

Regular Meeting of the Sandy Springs Mayor and City Council on Tuesday, April 4, 2006 at 7:00 PM Mayor Eva Galambos presiding.

Invocation

Rabbi Joshua Heller of B'nai Torah Congregation 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

Pledge of Allegiance

Mayor Galambos led in the Pledge of Allegiance.

Approval of Meeting Agenda

Councilmember Fries requested to amend the agenda to include consideration of a special event permit.

Motion and Vote: Councilmember Meinzen McEnery moved to approve the meeting agenda as amended. Councilmember Paul seconded the motion. The motion passed unanimously.

Consent Agenda

- 1) Approval of Minutes
 - a) Approval of the March 2, 2006 Work Session Minutes
 - b) Approval of the March 21, 2006 Regular Meeting Minutes
- 2) Approval of Purchase of Motorola Modems and Motorola Premier MDC Software for the Police Department.
- 3) Approval of a Proclamation Application.

Councilmember Greenspan stated that he had some questions regarding the purchase of the Modems and software and stated that he had requested that the proclamation application refer to the Mayor and not be gender specific.

Councilmember Paul stated that the item should be removed from the Consent Agenda and placed on the regular agenda for discussion.

City Clerk Marchiafava stated that the change to the Proclamation Application had been made.

Motion to Amend and Vote: Councilmember Paul moved to remove Consent Agenda item 2 for discussion. Councilmember Fries seconded the motion. The motion passed unanimously.

Motion and Vote: Councilmember Jenkins moved to approve Consent Agenda items 1 and 3. Councilmember Fries seconded the motion. The motion passed unanimously.

Reports and Presentations

Mayor and Council Reports

Mayor Galambos reported that the City's request for Local Assistance Grant Funds was successful and the City will receive \$65,000 for equipment for the Police Department.

Councilmember Paul stated the homestead exemptions passed thanks to Representative Geisinger, Representative Willard, and the other delegation from Sandy Springs. He also thanked them for the Local Assistance Grant Funds awarded to the City. He explained that SB 569, sponsored by Senator Weber, did not pass. He explained that this bill was to give the pending City of Dunwoody some clarity for their planning so they would know what assets would be coming over from Dekalb County.

Mayor Galambos reported that she and Councilmember Paul met with Senator Isakson this week and he assured them that the Senate had already restored the CDBG money. She stated that they have already met with Congressman Price who also ensured them that the funding would be restored in the House too.

Staff Reports

City Manager John McDonough reminded the Mayor and Council that the Fulton County Commission would be considering the City's IGA for 911 and Fire Services. Councilmember Meinzen McEnery questioned where on the agenda this would be. City Manager McDonough stated that it would be after lunch.

City Attorney Wendell Willard reported that the six bills for homestead exemption would be on the ballot in July. He explained that the contract for the election services would need to be signed. Mayor Galambos thanked City Attorney Willard for expediting this process.

Proclamations

Proclamation for Congregation B'nai Torah to create an eruv within the vicinity of their synagogue upon the public roads, sidewalks, and right-of-ways of Sandy Springs is hereby recognized with the limits allowed by the law.

Mayor Galambos read the proclamation for Congregation B'nai Torah and recognized Rabbi Joshua Heller who accepted the proclamation.

Proclamation designating September 16 and 17, 2006 as Sandy Springs Festival Days.

Mayor Galambos read the proclamation for Sandy Springs Festival Days and recognized Megan Webb, Director of Special Events, and Executive members of the Festival Committee, Ann Henshaw and Oz Hill who accepted the proclamation. Ms. Webb thanked the Mayor and City Council, especially Councilmember Fries, for their dedication to this festival.

Unfinished Business

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. (Second Reading)

Ordinance No. 2006-04-19

Mayor Galambos recognized Police Chief Wilson who explained that this list needed to be approved so that the Police Department, upon receipt of the permit, could operate speed detection devices on these roadways.

Mayor Galambos invited public comment at this time.

Al Shams, Sandy Springs Resident, questioned if Johnson Ferry Road is on the list. It was determined that it was.

Mayor Galambos requested that City Clerk read the ordinance for consideration.

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

Motion and Vote: Councilmember Greenspan moved to approve an Ordinance Amending Chapter 13, Traffic and Public Roadways, and approval of the list of roadways for use of Speed Detection Devices. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

New Business

Approval of a Resolution to Adopt the Sandy Spring Festival as an Official Special Event of the City pursuant to the agreement between the City and CH2MHILL.

Resolution No. 2006-04-37

Mayor Galambos stated that the next item is a Resolution adopting the Sandy Springs Festival as a special event pursuant to the CH2MHILL agreement.

Councilmember Fries explained that she is proposing that this festival be designated as one of the two festivals referred to in the agreement with CH2MHILL.

Motion and Vote: Councilmember Fries moved to approve a Resolution to Adopt the Sandy Springs Festival as an Official Special Event of the City pursuant to the agreement between the City and CH2MHILL. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance Amending the Regulation of Solid Waste Collection Services within the City of Sandy Springs, and Providing for the Scope and Nature of the Operation of Such Services. (First Reading)

Mayor Galambos recognized Deputy City Manager Aaron Bovos who explained the amendments to the Solid Waste Ordinance.

Deputy City Manager Bovos explained that the Council adopted the original Ordinance on December 13, 2005, and the operations team, led by Don Howell, met with the hauler community and presented the ordinance to them to receive feedback. He explained that there were four areas of interest by the hauler community: 5% contract fee, collection operation hours, Council's ability to set the collection and disposal rate, and workers' compensation insurance.

Deputy City Manager Bovos stated that the committee is in full force and has met several times. He explained that the third generation ordinance will be forthcoming. He explained that the committee held the Ordinance for further review based on comments from the hauler community.

The Ordinance provides that the contract begins on May 1 and these changes will be applicable on May 1, 2006. He stated that the ordinance designates a 5% contract fee as an infrastructure maintenance fee. He stated that it also specified what this fee is to be used for by the City. This ordinance also clarifies the requirements for worker's compensation insurance. He explained that this Ordinance also changes the hours of operation from 7:00 AM-7:00 PM to 7:00 AM-9:00 PM and removes the City's oversight to set rates as specified in the first generation Ordinance.

Councilmember Paul clarified that it is the City's responsibility to ensure that businesses comply with State law regarding workers' compensation insurance. Deputy City Manager Bovos stated that is correct, however, the law states that if you do not have five or more employees, you do not have to provide workers' compensation insurance.

Councilmember Paul stated that in essence, the City is forcing compliance with State law. Deputy City Manager Bovos replied that is correct.

Councilmember Meinzen McEnerny stated that this increases the number of haulers that can provide service in the City and, therefore, encourages competition.

Councilmember DeJulio questioned if the approved haulers were on the City's website. Deputy City Manager Bovos stated that once this Ordinance is approved and the contracts with the haulers are signed, a list would be provided on the City's website.

The next packet would include both Councilmember Greenspan's comments and the City Attorney's comments.

Richard Parker, Sandy Springs resident, expressed his concerns regarding the 5% infrastructure maintenance fee. He stated that this is just another way of taxing citizens. Mayor Galambos explained that this is a franchise agreement which is giving these companies the right to use our City streets for their particular needs. She explained that the amount is somewhere close to \$24 per year and will be used to maintain the City's roadways.

Councilmember Meinzen McEnerny clarified that the fee will be 5% of the fees charged by the hauler and services of your choice. Deputy City Manager Bovos confirmed that was correct.

Councilmember DeJulio explained that someone must clean up after these trucks and Fulton County was not doing that, which is another reason for this fee.

Councilmember Jenkins reminded everyone that these franchise fees were a part of the cost of running a city.

Mayor Galambos requested that City Clerk read the ordinance for consideration.

City Clerk Marchiafava conducted a First Reading of an Ordinance Establishing Solid Waste Collection Services within the City of Sandy Springs; providing for the Scope and Nature of the Operation; providing for the Disposal of Garbage, solid waste and refuse; providing procedures for the handling of Complaints; providing for a Contract Fee; providing for the Establishment and Adjustment of Charges to Customers; Requiring indemnity insurance; providing for Revocation and Amendment; providing for Payment of Taxes by Contractees; prohibiting Assignment and Subletting of the Contract without Consent; providing for Forfeiture; and making other provisions.

Approval of an Ordinance to Adopt Regulations for the Removal of Abandoned Vehicles from Public Streets. (First Reading)

Mayor Galambos stated that the next item is the First Reading of an Ordinance to Adopt Regulations for the removal of abandoned vehicles from public streets. Michael Zehner will present this item.

Assistant Director of Planning and Zoning Michael Zehner explained that this ordinance limits the parking and/or abandonment of commercial motor vehicles on public streets and rights-of-way to a period not to exceed seventy-two (72) consecutive hours and provides for the removal of such vehicles. He stated that a definition of *commercial motor vehicle* has been added that is consistent with two (2) separate definitions, one utilized by the Georgia Department of Transportation and the other incorporated in the Georgia Code.

Councilmember Fries asked for an example of what is being referred to in definitions 2 and 3. Assistant Director of Planning & Zoning Zehner explained that number 2 could be a charter bus or van. He further explained that number 3 could be a school bus.

Mayor Galambos invited public comment at this time. There were no comments from the public.

Mayor Galambos requested that City Clerk read the ordinance for consideration.

City Clerk Marchiafava conducted the first reading of an Ordinance to Adopt Regulations for the Removal of Abandoned Vehicles from Public Streets.

Approval of a Resolution establishing a Pavement Management Program Policy.

Resolution No. 2006-04-38

Mayor Galambos stated that the next is the approval of a Resolution establishing a pavement management program policy. This item will be presented by Buddy Reneau.

Public Works Director Buddy Reneau stated that this policy provides for an inventory of the approximate 353 miles of public streets and a pavement assessment index which tells what condition the pavement is in. He explained that it also allows for citizens to find out what that score is based on Georgia Department of Transportation standards and procedures for maintenance and repair of those streets.

Councilmember Greenspan questioned how much LARP funding the City is expecting. Public Works Director Reneau stated that the City submitted ten streets for an approximate \$350,000. Mayor Galambos stated that the money is distributed based on a formula.

Public Works Director Reneau stated that the study found that the City is made of 80-85% residential streets in maturing neighborhoods and most of which have reached their life capacity and much repair is needed.

Mayor Galambos stated that the City inherited a backlog of streets in dire need of repair. She also complimented the Public Works Department for completing this job in such an expeditious manner. It is important to know the condition of our roads.

Motion and Vote: Councilmember DeJulio moved to approve a Resolution establishing a Pavement Management Program Policy. Councilmember Fries seconded the motion. There was no further Council discussion. The motion passed unanimously.

Approval of a Resolution establishing a Sidewalk Program Policy.

Resolution No. 2006-04-39

Mayor Galambos stated that the next item is the approval of a Resolution establishing a sidewalk program policy. Buddy Reneau will present this item.

Public Works Director Buddy Reneau explained that this policy represents a sidewalk policy under the Comprehensive Plan and establishes a way for citizens to request a sidewalk.

Councilmember Jenkins questioned if this was for both the neighborhoods and Capital Improvement (CIP) areas. Public Works Director Reneau replied this was just the neighborhood policy.

Motion and Second: Councilmember DeJulio moved to approve a Resolution to Establish the Sidewalk Program Policy for the City of Sandy Springs; to Provide for Guidance in Administering such Policy; and for Other Purposes. Councilmember Fries seconded the motion.

Motion to Amend: Councilmember Greenspan moved to amend the proposed Sidewalk Program Policy by removing Section II, Item 8, "Once the neighborhood can provide the matching funding, the final design and cost will be presented to the Mayor and City Council for consideration and approval of funding" and Section IV "Neighborhood Cost Share" in its entirety. Councilmember Jenkins seconded the motion.

Discussion on the Amended Motion: Councilmember Greenspan explained that this amendment is needed because the City should not require the citizens to pay for services that should be paid for with their tax money.

Councilmember Fries stated that she agreed with Councilmember Greenspan on this matter during the traffic calming discussion and consideration, however, this is outside the roadway and the City also needs to be able to control the number of requests. She explained that a neighborhood that has a need for a sidewalk for safety reasons could be pulled from the list and the City would pay the full cost due to the safety factor.

Councilmember Jenkins questioned why we need this process if it is already 100% City funded in the CIP. Councilmember Meinzen McEnerny stated that the CIP could address the safety issues; however, the neighborhood sidewalk policy would allow the Public Works Department a means to identify the requests that involve safety issues. Councilmember Fries moved the question.

Vote on Amendment: The motion failed 2-4, with Councilmember Meinzen McEnerny, Councilmember DeJulio, Councilmember Paul, and Councilmember Fries in opposition.

Vote on Main Motion: The motion passed 4-2, with Councilmember Greenspan and Councilmember Jenkins in opposition.

Approval of a Change Order in the amount of \$253,900 to reduce permit backlog reduction.

Mayor Galambos stated that the next item is the approval of a change order to reduce the permit backlog. Rick Hirsekorn will present this item.

Program Director Rick Hirsekorn stated that this Change Order is to eliminate the backlog in the Community Development Department with regard to permit applications, design reviews and moving people through that process of constructing or opening some type of facility. He explained that they are prepared to move upon approval of the change order to reduce the backlog to what was originally stated in the proposal, which is two weeks for any non-zoning related application.

Councilmember DeJulio questioned where the dollar amount came from. Program Director Hirsekorn explained the process used to determine this amount. This amount included overtime and a 10% contingency. He also explained that the 800 files from Fulton County have been worked through and that this is for the applications that have come in while the City was working on the 800 files from Fulton County.

Councilmember DeJulio questioned how much more revenue these applications would bring in to help cover the cost of this change order. Program Director Hirsekorn explained that at this time, the City has already collected almost \$500,000 over what was budgeted.

Councilmember Meinzen McEnerny questioned how long it would take to get through the 1,900 backlogged applications. Program Director Hirsekorn explained that some of the 1,900 requests were different phases of applications and it is not 1,900 separate applications. He further explained the approximate time is eight weeks to complete the backlog. Councilmember Meinzen McEnerny clarified that the normal time for permitting will be two weeks and he replied that is correct. He explained that the agreement states that with 50 new applications per week, the time frame would be two weeks. He explained that there have been considerably more than that submitted.

Councilmember Jenkins questioned when these eight people could start. Program Director Hirsekorn stated that they could start tomorrow. He further explained that this cost does include their space and equipment needed.

Councilmember Fries questioned if the entire amount is not needed would the City get some of that money back. Program Director Hirsekorn stated that if the cost was considerably less, he would talk with the City Manager about adjusting it accordingly. However, he is confident that this will be pretty close to the exact cost.

Councilmember Meinzen McEnerny commended Community Development Director Nancy Leathers for her ability to bring in qualified staff. Project Director Hirsekorn also commended and thanked Nancy Leathers and Deputy Director Tom Wilson for all the extra time and effort they have put in.

Motion and Vote: Councilmember Fries moved to approve the change order for CH2MHILL in the amount of \$253,900 to reduce permit backlog. Councilmember DeJulio seconded the motion. There was no further Council discussion. The motion passed unanimously.

Approval of a Special Event Application for Holy Spirit Catholic Church.

Mayor Galambos stated that the next item is the approval of a Special Event Application for Holy Spirit Catholic Church.

Councilmember Fries stated that the Holy Spirit Catholic Church has requested to close Northwood Drive for a brief period to allow for their Good Friday Parade.

Motion and Vote: Councilmember Fries moved to approve the request from the Holy Spirit Catholic Church to close Northwood Drive for a brief period to allow for their Good Friday Parade to cross Northwood Drive, and that the \$100 permit fee is waived for this non-profit organization. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Galambos requested that this type of request be handled at staff level in the future. City Manager McDonough agreed and stated that staff would develop a policy for Council's consideration.

Approval of Purchase of Motorola Modems and Motorola Premier MDC Software for the Police Department. (Moved from Consent Agenda)

Mayor Galambos stated that the next item is the purchase of modems and software for the Police Department. This item was removed from the Consent Agenda.

Councilmember Greenspan requested clarification on the cost of these modems and software.

Police Lt. David Roskind explained that the set-up fee had been waived per an updated bid received on April 3. He also stated that the cost of the modems and software has actually been lowered as well.

Motion and Vote: Councilmember Greenspan moved to approve the purchase of Motorola Modems and Motorola Premier MDC Software for the Police Department. Councilmember Jenkins seconded the motion. There was no further Council discussion. The motion passed unanimously.

Public Comment

Michael Weber and Jeff Hayes, Fulton County Fire Department, expressed their gratitude for the outstanding support received with the loss of a fellow Firefighter, Buck Schuler. He stated that it meant a lot to see the support from the City of Sandy Springs. Mr. Weber thanked Councilmember Greenspan for visiting with Buck at the hospital. He welcomed City Manager John McDonough and thanked him for his support. He also thanked Deputy City Manager Bovos for his support. Mr. Weber suggested that the logo include the phrase "A City of Good Neighbors".

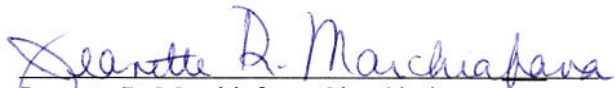
Mayor Galambos stated that the Fire Department has demonstrated what a close family we are in Sandy Springs.

Adjournment

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

After no further discussion, the meeting adjourned at 8:21 PM.

Date Approved: April 18, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor