

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, January 19, 2010 at 7:16 p.m., Mayor Eva Galambos presiding.

CITY COUNCIL DISCUSSION ITEMS

1. Proposed Farmers Market at the old Target Site in Sandy Springs

Councilmember Chip Collins stated this item is for Council to consider and approve the concept of having a Farmers Market in the downtown area on Saturday mornings from March through December in the parking lot of the former Target Building. He was approached in November by two long time Sandy Springs residents, Andrew Bauman and Jeff Langfelder, with the concept of having a Farmers Market in Sandy Springs. Andrew and Jeff have completed their homework, researched the idea, and are very passionate about it. The vision for downtown is one that serves the need of the residents and serves as a community gathering place. The long term view will involve redevelopment of commercial properties and traffic engineering that might be five to ten years in the future. The Farmers Market presents an opportunity that can occur in a matter of months and there are lots of examples in the area of successful Farmers Markets. Every group or person spoken to about the concept is extremely enthusiastic about it and it's clear that the demand is there. Jeff and Andrew have spoken with vendors at other markets and they are excited about the prospect of being able to come to Sandy Springs.

Andrew Bauman stated when he and Jeff thought of the Farmers Market for this location the gut was it's the right thing for the right spot. Despite all of the Farmers Markets in the Atlanta Metro area, he was not aware of them. With that he came to the conclusion that Atlanta is a big City with decentralized communities. The people are locally oriented, but do a lot of big City things. A lot of communities have a lot of ways of distinguishing themselves and the Farmers Market is one item in a list of items as a community and central gathering place. Farmers Markets are local, regional and national trends that are exploding. There are a lot of organizations that he has been in contact with such as Georgia Organics and the Southeastern Region Fruit and Vegetable Association. The Farmers Market is being envisioned as a quintessential profit public/private partnership that is very community oriented. Beyond selling food, educating local residents, and connecting them with the producers, the Market will be a neat community bulletin board opportunity. For example, if a thousand people come out on a great beautiful Saturday morning, then the City can take advantage of that by making announcements about what's going on in the City or even include health screenings conducted by non-profit organizations. It is not a flea market, it is almost exclusively food. There are some categories that don't qualify as food like plants, seeds, cut flowers, and homemade locally done doggie biscuits, but the core is vegetables. Attracting that list of vendors is the most critical part of the success. He and Jeff are confident that the demand is there. It's not the total shopping that you do, so there is no threat to other vendors. It does further the goals of downtown Sandy Springs and it is movable, because it sets up and breaks down in five hours.

Jeff Langfelder stated they also feel that the Farmers Market cannot be a Sandy Springs Festival. They have no desire to duplicate the Festival. It will be a food market and any ancillary products that go along with that need to be included. In addition, they have spoken with a lot of the merchants in the area and the majority of the businesses support the idea of the Farmers Market. Business owners feel the Farmers Market will bring traffic that will expose their businesses. It will also bring people from other areas that may not normally see those businesses. The purpose of the Farmers Market is to create a better community for Sandy Springs and if it can help those merchants for those five hours a day, then people will come back and shop there during the week.

Councilmember Collins asked what needed to be done in order for the Market to be open by the third or fourth weekend in March.

Mr. Bauman stated the vision is for the Farmers Market to run from March to late November, because they would like to catch the big harvest times. If the Market opens past April/May, the season is lost. He stated he and Jeff had a meeting with John McDonough, staff and the Fire and Police Chiefs about the logistics of the Farmers Market and there are still some things that need to be covered. They have moved toward a special events application request that would handle those issues. He and Jeff are working on parallel tracks and have invested money in things such as architectural site plans and vendor recruitment. The most critical piece is vendor recruitment, since Saturday is one of the biggest market days. There is no lack of local bakers and the ancillary vendors, but they are in competition for the core produce vendors, since the larger Farmers Markets in Marietta and Peachtree Road are also on Saturday. The core produce vendors are business people and they will go where the crowd is. The demographics of Sandy Springs make it a great market area. When you look at the map of Farmers Markets in the Metro area, there is a big hole in our community.

Mayor Eva Galambos asked if they had contacted the Sandy Springs Chamber.

Mr. Langfelder stated they have had brief contact with the Chamber. They have spoken with Heritage Sandy Springs, but the main contact has been with the businesses surrounding that area.

Mayor Galambos stated she was wondering if the Chamber has endorsed their project.

Mr. Langfelder stated they had not had that conversation with the Chamber.

Councilmember Karen Meinzen McEnerny stated their proposal mentioned logistics, but she did not read anything about providing financial support of any kind. She asked if they planned to pay the City rent and if not, why not. She also asked about compensation for the use of the common area in terms of occupancy of the building.

Mr. Langfelder stated there will be no occupancy of the building. The Market will take place in the parking lot. He then explained the coloring scheme of the map. He stated the vendors would set up and remove a tailgate tent with a table on the day of the Market. The only contemplated use of the building would be the storage of tables and chairs.

Councilmember Meinzen McEnerny reiterated her question about rent and expenses.

Mr. Langfelder stated the first thing was to be sure there was no negative net impact to the City and that's through the provision of cost of expenses by the Market.

Councilmember Meinzen McEnerny asked what that meant.

Mr. Langfelder stated the City doesn't pay for insurance, clean up, security, promotions and advertising, as has been done in other jurisdictions. The first thing was to make sure there is no negative financial impact on the City. Beyond that, he felt that it was a fair discussion to talk about rent. He stated they would like to see it have no negative financial impact on their part either, since they are not a vendor running the Market. A lot of the markets are actually run by vendors, so they have a separate profit motive in the Market. The demand or success at the vendor level cannot be projected at this point. No one is discussing a long term commitment either way for the Market, but it is something that needs to be evaluated. The first starting point was no negative cash impact on the City. To attract vendors they are looking at \$10-\$20 charges for bays. With the cost of putting it on and marketing startup costs, if there is a profit, it is nominal.

Councilmember Meinzen McEnerny asked if they talked to Whole Foods, since they sell this type of product.

Mr. Langfelder stated he took a tour of Whole Foods on Saturday and asked the Chief Marketing person if she liked Farmers Markets and if it created a conflict for Whole Foods. She stated that she loves Farmers Markets and Whole Foods supports them. She said that many of the Whole Foods stores allow Farmers Markets to setup in their parking lots, because they feel it educates the customer. It's not seven days a week, and if it educates customers about organic foods and eating foods that are grown locally and regionally, that's what Whole Foods is trying to accomplish.

Mr. Langfelder stated they do need to meet with the Chamber and they will. They wanted to go through a process starting with the meeting they had with staff earlier and after the meeting tonight they will explore those other avenues. The first year they don't see any profit for themselves. They want to try and enhance Sandy Springs as a community. They see giving away the space to the vendors and perhaps next year or the year after, if it is successful, they can charge more rent to the vendors; but right now they want to make the Market successful. To do that they feel they need to attract people and have very low rent for them and then go from there.

Councilmember Dianne Fries stated that overall she likes the idea of having a Farmers Market in the City. She asked legal if the City does not charge rent, is it considered gratuity.

City Attorney Wendell Willard stated it can be done if they provide the City certain things that are protections to the City. He doesn't know that it would be considered gratuity. There will have to be an agreement worked out.

Councilmember Fries stated she did not need an answer to the question now but it would need to be worked out. Something that was talked about was maybe a percentage could come back to the City for Parks and Recreation or Police. She has no interest in the inside of the building being used for restrooms or storage during the Farmers Market because the utilities are too high. She offered to give them names of people to use for restrooms and storage space.

Mr. Langfelder stated they do not contemplate using the restrooms in the building, but they did contemplate storage. They understand it needs to be worked out with staff.

Councilmember Ashley Jenkins thanked Jeff and Andrew for putting together the proposal. Several years ago this idea was floated. Council talked to several non-profits to see if they would be interested and they could not get anyone to do a proposal. She is ecstatic and a big fan of the Farmers Market, because once the Target left, it really hurt the surrounding merchants' businesses. There is a need for something in that spot to get people back in the area. She loves the aspect of getting the community together in a central location. She offered her assistance with talking to the Chamber.

Mr. Langfelder stated they met with Chris from the Chamber.

Mr. Bauman stated the key is that people will be walking around. They want it to be a walking market and to get people walking in Sandy Springs. He stated the work being done on the Abernathy Road corridor is geared to the idea of walking. They met with the bank and they spoke to Chris and other merchants. The critical thing is for people to get out and start walking.

Mayor Galambos asked if any of the parking includes the area in front of Goodwill.

Mr. Langfelder stated the breakdown in parking is the City owned property and the Goodwill property. They don't anticipate using the Goodwill parking, even though they would love to think the Farmers Market will be that successful.

Mayor Galambos asked if that would be an issue that needs to be worked out with Goodwill.

City Attorney Willard answered the property does not have a common agreement any longer. The Kroger Company is the one that has the lease on the property and he plans to contact them and confirm the possible relocation of the Goodwill store.

Councilmember Fries stated she went to the grand opening of the bank and they are under the impression that they have some of the parking places.

Mr. Langfelder stated they have spoken with the representative for the bank and discussed reserving some spaces for them. They are meeting with the president of the bank on Friday.

Mr. Bauman stated the plan being shown is not completely accurate, because they will have five spaces reserved for the bank.

Councilmember Tibby DeJulio asked if there would be any improvements needed for the parking lot.

Mr. Langfelder stated they will have a stage for demonstrations and performances. Surprisingly, the parking space is in good condition and just needs to be cleaned, but it will be checked for potholes.

Councilmember Fries states she has walked the lot and it is in good condition.

Mr. Langfelder stated they discussed improvements for the utility poles with staff. They are looking into running electrical service underground and channeling it out to certain parking areas in order to have electrical access for the vendors.

Mr. Bauman stated maybe some striping or notations for those looking for the Market.

Mr. Langfelder stated the vendors will start setting up around 6:30 or 7:00 in the morning and when the Market closes, the vendors will break down in about half an hour. The parking lot will look the same once everything is broken down.

Councilmember DeJulio asked what type of a time commitment they were looking for from the City. He wanted to know if they are looking for a one year commitment to see how it goes or a multiple year commitment.

Mr. Bauman stated ultimately it would be a year to year commitment, because the property will probably be redeveloped at some point. This is something they hope to love and continue to do, and if the City feels the same, it will go from year to year.

Mayor Galambos stated the operational word is year to year.

Mr. Langfelder stated that if the property is redeveloped, it is still a viable idea on a Saturday morning, but this is something that has to work for both the Market and the City.

Councilmember John Paulson stated he supports the comment by Councilmember Meinzen McEnerny about the City potentially gaining some revenue from it, since it is a City owned piece of land. He also asked who the liaison is for the Farmers Market.

City Manager John McDonough stated Eden Freeman will be the point person for the Farmers Market, but he and the legal staff have been involved.

Councilmember Paulson stated he thinks it is a great idea to allow non-profits to have a space at the Market.

Mr. Langfelder stated the City should have a permanent presence there to give out information about the City.

Councilmember Paulson asked what the balance of the vendors will be.

Mr. Bauman stated the Market needs to be very substantially food and the crafts very limited.

Mayor Galambos stated they need to be careful with the crafts and make sure they are not competing with the Sandy Springs Festival. She does not think the City of Sandy Springs should ever be in competition with the landlords in terms of getting rent. She feels a contribution from the Market to Friends of Sandy Springs, the Police Department, or the Fire Department is in order.

Councilmember Jenkins agreed with the Mayor's idea.

City Attorney Willard stated staff would come back to Council with a proposal that would include an arrangement for rental of the use of property. The City can use the money as it wishes, but he would rather it come through the City as the cost for the use of property.

Councilmember Meinzen McEnerny stated she appreciates and is for the idea of a Farmers Market. However, she thinks it would be unwise of the City to contemplate any sort of agreement without being fully transparent with the rest of the venue hosts in the community and metro area that might also want the opportunity to have the 100% retail and City Hall location in the community. The consensus of the Council is they would like to have the food market, but they should not limit this opportunity to a specific vendor. She feels the City needs to take a couple of months to complete a transparent RFP and ask other vendor hosts to respond in order to give everybody an opportunity to get the most beneficial organization to hold the Market. If there is not another organization out there, so be it, but the City just can't hand this opportunity at no cost to this group.

Councilmember Fries stated she worries about the gratuity and the issue with rent.

City Attorney Willard stated under the law the City has the ability to say they want Andrew and Jeff to provide the service and it can be dealt with on a somewhat exclusive basis. The City can also go forward with the RFP process. He asked for direction from the Council.

Mayor Galambos asked for legal counsel regarding an obligation to put this item through the RFP process.

City Attorney Willard stated the City is not legally required to do an RFP, but as a practical matter and for transparency, an RFP could be done rather than dealing with one party and excluding someone else that has the potential ability, and qualifications to do this.

Councilmember Jenkins stated two years ago when the idea of a Farmers Market came up, Gabe had connections with other markets. He was aggressively trying to find someone to come into Sandy Springs and wasn't able to.

Councilmember Meinzen McEnerny stated she had found someone else already that is opening a Market in March. She still feels the RFP should be done.

Councilmember Collins stated he wanted to distinguish this situation from one where there might be a need for an RFP. He stated the City is not talking about a million dollar contract. Andrew and Jeff have many other things and many other ways to make money then doing a Market. This is an opportunity to provide a really neat Farmers Market to the City of Sandy Springs. At the end of the year, if the City feels they've made too much money or done a poor job, then the City can do an RFP process. At this point everyone just wants a Farmers Market. No one will be getting reach off of it. He does not feel putting out an RFP with no guarantee to make any money is a good idea. Andrew and Jeff are taking the financial risk for this opportunity. The Target property has been vacant for two years and there have been no real proposals for opportunities to use it for the community, and here is an opportunity to do so. There should be transparency in the financials and controls for the Market, but he doesn't feel there will be a profit this year.

Mr. Langfelder stated they contemplated having civic organizations come to the property. They anticipate having one civic organization per week come to the market to be the host civic organization and then the Market donating a percentage of what was made that day to that civic organization. They felt those donations would be their way of giving back to the community.

Councilmember DeJulio stated he is a real proponent of the RFP process and contract government, but there are some discrepancies in this situation. Andrew and Jeff have spent some time and some money to come up with this plan. The Council meets twice a month and the staff is here 360 days a year and no one else has brought forth a similar proposal. He doesn't think this is the type of proposal to do an RFP for. This is not a road paving project. This is a promotional project for Sandy Springs. The best thing that could happen is that there are 1,000 people a week in Sandy Springs that don't normally come to Sandy Springs. He said Andrew and Jeff are almost like the tourist board. He feels this is something the City should go forward with and then if it turns out to be a gold mine, the City will expect some revenue.

Mayor Galambos stated at this point Council is in agreement and staff will draft a proposal that will satisfy all the points that have been discussed.

STAFF DISCUSSION ITEMS

Wendell Willard, City Attorney

1. Legal Training Review

City Attorney Wendell Willard discussed the documents for the City's review of the Voting Rights Act. He stated the document was given to Council to review and there is no further action needed at this time. The Legal Counsel has made their initial review and studies and the recommendation they have is the City of Sandy Springs is a qualified candidate. The City has no detrimental history, since it has only been established since 2005. They feel this is a good opportunity to be one of the first cities to come forward and get clearance from the Justice Department under the Voting Rights Act. Their initial study showed the number of African American registered voters has increased in the City of Sandy Springs and the turnout of voters went from 8% in 2005 to 69% for 2009. The City now has good data that will help with

the Justice Department. He suggested going forward with the second phase of the process, if the Council has no objection. This phase will require an application, public hearing, and seeking to get clearance from the Justice Department.

Mayor Eva Galambos asked what the financial obligation was.

City Attorney Willard stated the financial obligation would be \$10,000.

Council unanimously agreed to move forward.

City Attorney Willard stated since there are two new Councilmembers, it is important to have a refresher on things to remember. He asked everyone to use caution when putting anything in writing, because anything and everything is now public record. This includes emails from the City computers and personal computers. He recommends using the telephone instead. Anytime the Mayor and Councilmembers gather in a group of four, it can be considered a public meeting.

Councilmember Dianne Fries asked if social events are included.

City Attorney Willard stated social events are included and if the media arrives and wants to come in, they would need to be allowed access to the group. The opportunity for closed sessions, known as Executive Sessions, is for very limited purposes outlined in the law such as matters regarding potential or pending litigation; personnel matters; and acquisition of real estate. Executive Sessions are closed to the public and discussion is limited to things that are addressed as far as notice of the hearing. Councilmembers have the ability to listen to groups outside of Council meetings about anything that is coming up for a vote, but be cautious of committing to a position prior to a Council meeting and hearing all the facts. Council is able to meet with citizens and listen, but do not commit to anything before a meeting.

Mayor Galambos stated this year during Council meetings she would like to have a motion on the floor before questions are asked.

Councilmember Meinzen McEnery stated the City has adopted Roberts Rules of Order as the protocol for speaking. During a Public Hearing Council has the opportunity to ask questions of the applicant and the opposition that do not count towards their speaking time. After that, the Mayor closes the hearing and then Council is able to speak. She asked if that is the correct procedure.

Mayor Galambos stated sometimes the questions are more to make a point, versus just asking a question. She stated it is very hard to distinguish whether it is a question to elicit information or part of a position a Councilmember will be presenting. Therefore, she feels it is safer to close the public hearing, have a motion, and then have discussion.

City Attorney Willard stated a presentation needs to be completed before Council starts to have discussion and questions.

Councilmember Meinzen McEnery asked how Council gets the factual information before the motion is made.

Mayor Galambos stated after the motion is made, everyone has a chance to ask questions and then vote on the motion.

Councilmember Meinzen McEnerny stated Roberts Rules of Order allows every Councilmember an opportunity to speak once before the question is called.

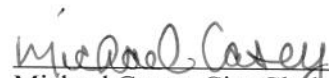
Councilmember Tibby DeJulio asked the City Manager about a Board Retreat.

City Manager John McDonough stated Pat Wheeler will be contacting Council concerning the possible dates. The dates being considered are the first or third Friday in March.

There being no further discussion, the meeting adjourned at 8:12 p.m.

Date Approved: May 4, 2010


Eva Galambos, Mayor


Michael Casey, City Clerk