

Regular Meeting of the Sandy Springs City Council was held on Tuesday, June 3, 2014, at 6:00 p.m., Mayor Rusty Paul presiding

INVOCATION

Reverend Danny Gulden, Sandy Springs Christian Church, offered the invocation.

CALL TO ORDER

Mayor 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 Paul present

Councilmembers: Councilman John Paulson, Councilman Ken Dishman, Councilman Graham McDonald, Councilman Gabriel Sterling, Councilman Tibby DeJulio, and Councilman Andy Bauman present.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance

PUBLIC COMMENT

Patty Berkovitz, 800 Crest Valley Dr. NW, stated the Watershed Alliance of Sandy Springs is opposed to the Marsh Creek Headwater project, as currently proposed. The purchase and eminent domain of a property on the agenda this evening will place a dam in the middle of a blue line stream, which is against the Clean Water Act. She would like an opportunity to speak with staff about this issue. She was told by the City Manager that he will not meet with the Alliance, but instead she will have to wait until this issue is before the public. The Alliance has requested meetings to view the design.

Also, she is very disappointed that two Sandy Springs Judges, Larry Young and Jim Anderson, are being let go and replaced by very qualified people from the prosecutor's private business. This is starting to seem like a case of nepotism. She thanked Judge Anderson and Judge Young for their service.

Dick Farmer, 355 Martins Trail, stated he is the President of the Watershed Alliance of Sandy Springs. The Alliance has participated in two activities in the last two weeks. He asked for the support of Council for staff to address adverse situations reported to the City. Leadership Sandy Springs conducted a community event about one month ago. There were twenty volunteers that participated in the stream cleanup. A tree wrapped around a sewer line was discovered when cleaning along Marsh Creek. The volunteers called the City's main number. The person at the call center was incapable of taking the report and did not understand the language that was being used. The volunteer hung up on the call center employee, because the employee did not understand there was a building and stream code violation. He was able to reach staff employee Michael Barnett, who handled the violation. The system for reporting immediate issues does not work. Just before the Memorial Day holiday, the annual Kennesaw State

summer school class began. This class has been held the last four years, during which Long Island and Marsh Creek are profiled. There were elevated E. coli bacteria counts in Marsh Creek. These reports were emailed to City staff and Fulton County.

Doug Fisher, Bridgewood Valley Road, stated he lives in Mountaire Springs neighborhood. Over the last four months, at least four houses within a city block along River Valley Road have been new construction projects or complete renovations. In this area, there is also a house a developer bought and has done nothing with. None of his neighbors have seen any signs that the developer is taking care of the property. Some areas of the yard have overgrown weeds that are approaching two feet high. Over the last four months, multiple city inspectors have been on the job sites. None of them have taken notice of this major eyesore. He asked that staff review how the City Code Department reviews its responsibilities. The address of the property that is of concern is 6510 Bridgewood Valley Road. He contacted the Code Enforcement department on May 27th and did not hear back from them. He contacted them today and they are now looking into the issue. Sandy Springs is the best city in Georgia and the residents would like to keep it that way.

Joe Wittman, 324 Colewood Way, stated he has a concern with construction hours, which are from 7:30 a.m. to 7:30 p.m. Monday through Friday. There is a large construction project on Colewood Way that is being done by JE Dunn Construction for the Epstein School. It seems the contractor is not adhering to the construction hours. On Friday evening there was a tractor trailer idling near the school at 8:00 p.m. Monday morning residents observed about twenty cars of workers waiting to get in to the gated Epstein campus. The cars were parked along the left and right side of the street, impeding traffic.

Ronda Smith, 76 Long Island Place, stated her comments are in regards to the newly constructed detention pond for the new homes in Mountaire Springs and other neighborhoods. She asked how the City will ensure the HOA's will maintain the ponds to code standards. Currently, the City is allowing HOA's responsible for existing ponds, like the one in Windsor Point, to not maintain the pond for over one year. The HOA has not received a fine or violation for failing to comply with code standards. It does not appear the City has a full grasp of the entire inventory of ponds within residential neighborhoods or the condition of those ponds. The homeowner whose property lies at the rear of and in the direct path of the outflow of the pond in Windsor Point subdivision asked her to assist in reporting the issues that she saw regarding this pond. They expressed concerns to a City staff member who visited the site on May 23, 2013, regarding the multitude of fifteen to twenty foot tall trees; growth over the rear pond wall; cracks in the wall; a clogged concrete flume; and mosquito problems. When she informed staff of the pond around May 2013, it was clear the pond was unknown and had never been serviced since its construction at the end of 2000. These problems need to be rectified. The failure of the pond will be the responsibility of those downstream of the pond.

Barbara Malone, 260 Colewood Way, stated Karen Bernstein and the residents on Long Island Place are very concerned with the construction on Long Island Preserve. The workers are working outside of the construction hours. Construction vehicles arrive at 6:30 a.m. as well as deliveries at 10:30 p.m. The developer does not keep the site secure, no work hour signs are on site, and there is no city checklist within the permit box. This past Saturday a neighbor took their kids along the back of their property to Mountaire pool. There has been no port-a-potty on that site for months and the workers have been defecating on private property. This is unacceptable. She asked the City to monitor the creek water for runoff from this work site.

Mayor Rusty Paul thanked the public for their public comments. Staff will look into all the issues that were reported.

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilman Sterling moved to approve the Regular Meeting Agenda for June 3, 2014. Councilman DeJulio seconded the motion. The motion carried unanimously.

APPOINTMENT OF JUDGES TO MUNICIPAL COURT

Mayor Rusty Paul stated a very rigorous process was completed for the suggested appointments of the following Judges. He asked five of the City's most respected attorneys to form a peer review committee to look at the court system and interview the prospective Judges. The attorneys that were on the committee are: Ray Smith, David Flint, Jay Elmore, Ray Persons, and Karen Bragman. City Attorney Wendell Willard served as the staff liaison to the committee.

(Agenda Item No. 14-096)

1. Consideration of Appointment of Judge to Sandy Springs Municipal Court (Joseph F. Burford)
(Presented by Mayor, Rusty Paul)

Motion and Vote: Councilman Sterling moved to approve the appointment of Joseph F. Burford as a Judge to the Sandy Springs Municipal Court. Councilman McDonald seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-097)

2. Consideration of Appointment of Judge to Sandy Springs Municipal Court (Sharon Dickson)
(Presented by Mayor, Rusty Paul)

Motion and Vote: Councilman Dishman moved to approve the appointment of Sharon Dickson as a Judge to the Sandy Springs Municipal Court. Councilman Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-098)

3. Consideration of Appointment of Judge to Sandy Springs Municipal Court (Marcia M. Ernst)
(Presented by Mayor, Rusty Paul)

Motion and Vote: Councilman Bauman moved to approve the appointment of Marcia M. Ernst as a Judge to the Sandy Springs Municipal Court. Councilman Dishman seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-099)

4. Consideration of Appointment of Judge to Sandy Springs Municipal Court (Candiss L. Howard)
(Presented by Mayor, Rusty Paul)

Motion and Vote: Councilman Sterling moved to approve the appointment of Candiss L. Howard as a Judge to the Sandy Springs Municipal Court. Councilman McDonald seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-100)

5. Consideration of Appointment of Judge to Sandy Springs Municipal Court (Don Schaefer)
(Presented by Mayor, Rusty Paul)

Motion and Vote: Councilman Sterling moved to approve the appointment of Don Schaefer as a Judge to the Sandy Springs Municipal Court. Councilman Dishman seconded the motion. The motion carried unanimously.

Mayor Rusty Paul asked Judge Campbell and the newly appointed Judges to the front of the room for the swearing in ceremony. He recognized outgoing Judge Larry Young, and thanked all the Judges who have served Sandy Springs.

CONSENT AGENDA

(Agenda Item No. 14-101)

1. Meeting Minutes:
 - a) May 20, 2014 Regular Meeting
 - b) May 20, 2014 Work Session
 - c) May 6, 2014 Budget Workshop #2*(Michael Casey, City Clerk)*

(Agenda Item No. 14-102)

2. Consideration of Issuance of Task Order to InterDev for Information Services
(John McDonough, City Manager)

(Agenda Item No. 14-103)

3. Consideration of Issuance of Task Order to ST Services of Georgia for Financial Services
(John McDonough, City Manager)

(Agenda Item No. 14-104)

4. Consideration of Issuance of Task Order to The Collaborative for Communications Services
(John McDonough, City Manager)

(Agenda Item No. 14-105)

5. Consideration of Issuance of Task Order to The Collaborative for Community Development Services
(John McDonough, City Manager)

(Agenda Item No. 14-106)

6. Consideration of Issuance of Task Order to URS for Public Works Services
(John McDonough, City Manager)

(Agenda Item No. 14-107)

7. Consideration of Issuance of Task Order to Jacobs Engineering for Recreation and Parks Services
(John McDonough, City Manager)

(Agenda Item No. 14-108)

8. Consideration of Issuance of Task Order to Jacobs Engineering for Municipal Court Services
(John McDonough, City Manager)

(Agenda Item No. 14-109)

9. Consideration of Issuance of Task Order to Faneuil for Call Center Services
(John McDonough, City Manager)

(Agenda Item No. 14-110)

10. Recommendation to enter into Contract Agreement with Blount Construction for Road, Sidewalk, ROW, Drainage Repair and Maintenance Services for the City of Sandy Springs
(Garrin Coleman, Director of Public Works)

(Agenda Item No. 14-111)

11. Recommendation to enter into Contract Agreement with Optech RWM, LLC for Road, Sidewalk, ROW, Drainage Repair, Park and Maintenance Services

(Garrin Coleman, Director of Public Works)

(Agenda Item No. 14-112)

12. Recommendation to enter into Contract Agreement with Wildcat Striping and Sealing for Striping and Sealing Services for the City of Sandy Springs

(Garrin Coleman, Director of Public Works)

(Agenda Item No. 14-113)

13. Recommendation to enter into Contract Agreement with ProCutters Lawnscares, Inc. for Interstate Right-of-Way Maintenance Services

(Garrin Coleman, Director of Public Works)

Motion and Vote: Councilman Sterling moved to approve the Consent Agenda for June 3, 2014. Councilman Dishman seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

Budget

(Agenda Item No. 14-114)

1. First Public Hearing on FY 2015 Budget

City Manager John McDonough stated the proposed Fiscal Year (FY) 2015 budget was prepared based on established priorities and defined rankings developed from a series of budget workshops held with City Council in April and May 2014. This proposed budget is submitted to the Sandy Springs City Council in compliance with State Law and provides the budget requirements for Georgia local governments. The proposed budget was developed following the Mayor and City Council's established priorities including: Commitment to Outstanding Customer Service, Public Safety Services, Transportation Improvements, Community Appearance, Recreation and Cultural Enhancement, Downtown Development, Natural Resource Protection and Economic Development. During budget workshops, Council received briefings about economic conditions and short-term economic outlook, budget planning assumptions, public safety needs and challenges, and capital programs. After reviewing a number of potential options, this budget includes \$13,750,000 for City Center Phase I Implementation, \$400,000 for the Public Safety radio upgrade, \$940,000 for park projects, \$8,700,000 for transportation infrastructure and \$1,750,000 for stormwater infrastructure. The proposed budgets for all operating, capital and special revenue funds total \$199,992,595. 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 \$90,185,932. The FY 2015 General Fund Budget provides \$13,430,424 for general government contracts for city services; \$24,751,568 for personnel and related benefits; \$26,503,940 for operations and equipment; and \$25,500,000 for capital improvement programs. The remaining funds include the Anne Frank Exhibit Fund, Innovations Fund, Confiscated Assets Fund, E911 Fund, Multiple Grant Funds, Community Development Block Grant Fund (CDBG), Private Donations Fund, Hotel/Motel Fund, Rental Motor Vehicle Excise Tax Fund, Capital Projects Fund, Impact Fee Fund, and the Stormwater Maintenance Fund.

Mayor Rusty Paul called for public comments in support of the proposed budget. There were no public comments. Mayor Paul called for public comments in opposition to the proposed budget.

Tochie Blad, 7320 Hunters Branch Drive, stated in 2008 the City had an unfunded expenditures account, also known as a budget surplus. Doug MacGinnitie, a previous Councilmember who now works for the State, released a memo called "Months to Five Minutes to Use". This memo discussed an excessive budget surplus. The City has a budget surplus every year, sometimes as high as \$11 million in 2011. In 2012, there was a \$7 million surplus, in 2013 \$5 million surplus and now it is back at \$7 million. The surplus budget is a policy decision that Council can make. The annual operating expenses should be for the police and fire department and the money should be spent the year it is acquired. The City has a contingency fund of \$150,000 that has never been touched. It would be an efficient use of tax dollars to spend the money in the year it is collected or return it to the taxpayers.

Mayor Paul closed the public hearing.

Grant

(Agenda Item No. 14-115)

2. Consideration of Approval of Application for Allocation under FY2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Assistant City Manager Eden Freeman stated this item is for the FY2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This is a grant program and with an award distributed across the country based on a complex formula that the Department of Justice administers. This year the City is eligible for \$16,499, which is an increase of \$1,115 over last year's award. The Police Department and City Manager's office are proposing to utilize this year's award to purchase four mobile handheld radios. The radios will be used with the new P25 compliant system that the North Fulton Regional Radio Authority will be building out over the coming months. Under the terms and conditions of the program, the City is required to hold a public hearing. The application must be submitted by June 10, 2014.

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

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-115, an Application for Allocation under the FY2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Councilman Dishman seconded the motion. The motion carried unanimously.

Incentive Request

(Agenda Item No. 14-116)

3. Consideration of Drax Biomass Incentive Request

Director of Economic Development Andrea Hall stated this is a manufacturing company that is looking to relocate their North American corporate headquarters from the Boston area to Atlanta. They are considering a number of locations in Atlanta, one of which is in Sandy Springs at the Concourse. If the company were to relocate to Sandy Springs, they will commit to a seven year lease and hire a minimum of twenty-five employees this year. An additional ten to fifteen employees will be hired in 2015 and 2016 for a total of thirty-five employees. These employees will earn above the average wage for Sandy Springs. The company will commit to a \$1.1 million capital investment, which does not include furniture, fixtures, and equipment. The company is requesting a Tier II incentive and they meet the qualifications. Staff is recommending approval of the request. The company is interested in the City's expedited permitting process, since they would like to move into the building fairly quickly.

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

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 14-116, the Drax Biomass Incentive Request. Councilman DeJulio seconded the motion.

Councilman Gabriel Sterling stated he investigated this company and it takes pelletized pine and ships it around the world to other companies for biomass energy. The company wants to get closer to where their inventory is, which happens to be in Georgia where pine is grown.

Mayor Paul stated many pellet companies take the waste wood from tree branches and turn it into pellets. This is a conservation process to utilize wood.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 14-117)

4. Resolution to authorize the use of eminent domain to acquire property located at 6332 North Hampton Drive, Sandy Springs, Georgia Parcel ID: 17-008800020395 ("Property") for public use

City Attorney Wendell Willard stated this item is a resolution for the use of eminent domain on a portion of a property. The property is located at 6332 North Hampton Drive and will be part of the Marsh Creek stormwater project. This project is very important for what is being done in the City Center area. This will be an improvement to a drainage area that has substantial flooding. The City made an appropriate offer to the owner based upon the appraisal of the property at \$29,600. The owner, Mr. Gaines, rejected that amount and proposed an amount of \$128,000. At this point, staff felt it was best to move forward to exercise the power of eminent domain. There are no structures on this portion of the property.

Mayor Rusty Paul called for public comments in support of the agenda item. There were no public comments. Mayor Paul called for public comments in opposition to the agenda item.

Doug Dillard, 3500 Lenox Road, stated he represents the owners of the property. The owners are in the process of requesting an appraisal. Today he filed an open records request in order to receive the hydrological and engineering information about the property. There is a retention facility on the other side of Sandy Springs Circle. The pond is supposed to replace that and there are plans to construct a park. The property is off the backside of his property and to what extent the project affects the owner's property is very important. He asked that the City provide the information requested. There is a thirty day time period before the City files for condemnation. After that is filed, the property owner has thirty days to answer and then the issue will go before a special master hearing. Hopefully, this matter can be resolved within in that time frame.

Mayor Paul closed the public hearing.

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-117, a Resolution to authorize the use of eminent domain to acquire property located at 6332 North Hampton Drive, Sandy Springs, Georgia Parcel ID: 17-008800020395 ("Property") for public use. Councilman Paulson seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-06-43

(Agenda Item No. 14-118)

5. Resolution to authorize the use of eminent domain to acquire property located at 80 Johnson Ferry Road, Sandy Springs, Georgia Parcel ID: 17-008800020098 ("Property") for public use

City Attorney Wendell Willard stated this item is a resolution seeking to exercise the power of eminent domain for a portion of the property owned by Stephen Johnson. The back portion of the property will

also be a part of the Marsh Creek stormwater project. Staff negotiated with the owner. An offer was made to the City in the amount of \$131,700, and the City rejected that amount.

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

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-118, a Resolution to authorize the use of eminent domain to acquire property located at 80 Johnson Ferry Road, Sandy Springs, Georgia Parcel ID: 17-008800020098 ("Property") for public use. Councilman Sterling seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-06-44

(Agenda Item No. 14-119)

6. Consideration of Approval of the Appropriation of Property Located at 0 Windsor Parkway (Parcel #17-094-0001-079-4) through the Use of Eminent Domain

Assistant City Attorney Cecil McLendon stated this item is related to the Windsor Parkway relocation project. There is a proposed detention facility in the plan. The property is a small triangular piece that does not have an address. When staff researched the title, the last time the property was conveyed was in 1974 by an executor's deed and taxes have not been paid on it. There does not seem to be a way to find someone to convey the property to the City. As a result, staff is asking to be able to utilize eminent domain for acquiring title. The funds will be paid to the court and anyone that has a claim to the property can go to the court, and prove that claim and draw the funds down. The parcel will be used for a detention facility that will improve the detention in that area.

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

Motion and Second: Councilman DeJulio moved to approve Agenda Item No. 14-119, the Appropriation of Property Located at 0 Windsor Parkway (Parcel #17-094-0001-079-4) through the Use of Eminent Domain. Councilman Bauman seconded the motion.

Councilman Gabriel Sterling asked what price the City will pay.

Assistant City Attorney McLendon stated the property is being appraised. The property is a small parcel that does not have development potential, so this will be a small amount.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2014-06-45

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 14-120)

1. Resolution authorizing amendment to the City's Purchasing Policies to incorporate provisions of Georgia HB 774 amending O.C.G.A. § 32-4-113 to change the threshold in which municipalities can negotiate road maintenance and construction contracts

City Attorney Wendell Willard stated during the past General Assembly there was a change to the statutory limitation for minor public works contracts to be completed without having to go through the bid process. This amount has been increased from \$20,000 up to \$200,000, but that number is based on the local jurisdictions option to exercise the right to use the benefit. This benefit can save the City money by not seeking bid proposals from contractors. This provision will remove the formality of going through advertising and the drafting of documents. If Council adopts the resolution, the City will change the approval amount from \$20,000 to \$200,000 for the public works contracts. These contracts may include items such as sidewalk and drainage facility projects.

Motion and Second: Councilman DeJulio moved to approve Agenda Item No. 14-120, a Resolution authorizing an amendment to the City's Purchasing Policies to incorporate provisions of Georgia HB 774 amending O.C.G.A. § 32-4-113 to change the threshold in which municipalities can negotiate road maintenance and construction contracts. Councilman Sterling seconded the motion.

Councilman John Paulson stated this change allows for the approval of professional services up to \$200,000. He understands this provision will apply to construction projects up to \$200,000, but professional services are also listed.

City Attorney Willard stated the law does not limit the bidding of contracts for professional services such as architectural engineers. The City and other governments are capable of negotiating for those type of services. If there is a need for services, the City can negotiate with a party who is a professional for that service to be provided. At certain times there are individuals who have a particular talent or have a better grasp of the needs for a particular service. The \$200,000 can be separated from the bid amount.

Councilman Paulson stated he read the provision to state that the cost could be \$200,000 worth of professional services only.

Mayor Rusty Paul asked if the provision would allow for a design build cost.

Councilman Paulson stated professional services would be a component of the design build. He reads the provision to state the City could contract up to \$200,000 worth of professional services. That is a lot of money for professional services. If professional services are a component of a construction project, he understands that.

City Attorney Willard stated the language states, "contracts for the purchase of materials, for the hiring of labor for professional services, or for other things or services incident to such work involving an expenditure of more than \$20,000 but less than \$200,000." He interprets this to be all inclusive.

John Paulson stated if the professional services are a part of the construction project, he is for the provision. If this allows for \$200,000 worth of only professional services to be contracted, then that concerns him.

City Attorney Willard stated the City does professional service contracts, but the City generally brings all of these to Council for approval.

City Manager John McDonough stated from a staff perspective on how procurements are handled, the provision would simply be another tool for the City to use. The law has already been passed and if Council authorizes the City to use the provision, it is not the intent of staff to utilize a blanket \$200,000. The City has policies and procedures in place and it is not his intent to change those. There may be a unique situation where a certain type of design is required for a project. This provision would be primarily used for the construction portion of public works project in order to help speed up the delivery of capital services.

Mayor Paul stated the legislative intent is that professional services be part of a larger construction contract.

Councilman Gabriel Sterling stated this provision of the law is exclusively about construction under the State code. He asked if there is a second step to this process or does it amend the language.

City Attorney Willard stated this will be the only item for Council to approve in order for City administration to move forward.

City Manager McDonough asked if there will be a policy change.

Finance Director Karen Ellis stated the City is in the process of updating the purchasing policy in order to make it more up to date. This provision will be incorporated in the policy update.

Councilman Sterling asked if Council will be required to adopt an amended purchasing policy.

City Manager McDonough stated staff will review this first in order to make that determination.

Councilman Sterling stated the provision does not change the fact that contracts will be brought to Council for approval.

City Manager McDonough stated any budgeted item over \$250,000 will be brought to Council. If an item is not budgeted, it will also be brought to Council.

Mayor Paul stated with the RFP process, there is a notice requirement that the City gives the public and anyone who wishes to bid. He asked what the notice requirement will be for this policy.

Director of Public Works Garrin Coleman stated this provision will allow the City to go from the four week notice requirement to two weeks. All qualified bidders can bid or the City can look at the prequalified contractors list.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2014-06-46

(Agenda Item No. 14-121)

2. Consideration of Purchase of Property located at 100 Johnson Ferry Road (Masons Lodge)

Assistant City Attorney Cecil McLendon stated this item is a contract for the Masons Lodge property. The purchase price is \$1.2 million and the closing is scheduled to take place by the end of June. Some of the stipulations in the contract include the property owner requested the City provide storage facilities for nine months, since they wish to remain in Sandy Springs. The owner is trying to find a new location in the City. That provision, which will be limited to 500 square feet, will be less than \$1,000 impact on the contract. The property owner also asked the City to waive the permitting fees for construction of the new project. The estimated fees for that project are \$20,000. The owner also asked to be allowed to salvage items in the building and to have a ceremony to lay a cornerstone at the new City Hall.

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-121, the Purchase of Property located at 100 Johnson Ferry Road (Masons Lodge). Councilman McDonald seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-06-47

(Agenda Item No. 14-122)

3. Consideration of an Ordinance Banning the Use of Tobacco Products in Sandy Springs Parks

City Attorney Wendell Willard stated this item is to prohibit the use of tobacco products in the City parks. The ban will include other forms of tobacco use such as cigars, pipes, chewing tobacco, and smokeless tobacco.

Motion and Second: Councilman DeJulio moved to approve Agenda Item No. 14-122, an Ordinance Banning the Use of Tobacco Products in Sandy Springs Parks. Councilman Paulson seconded the motion.

Councilman Gabriel Sterling stated there is a definition in the ordinance that references tobacco products, but there are E-cigarettes that do not have tobacco in them. He asked if that will be a problem.

City Attorney Willard stated the ordinance is trying to include the most recent uses of nicotine. Some people find it offensive, because a vapor is released from the E-cigarettes.

Councilman Sterling asked if a separate definition needs to be included in the ordinance, since an E-cigarette does not contain tobacco.

City Attorney Willard stated the language in the ordinance states, "Including any component, part, or accessory of a tobacco product, this includes among other products..."

Mayor Rusty Paul stated by FDA standards a cigarette is considered a nicotine delivery device. That is the reason for including other devices that can serve as nicotine delivery devices.

Councilman Andy Bauman stated the language of the ordinance defines tobacco products and it includes E-cigarettes, but E-cigarettes are not tobacco products.

Councilman Sterling stated if the language is changed to nicotine products, then that will cover everything.

Mayor Paul stated if "nicotine products" is used, that will affect nicotine patches and other devices used.

Councilman John Paulson stated some people do not want to be exposed to second hand smoke and that is why this is before Council. He wonders if second hand smoke effects can come from E-cigarettes.

Councilman Sterling stated E-cigarettes produce a water vapor, but he does not know what is in the water vapor.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2014-06-13

REPORTS

1. Mayor and Council Reports

Mayor Rusty Paul stated there has been confusion regarding the City's nonprofit policy. There are several programs that bridge the fiscal year. For example, the concerts at Heritage and Movies by Moonlight. Unless it is made clear to staff that Council intends for the bridge to occur, on July 1st those events will no longer be funded.

There was a consensus of Council that there should be a bridge period for these types of programs in order for the events to continue.

Councilman Andy Bauman stated he, the Mayor and City Manager McDonough visited Governor Nathan Deal for a photo opportunity related to the Windsor Parkway realignment. The City received a grant related to the project. He acknowledged City staff who worked hard to get the grant including: Assistant City Manager Eden Freeman, CIP Unit Manager Marty Martin, Transportation Planner Kristen Wescott, Director of Public Works Garrin Coleman, and Assistant City Manager Bryant Poole.

2. Staff Reports

a) April 2014 Financial Report – Finance Director Karen Ellis

Finance Director Karen Ellis stated the April 2014 financial statements are in the agenda package. The budget is at 83% of the fiscal year. Revenues are trending over 100% and expenditures are at 80% in the general fund. The budget is currently on target.

PUBLIC COMMENT

Patty Berkovitz, 800 Crest Valley Dr. NW, stated it is sad to see that the Masons Lodge is being sold. This area is an unnamed tributary of Marsh Creek. The Lodge is where the two streams form the headwaters that are supposed to be protected. The springs that feed those streams are clean water and this is the City's drinking water. The Watershed Alliance would like an opportunity to work with staff or the Planning Commission regarding the stormwater policy. The policy needs input from others that have Sandy Springs water knowledge

Barbara Malone, 260 Colewood Way, stated it is her understanding that the City ordinances are to protect the City, the developer, and the residents. The residents in her neighborhood do not feel they are being protected. There are at least two residents who have filed police reports, because contractors have been abusive to them. If this is happening in her neighborhood, it can be happening elsewhere. The developers do not care if they receive a \$50 or \$100 fine. Unless the fines are stricter, the issues with the developers will continue. One contractor severed a gas line, but did not know who to call and stood there laughing.

Mayor Paul stated the Public Service Commission very stringently regulates the "call before you dig" process. That would be a State violation that goes well beyond the City ordinance.

Ms. Malone stated the contractor did call before they started digging, but when they did dig, the roots of the tree severed the gas line. When these accidents happen, there is nothing in place that protects the neighborhood. The community would like to work with the City on these types of issues.

Councilman John Paulson stated this type of issue was heard two weeks ago. He asked what staff can do to make sure the call center is aware of environmental and construction related calls.

City Manager John McDonough stated staff takes these comments and discusses them regularly at weekly meetings. There is a knowledge base of frequently asked questions and meetings on the phone with the call center. The call center participates in the Monday morning staff meetings. Based on the notes from this evening, he will personally follow up on the complaints and find out exactly what transpired regarding Mr. Farmer's phone call. The phone call tapes will be pulled and listened to in order to have a better understanding of what happened. The City has a very active Code Enforcement division and Council sees the weekly reports and numbers. During the recent storm event he challenged staff to visit all 300 plus active construction sites in the City. That was done in about 48 hours. He was in the field along with the department heads, including Assistant City Manager Poole. Staff puts a significant

emphasis on development and development regulations. Any resident that has a noise complaint can call 911 or the call center. People will be dispatched 24/7 to address the noise violations. The police officers and district commanders are trained to respond to these issues. The system is in place and part of the process is getting the word out on what residents need to do, which is to make the phone call.

EXECUTIVE SESSION – Litigation

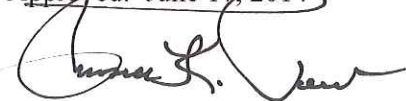
Motion and Vote: Councilman DeJulio moved to enter into Executive Session to discuss litigation with the Director of Community Development included. Councilman Dishman seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, Councilman DeJulio, and Councilman Bauman voting in favor of the motion. Executive Session began at 7:29 p.m.

Motion and Vote: Councilman DeJulio moved to adjourn Executive Session. Councilman Paulson seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, Councilman DeJulio and Councilman Bauman voting in favor of the motion. Executive session adjourned at 7:52 p.m.

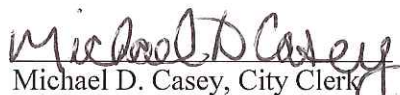
ADJOURNMENT

Motion and Vote: Councilman DeJulio moved to adjourn the meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:52 p.m.

Date Approved: June 17, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

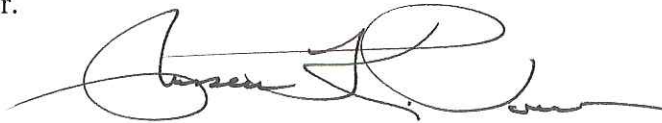
June 3, 2014

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 June, 2014, 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).

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 June, 2014.


Notary public (SEAL)

