

Special Called Meeting of the City Council was held Thursday, December 1, 2005, 12:01 AM, Mayor Eva Galambos presiding.

Call to Order

Mayor Galambos called the Special Called Meeting to order.

Waiver of Notice Approved by Mayor and City Council

City Attorney Wendell Willard stated that a Waiver of Notice will be required for the Special Called Meeting by at least a quorum and the Mayor. The Waiver of Notice was signed.

Roll Call

Don Howell, Director of Operations, CH2M HILL/OMI called roll.

Councilmembers Present: Councilmember Tibby DeJulio, Councilmember Dianne Fries, Councilmember Karen Meinzen McEnery, and Councilmember Rusty Paul.

Mayor Galambos declared a quorum.

Invocation

The invocation was given by Reverend Kelly Barge.

Administer Oath of Office to the Elected Officials

Judge Craig Schwall, State Court of Fulton County, administered the oaths to Councilmember Tibby DeJulio, Councilmember Dianne Fries, Councilmember Karen Meinzen McEnery, and Councilmember Rusty Paul. Judge Schwall administered the oath to Mayor Galambos.

Pledge of Allegiance

The audience recited the Pledge of Allegiance.

Approval of Meeting Agenda

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

Report of Election Results

Don Howell, Director of Operations, CH2M HILL/OMI, stated that the election results for the City of Sandy Springs General Municipal Election held on November 8, 2005 will be made a permanent part of the record of this meeting with the City Clerk's office.

Robert's Rules of Order to Govern Council Meeting Rules of Procedure

Motion and Vote: Councilmember DiJulio moved to adopt Robert's Rules of Order to Govern Council Meeting Rules of Procedure. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

Organizational Items

A Resolution appointing Aaron Bovos as the Deputy City Manager for the City of Sandy Springs, GA and designating the Deputy City Manager as the acting City Manager effective December 1, 2005 and continuing until the City Manager has taken office.

Resolution No. 2005-12-01

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Resolution for consideration. Ms. Marchiafava read the caption of the Resolution.

Motion and Vote: Councilmember Paul moved to approve the Resolution appointing Aaron Bovos as the Deputy City Manager for the City of Sandy Springs, GA and designating the Deputy City Manager as the acting City Manager effective December 1, 2005 and continuing until the City Manager has taken office. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution appointing Wendell K. Willard as City Attorney for the City of Sandy Springs, GA pursuant to Article III Section 3.08 of the City Charter, effective December 1, 2005 and naming William F. Riley as City Solicitor.

Resolution No. 2005-12-02

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Resolution for consideration. Ms. Marchiafava read the caption of the resolution.

Motion and Vote: Councilmember Paul moved to approve the Resolution appointing Wendell K. Willard as City Attorney for the City of Sandy Springs, GA pursuant to Article III Section 3.08 of the City Charter, effective December 1, 2005 and naming William F. Riley as City Solicitor. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution appointing the law firm of Bentley, Bentley & Bentley as the assistant City Attorneys for the City of Sandy Springs, GA, pursuant to Article III Section 3.08 of the City Charter effective December 1, 2005.

Resolution No. 2005-12-03

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Resolution for consideration. Ms. Marchiafava read the caption.

Motion and Vote: Councilmember DeJulio moved to approve the Resolution appointing the law firm of Bentley, Bentley & Bentley as the assistant City Attorneys for the City of Sandy Springs, GA, pursuant to Article III, Section 3.08 of the City Charter effective December 1, 2005. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution to appoint Jeanette Marchiafava as the City Clerk for the City of Sandy Springs, GA pursuant to Article III Section 3.09 of the City Charter effective December 1, 2005.

Resolution No. 2005-12-04

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Resolution for consideration. Ms. Marchiafava read the caption.

Motion and Vote: Councilmember Paul moved to approve the Resolution to appoint Jeanette Marchiafava as the City Clerk for the City of Sandy Springs, GA pursuant to Article III Section 3.09 of the City Charter effective December 1, 2005. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Oath of Office

Judge Craig Schwall, State Court of Fulton County, administered the oaths of office to City Clerk Jeanette R. Marchiafava, and Assistant City Clerk Kandace L. Cannon.

Oath of Office

Judge Craig Schwall, State Court of Fulton County, administered the oaths of office to the Code Enforcement Officers and other city Officials: Troy Smith, Code Enforcement; Marcus Kellum, Code Enforcement; William Wharten, Code Enforcement; Reginald Miller, Code Enforcement; Brandon Allen, Code Enforcement; Deidra Jones, Code Enforcement; Nancy J. Leathers, Director of Community Development; Tom Wilson, Deputy Director of Community Development; Raymond J. Wilke, Assistant Director of Building and Development; Blake Dettwiler,

Environmental Engineer; James Sanders, Land Disturbance Inspector; David Schmid, Land Disturbance Inspector; Mel Hatfield, Building Officer; Bennette White, Plans Review/Development Manager; and Michael Barnett, Arborist.

Mayor Galambos stated that the City Council would join her in congratulating the Code Enforcement Officers. She stated that they are an integral part of what is going to make the City of Sandy Springs a better community. She looks forward to working with them.

Approval of a Resolution to approve the City Seal for the City of Sandy Springs, GA.

Resolution No. 2005-12-05

Mayor Galambos stated that this is a Resolution approving the City Seal.

Motion and Vote: Councilmember DeJulio moved to approve the Resolution to approve the City Seal for the City of Sandy Springs, GA. Councilmember Paul seconded the motion. The motion passed unanimously.

Approval of an Ordinance to provide for the continuation of ordinance and law during the transition period legislatively established for the City of Sandy Springs, GA and adopt ordinances by the City of Sandy Springs, GA.

Ordinance No. 2005-12-01

Mayor Galambos asked City Clerk Marchiafava to conduct a reading of the proposed Ordinance. Ms. Marchiafava read the caption of the proposed ordinance. There were no questions.

Motion and Vote: Councilmember Paul moved to approve an Ordinance to provide for the continuation of ordinance and law during the transition period legislatively established for the City of Sandy Springs, GA and adopt ordinances by the City of Sandy Springs, GA. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution to accept the bid of the Georgia Interlocal Risk Management Agency (GIRMA) for the placement of insurance for the City of Sandy Springs, GA and authorizing the Mayor and City Clerk, or their designees to execute any and all documents necessary for the implementation thereof.

Resolution No. R2005-12-06

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Resolution for consideration. Ms. Marchiafava read the caption.

Mayor Galambos stated that representatives from GIRMA are at the meeting and are available to answer any questions. There were no questions.

Motion and Vote: Councilmember Paul moved to approve the Resolution to accept the bid of the Georgia Interlocal Risk Management Agency (GIRMA) for the placement of insurance for the City of Sandy Springs, GA, and authorizing the Mayor and City Clerk, or their designees, to execute any and all documents necessary for the implementation thereof. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution to impose a temporary moratorium of one (1) month to finalize the zoning application for sign permits, use permits, building permits, land disturbance permits, which are subject to zoning, or other applications addressing the uses and development of property within the territorial boundary of the City to allow for the consideration and adoption of zoning ordinances, as defined and required by the Georgia Zoning Procedures law; provided, however, this moratorium shall not apply to any permits not subject to zoning requirements.

Resolution No. 2005-12-07

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Resolution for consideration. Ms. Marchiafava read the caption.

Motion and Vote: Councilmember Paul moved to approve the Resolution to impose a temporary moratorium of one (1) month to finalize the zoning application for sign permits, use permits, building permits, land disturbance permits, which are subject to zoning, or other applications addressing the uses and development of property within the territorial boundary of the City to allow for the consideration and adoption of zoning ordinances, as defined and required by the Georgia Zoning Procedures law; provided, however, this moratorium shall not apply to any permits not subject to zoning requirements. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution to designate the *Fulton County Daily Report* as the newspaper for the official publications and notices (legal organ).

Resolution No. 2005-12-08

Mayor Galambos stated that this a Resolution to designate the *Fulton County Daily Report* as the newspaper for the official publication and notices (legal organ).

Motion and Vote: Councilmember DeJulio moved to approve the Resolution to designate the *Fulton County Daily Report* as the newspaper for the official publications and notices (legal organ). Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of Resolution to have published a notice in the City's legal organ in the form as attached hereto as Appendix 1, informing the public of a public hearing by the City Council to receive comments and consider adoption of ordinance establishing procedures and zones, or districts, within the territorial boundaries of the City regulating the use and development standards of property within such zones, or districts, including adoption of a zoning and comprehensive zoning plan and maps illustrating location of property within the City by zoning classifications, currently and the future for the City of Sandy Springs, GA.

Resolution No. 2005-12-09

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Resolution for consideration. Ms. Marchiafava read the caption.

Motion and Second: Councilmember DeJulio moved to approve the Resolution to have published a notice in the City's legal organ in the form as attached hereto as Appendix 1, informing the public of a public hearing by the City Council to receive comments and consider adoption of ordinance establishing procedures and zones, or districts, within the territorial boundaries of the City regulating the use and development standards of property within such zones, or districts, including adoption of a zoning and comprehensive zoning plan and maps illustrating location of property within the City by zoning classifications, currently and the future for the City of Sandy Springs, GA. Councilmember Fries seconded the motion.

Discussion on the Motion:

City Attorney Willard stated that he would like to add that this will also be to authorize Mayor Galambos to inform Karen Handel, Chairman of the Fulton County Board of Commissioners, that the City is exercising its unilateral authority to terminate the services of Fulton County on zoning as of the first of year, 2006. Mayor Galambos thanked Mr. Willard for that clarification. There was no further discussion.

Vote: The motion passed unanimously.

Mayor Galambos affirmed that this is not to propose any changes with the zoning ordinances, but to go through the legislative procedure that the State requires in order to put in place the Fulton County ordinances that the City plans to live under until things are ironed out. She asked City Attorney Willard if she was correct. City Attorney Willard replied she stated it well.

An Ordinance to Adopt and Approve an Ordinance Relating to Business Occupation, Tax & Regulation and Providing for their Inclusion and Identification in the Future Developed Code of Ordinances for the City of Sandy Springs to be Referenced in the Future as Chapter 11 (Business Occupation, Tax and Regulations) as Attached and Incorporated therein, and Repealing Chapter 18, Business, Code of Laws of Fulton County, GA, Part II, Code of Ordinances and Resolutions, Subpart A, Code of Ordinances, Appendix A

Ordinance No. 2005-12-02

Mayor Galambos asked City Clerk Marchiafava to conduct a reading of the proposed Ordinance. Ms. Marchiafava read the caption of the proposed ordinance. There were no questions.

Motion and Vote: Councilmember Paul moved to approve an Ordinance to Adopt and Approve an Ordinance Relating to Business Occupation, Tax & Regulation and Providing for their Inclusion and Identification in the Future Developed Code of Ordinances for the City of Sandy Springs to be Referenced in the Future as Chapter 11 (Business Occupation, Tax and Regulations) as Attached and Incorporated therein, and Repealing Chapter 18, Business, Code of Laws of Fulton County, GA, Part II, Code of Ordinances and Resolutions, Subpart A, Code of Ordinances, Appendix A. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval to adopt a Resolution to impose a moratorium for the issuance of business license to any business within the territorial limits of Sandy Springs, GA, previously licensed by Fulton County, GA, to conduct a regulated business pursuant to Chapter 11: Business Occupation Tax, Licenses and regulations, Article 6: Adult Entertainment; Article 7: Massage Therapists; and Article 8: Escort Services, or any new applicants which would have been regulated pursuant to any of said sections of the Fulton County Ordinances.

Resolution No. 2005-12-10

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Resolution for consideration. Ms. Marchiafava read the caption.

Motion and Vote: Councilmember Fries moved to approve the Resolution to impose a moratorium for the issuance of business license to any business within the territorial limits of Sandy Springs, GA, previously licensed by Fulton County, GA, to conduct a regulated business pursuant to Chapter 11: Business Occupation Tax, Licenses and regulations, Article 6: Adult Entertainment; Article 7: Massage Therapists; and Article 8: Escort Services, or any new applicants which would have been regulated pursuant to any of said sections of the Fulton County Ordinances. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

An Ordinance to Adopt and Approve an Ordinance Relating to Alcoholic Beverages and Providing for their Inclusion and Identification in the Future Developed Code of Ordinances for the City of Sandy Springs to be Referenced in the Future as Chapter 7 (Alcoholic Beverages) as attached and Incorporated therein. Less and Excepting Fees as Enumerated Therein and Repealing Chapter 6, Alcoholic Beverages, Code Laws of Fulton County, GA, Part II, Code of Ordinances and Resolutions, Subpart A, Code of Ordinances, Appendix A

Ordinance No. 2005-12-03

Mayor Galambos stated that the next item on the agenda is to adopt and approve an Ordinance relating to alcoholic beverages in the City of Sandy Springs. She asked City Attorney Willard to explain the ordinance for consideration. City Attorney Willard stated that we are proceeding with the ordinances that Fulton County has for the issuing of pouring and retail licenses of liquor stores. The ordinance will be the same format as Fulton County. We are also implementing the same fee structure as Fulton County for the ability of these businesses to be able to continue with their business by the first of the year. There is one provision. The applicants will have to complete a new application. There are findings that the licensees have held the license for some time. Therefore it is in the City's best interest to require background checks. The business community needs to prepare to have business licenses issued for the first of the year. It is important for the City Council to adopt Ordinances whereby the information can be mailed to the applicants and they can get their information in prior to the first of the year.

Mayor Galambos read the proposed Ordinance. There were no questions.

Motion and Vote: Councilmember DiJulio moved to approve an Ordinance to Adopt and Approve an Ordinance Relating to Alcoholic Beverages and Providing for their Inclusion and Identification in the Future Developed Code of Ordinances for the City of Sandy Springs to be Referenced in the Future as Chapter 7 (Alcoholic Beverages) as attached and Incorporated therein. Less and Excepting Fees as Enumerated Therein and Repealing Chapter 6, Alcoholic Beverages, Code Laws of Fulton County, GA, Part II, Code of Ordinances and Resolutions, Subpart A,

Code of Ordinances, Appendix A. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Galambos added that this is a housekeeping item. It is not to change anything, but to follow the necessary procedures to make things legal.

An Ordinance relating to Building Codes and providing for their inclusion and identification in the future developed Code of Ordinances for the City of Sandy Springs to be referenced in future as Chapter 9: Building Codes as attached hereto and incorporated herein and repealing Chapter 14: Building Regulation Code Laws of Fulton County, GA, Part 2; Code of Ordinances and Resolutions, Subpart A; Code of Ordinances, Appendix A.

Ordinance No. 2005-12-04

Mayor Galambos asked the City Attorney if this Ordinance is to approve what is already there for the City of Sandy Springs. City Attorney Wendell Willard answered, yes, that this will be the official Code for the City of Sandy Springs.

Mayor Galambos asked City Clerk Marchiafava to conduct a reading of the proposed Ordinance. Ms. Marchiafava read the caption of the proposed ordinance. There were no questions.

Motion and Vote: Councilmember Meinzen McEnerny moved to adopt and approve Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

The Mayor stated that she wanted to emphasize that we are putting things in order and following procedures that are necessary. There are no changes. This will enable the City of Sandy Springs to have its set of laws. That is what this meeting was about.

Recess Meeting

Mayor Galambos requested a motion to recess the Special Called meeting until 7:00 PM.

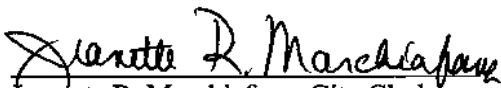
Motion and Second: Councilmember Paul moved to recess the Special Called Meeting until 7:00 PM on December 1, 2005. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Mayor Galambos asked Rick Hirsekorn, Program Director, CH2M HILL/OMI, if there was any business that CH2M HILL wanted to share. Mr. Hirsekorn stated that City Hall will be open tomorrow. There will be a citizen response center and information center. The transition office will also be open for business until City Hall is built out. The phones will be answered and the Code Enforcement Officers will be responsive also.

Vote: The motion passed unanimously.

After no further business, the meeting recessed at 12:35 AM.

Date Approved: December 27, 2005


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor