

Regular Meeting of the Sandy Springs Mayor and City Council held Tuesday, March 21, 2006 at 7:00 PM, Mayor Galambos presiding

Invocation

Reverend Southworth, Sr. Minister, Unitarian Universalist Congregation of Sandy Springs gave the invocation.

Call to Order

Mayor Galambos called the meeting to order at 7:00 PM.

Roll Call and General Announcements

Mayor Galambos requested that City Clerk Marchiafava call the roll.

City Clerk Marchiafava reminded those in attendance to please turn off all cell phones and pagers. Additionally, those attending the meeting who would like to provide public comment either during the public hearing or at the conclusion of the meeting, are required to complete a public comment card which are available at the back counter and on the front table.

City Clerk Marchiafava called the roll.

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

Mayor Galambos welcomed the students in attendance from Georgia State University.

Pledge of Allegiance

Mayor Galambos led in the Pledge of Allegiance.

Approval of Meeting Agenda

Deputy City Manager Aaron Bovos stated that staff is requesting a deferral on Consent Agenda item number 4, Approval of the March 2, 2006 Work Session Minutes; New Business item number 2, approval of a Resolution Establishing an Employee Benefits Plan; and item number 5, approval of a Resolution Establishing a Communications Protocol Policy for the City of Sandy Springs. Deputy City Manager Bovos also requested that Consent Agenda item number 8 be removed from the consent agenda and placed on the Regular Agenda for discussion.

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

Consent Agenda

Approval of Minutes:

1. Approval of the February 2, 2006 Work Session Minutes.
2. Approval of the February 16, 2006 Work Session Minutes
3. Approval of the February 21, 2006 Regular Meeting Minutes
4. Approval of the March 2, 2006 Work Session Minutes
5. Approval of the March 7, 2006 Regular Meeting Minutes
6. Approval of a request for St. Jude the Apostle School for a partial road closure.
7. Approval of a Resolution Establishing a Policy for Speed Limits. **Resolution No. 2006-03-30**
8. Approval of a Resolution Establishing a Traffic Calming Program.
9. Approval of a Resolution Establishing a Policy for Traffic signals. **Resolution No. 2006-03-32**
10. Approval of a contract for a psychological services provider for the Police Department.
11. Approval of the purchase of pistols for the Police Department.

12. Approval of a Resolution Adopting the SSRI's five-year Action Plan Update to the Livable Centers Initiative Study. **Resolution No. 2006-03-33**
13. Approval of a Resolution Adopting the Perimeter Community Improvement District's Five-Year Action Plan Update to the Livable Centers Initiative Study. **Resolution No. 2006-03-34**

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda items 1-3, 4-7, and 9-13. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

Reports and Presentation

Mayor and Council Reports

Mayor Galambos stated that she and Councilmember Paul met with Congressman Tom Price to discuss the reauthorization of CDBG funds. She shared a portion of the letter that Congressman Price wrote to the Chairman of the Budget Resolution Committee regarding this matter.

Councilmember Jenkins displayed photos of the demolition of The Cliffs. She stated that the revitalization of Sandy Springs has begun.

Councilmember Fries displayed a photo of Mayor Galambos during the St. Patrick's Day Parade in Atlanta. Mayor Galambos thanked the Police Department for the use of their cars in the parade. There was a tremendous reception displayed for the City at the parade.

Staff Reports

Deputy City Manager Aaron Bovos announced that the first City of Sandy Springs newsletter was published by the Communications Department this week. He stated that approximately 5,000 were emailed and 8,000 are being distributed by Neighbor Newspapers.

Deputy City Manager Bovos directed Council's attention to the new displays. He explained that there would be a total of three.

Deputy City Manager Bovos updated Council on the LOST stating that the Department of Revenue is working on the distribution agreement and they are committed to the April 20, 2006 date as the first collection date. There are some theories as to how the revenue is to be distributed.

Deputy City Manager Bovos stated that the Mayor has requested that three requests regarding the Tree Preservation Ordinance be submitted by the Council. He requested that they let him know of any changes they would like to see in the next amendment.

Deputy City Manager Bovos stated that staff is working on scheduling an open house for 911 similar to the Fire Department Open House. He stated that staff is proposing the week of April 10th.

Deputy City Manager Bovos stated that the owners of the Scarlet Tassel have a presentation for the Mayor and Council. They came forward and stated that they are very proud to be a part of Sandy Springs and presented the Mayor and City Council with t-shirts from their store.

Public Works Director Buddy Reneau gave an update on the Turtle Egg Hunt sponsored by Heritage Sandy Springs. He stated that staff would like to continue support of the event by permitting the use of Hammond Park for the event and assisting in the set-up and clean-up. Mayor Galambos stated that this is a great partnership.

Mayor Galambos stated that the Intergovernmental Agreements for Fire and 911 will once again be on the County's agenda and she is working with the Commissioners on this item.

Other

Proclamation designating April 2006 as Donate Life Month.

Mayor Galambos read the Proclamation designating April 2006 as Donate Life Month. She recognized Beverly Wolfe of LifeLink of Georgia who accepted the Proclamation. Mayor Galambos thanked Ms. Wolfe and her organization for the work they do. Ms. Wolfe thanked the Mayor and City Council for the Proclamation.

Unfinished Business

Interim amendment to the Tree Preservation Ordinance to redefine recompense for specimen trees not removed from site, but potentially damaged.

Ordinance No. 2006-03-18

Mayor Galambos stated that this is the Second Reading of an Interim amendment to the Tree Preservation Ordinance to redefine recompense for specimen trees not removed from site, but potentially damaged. Deputy Director of Community Development Wilson will present this item.

Deputy Director Tom Wilson stated that this interim amendment to the Tree Protection Ordinance provides a method of calculation of the cost of recompense for activities which threaten the long-term survivability of specimen trees where the tree has not been removed from the site. This represents a modification to the current formula for recompense, which does not differentiate between the total and complete loss of a specimen tree and activities that affect the survivability of trees that have not been removed or destroyed.

Mayor Galambos requested that City Clerk Marchiafava conduct a Second Reading of the ordinance. City Clerk Marchiafava conducted the Second Reading of an Interim amendment to the Tree Preservation Ordinance to redefine recompense for specimen trees not removed from site, but potentially damaged.

Mayor Galambos invited public comment. There were no comments.

Motion and Vote: Councilmember Paul moved to approve the Interim amendment to the Tree Preservation Ordinance to redefine recompense for specimen trees not removed from site, but potentially damaged. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

New Business

Approval of a Cooperation Agreement with Fulton Perimeter Community Improvement District Board as required by the Georgia Constitution, and a Resolution to Approve an Appointment to the Fulton PCID Board of Directors.

Resolution No. 2006-03-35

Mayor Galambos welcomed Adam Orkin and thanked him for his willingness to serve on the PCID Board for the City of Sandy Springs.

City Clerk Marchiafava stated that there was one change requested by the attorney for the PCID. She explained that they had requested that "extra officio" be removed from the language of the Resolution. This change has also been approved by the City Attorney.

City Attorney Wendell Willard stated that this language was included pursuant to the letter received from PCID, but there are no objections to the removal of the language.

Motion and Vote: Councilmember DeJulio moved to approve the Cooperative Agreement with Fulton Perimeter Community Improvement District Board as required by the Georgia Constitution, and a Resolution to Approve an Appointment to the Fulton PCID Board of Directors. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution to acknowledge the receipt and consideration of the Sandy Springs Central Business District Economic Analysis and Redevelopment Strategy.

Resolution No. 2006-03-36

Mayor Galambos stated that this next item is a Resolution to acknowledge receipt of the Sandy Springs Central Business District Economic Analysis and Redevelopment Strategy. Community Development Director Leathers will present this item.

Community Development Director Nancy Leathers stated that this was a study prepared for the Sandy Springs Revitalization with funding by the Atlanta Regional Commission. It was intended to be a study to provide additional information for the Comprehensive Plan. She stated that staff is requesting that this be received and acknowledged as information for consideration for the Comprehensive Plan.

Councilmember Paul questioned what the process would be to make amendments to the Land Use Plan. Community Development Director Leathers stated that these items should be brought to staff's attention and will be incorporated and brought to Council for approval in May.

Motion and Vote: Councilmember Jenkins moved to approve the Resolution to acknowledge the receipt and consideration of the Sandy Springs Central Business District Economic Analysis and Redevelopment Strategy. Councilmember Greenspan seconded the motion. There was no further Council discussion. The motion passed unanimously.

Approval of an Ordinance Amending Chapter 13, Traffic and Public Roadways, and approval of the list of roadways for the use of Speed Detection Devices. (First Reading)

Mayor Galambos recognized Chief Gene Wilson who will present the proposed ordinance.

Police Chief Wilson stated that this Ordinance includes a list of the streets provided by the Georgia Department of Transportation in which speed detection devices may be used on. He explained that once approved, the Police Department will apply for a permit from the Georgia Department of Public Safety to use speed detection devices upon these roadways.

Mayor Galambos questioned if there was a road not on the list, should it be added. Police Chief Wilson explained that this was only for streets approved for speed detection devices.

Mayor Galambos requested that the Clerk read the Ordinance for adoption.

City Clerk Marchiafava conducted the First Reading of an Ordinance Amending Chapter 13, Traffic and Public Roadways, and approval of the list of roadways for the use of Speed Detection Devices.

Mayor Galambos requested public comment. There were no public comments.

Acceptance and award of purchase order for body armor for the Police Department.

Mayor Galambos stated that the next item is for the purchase of body armor for the Police Department.

Police Chief Wilson explained the request. He stated that they are requesting to purchase the American Body Armor Extreme Level 2. He explained that this is on the State contract. The City has received a grant to pay 50% for all officers employed as of April 18, 2006 and they may reapply for next year.

Councilmember DeJulio questioned how much body armor costs per officer. Police Chief Wilson stated that the cost is \$350-\$400 per officer. Lt. David Roskind stated these were \$499 per vest. Councilmember DeJulio questioned how they were worn. Police Chief Wilson explained either under a uniform or over street clothes.

Councilmember DeJulio questioned if the officers were required to wear this at all times. Police Chief Wilson replied yes.

Motion and Vote: Councilmember Jenkins moved to approve the acceptance and award of purchase order for body armor for the Police Department. Councilmember DeJulio seconded the motion. There was no further Council discussion. The motion passed unanimously.

Approval of a Resolution establishing a Traffic Calming Policy.

Resolution No. 2006-03-31

Mayor Galambos stated that the next item for discussion is a resolution establishing a traffic calming policy.

Public Works Director Buddy Reneau presented the proposed policy as was discussed at the Work Session. He reviewed the proposed changes to the policy as distributed by e-mail and hard copy tonight. This policy is what was discussed at the work session. The first proposed amendment is to remove the cost sharing portion of the traffic calming policy and replacing it with the City bearing the total cost. The second proposed amendment is modifying the petition requirement from 75% with allowance for non-responses to a flat 65% requirement in the impacted area. The third proposed amendment is to add a definition of "impacted area" to be the street where the devices are being placed or an affected side street because of the devices being placed.

Councilmember DeJulio requested clarification of the last proposed amendment. Public Works Director Reneau explained that staff had been asked to define "impacted areas" and they were defined as the streets where the traffic calming devices are placed and streets in which traffic is diverted due to the placement of the traffic calming devices. He stated that both streets would be petitioned.

Mayor Galambos called for a motion to approve the policy.

Motion and Second: Councilmember DeJulio moved to approve the Resolution Establishing a Traffic Calming Program. Councilmember Paul seconded the motion.

Motion to Amend No. 1 and Second: Councilmember Fries moved to amend the traffic calming policy to reduce the petition requirement from 75% with allowance for non-responses to a flat 65% requirement in the impacted area. Councilmember Meinzen McEnerny seconded the motion.

Councilmember DeJulio questioned what the rationale is behind this amendment. Councilmember Fries explained that in some circumstances it is difficult to obtain 75% due to rental property in the neighborhood.

Councilmember Paul questioned what the County's requirement is. Councilmember Meinzen McEnerny stated that the County's requirement is 75%, but they are very liberal in their enforcement. Mayor Galambos questioned what Dekalb County's policy is. That information was not available.

Councilmember Paul explained his philosophy on this issue. He stated that he feels the Police Department will eliminate the need for this policy due to the cost and the possible conflicts within a neighborhood that can be caused. He stated that if the City agrees to pay for these, money will be taken from needed traffic improvements. He requested that the Police enforcement be allowed a chance to prevent the need for traffic calming. He understands why people want traffic calming in their neighborhoods, however, they are very costly and take away from other capital needs.

Councilmember Fries stated that staff will evaluate the traffic calming and may find that the solution may be patrolling the streets. It does not have to be the most expensive traffic calming device. She suggested that the City pay for the

standard device and if the neighborhood wants to enhance the device, such as lights, landscaping, or pavers, they put forward the cost.

Mayor Galambos requested that the discussion remain on the motion on the floor.

Councilmember Jenkins explained that there are certain streets that Police radar is not useful. She explained that there are certain segments of roadways that are too short and therefore radar is not allowed to be used. In some circumstances, speed humps may be the only option.

Councilmember DeJulio requested that Council discussion stay on one issue at a time. Mayor Galambos recommended that each Councilmember provide their philosophy and then discussion on the motion would resume.

Councilmember Meinzen McEnery stated that her philosophy is threefold. She stated that the first issue is that the whole reason a community might want traffic calming is because of an inadequacy in the grid system and to ask them to provide some cost share is inappropriate. She stated does not agree with the concept of allowing a community to move to the front of the line if they contribute 25% of the cost. She also agrees with the sentiments of Councilmember Paul regarding Police patrol and recommended deferring this policy until the Police have used radar for some time.

Councilmember DeJulio stated that he feels traffic calming is necessary in some circumstances; however, depending on traffic calming devices is not the answer. He was in opposition to the City paying the bill. Many people will start coming forward and finding reasons for traffic calming devices. He stated that the City has more than tripled its Police force.

Councilmember Greenspan stated he is in favor of a traffic calming policy; however, he is opposed to requiring residents to help pay for it or moving a community up the list if they contribute. He stated that the City has a responsibility to all residents and traffic calming devices should be provided on an as needed basis and as the budget allows.

Mayor Galambos requested that the Council now focus on the motion on the floor.

Vote on Amendment No. 1: There was no further Council discussion. The motion passed 4-2, with Councilmember Paul and Councilmember DeJulio in opposition.

Motion to Amend No. 2 and Second: Councilmember Fries moved to amend the traffic calming policy such that "impacted area" is defined as all property owners along the roadway or street segment where a traffic calming device is to be installed or a roadway or street segment that would cause vehicles to be diverted to another roadway or street segment as to avoid such devices. Councilmember Paul seconded the motion.

Mayor Galambos questioned how the streets that will be impacted will be determined and whether or not the side streets that open up to streets in which these devices will be placed in "impacted areas".

Public Works Director Reneau stated that the streets will be determined in the review. He also stated that the streets that open to these streets are not considered impacted areas under this definition. Mayor Galambos clarified that residents who live on streets off the impacted areas that must use the impacted streets are not considered to be impacted. Public Works Director Reneau confirmed that was true under this definition.

City Traffic Engineer Larry Crowe explained that a resident who does not live on a street in which the speeding is an issue is not impacted by the speeding.

Councilmember Paul stated that children who live on cul-de-sac streets off these impacted streets may be on these streets where the speeding is occurring and, therefore, these residents are impacted.

Public Works Director Reneau explained that this definition allows the engineers to review the requests and bring recommendations to the City Manager on a case-by-case basis.

Motion to Amend Amendment No. 2 and Second: Councilmember Paul moved to Amend the Motion To Amend No. 2 that the traffic calming policy includes in the definition "and cul-de-sac street off the roadway in which traffic calming devices are to be installed." Councilmember Fries seconded the motion.

Councilmember Jenkins explained that this is the way Roswell does this and it allows staff to review and determine which streets are impacted. She explained that this prevents the petition of more residents than are necessary. Councilmember Paul explained that he has only added cul-de sac streets' which are off the streets in which traffic calming devices are to be placed.

Councilmember Meinzen McEnerny stated that she does not agree because the cars on the cul-de-sac streets are not speeding.

Councilmember Paul stated that the City of Sandy Springs went through a referendum to allow people to determine their own future and now is not the time to preclude citizens from making decisions on issues in their own neighborhoods.

Councilmember Meinzen McEnerny stated that these decisions should be left to the City's engineers. Councilmember Paul stated that this is policy making and he is not willing to give this responsibility to staff. He stated that staff may implement policy, but not set policy.

Councilmember DeJulio stated that he concurs with Councilmember Paul.

Councilmember Fries Moved to Question. Councilmember Paul repeated his motion to amend the amendment.

Vote on Amendment to Amendment No. 2: There was no further Council discussion. The motion passed unanimously

Motion to Table and Vote: Councilmember DeJulio moved to table this item for further discussion at a work session. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion failed 3-4, with Councilmember Greenspan, Councilmember Fries, and Councilmember Jenkins voting in opposition and Mayor Galambos breaking the tie in opposition. Discussion resumed.

Vote on Amendment: There was no further Council discussion. The motion passed 5-1, with Councilmember Meinzen McEnerny in opposition.

Motion to Amend No. 3 and Second: Councilmember Fries moved to amend the traffic calming policy that all basic installation of Traffic Calming Devices will be paid by the City. If the Community chooses to upgrade or enhance versions of the traffic calming device, the community will pay the entire cost above the basic standard device. In addition, any landscaping, including maintenance, will be paid entirely by the community. Councilmember Jenkins seconded the motion.

Discussion on the Motion: Councilmember DeJulio stated that for the last 18 years, the City has been seeking its own independence to have control over its own money due to the lack of accountability and responsibility in spending taxpayers' money. He stated that he feels that this Council has the responsibility to be tight fiscally and watch the cash flow for this year. He feels this is just giving money away. The Communities should have some vested interest if they truly want traffic calming devices.

Councilmember Jenkins stated that she agreed with Councilmember DeJulio and explained that all these devices must be approved by staff and City Council. She stated that some of these neighborhoods are older and are on fixed incomes. She explained that these communities would never qualify for traffic calming devices if they must put forward money.

Councilmember Paul stated that there should be some controls on this policy. He further stated that CDBG monies could be used in low and moderate income areas. He would be willing to make some adjustments in this policy for low and moderate income communities as defined by the United States Department of Housing and Urban Development and use CDBG funds to assist in these sorts of areas. Councilmember Paul stated that using all

taxpayers' money to help one community is not an appropriate use of funds and feels that a community should assist in the cost of the traffic calming devices if they request them.

Councilmember Fries stated that there is not going to be a huge influx of requests coming into the City and staff will review the ones that do come in. She reminded Council that her amendment would require the community to pay for any enhancements.

Councilmember Greenspan stated that he does not feel the City should request any more money from its citizens whether the contribution moves a community up the list or not. He stated that the fact is that the City will never have enough money to do everything the citizens want done. He stated that staff will provide lists of projects which need to be done and in which year. He further explained that he is not in favor of requiring communities to contribute funds as these are services that should be provided by the City regardless of the community's economic status.

Councilmember Greenspan questioned the cost of speed humps and how many are required per mile.

Traffic Engineer Crowe stated that the cost is approximately \$5,000 each and they are placed approximately 500 to 700 feet apart, which is about 10 per mile.

Councilmember Greenspan stated that not all neighborhoods have homeowners associations and, therefore, we would be asking the citizens to come up with the money. He stated that he feels this will only disenfranchise the citizens.

Councilmember Fries Moved to Question. Discussion followed regarding the upkeep of enhancements.

Vote on Amendment No. 3: There was no further Council discussion. The motion passed 4-2, with Councilmember DeJulio and Councilmember Paul in opposition.

Vote on main Motion: There was no further Council discussion. The motion passed 4-2, with Councilmember DeJulio and Councilmember Paul in opposition.

Public Comment

Mayor Galambos opened the floor for public comment.

Yvonne Williams, Perimeter CID, stated that this is very historical and she thanked the Mayor and City Council for their Resolution of Support for the PCID, and appointment for Sandy Springs. She stated that Congressman Westmoreland was at a luncheon yesterday and he announced a \$1 million appropriation to help advance our I-285 bus rapid transit partnership with Cumberland CID. She stated that she is looking forward to working with the Mayor and Council and is excited to work with the City of Sandy Springs.

Councilmember Paul requested that the next appointment recommendation be a citizen of Sandy Springs.

Recognition of Representative Harry Geisinger

Mayor Galambos recognized Representative Harry Geisinger who came forward and stated that he is very excited about this new City.

Charles Perry, Sandy Springs Resident, stated that he wanted to bring to the attention of the Mayor and Council that many of the elderly are being preyed upon. He expressed his concern regarding the safety of the City's seniors.

Larry Young stated that he was here in an unofficial capacity as a Sandy Springs resident. There is a serious need for traffic calming in Sandy Springs. He expressed his concerns regarding the cost of traffic calming and the use of speed humps.

Town Hall Meetings

Councilmember Greenspan stated that he would be holding a Town Hall meeting tomorrow night and Public Works Director Buddy Reneau would be speaking. He invited everyone to attend.

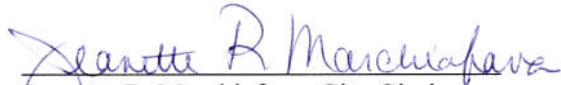
Councilmember Paul announced that he would be holding a town hall meeting on April 5 at the Epstein School and invited everyone to attend.

Adjournment

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Meinzen McEnery seconded the motion. The motion passed unanimously.

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

Date Approved: April 4, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor

