

Special Called Meeting of the Sandy Springs City Council was held on Monday, September 28, 2009, 5:30 p.m., Mayor Pro-Tem Tibby DeJulio presiding.

Call to Order

Mayor Pro-Tem DeJulio called the meeting to order at 5:37 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

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

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos - absent

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

(Agenda Item No. 09-241)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Paul moved to adopt the meeting agenda. Councilmember Jenkins seconded the motion. The motion carried unanimously with Councilmember Fries, Councilmember Paul, Councilmember Jenkins and Councilmember DeJulio voting in favor of the motion. Councilmember Meinzen McEnerny joined the meeting after the vote.

REPORTS

- a) Staff Reports
 - i. Disaster Recovery Work in Sandy Springs

Mayor Pro-Tem Tibby DeJulio read an email from Sandy Springs Citizen **Susan Harkavy, 805 East Powder Horn Road** - As a homeowner on Nancy Creek, my husband and I watched the floodwater rise from one foot to almost 6 feet in our backyard in a 20-minute time frame. We ended up with 5 1/2 feet of water in our basement. We have lived in our house for almost 32 years and this is the worst flooding we have been through. Sandy Springs Fire Station 4 on Wieuca Road and Sandy Springs police officers came to evacuate our neighborhood Monday night and they were very calm, respectful, caring about our safety and helpful to everyone. Tuesday morning after returning to our neighborhood, a Sandy Springs police lieutenant drove through our neighborhood asking if everyone was all right and accounted for. On Friday, two representatives from Sandy Springs Public Works interviewed me about the flood damage to my house and in the neighborhood. None of this ever took place when we were under Fulton County jurisdiction. Kudos to all of the Sandy Springs public servants who helped us.

Mayor Pro-Tem DeJulio stated the one thing that the City brags about is the dedication and caring of our Police and Fire. He stated this speaks well for them and please pass on our congratulations and thanks to all employees in both departments.

City Manager John McDonough and Director of Public Works Thomas Black gave an overview and update on the recent rain and floods that affected the City of Sandy Springs and how Staff responded to the floods and citizens calls beginning on Friday, Sept. 18 through Monday, Sept. 28, and the post assistance and evaluation. Three areas within the City have roads closed due to the floods.

1. Peachtree-Dunwoody Road over Nancy Creek between Trimble and Churchill Downs – Center Bridge support failed
 - Planning a temporary fix using cluster piling
 - Reviewing utility conflicts and assessing needs for easements for equipment access
 - Open to traffic in one month and begin construction of a new bridge

Councilmember Ashley Jenkins inquired if Peachtree-Dunwoody is a two-year process.

Director of Public Works Black stated we ran into some geo-technical problems and we were notified about an hour ago that we have to stabilize the side of the bank, so that we can get a crane on it to sit and drive some piles. The plan is to drive four cluster piles on either side of the bridge, slide in a new beam, and shore it up for a temporary fix. Over the long haul we will build a bypass on the western side, put a temporary bridge in, tear out the current bridge, and rebuild. We are trying to get traffic back on it within two to three weeks, because of the demand getting to the hospitals.

2. Riverside Drive over Marsh Creek between River North and Breakwater – east bridge pier washed out
 - Severe damage, replacement needed
 - Considering design build options
 - Will be closed for one year minimum
 - Overhead utilities in power lines, not much easements
 - To bring bridge up to current standards, it will have to be elevated above the flood plain level
 - Will need some easements and additional right-of-ways to build it

Director of Public Works Black said it is undergoing internal collapse. The parapet has slipped down and water is running behind it. The deck has fallen about another 10” over the weekend and it is a total rebuild. We would recommend to the City Manager to use FEMA/federal funds to replace it. This will be a couple of million dollars in a couple of years to replace it, so it will not be a quick fix, unless we do a temporary bailey type truss bridge. To do that we will need to build a bypass that will enter into other people’s property, which will be very invasive environmentally. It will have to be taken out, demolished and rebuilt over time.

3. Glen Errol Road east of Clair Rose Lane – culvert failure, shoulder washed out and road undermined
 - No citizens blocked by this road failure
 - Lake adjacent to washout needs to be drained and waterline stabilized
 - Culvert and outlet needs to be evaluated
 - Temporary easements and evaluation of utilities will be required prior to construction
 - Underground investigation must be completed prior to contract for construction

Director of Public Works Black said we found a cavity that we feel was developing over a period of time, primarily because the outlet structure is not exposed. Will have to expose that and it is 40 feet down on a one-to-one slope, with trees on it. We will have to have easements just to get down on the private property to evaluate it. The lake will have to be drained to evaluate the situation we have. The cavity is

about 15 feet in diameter and the main thing is there are four major fiberoptic lines for telecommunication dangling on one side. The city of Atlanta is supposed to cut a valve on both sides so we will not have to worry about the water blowing out and still maintain service to the customers. On the other side, the deep side, we have a gas line that has to be capped on each end. We cannot even expose the pipes without trespassing at this point and there is no further emergency damage to the public infrastructure or property, so we have it closed until we can get easements to get in there.

Mayor Pro-Tem DeJulio asked how long it is going to take to just figure out what the problem is.

Director of Public Works Black replied it will only take a day or two to dig and find out after we get the utilities dealt with. We need to cap that natural gas main, water line and make sure we do not rip out those fiberoptic lines in that process. As the water rushed in, it saturated the soil and caused a piping action that pulled the cavity out. It had a little weakness there and when the water did not make it to the low spot and the shoulder it flushed it all out. We think the pipe is separated, but it is 30-35 feet deep and will take a huge hole to get down there.

Councilmember Rusty Paul asked is it your opinion that the dam has been compromised?

Director of Public Works Black responded we will have to pump down that lake just to make sure, because if there is another cavity below there and in that dam and we got down in there working and it would collapse again, it could kill someone. In the pricing we are going to pump it down and keep it down, that may or may not be an issue with residents. A portion of the dam has been comprised, yes, but how much, we do not know.

Mayor Pro-Tem DeJulio asked whose responsibility is this, the City's or the residents?

Director of Public Works Black replied some of it will be on private property; issues on the right-of-way will be the City's.

Councilmember Paul asked if the dam is compromised in some way and there is another cavity under there and it happens to collapse, what is the potential impact right around there?

Director of Public Works Black stated before we get down there, we are going to pump it

Councilmember Karen Meinzen McEnerny asked are we going to do any prophylactic inspection of the dam at Lake Forrest. It did not fail, but

City Manager McDonough responded that the dam has been getting some attention from both legal and public works staff over the last several years.

Director of Public Works Black stated at the point we have not determined who the dam belongs to.

City Attorney Wendell Willard said the big issue is an overflow pipe that has deteriorated and we have determined that the overflow pipe is a structure that belongs to the Lake Owner's Association. All parties; Lake Owners, the Cities of both Sandy Springs and Atlanta have responsibilities there.

Councilmember Meinzen McEnerny stated this is a safety issue after what has just happened, and she suggested that someone should go and check it out.

City Manager McDonough said these are the three main issues that we are dealing with in addition to individual property owners, but from an infrastructure standpoint, relative to dollars and high cost items, these are the three big ones that we are aware of right now. He asked Mr. Black to explain the steps going forward in these three areas.

Director of Public Works Black stated if we are successful on Nancy Creek Bridge on Peatheree-Dunwoody, we can work it out to drive those cluster piles and slide a beam underneath there to stabilize it, and then we can put traffic back on it. This is a temporary fix. Then we will start through the process of acquiring the easements to put in temporary bypass to put in a temporary bridge, which will be established after the design and the environmental impact statement are completed and accepted. We could receive federal funds, but if we do not follow the process exactly, we will eliminate any possibilities of getting federal funds.

Councilmember Paul asked will this be FEMA funds or which federal source will these funds be coming from.

Director of Public Works Black responded we are hoping they will be FEMA funds, but nine out of ten times that ends up coming back through DOT.

Councilmember Paul asked for confirmation that we have to go through the full environmental impact study, none of that is waived in an emergency.

Director of Public Works Black answered no, it is not.

Councilmember Dianne Fries inquired, in your opinion, how long will that shoring up hold us for?

Director of Public Works Black said he is hoping it will hold at least beyond the time it would take to install another bridge, two to three years. That would be something we would have to monitor. We will watch it close. We will not put anything in there that will be a quick fail, it will be structurally sound, but I do not know if that is what you want out there, particularly with the age of the bridge.

Mayor Pro-Tem DeJulio said basically, you are referring to putting support under the existing bridge, letting it hold the traffic while you design a way around it and eventually design a new bridge. What is the time frame here? And how long will it be to get the current bridge open?

Director of Public Works Black responded two years minimum, and if everything falls in place, we should have the bridge open for traffic within a month.

Councilmember Fries commented she was not excited originally about spending the kind of dollars we are talking about for shoring this up with the bridge needing to be rebuilt, but if Director Black is talking about it taking two years minimum, we really do not have a lot of options.

Director of Public Works Black stated our recommendation to the City Manager was based on a minimum of 16,000 vehicles per day travelling that bridge and what an inconvenience it would be to the citizens. That is why we recommended to him an interim fix to get the traffic back on it and in the long term replace the bridge.

Mayor Pro-Tem DeJulio asked if there are any cost estimates yet.

Director of Public Works Black said yes, the short term cost is somewhere less than \$300,000 and a new bridge between \$2 and \$2.5 million, depending on what we have to use as a temporary bridge and any easement costs.

Mayor Pro-Tem DeJulio summarized, so we are talking between \$2.5 and \$3 million for this whole problem.

Councilmember Jenkins stated it is her understanding that FEMA gives you a 70% interest free loan. How does that work?

Mayor Pro-Tem DeJulio asked Councilmember Paul if he could answer Councilmember Jenkins' question.

Councilmember Paul said it operates differently. FEMA is a coordinating agency. All they do is tap other federal agencies to see what unobligated funds they may have to shift to these kinds of project.

Councilmember Jenkins asked is it a loan or assistance?

Councilmember Paul replied it depends which program FEMA is tapping.

Mayor Pro-Tem DeJulio concluded we are talking a minimum of \$2.5 up to \$3 million dollars on this deal. Where do we stand on Riverside?

Director of Public Works Black answered it is a total replacement. We will have to elevate it. It is going to take an eighty foot long bridge; the current bridge is about 35feet long.

Councilmember Paul said if you remember the controversey over the bridge at Wieuca over Nancy Creek, because you have to raise it to federal statues to get the money, you have to raise it out of the flood plain so that it does not wash away again. That means you will have to elevate it to whatever level it needs to be to qualify.

Mayor Pro-Tem DeJulio inquired is the time frame also two years on Riverside? And what will the cost be?

Director of Public Works Black responded yes, and we are hopeful to come in under \$2 million on this one.

Mayor Pro-Tem DeJulio asked why is this one less than the other one?

Director of Public Works Black answered it is not as big of a bridge.

Director of Public Works Black reported on Glen Errol that he cannot give a cost estimate until we deal with the utilities and get in and see what we have. We will get to it as soon as we can. No residents are blocked in and everyone is able to get around.

Councilmember Meinzen McEnerny stated as a point of privilege, this is a recently called meeting and there is someone in the audience that would like to ask a question.

Mayor Pro-Tem DeJulio stated that we will finish Staff Reports and complete the agenda and address that afterwards.

Director of Public Works Black gave further overview on washouts at Riverside and Spalding Drives; recommended repairs of the slopes at Lake Forest and Glenridge; the cleaning of catch basins and removing debris from bridge crossings at Glenridge and Windsor Parkway. He explained that on the slopes, our right-of-way goes just a portion into the slope and the remainder is on private property. We will be looking for guidance on which way to go in fixing these.

Mayor Pro-Tem DeJulio asked if this is something that we need to start monitoring better in the future, to see how these veins are going and go ahead and prevent them. It will probably be cheaper to go ahead and fix these and prevent them, rather than to have to close the roads and bring in emergency crews.

City Manager McDonough responded that there are about six of these areas within the City and we can do that.

Councilmember Jenkins said on Glenridge, there seems to be a cheaper solution than was available last year, because every time it rains, Glenridge Drive falls into the road and this in on a blind spot corner.

City Manager McDonough stated we can find a standardized solution to address these.

Councilmember Meinzen McEnerny asked on Lake Forrest where the road was just recently fixed, is that a good candidate for a catch basin? What is the permanent fix for this location?

Director of Public Works Black replied one; there was not enough shoulder to it; and two, the water just washed underneath. The soil was not compacted very well because of the water line below. It may be an opportunity for a catch basin.

City Manager McDonough said we want to get information out to Council and residents related to the flood insurance program and he asked Bennett White to discuss it further. If you recall, sometime during October 2007, we submitted and were accepted into the Flood Insurance Program, so as a result of that the residents of Sandy Springs are eligible for federal financial assistance for those facilities in the special flood hazard areas.

Land Development Engineer Bennett White said since the City is a participant in the National Flood Insurance Program, all City residents are eligible to obtain federally backed flood insurance. Of course, that takes care of residents who had flood insurance at the time of the flood. If what occurred is a declared a disaster, presidentially, federally, then federal funds are eligible to benefit even those residents who may not have purchased flood insurance.

Councilmember Meinzen McEnerny asked how residents would apply for this source of funding.

Land Development Engineer White answered FEMA has you register online

Mayor Pro-Tem DeJulio asked will this cover people who had a basement flood with no flood insurance. Can they apply for help with this?

Land Development Engineer White said yes, they are certainly eligible to apply, but he cannot say for sure if they would be eligible to receive assistance.

Mayor Pro-Tem DeJulio said we need to make sure that we get a lot of publicity out to the residents as to how they can apply for assistance, with all of the instructions.

Councilmember Meinzen McEnerny said the FEMA Special Fund Hazard areas are limited to creeks that are detailed here, those are named creeks that our community had prior to a year or so ago. How can we get some of the other creeks on the list?

Land Development Engineer White replied the special flood hazard areas are defined by FEMA's Flood Insurance Rate Maps. Those areas are designated after a study has been accepted by FEMA that determines what the base flood elevation or 1% chance flood elevation is on any body of water or conveyance within the City. Currently our Public Works Department has contracted out to have all basins within the City that would have a 100-acre basin be mapped, so that a designation can be applied whether it has what is called a special flood hazard area or a future condition flood hazard area. Either area is covered by our Flood Ordinance. The flood insurance you can purchase within Sandy Springs, because we participate in the National Flood Insurance Program, can be purchased regardless of where your property is, whether you are in a special flood hazard area or not. FEMA actually encourages purchasing the flood insurance by everyone.

Councilmember Meinzen McEnerny said it is possible if you are not on one of these creeks and you had purchased flood insurance that you could qualify for the federal disaster, even though it is not on one of the creeks listed. Is that correct?

Land Development Engineer White answered he assumes that would be the case. Basically, because we participate in the National Flood Insurance Program, then the City is eligible to benefit when a disaster area is declared. If we did not participate, then we would not be eligible to receive the federally backed assistance that would be directed for repairs or responses due to flooding.

Councilmember Fries asked for clarification if what was just stated is for road repairs or for individuals.

Land Development Engineer White said what he is speaking to pertains to individuals. That is, structures of individual property owners, whether it is residential or commercial property. Those structures are eligible to be covered by the national backed flood insurance. Mr. Black would be the person to discuss infrastructure and bridge repair.

City Manager McDonough added we are providing our age assessment to GEMA, who will in turn provide it to the FEDS, and that is how the process works. To help streamline the process for those that have been affected and have had damage, we are going to allow individuals to prequalify, which means if something has happened to them, they will not have to come in and apply for a permit. We are going to give them a 30-day grace period on getting the permit, but they will have to pre-qualify. We do have a list of approximately 100 who have been affected and we will contact them letting them know if they have substantial damage, they can prequalify, if they wish.

Councilmember Jenkins asked what that means prequalify.

City Manager McDonough answered they will need to share with the Community Development Department the type of work that will need to be done. Someone may go and look at it to verify that it is a result of the flood. They can get started right away with the repairs and apply for the permit within 30-days.

Councilmember Meinzen McEnerny questioned why it states that it only applies to those not located within a flood plain. What about those in the flood plain?

City Manager McDonough said we will expand it.

Mayor Pro-Tem DeJulio stated that it is the consensus of the Council that we want to do everything we can to help every resident of Sandy Springs get back to normal.

City Manager McDonough explained the submission to GEMA is due by tomorrow afternoon and staff is doing everything to ensure that happens. There has been some discussion as to special trash pickup. We are going to explore the need for carpet pickup, etc. We will make that assessment and see what the costs will be and bring back recommendations.

City Council gave the City Manager authorization to proceed with a special trash pickup, if needed, as long as it does not exceed \$100 thousand.

Councilmember Paul made a privileged motion to have a Public Comment period before going into Executive Session.

Public Comment

Trisha Thompson asked, do you remember when Public Works went around and cleaned out the gutters and storm drains? I blessed every single one of them. Who at Community Development will be the contact person for initiating the repairs? My other concern is the Garcia home at Marsh Creek and Riverside. Their driveway is right there, maybe 5' from the bridge. If we do elevate this bridge, what will happen to the people on the other side and how will they gain access to Riverside? Lastly, how long will it take for repairs on Riverside?

City Manager McDonough responded the process is to call the Call Center so that a work order can be generated. The repair on Riverside is a little early to discuss. The plans have not been developed and it will be taken into consideration. This project will take 2 years.

Pamela Jeter, 5680 Lake Forrest Dr. said they have no homeowner's association. Back in early spring she did bring up the sink hole at 5690 Lake Forrest Drive. With the storms last week, she now has a sink hole growing that a fireman put his leg into and it came to his knee. Her house and a neighbor's house back up to Marshman Estates, which comes down in a slow slope. The water flowed around her house; but it backed up because there is no catch basin at Lake Forrest Drive. There has to be an outlet between 5690 and 5680 for the water to go into. Her basement flooded with this water coming in.

Barbara Malone, 240 Colewood Way said often we do not say thank-you to the City, Fire Department, Police and everybody, because it could have been a lot worse. But the way you all responded has been great. Thank You.

Bill Gannon commented the school buses are also affected. If you poll his neighborhood, half of them would want Nancy Creek not to be fixed. They are walking their dogs and thinking it has been turned into a park. The school buses are affected as well as the emergency vehicles getting to the hospital. In his opinion, we have to remedy this. His question is will the replacement bridge be wider?

City Manager McDonough said, as Mr. Black explained there will be a public process involved with the environmental, and there will be an opportunity for public comment on the width of the bridge.

Councilmember Paul said it will be built to specifications that the Feds require and will be a more significant bridge that what is currently there.

Michael E. McGuinn, 6420 Tanacrest Court said he lives on one of the smaller creeks which does not show on the chart, but is in a flood plain, and he got hammered pretty badly with severe home and landscape damage. He would like to express thanks and appreciation to David Chastant and his staff, who have been working for over two years trying to help get the missing detention pond restored that the County built and neglected. Secondly, please add restoring detention ponds on the list of things to be done. Thanks!

(Agenda Item No. 09-242)
EXECUTIVE SESSION - Litigation

Motion and Vote: Councilmember Paul moved to adjourn the Special Called Meeting to enter into Executive Session to discuss pending litigation and to invite the Solicitor and Mr. Bentley. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session began at 6:45 p.m.

Motion and Vote: Councilmember Paul moved to adjourn Executive Session. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session adjourned at 7:07 p.m.

UNFINISHED BUSINESS

There was no Unfinished Business.

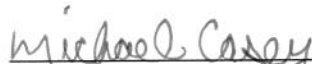
(Agenda Item No. 09-243)
ADJOURNMENT

Motion and Vote: Councilmember Paul moved to adjourn the Special Called Meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 7:08 p.m.

Date Approved: April 6, 2010



Eva Galambos, Mayor



Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

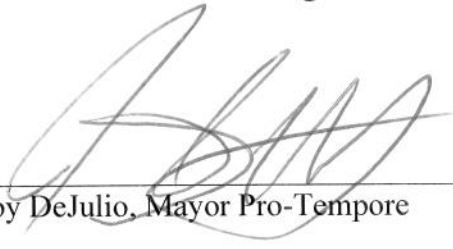
September 28, 2009

AFFIDAVIT FOR EXECUTIVE SESSION

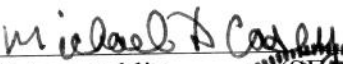
Personally comes Tibby DeJulio, Mayor Pro-Tempore of the City of Sandy Springs, who on oath says that to the best of his knowledge and belief, on the 28th day of September, 2009, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

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.


Tibby DeJulio, Mayor Pro-Tempore

Sworn to and subscribed before me,
this 28TH day of SEPTEMBER, 2009.


Notary public

