

Work Session of the Sandy Springs City Council was held Tuesday, June 2, 2009 at 6:49 p.m., Mayor Eva Galambos presiding.

Proposed Employment Solicitation Ordinance

City Attorney Wendell Willard stated in drafting the proposed ordinance staff has tried to prepare a good workable solution to a problem that not only faces Sandy Springs, but every local government, not only in Georgia but throughout the nation. The problems cities are having are traffic and pedestrian hazards with people trying to dart out in traffic, causing potential injury to themselves as well as collisions of other vehicles. We've tried to draft an ordinance that will place a sense of control to employment solicitation, as well as recognition that you cannot stop what is an ongoing practice. Some people may say that this is something that cannot be controlled, but I believe the City can, with appropriate policing. Private property owners with vacant lots or a closed business do not want people using their property for a place of solicitation of employment. The owner can post a sign, and by doing so, the police department will be aware that this is a place people cannot assemble for solicitation.

Any person violating the Solicitation Ordinance is subject to a fine of \$250.00 for the first offense, \$500.00 for the second offense and \$1000.00 and imprisonment for a term not exceeding three (3) months for the third offense.

In Section 50-122, Prohibitions (b) no person shall solicit within 300 feet of a freeway ramp or any part of the public right-of-way that is designated as a "keep moving" lane. I would suggest the distance of 300 feet, because it is a recognized measure of distance, such as a football field.

Councilmember MacGinnitie questioned the definition of solicitation in Section 50-122 (d), asking if it was for picking up by people that are in a car.

City Attorney Wendell Willard stated that it is for both soliciting by a person who is seeking employment and soliciting by someone wanting to obtain a person for employment.

Mayor Galambos stated when this was discussed in a preliminary meeting she was under the impression the owner makes the solicitation. The person standing on the public right-of-way has the right to stand there, because it is a public right-of-way.

City Attorney Wendell Willard stated that this is for controlling someone who is seeking an employee. If they are on private property, the proposed ordinance controls this too, when the property owner says he does not want them on his property.

Councilmember Paul stated that when someone stops on the side of the road, in the right-of-way, they are creating a traffic hazard. The City is trying to avoid that with this controlled circumstance, which is safer than the current situation.

City Attorney Wendell Willard stated that some of the religious organizations sponsor hiring centers, which is a much better way of doing it.

Councilmember Paul stated that the hiring centers also protect the workers. Holy Spirit registers the people who are hired, and registers the people who hire them, so if something happens to one of the workers; it can be traced through the system. It is much safer and more beneficial for the workers. It is a safer environment from a pedestrian and vehicle perspective.

Mayor Galambos stated she is very proud of our community and the cooperation with Holy Spirit getting hiring done this way. We still have some people standing on the sidewalk and on private property, but now are willing to go to the hiring center. This is a way of trying to promote that people should go to the hiring center, which is a

much better system. The only issue concern she has is that we do not want to get into a situation where someone says that we are impinging on the right of the public to stand on the right-of-way.

City Attorney Wendell Willard stated that is correct. It's only what happens with vehicles that could cause problems, and the drivers would be told not to do it.

There was a consensus of City Council to move forward with this item at the next Council Meeting.

Further Consideration of MOU with Heritage Sandy Springs Regarding Use of Bluestone Building

City Attorney Wendell Willard stated that Mayor Galambos charged the City Manager and the City Attorney's office to have a MOU agreement worked out with the Heritage Foundation dealing with the potential finishing of the building. The budget is in the range of \$1,700,000 to have this facility more accessible for the benefit of the community of Sandy Springs. The City does not have what is recognized as a "public community place" for meetings. Mr. McDonough and I have met with Heritage to discuss potential ways of working together to come up with a finalized agreement. The Memorandum of Understanding (MOU) was sent to City Council. We have tried to incorporate the discussions that were held between the City and Heritage representatives in this document. The idea was to see that the building is completed and come to a recognized agreement so that various groups in our community can have access. Recognize that anytime you have a building opened up for a group to use, charges have to be set up, and there may be some utility expenses. This would be a minimum charge as opposed to what might be considered by Heritage when seeking someone for a wedding or similar type of event.

Councilmember Fries asked if he had discussion with Heritage since the last Council meeting.

City Attorney Wendell Willard stated that this MOU was prepared before the last meeting.

Councilmember Fries stated she is looking for new information. In the original MOU it stated the rental community use would be one day a week, in the evening hours. She has no objection and thinks a 30 day notice should be added.

Councilmember Jenkins stated it is already in the MOU.

City Attorney Wendell Willard stated what Councilmember Fries is talking about is if Heritage has not already made reservations for a community group to use the facility, and another community group wants to have use of it, they can book it for that purpose.

Councilmember Fries stated that the MOU before City Council tonight has not changed since the last meeting.

Lori Evans, Heritage Sandy Springs stated anything under 30 days is already in their policy. For example, they had a wedding booked for the same weekend as the Taste of Sandy Springs. When it became apparent that the Taste would be adjacent to their property, they felt they needed to call the bride and let her know of the event adjoining her wedding. The bride chose to rebook at another place. Heritage felt it needed to give the bride more than a 60 day notice. Heritage was not able to book another event for that date. However, within about 30 days a nonprofit group, The Guiney Pig Recue Association, came to Heritage and wanted to rent the facility. Since they had nothing else going on, Heritage rented to them at a minimal rate to cover the cost of cleaning up. Heritage did this for Heards Ferry School last year when they had their school picnic to kick off the year. Heritage wants the community and public there.

Councilmember Fries stated that the MOU needs to reflect this.

City Attorney Wendell Willard stated that it would be included in the policy.

Councilmember Meinzen McEnerny asked for clarification on the terminology “community not for profit”.

City Attorney Wendell Willard stated that this includes organizations that will be recognized in the final agreement such as Homeowners Associations, Chamber meetings and other similar groups in Sandy Springs.

Councilmember Meinzen McEnerny stated that all the preferential rates we are discussing for “not for profits” need to be Sandy Springs “not for profits”. Anyone that is a “not for profit” from another community would not be covered by this.

Mayor Galambos questioned if the “not for profit” had to be 501C(3) or can they be non-profit without having the 501C(3)?

Ms. Evans stated that for the non-profit rate, Heritage is asking for proof; and for lower rate community groups such as schools, church organizations, scouting and neighborhoods to also be included.

Mayor Galambos stated she wants to make sure these organizations are included in the non-profit category.

Councilmember Jenkins stated she thinks everyone is in agreement that we want only the Sandy Springs 501C(3) groups in there, not other counties.

Ms. Evans stated that there are a lot of non-profits that may have a chapter in Sandy Springs.

Councilmember Jenkins stated that as long as they have a tie to Sandy Springs, she is fine with it.

Councilmember Meinzen McEnerny stated that the City does not want such a great event place that people are flocking from outside of Sandy Springs to take advantage of these wonderful half price rates.

Mayor Galambos asked if Heritage has a proposal in the MOU for 3% share of the rentals.

City Attorney Wendell Willard stated that is correct.

Mayor Galambos questioned where the 3% came from, because it is 4% at the tennis center.

Mel Mobley stated that the 3% came from discussion he had with the City Manager and City Attorney, because they are not for profit. He understands the City wants some money back on the bottom floor. Heritage is trying to make this budget through these tough economic times. The 3% came from the discussion and was a starting point. This is what Heritage presented to their board.

Mayor Galambos stated that the 3% is not cast in stone. If the City is going to have some share in the rental, she would like to have some estimate of what the rental volumes are going to be, and what the revenue is going to be. Heritage must have some record of what the rental income is for the Williams-Payne house and some projection from experience with the community room. There should be some idea of the anticipated utilization based on past experience.

City Attorney Wendell Willard stated that in 2B it states there will be a process developed for input from the City on the rate schedule for the Bluestone Building community and non-profit groups.

Mr. Mobley stated that Heritage can provide the information to Mayor Galambos. He pointed out that the Tennis Center is for profit, while Heritage is not.

Councilmember Jenkins asked what Heritage would charge for rental on a wedding event seating 200 people, if the City builds out the bottom floor with a caterer's kitchen,.

Mr. Mobley stated that he would have to look at it, because he does not know if they have had that many people attending an event. On the Williams-Payne House, Heritage tries to make anywhere from \$60,000 to \$90,000 in gross revenue.

Mayor Galambos asked Mr. Mobley to look at his experience with the Williams-Payne House. She asked how many weddings Heritage had to turn down because of not having enough space. She would like to have data.

Councilmember Fries stated that she is a little frustrated that Council doesn't have a little more detail. She thought she was really clear in the meeting of what she was looking for in this MOU. She does not have anything concrete and it is going to be real difficult to vote on this without having some of this information. She wants the MOU written clearly on how they are going to be able to use it, 30 days out and how often. She asked about the annual cost of this additional facility. The \$1,800,000 is an initial expenditure, but there will be overhead, because the City pays the utilities and maintenance for these City facilities. Talking about the 3%, Mr. Mobley is correct that the Tennis Center is for profit and Heritage is not. The City is paying the utilities for this and Heritage is renting it for a profit. Is the 3% helping the City pay some of the utility costs and maintenance that may come up in the future? Collecting the percentage is a way to cover some of these expenses. The Mayor has asked for data for other rentals. Maybe we need to see how many weddings take place in Dunwoody or Roswell. This is very good for economic development. It would be awesome for the Hospitality and Tourism Board to promote this to people who are looking for a place to hold a reunion or use as conference space. The whole package would be awesome to offer to folks with the entertainment lawn. It would be a great place for someone to have a couple of day outings with the company. The Bluestone facility is a good idea, but she needs answers to her questions.

Mr. Mobley stated that the Bluestone would be a great addition to the City property. Heritage manages the property and also has an overhead cost. He will get the requested information.

Councilmember Paul stated that Council is looking for two data points from Heritage. Give Council your best estimate of what you anticipate the revenue would be based on your experience operating that particular property for several years. Council really needs a clearly defined policy that says these are the conditions; these are the organizations and groups that will rent. His idea is if no one is using the facility, then it should be available. The Policy needs to be clearly defined so there will be no question of who is going to have access to the facility and under what conditions. If Heritage can do those two things, it would deal with the Mayor and Council's concerns.

Mr. Mobley explained that renting the facility helps Heritage with its budget. One of the struggles Heritage has is the cutoff date for someone to rent the facility. Also, in a facility like this, someone has to man the facility during these events and cost recovery is needed for this as well.

Councilmember Paul stated that is why a defined rental policy has to be incorporated into the Memorandum of Understanding. The worst thing that could happen to any of us is the City appropriates a certain level of money, the facility is completed and someone's neighborhood association wants to get in there, but can't because some other association has booked it 30 to 60 days in advance.

Mayor Galambos stated that the opposite could happen, if the City develops the facility and it is not fully utilized. Heritage's other office building is underutilized now and is no longer needed. The City needs to have some projections on utilization based on whatever information Heritage has available. It is not only a matter of the MOU, but the funding of \$1,800,000, which is a lot of money to fund something with no projection of utilization.

Councilmember DeJulio stated he has an email regarding Heritage's events. It states that in 2008 there were 22 wedding and 13 other events; a total of 35 events which brought in about \$60,000. Twenty-two (22) weddings in 52 weeks are not what he would consider over capacity. Council needs more information because Heritage is asking the City to spend a lot of money. One thing he would like to see in this Memorandum of Understanding is better recognition that this property belongs to the City of Sandy Springs and that the City should have more availability of its own property, as it does with other City owned property.

Mr. Mobley stated that Heritage wants to make it available and wants to accommodate his request. The intention Heritage has is to try to use this facility and make it available for the public, to provide the concerts, to provide the programs they are charged to do and make a budget. Heritage is trying to have quality programs and a lot of volunteer hours go into it.

Councilmember DeJulio stated that in the original MOU it said the City could use the facility four (4) times a year. He understands Heritage is a wedding facility. Weddings are planned a long time in advance. He suggested if the City wants something within 30 days or a short period of time and it is not already rented, then the City should have the ability to use that property as City property. He understands the City needs to give Heritage a longer lead time for their weddings. City Council's hope is that the facility will be fully utilized.

Councilmember Meinzen McEnerny stated she appreciates the insightful questions the Mayor and several Council members have asked. She commended Mr. Mobley and his Board for raising the money out of the community to operate this facility for the benefit of the community. Every meeting she attended for the Committee of Sandy Springs was in the Williams-Payne House at no cost. Heritage's track record of providing support to the community is there. Heritage is coming up with 80% of the operations costs so that the City can have this community facility. She looks at the benefits of this all voluntary board and what they have, what they are and what they will be providing for this community. She thanked Mr. Mobley and Heritage for all efforts.

Councilmember Jenkins agreed with Mayor Galambos in that Heritage needs to come up with a business model of what they will charge for rentals, but disagreed on the catering letter. This shows that there is demand out there. There is no site in downtown Sandy Springs that can accommodate this many people. You cannot take a wedding party up to the Signature Room. There is demand and it's not only for weddings, but for Chamber meetings, recitals, HOA meetings and corporate events. There are so many opportunities and she does not know if the demands can be determined based on the Williams-Payne House. It is so small and the kitchen is horrible. She does not know if you can look at the past rental and bring anything from that into this new big facility. This is also the one and only expenditure that the City would make out of the Capital budget that's going to be an economic development tool that will give some return to the City and sales tax dollars to the local businesses around it. It also is the only one that contributes to the larger vision of the City of Sandy Springs. If the City invests down there, others will invest as well. We need to start having a larger vision for this City.

Councilmember Fries explained that no one on Council questions what Heritage does. They run the place very well, the programs are great. She does think that the wedding rentals will go up because currently it is outside and too small. She did not mean for Heritage to go out and take a poll. She knows of two places she can call to find out how many weddings each has had for the year. Council has to make a decision on this quickly.

Mr. Mobley stated he understands and will do what he can to get the information.

Mayor Galambos stated that she heard the words, visions, opportunities, and potential, but all of these are possibilities and there is going to be a reality and she wants to have a better idea of what the numerical benefits are going to be in terms of utilizing this space. Not a wish list, but as much definitive information as he can get. Yes, we want to do economic development, but we have other needs in this community too, such as streets breaking apart because we can't fix them. We have to weigh things in terms of what our citizens get out of it.

Councilmember Paul asked Mr. Mobley how they marketed these facilities.

Ms. Evans stated they advertise locally and on the internet. More and more advertising and bookings are done virtually instead of with traditional advertising. A lot of the non-profit bookings are from word of mouth.

Councilmember Paul asked if they were doing anything to attract corporate meetings and small departmental meetings.

Ms. Evans stated the building was just finished in January. The Garden Room is nice for garden meetings, but it really is not a business facility. It only holds about 30 people. It does not have Wi-Fi capacity or projectors or anything like that. This space was just finished, but they are working to come up with policies and marketing and hopefully coordinating with the Hospitality Board in doing a brochure for them.

City Attorney Wendell Willard reiterated four things City Council is looking for: Look at the marketing revenue estimate and prepare a business model; clearly define community organizations which would be included for use as part of the City rights; identify the property as Sandy Springs; and if the property is not utilized by Heritage under this scheduling arrangement, the City has a means by which community organizations may attain the use.

Councilmember Meinzen McEnerny stated that she is all for keeping Heritage's branding/signs/logo, which is Heritage Sandy Springs. It helps with marketing and lets everybody know who it is. If the City wants to put a sign underneath it that says "City of Sandy Springs Park" she is okay with that. She does not want it renamed.

Councilmember DeJulio stated there was no intent of renaming Heritage Sandy Springs. The park, like every other park in Sandy Springs, is owned by the City. It's an asset of the City of Sandy Springs and it needs to be identified as such to the citizens. The signs on both corners say Heritage. The signage on the entertainment lawn does not mention the City of Sandy Springs. These are things that DJ Delong and he spoke about and Heritage expressed that they are willing to make sure that proper recognition is given to the City, because this is City property.

Mr. Mobley questioned the definition of Community Group. Identifying a City park is something Heritage wants to work out to Council's satisfaction, but wants Council to keep in mind that Heritage asked people for money. When we pay taxes, most of us don't want to also contribute money.

Councilmember Jenkins stated that they are paying for programming because the City does not pay for programs. The City only pays for capital. This is how they need to market memberships, because without memberships you can't put on programs.

Mr. Mobley stated he has heard City Council's concerns and Heritage will do the best they can.

Councilmember MacGinnitie stated that he read an email that said City Council will have a free table at some of these events. To him that would be in the nature of Councilmember Jenkins and him getting their fees waived over at Morgan Falls. This does not make any sense to him. Maybe he does not understand, but thinks it is a bad idea.

Councilmember DeJulio stated that the City should have a table there, because this would be an opportunity for the Mayor to invite the CEO of one of the corporations in town. The City has had a table there that was paid for by CH2M HILL and City Council was allowed to use it. The City should have access to it in case it is needed for official business.

Sandy Springs Election Update

City Attorney Wendell Willard stated staff is reviewing potential ways the City can conduct this election. It came about as a result of receiving a proposal from Fulton County we felt was a high cost. Runoff costs depend on

whether we talk about one or two districts or a full city wide runoff. The cost projected by Fulton County is approaching \$400,000. Fulton County has included everything they can think of as potential cost: the cost associated from workers comp; the cost to retirement; pension planning cost; and all their personnel cost is addressed as overtime, because they see their personnel as working 40 hours for the county, so anything extra they do is an overtime cost.

He looked into the law to see what we could do on Municipal Elections. There are several options. We can use the county in which we are located, but not an adjoining county. We can conduct our own election and have an

election supervisor who will be appointed by City Council. All of the work of planning and so forth for the election would take place under this person. We are also allowed by law to work with a vendor. All of the punchers and data collection machines are owned by the Secretary of State's office and are provided to the counties by the state. If a City holds its own election, the state mandates that this equipment be permitted to be used by the municipality. There is a company called Premier Election Solutions that is the sole licensed certified provider of the equipment used by cities and counties. We have been in touch with this particular company and have been provided several approaches. One, they can provide all of the equipment at a cost the City would pay without having to go through the county at all for any of the equipment. This is an approach the City may want to consider. A second approach that has great merit and has been discussed with the City Manager is that we go through a Program using Premier Solutions to perform a paper ballot election. As a person goes to vote at a precinct they are given a paper ballot. They would mark their ballot and that ballot would be scanned, and then put into a secured lockbox. The reason he likes this is because we are going through our election for the first time. Of course, the fear is how badly we may mess up something as important as the City's elections. If we have paper ballots, at least we know that we have something to fall back on for a hand counting, if necessary. Premier Solutions has done this often outside of Georgia, but not yet in Georgia.

We are still in the early stages. He would like to put together some budget information and give the City Manager the potential cost. If the City decides to do its own election, we will be acquiring the information and the documents and equipment through Premier Solutions. The City will still have to employ its own people to operate the election. The County has to make the information available to us as far as people who are trained and certified for elections. You have a poll manager, assistant manager and poll workers. The City has 36 precincts and would have to set up for three weeks of early voting and for absentee ballots. There are a number of things to cover.

Councilmember Jenkins asked if this was bid out.

City Attorney Willard started that Premier Solutions is a recognized provider by the State and their cost is established either in negotiations or bidding with the State.

Councilmember Jenkins asked if the city has to bid this out.

City Manager John McDonough stated we would not have to, if it is on a State contract, but Mr. Willard is going to verify this. Secondly, it could be a sole source provider.

Councilmember Paul stated that he happened to be in the Senate and on the Local Operations Committee when all of this happened and the committee had real objections with Georgia's voting system under Secretary of State Cathy Cox, because there was and is no audit mechanism. If you have a technology failure under the system used by the State of Georgia, there is no way to go back to determine what the voters' true intent was. There is no audit trail if there is a malfunction of a machine. This is under a state contract. The state issued a contract to this vendor to provide all of these systems. The City can operate off of the state contract without having to go out for bid. The optical scanning is a better voting system, because it creates an audit trail if there is a problem, a question or dispute. The method Mr. Willard described is a much more effective solution for voting. If the City can do it cheaper than Fulton County, he would be all for it.

Mayor Galambos stated that is why she is very interested in this. Jere Wood, the City of Roswell's Mayor, brought this up. We are all fed up with what Fulton County wants to charge us for these local elections. She is happy the cities have these other options. She questioned where the City could get a copy of the registered voters list.

Councilmember Paul stated that is all maintained by the Secretary of State's office. All the city has to do is order the list and it will be delivered and you can print it out by precinct. That is exactly what Fulton County does. There is a standard set rate that the poll manager, assistant poll manager and poll workers each make.

Mayor Galambos stated that she has already asked Ms. Heyward as to whether she would be able to get the City the names of the poll workers that have worked the various polls in Sandy Springs. We have a good idea of who many of the poll workers are and she does not think it will be that difficult to get them.

Councilmember Paul suggested contacting the poll manager at every precinct, because they can tell you exactly who the poll workers are.

Councilmember Meinzen McEnerny stated that she appreciates what is driving this, which is the cost the city was charged for its last special election. She does not know much about this process. She questioned if the scanner was verified by the state. It needs to be a piece of equipment that is tamper proof and is as good as an electronic voting machine.

City Manager John McDonough stated that this system has a back up piece of paper in the event that you would actually need to do an audit. It leaves the voter with the confidence that there is a paper trail. The voters receive a piece of paper to mark their votes, they slide it into an optical scanner, it comes through, and you take it and drop it into a box that is locked.

Mayor Galambos stated that the vendor is certified to use all of this.

Councilmember Meinzen McEnerny stated that her second question deals with a personnel issue, having qualified folks and an ability to train new people. She wants to be sure that we have the correct training, staffing and equipment.

City Manager John McDonough stated that Premier Solutions actually offers both systems. We have looked at it. They offer the electronic one, but they offer the paper scan method as well.

Councilmember Paul stated that the paper scan is actually the one the state should have implemented, because it offers an audit trail at less expense. What's needed is a printer on every voting booth, so the voter can print out the ballot, but that is not there because it was going to add several billions of dollars to the cost. This is a much cheaper and more accurate solution.

City Attorney Wendell Willard stated there will be only two places to mark on the ballot for this election, the mayor and local councilmember's.

Mayor Galambos stated that we have experienced poll managers and workers that we can call on. It's not like we are going to go out and get a lot of amateurs. These people have years of experience.

Councilmember DeJulio stated that there is enough consensus on the City Council that we want to go ahead and explore this. We obviously can't make a decision on it now because we do not know what the cost is going to be, but we have enough interest on this to go ahead and explore it.

Mayor Galambos questioned what the deadline is to notify Fulton County.

City Attorney Wendell Willard stated August 31, 2009. Fulton County needs a three month notice.

City Manager McDonough stated that there is not much time and this needs to come back before City Council in two weeks. If not, we need to stay with what we've got. There is a lot of work to do on this in the next two weeks.

Mayor Galambos stated that she believes everyone is very supportive of trying to do the election this way.

Consideration of Approval of the Acceptance of Right-of-way, Driveway and Temporary Construction Easement Rights for the Windsor Parkway (Roswell to High Point) Sidewalk Project (T-0020)

Director of Public Works Angelia Parham stated that this item is regarding the right-of-way and easements for the Windsor Parkway Sidewalk Project which will be constructed along the north side of Windsor Parkway from Roswell Road to High Point Road. In Council's packet there is information on eight (8) parcels along that project for various amounts for temporary driveway easements, temporary construction easements and a little bit of permanent right-of-way.

Councilmember DeJulio stated the packet shows the City paying eight (8) people and asked if the others were giving the easements to the City for free.

Director of Public Works Angelia Parham stated that there were a few that did and there are still a few more that will be coming before City Council in the next few weeks.

Councilmember DeJulio questioned the difference in cost.

Director of Public Works Angelia Parham stated that the differences are in the evaluation. The City had an appraisal done by the firm of Carloft, Cantrell and Associates to prepare what is called a data book for right-of-way appraisals. The evaluations for those came in at \$20 per square foot for right-of-way, \$10 per square foot for permanent easement and \$2 per square foot for temporary easement. The parcels that had the highest cost had some amounts of right-of-way. The City does not have very much right-of-way in front of two of those properties.

Councilmember Meinzen McEnerny questioned if the unit pricing was the same for all of the eight people.

Director of Public Works Angelia Parham stated that is correct.

Councilmember DeJulio questioned if the City had run into this before.

Director of Public Works Angelia Parham stated that this is the first project the City has taken all the way through from the beginning to the end. On River Valley we already had some easements, but had to go back and get more.

Councilmember DeJulio asked if this was normal for the City to pay for the right-of-way.

Director of Public Works Angelia Parham stated that it is not uncommon. We are always happy when people donate right-of-way and encourage donations.

City Manager John McDonough stated that this is a much bigger issue. He sat through a briefing on this, at his request, when he discovered through CIP updates that this is just the tip of the iceberg. We have some pending streetscape projects. Typically, you would think that citizens would donate right-of-way when the government is providing the funding to make significant improvements that will raise their property values. We have a number of pending streetscape projects that he believes are in jeopardy right now. Staff needs guidance from City Council, because we have now found that instead of property owners donating the right-of-way that would allow us to significantly enhance the value of their property, they are now refusing to donate. In some cases the cost is hundreds of thousands of dollars. We have an estimate on one of these streetscape projects that is about \$1,400,000 in land acquisition cost. We simply do not have the budget for that right now.

Councilmember Fries asked why the property owners were refusing to donate.

Councilmember Meinzen McEnerny stated it is because the lenders have a security interest.

City Manager McDonough stated that is exactly what we are being told. Some individuals are providing the right-of-way in community spirit and we're moving on. If you recall, the City has a policy that says if enhancements are made to a property, then it is at full cost to the property owner to make the streetscape enhancements. In this case,

we are actually trying to be proactive, to go out and make these improvements, so that the businesses and property owners don't have to pay for them. Yet, we are not getting cooperation with the right-of-way donations.

Councilmember Jenkins suggested calling and speaking with Sheri Wilburn of the Sandy Springs Perimeter Chamber.

City Manager McDonough stated that the City needs help because the debt is almost \$2,000,000 and the City simply will not be able to do T-0006 or T-0008 with the current situation.

Councilmember Fries stated that with the lenders having some issues with donating the right-of-way, it might be good to have an appraiser do a letter showing the improvement and what the cost benefit is to the value of the property. The lenders might actually realize if we put a streetscape up at a shopping center, it is worth a lot more than the right-of-way they are giving away.

City Manager McDonough stated that is a good point. His point is to let City Council know that we have some significant capital improvement projects that are pending that may be derailed as a result of what could be significant land acquisition cost. We want to have a cooperative partnership and make it a win-win process for the City, the citizens, the taxpayers and the business owners and we need to find a way to do that.

Mayor Galambos stated that she does not think the width of the sidewalk is an issue on Roswell Road. We know that the width is going to have to be a particular amount and that the right-of-way will have to be that wide. She wants everybody in Public Works to ride down to Peachtree Dunwoody Road past the Sandy Springs city limits to where the sidewalk meanders from being three feet (3) to four (4) feet wide. We need to look at why we are building wide sidewalks on the residential streets. She is not talking about Roswell Road.

Director of Public Works Angelia Parham stated that as a City we are required to follow the ADA requirements.

Mayor Galambos questioned if the benefits were being explained to the people.

Director of Public Works Parham stated they are.

Mayor Galambos stated that this would put a crimp in the sidewalk project.

Consideration of Approval of the Temporary Driveway Easement for the PCID Peachtree Dunwoody (I-285 to Abernathy Road) Living Centers Initiative (LCI) Streetscape Project (CSSTP-0006-00(984))

Director of Public Works Angelia Parham stated this item is the acceptance of the temporary driveway easement from the PCID for a Living Centers Initiative Project on Peachtree Dunwoody from I-285 to Abernathy Road in the amount of 929.79 square feet donation at no cost to the City.

Updates to Development Regulations Section 10.3 Concerning Final Plat Specifications

Chief Engineer of Land Development Bennett White stated that this update to the Development Regulation was requested by our Geographic Information Systems Department. Currently, when we approve a plat that subdivides

property, the plat does not give the GIS Department all of the information needed to accurately locate the lots within the GIS System. This update requires surveyors who record plats that create a new lot to reference the State Plane Coordinate System when they locate that lot.

Text Amendments

TA09-009: An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance

Deputy Director of Community Development Chris Miller stated that this item is an amendment to the definition section of the Zoning Ordinance. The Planning Commission and staff are requesting a 60 day deferral on this to provide staff additional time to work with the Planning Commission to address a couple of questions under the definitions section. There are seven or eight proposed changes.

TA09-010: An Ordinance to Amend Article 4, General Provisions, Section 4.3, Exceptions, of the Sandy Springs Zoning Ordinance

Deputy Director of Community Development Chris Miller stated that this item is a change in TA009-010, a change to the Exceptions provision in the Zoning Ordinance that basically changes the words Fulton County to the City of Sandy Springs.

TA09-011: An Ordinance to Amend Article 19, Administrative Permits and Use Permits, Section 19.4.18, Equine Garment Fabrication, of the Sandy Springs Zoning Ordinance

Deputy Director of Community Development Chris Miller stated that this item is to take out the provisions allowing Equine Garment Fabrication in the AG-1 District. Staff has identified that it can be done elsewhere.

TA09-012: An Ordinance to Amend Article 19, Administrative Permits and Use Permits, Section 19.3.12, Swimming Pool, Private, of the Sandy Springs Zoning Ordinance

Deputy Director of Community Development Chris Miller stated that this item is an amendment to the Administrative Permit and Use Permits Section. It addresses the measuring of setbacks for swimming pools in multifamily districts to make sure they are measured to the exterior property line.

Councilmember Meinzen McEnerny questioned if he was saying that the pool and its structures for multifamily has to be 10 feet from the residential structure or 100 feet from the shared property line.

Deputy Director of Community Development Chris Miller stated that is the difference. Right now it reads "from any residential building" and staff is striking the words "from any residential building" and just referring back to the 100 feet from the adjoining property line or street. It just makes more sense.

TA09-013: An Ordinance to Amend Article 19, Administrative Permits and Use Permits, Sections 19.3.1(2) and 19.4.7, Antenna Tower, and Associated Structure (Radio, T.V., Microwave, Broadcasting, Etc.), to Exceed the District Height, of the Sandy Springs Zoning Ordinance

Deputy Director of Community Development Chris Miller stated that this final item is to clarify how we measure the height for cell towers and antennas, making the total height include not just the tower itself, but also

additional antennas or other things required by the FAA. We had an antenna height case a few months ago and there was some discrepancy over how we actually measured the total height, whether it was just the height of the tower or beyond the tower where the other poles and antennas are mounted.

General Discussion

Councilmember Meinzen McEnerny stated a long time ago the way to build walls or foundations was with concrete blocks and now the way you build foundations is with poured concrete. The existing ordinance requires decorative paint for a cinder block wall, but it doesn't have any such requirement for a smooth concrete poured wall. Consequently, there are people in this community who are looking at unpainted poured concrete walls 10, 15, and 20 feet high. One of the changes she would like to see in the development regulations is the addition of poured foundations, so that people have to paint those walls just like they paint concrete blocks.

Deputy Director of Community Development Chris Miller stated that staff would bring it before City Council.

City Manager John McDonough stated that City Attorney Willard and Mr. Dettwiler have an update on the chimney at the park.

Assistant Director of Land Development Blake Dettwiler stated that the RFP for the project was let on May 26, 2009. Twenty-one (21) contractors participated in the mandatory pre-bid meeting on May 26, 2009 and bids are due back in on June 8, 2009. Hopefully contractors will be starting work in July.

We are pleased to report that our building division was able to conduct a structural assessment on the chimney at the site. Although it is structurally unstable as it currently sits, we believe it can be saved and incorporated into the project site.

Councilmember Meinzen McEnerny stated that she has read the letter the City received from the National Park Service recommending the site surrounding the building be researched for additional information of a historic nature. She thought staff was going to have a study for that done by a professional. She applauds the fact that the City is going to save the chimney.

Mayor Galambos stated that all of Council has seen the letter from the Park Service and questioned if the rest of City Council had any interest in doing additional historical research. There was no interest from City Council to do any additional research on this site.

City Attorney Wendell Willard stated that it has been determined that the chimney was built sometime back in the early part of the last century. The chimney was built with mud and it is in a very unstable and unsafe condition as it stands now. Staff is concerned that if we start site construction, the heavy machinery will be bouncing the ground and the chimney is very likely to fall over. There is a liability to the City in its current condition. Staff is planning to have a professional mason do a historic restoration by taking the chimney down piece by piece, numbering it, making sure it has a sound foundation, and finally building it back from a proper stable base in a safer condition. The chimney is built on dirt right now, not concrete.

Mayor Galambos stated that the important thing is that everybody agrees that the chimney is a nice, visual feature and we are going to make sure that there will be a chimney there to enhance the view. She thanked Mr. Dettwiler and staff for all their work on this site.

Councilmember Meinzen McEnerny stated that it is the recommendation of the Sandy Springs Conservancy and various other historical organizations, including the National Parks Service, to do a historical architectural survey at no cost to the City, paid for by other parties, to see and document the facts relating to this chimney and if this is a

Powers cabin. If it is historical, it needs to be stabilized or rebuilt in a manner that protects the architectural integrity. Grading this site will obliterate the historical significance of some of the other features.

Councilmember Fries stated if City Council took everybody's idea of what this property was, we would never have this park built. Yes, it's nice that maybe that was the Power's area, but the home is not there anymore. There is a chimney. The city is saving the chimney, but it seems a shame to preserve something that is not there and not utilize that property when we are so hungry for park space.

Councilmember Meinzen McEnerny stated that having this survey done would not delay the project.

Mayor Galambos questioned City Council again if there was an interest in having additional research on this site at no cost to the City. There was no interest from City Council to do any additional research.

Innovation Policy

Councilmember Rusty Paul stated that one of the key things that have been a driving force for him is the unique method of governance we have created here. We started with a blank sheet of paper forming a government and he does not want to ever throw that blank sheet of paper away. This is a policy on innovation that will allow us to set up a formal mechanism to do research and to sit down on a regular basis with a group of defined individuals to look at new services, new approaches, new ideas for service delivery, new ways of delivering existing service and to give our employees the incentive to bring ideas, because the people who know our service delivery system best are the people out on the street delivering that service on a day to day basis. This particular policy will set up that mechanism that gets us in the business of continually looking inward at how we can do things better, faster, cheaper, or different. The policy is very simple and straight forward. It sets up a compensation program for employees who bring ideas to the forefront.

City Attorney Wendell Willard stated that there will be a review process and recommendations to the City Manager regarding implementation. If this proves to be a good program and a potential savings, that could be taken into consideration as far as any recognition and reward going to the employee. The financial incentive provisions do not apply to the appointed or elected officials.

Councilmember Paul stated that the City is creating an opportunity to continue to rethink and re-visualize how we deliver services in this community, how we can become better at it and how we can still be the leader on the cutting edge of municipal service delivery in the world.

Mayor Galambos questioned if City Council needs to define what the financial reward will be.

Councilmember Paul stated that City Council needs to give the City Manager some discretion in doing that.

City Manager John McDonough stated that the City already has a Bonus Program and this would come from it. It would be a modest and reasonable approach to do some type of an award. Staff agrees with Councilmember Paul's approach. This formalizes the program when talking with the employees and can create some excitement about it. He believes it reinforces the model of government we have chosen to embark upon and will be very well received by the employees.

Councilmember Jenkins questioned if a committee was needed to meet on this.

City Manager John McDonough stated that the committee would probably meet on a quarterly basis. It would be a forum to discuss ideas and something to put on the calendar to give it some emphasis.

Councilmember Paul stated that his perspective on it is they should be meeting quarterly to think about and discuss new ideas. He has argued that the City needs its own R&D Department. One of the things he has spoken with the City Manager about is actually tasking somebody on staff with the responsibility for researching new ideas and what other municipalities and other governments are doing, not only in Georgia, but around the country and around the world, to bring those ideas in to see how we can adapt them for the City of Sandy Springs.

Councilmember DeJulio stated that this is one of the things discussed in a meeting with CH2M HILL. He suggested instead of calling it Innovation and Vision Policy, he would call it the Vision and Innovation Policy, so it can be called the VIP Committee.

Mayor Galambos asked if this policy would need an ordinance.

City Manager John McDonough stated that it would not need an ordinance, because it is just a simple policy. It reinforces and has City Council on the record as saying this is your policy for vision and innovation.

There was a consensus of City Council to move forward with the Innovation Policy.

There being no further discussion, the meeting adjourned at 8:30 p.m.

Date Approved: September 1, 2009



Eva Galambos, Mayor



Michael Casey, City Clerk