on the front end and the Council knows where the funds are being used. Not trueing up the money until the end of the year makes it seem like the City is not being a good steward of the taxpayers dollars. She hopes that Council take those two items into consideration.

EXECUTIVE SESSION

17. 16-199 Litigation and Real Estate

Motion and Vote: Council Member DeJulio moved to enter into Executive Session to discuss litigation and real estate. Council Member Dishman seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Dishman, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive Session began at 7:54 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 Dishman, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive session adjourned at 8:21 p.m.

NEW BUSINESS

18. 16-200 Consideration of Approval of a Contract to Complete Construction of the Windsor Parkway Detention Pond Project, Subject to Validation and Approval by the Legal and Finance Departments

Assistant City Manager Bryant Poole stated this is a recommendation for a bid process for the Windsor Parkway Detention project. There were issues with the project and through negotiations with bonding companies, staff decided to put out another bid. Before Council are the bids and the bid that staff recommends is with Hitson Construction.

Motion and Vote: Council Member DeJulio moved to approve Agenda Item No. 16-200, a Contract to Complete Construction of the Windsor Parkway Detention Pond Project, Subject to Validation and Approval by the Legal and Finance Departments. Council Member Bauman seconded the motion. The motion carried unanimously.

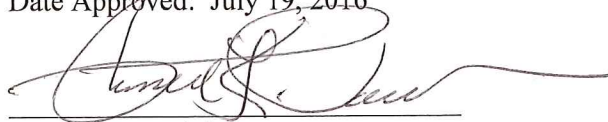
Resolution No. 2016-06-63

ADJOURNMENT

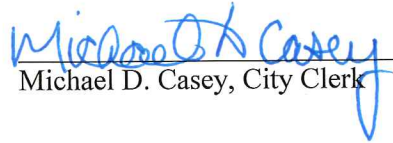
19. 16-201 Adjournment

Motion and Vote: Council Member DeJulio moved to adjourn the meeting. Council Member Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 8:23 p.m.

Date Approved: July 19, 2016



Russell K. Paul, Mayor



Michael D. Casey, City Clerk