

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, August 2, 2016, at 6:00 p.m., Mayor Rusty Paul presiding.**

**INVOCATION**

Rabbi Scott Colbert, Temple Emanu-El, offered the invocation.

**Mayor Rusty Paul** recognized State Representative Elect for District 52, Deborah Silcox, who was in attendance.

**CALL TO ORDER**

Mayor Rusty Paul called the meeting to order at 6:01 p.m.

**ROLL CALL AND GENERAL ANNOUNCEMENTS**

**City Clerk Michael Casey** reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

**Mayor:** Mayor Paul present.

**Councilmembers:** Council Member John Paulson, Council Member Ken Dishman, Council Member Chris Burnett, Council Member Gabriel Sterling, Council Member Tibby DeJulio, and Council Member Andy Bauman were present.

**PLEDGE OF ALLEGIANCE**

Mayor Rusty Paul led the Pledge of Allegiance.

**APPROVAL OF MEETING AGENDA**

1. **16-280** Add or remove items from agenda

**Motion and Vote:** Council Member DeJulio moved to approve the Meeting Agenda for August 2, 2016. Council Member Dishman seconded the motion. The motion carried unanimously.

**CONSENT AGENDA**

2. **16-281** Meeting Minutes
  1. June 21, 2016 Regular Meeting
  2. July 19, 2016 Regular Meeting  
*(Michael Casey, City Clerk)*
3. **16-282** Consideration of the Acceptance of the Dedication of Right of Way as part of the zoning requirements (6560 Glenridge Drive)  
*(Garrin Coleman, Director of Public Works)*  
**Resolution No. 2016-08-88**

4. **16-283** Consideration of the Acceptance of the Dedication of Right of Way as part of the zoning requirements (5400 Lake Forrest Drive)  
*(Garrin Coleman, Director of Public Works)*
  
5. **16-284** Consideration of the Acceptance of the Dedication of Right of Way as part of the zoning requirements (6450 and 6500 Glenridge Drive)  
*(Garrin Coleman, Director of Public Works)*  
**Resolution No. 2016-08-89**

**Motion and Vote:** Council Member Paulson moved to approve the Consent Agenda for August 2, 2016, except for Agenda Item No. 16-283, Consideration of the Acceptance of the Dedication of Right of Way as part of the zoning requirements (5400 Lake Forrest Drive). Council Member Sterling seconded the motion. The motion carried unanimously.

**Motion and Vote:** Council Member Paulson moved to table Agenda Item No. 16-283, Consideration of the Acceptance of the Dedication of Right of Way as part of the zoning requirements (5400 Lake Forrest Drive). Council Member Sterling seconded the motion. The motion carried unanimously.

**Council Member John Paulson** stated the motion to table this Agenda Item was due to a clarification needed on something that appears to be a clerical issue.

#### **PRESENTATIONS**

There were no presentations.

#### **PUBLIC HEARINGS**

**City Clerk Michael Casey** read the rules for the Public Hearings segment of the meeting.

#### **Alcoholic Beverage License**

6. **16-285** Approval of Alcoholic Beverage License Application for Yummy Eats, Inc. DBA Jinya Ramen Bar, 5975 Roswell Road Suite B217, Sandy Springs 30328. Applicant is William Chen for Consumption Wine and Malt Beverage

**Finance Director Karen Ellis** stated this is a new alcohol application for consumption on the premises of wine and malt beer for Jinya Ramen Bar located at 5975 Roswell Road Suite B217. The applicant has met all of the requirements and staff recommends approval.

**Mayor Rusty Paul** called for public comments in support of or opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

**Motion and Second:** Council Member Sterling moved to approve Agenda Item No. 16-285, Alcoholic Beverage License Application for Yummy Eats, Inc. DBA Jinya Ramen Bar, 5975 Roswell Road Suite B217, for Consumption Wine and Malt Beverage. Council Member Burnett seconded the motion.

**Council Member Gabriel Sterling** stated he believes this is the first east coast opening of this restaurant franchise that came from the west coast.

**Vote on the Motion:** The motion carried unanimously.

7. **16-286** Approval of Alcoholic Beverage License Application for Axe Taka, Inc., DBA Taka Sushi Café, 4600 Roswell Road Suite E110, Sandy Springs 30342. Applicant is Takao Moriuchi for Consumption Wine, Liquor and Malt Beverage

**Finance Director Karen Ellis** stated this is a new alcohol application for consumption on the premises of wine, malt beverage, and distilled spirits for Taka Sushi Café located at 4600 Roswell Road Suite E110. The applicant has met all of the requirements and staff recommends approval.

**Mayor Rusty Paul** called for public comments in support of or opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

**Motion and Vote:** Council Member Bauman moved to approve Agenda Item No. 16-286, Alcoholic Beverage License Application for Axe Taka, Inc., DBA Taka Sushi Cafe, 4600 Roswell Road Suite E110, for Consumption of Wine, Liquor and Malt Beverage. Council Member Dishman seconded the motion. The motion carried unanimously.

### **Property**

8. **16-287** Consideration of Approval of the Appropriation of Property Located at 900 Heards Ferry Road (Parcel #17-0166-0002-032-5) through the Use of Eminent Domain

**City Attorney Wendell Willard** stated this agenda item was before Council at the last City Council meeting. There was an issue regarding the service of the notice, which is why the item was postponed to this meeting. There have been ongoing negotiations by the right-of-way staff who have now reached an agreement with the owner. Staff does not have the signed paperwork, yet. He would like to proceed with authorizing the condemnation in case the documentation is not signed. There are two easements, one is a slope easement and the other is a driveway easement. The driveway easement is needed because of the cut in change onto the roadway of Heards Ferry. The City had previous permission from the property owner for the areas needed for easements. These are temporary easements, but time ran out and since then staff has not been able to get a signed extension. He requested that Council approve the Title 32 condemnation.

**Mayor Rusty Paul** called for public comments in support of or opposition to this agenda item. There were no public comments. Mayor Paul closed the public hearing.

**Motion and Second:** Council Member Burnett moved to approve Agenda Item No. 16-287, the Appropriation of Property Located at 900 Heards Ferry Road (Parcel #17-0166-0002-032-5) through the Use of Eminent Domain. Council Member Paulson seconded the motion.

**Council Member John Paulson** stated the original discussion was around a temporary construction easement. He asked if the City is purchasing this property.

City Attorney Willard responded no. These is a slope easement and a temporary driveway easement. The driveway easement is required, due to a change in the grade of the driveway, in order for the City to complete the work.

**Council Member Chris Burnett** stated he knows construction has already commenced at this location and he assumes it is on the right-of-way.

City Attorney Willard responded that is correct. The City previously had an easement from the property owner for about one year and the time expired in April 2016. City staff was then required to begin negotiations again. The negotiations have not reached a conclusion, so the only choice left at this point is to acquire right-of-way through eminent domain.

**Council Member Andy Bauman** stated this action is for precautionary reasons. He asked if there is a reason for staff to file this condemnation.

City Attorney Willard responded no. He spoke to City staff member Kerry Missel today, who said the property owner has the documents and is working on getting them notarized and back to City.

**Vote on the Motion:** The motion carried unanimously.  
**Resolution No. 2016-08-90**

### UNFINISHED BUSINESS

There was no unfinished business.

### NEW BUSINESS

9. **16-289** Consideration of a Purchase and Sale Agreement for Property Located at 418 Hammond Drive (Tax Parcel # 17-0071-0002-064-2)

**City Attorney Wendell Willard** stated this is one of the properties on Hammond Drive. The City seeks to work out a purchase of the property. This property is on the corner of Hilderbrand and Hammond Drive. The property is less than half an acre. It has been determined the purchase price of \$350,000, which was negotiated with the property owner, is an equitable price for the property. This will be part of the inventory of properties the City has purchased along Hammond Drive. Staff recommends approval of this contract for purchase.

**Motion and Second:** Council Member DeJulio moved to approve Agenda Item No. 16-289, a Purchase and Sale Agreement for Property Located at 418 Hammond Drive (Tax Parcel # 17-0071-0002-064-2). Council Member Paulson seconded the motion.

**Council Member Tibby DeJulio** stated the purchase of this property is a protective buy so that the City is able to accumulate the properties along Hammond Drive over a period of time, until studies are completed. If it turns out that the Hammond Drive widening project does not occur, which is a possibility, then the properties can be resold and put back into residential use.

**Council Member Andy Bauman** stated if the City does not purchase this or other properties on Hammond Drive, the City could force itself into a position where there are no options. In buying the property and protecting it, we have the option to do nothing, the option to widen the road, construct a bicycle/pedestrian trail, a park, or resell the property.

**City Manager John McDonough** stated that is correct.

**Vote on the Motion:** The motion carried unanimously.  
**Resolution No. 2016-08-91**

10. **16-290** An ordinance to amend Chapter 30, Article I, Section 30-2, Subsection (a) of the City of Sandy Springs (the "City") Code of Ordinances to provide for the designation of a chief judge of municipal court

**City Attorney Wendell Willard** stated the Mayor convened a group of attorneys who perform a voluntary service with the City, in which they review the City's procedures and operations of the municipal court. During this past review the group recommended that the City create a chief judge position to assist with administration of the court. The proposed ordinance will allow for the appointment of a chief judge. The

appointed chief judge will serve a two-year term, and only two terms can be served consecutively. This would be a rotating position. The Council will make the appointment based on the recommendation of the committee and the Mayor.

**Motion and Second:** Council Member Sterling moved to approve Agenda Item No. 16-290, an ordinance to amend Chapter 30, Article I, Section 30-2, Subsection (a) of the City of Sandy Springs (the "City") Code of Ordinances to provide for the designation of a chief judge of the municipal court. Council Member DeJulio seconded the motion.

**Mayor Rusty Paul** stated from the inception of the City there was discussion about creating a chief judge position.

**Council Member Tibby DeJulio** stated there was a chief judge when the City first incorporated and then it was recommended that the position be removed.

City Attorney Willard stated there was language under the City Charter for a judge, but that has been removed.

Mayor Paul stated he selected about seven or eight of the top legal minds in the City to create a committee charged with reviewing his nominations for judicial slots. In creating this committee, he felt there should be a level of peer review in the process. He asked that the committee also look at the operations of the court and to make recommendations to him on what they found. During the review, he also asked the committee to talk with the Judges, court administration staff, the solicitors, and defense attorneys to see if they could come up with any recommendations to improve the operations of the municipal court. The court is sometimes the only interaction that some people have with the City, and how the court operates is very important. The committee discovered that there were some issues with administration regarding who would follow up on items. The committee came back with the recommendation of appointing a chief judge to assist with some administrative duties required of the judges. Otherwise, the committee found that the City's court is managed effectively.

**Council Member Gabriel Sterling** asked if the chief judge will spend more time in an administrative role, and less time on cases. Also, will the chief judge be paid more?

Mayor Paul replied nothing will change. The purpose of the position is to ensure that one person is responsible for making sure that the court's needs are met.

City Attorney Willard stated there are certain reports to be completed by the chief judge that are sent to the State.

**Council Member Chris Burnett** stated his understanding is that a chief judge is a fairly standard operational procedure.

City Attorney Willard stated that is correct. The City currently has five judges. When there are multiple judges, it is beneficial to have one designated as a chief judge.

**Vote on the Motion:** The motion carried unanimously.

**Ordinance No. 2016-08-19**

11. **16-291** Recommendation from Recreation & Parks Director concerning the contract management company at Sandy Springs Tennis Center

**Director of Recreation and Parks Ronnie Young** stated at the previous Work Session there was discussion about the tennis center management contract with Groslimond Tennis Services, who have managed the tennis center for 3 ½ years. It is time for consideration of publishing a RFP and bidding out the management contract. At this point, due to the excellent service that Groslimond has given the citizens and visitors to the tennis center over the past few years, and the fact Groslimond Tennis Services has paid \$60,000 a year to City for the management of the center, he recommends extending the contract for three one-year periods with an evaluation at the end of each term. That would leave the current contractor at the tennis center through December 31, 2019. Metrics can be viewed in Attachment A of the agenda item package. In his files, he has the monthly reports that are the underlying data for these totals.

**Motion and Second:** Council Member Sterling moved to approve Agenda Item No. 16-291, Recommendation from Recreation & Parks Director concerning the contract management company at Sandy Springs Tennis Center. Council Member Dishman seconded the motion.

**Council Member Gabriel Sterling** asked what are the costs of the repairs made to the facility, and is the City splitting these expenses with the vendor.

Director of Recreation and Parks Young stated Groslimond pays for the repairs. Groslimond has also offered a ten percent increase in their payments to the City over the next three year period.

Council Member Sterling asked if the ten percent increase would be annually.

Director of Recreation and Parks Young responded yes.

**Council Member John Paulson** asked if the tennis center keeps track of the Sandy Springs users of the center, or are users identified by their county of residence.

Director of Recreation and Parks Young replied that users are identified by their county of residence.

Council Member Paulson stated that fifty-five percent of users are from Fulton County, so forty-five percent come from outside the county.

**Council Member Tibby DeJulio** stated the City of Sandy Springs was founded on the idea of a public/private partnership, and we have RFPs for all contract renewals. The City made an exception on the general government services contracts because of the current City Springs project, and now we are being asked to do this again because the vendor has performed well. He is not sure if they are performing well or not, but he will take Director of Recreation and Parks Young's word that the vendor is doing a good job. However, he thinks this is a slippery slope. While he hates to use phrases about losing the vision, he is opposed to this exception. This is a bad precedent to set. If we are going to maintain the public/private partnership model, then we need to continue with the RFP process on which the City was founded.

**Council Member Andy Bauman** stated at the last Council meeting he was also uncomfortable with this. He agrees with Council Member DeJulio in his opposition, and it was reinforced a moment ago when it was said that the vendor has offered to pay more money to continue services. Going forward, maybe some of the agreements do not have to be one-year agreements, but instead five-year agreements. There is a value, virtue, and stability to the contracts at all levels. He finds this process to be a little bit haphazard. He has other questions, such as how many people are employed at the center from Sandy Springs. He asked if the employees reside in the City. He is uncomfortable with the process and will vote against it for the reasons Council Member DeJulio mentioned and for the concerns he mentioned in the last meeting. He would not be surprised if Groslimond wins the bid process and he thinks they should, since they know the center best. However, he thinks the City should go through the RFP process.

Council Member Paulson stated when the City first began there was a five-year contract and then it was renegotiated to reduce the term; but years seems to be the target length of time. This vendor has been at the center for about three years. He asked if Council Member DeJulio would be interested in an amendment to the motion to extend the contract for one additional year.

Council Member DeJulio asked when the contract end date is.

Director of Recreation and Parks Young stated at the end of this calendar year. The reason he brought this item forward now is if Council decides to move forward with the bid and RFP process, then staff needs to get started on it immediately.

**Council Member Ken Dishman** stated he has a different perspective, having coming from Sandy Springs Youth Sports, which is fundamentally different, but there are also a lot of similarities. Over the years, if you look at the trending in the key metrics, Groslimond has integrated into the community and is doing a great job. His fear is if you bring in a new vendor, even if some money is saved, they will not know our community and will not do as good of a job. Recreation and Parks is a collection of amenities that are important to the community. He thinks the City may be putting itself at risk by rebidding the contract at this point.

Council Member Bauman stated the methodology of outsourcing contracted work needs to be reviewed. He would agree that money should not be the sole indicator. He was troubled when the vendor stated he would give the City more money to continue the contract. At some point, the process has to trump everything. There is a value in the stability of the vendor. He was not happy from the beginning on the way this has been presented. These are not metrics, these are numbers, and there are no benchmarks. He thinks the City needs to look at longer terms on some of these contracts. There needs to be institutional knowledge and stability. He is not opposed to a five-year contract, but at some point you need to place the contracts out for bid.

Council Member DeJulio stated when the City was formed there was a company that was operating the tennis center and they managed it for about six years. The contract was placed out for bid and Groslimond, who was the successful bidder, had not been running the tennis center before. When the City was formed, the process was to be a public/private partnership. We did not want to get entrenched with bureaucracy and entrenched in continuing for the sake of continuation. He would accept a one year extension on the contract to give Director of Recreation and Parks Young time to put this contract out for rebid. We have to keep with the vision of the City and how we want the City to run in the long term.

**Amendment to the Motion and Second:** Council Member Sterling moved to approve Agenda Item No. 16-291, Recommendation from Recreation & Parks Director concerning the contract management company at Sandy Springs Tennis Center, by extending the contract for one calendar year. Council Member Dishman seconded the motion.

Mayor Paul stated there is an understanding that this contract needs to be placed out for rebid. Competition is healthy and positive.

Council Member Dishman stated he can agree with that.

**Vote on the Amended Motion:** The motion, as amended, carried unanimously.

12. **16-292** Consideration of a Resolution Appointing a Member to the Board of Ethics of the City of Sandy Springs, Georgia as First Alternate (John Porter)

**Mayor Rusty Paul** stated Sandy Springs is designated a Certified City of Ethics by the Georgia Municipal Association, and has to meet certain requirements to retain that designation. His nominee for the open position on the Board is Reverend John Porter. Council has received Reverend Porter's biography. He thought it important to have someone on the Ethics Board who is an ethicist. Reverend Porter previously taught ethics classes. Many know Reverend Porter, and he has agreed to serve on the Board. This will be a marvelous addition to the Ethics Board.

**Motion and Vote:** Council Member Burnett moved to approve Agenda Item No. 16-292, a Resolution Appointing John Porter to the Board of Ethics of the City of Sandy Springs, Georgia as First Alternate. Council Member Dishman seconded the motion. The motion carried unanimously.

**Resolution No. 2016-08-92**

## REPORTS

### Mayor and Council Reports

**Council Member John Paulson** stated today is the five-year anniversary of when the City placed the Citizens on Patrol (COPS) on the street and he would like to recognize the program. There was a nice article in the newspaper the other day about the Citizens on Patrol. It is a great project and has great citizen participation.

### 13. 16-293 Staff Reports

#### 1. June 2016 Financial Report - Karen Ellis, Finance Director

**Finance Director Karen Ellis** stated in the agenda package this evening is the June financial statement. This is the last month of the fiscal year. Although we are at the end of the year, there are some invoices left to be paid and revenue left to be collected. These are not final audited numbers. Currently, the City is at 111% percent of revenues, which are over budget. We are under budgeted expenditures at 92.6%. We are over budget on property taxes, Local Option Sales Tax (LOST), and business occupational taxes for the year.

**Council Member John Paulson** asked when the FY16 numbers will be finalized.

Finance Director Ellis stated the auditors will come in September. The audit will be presented to Council in December.

**Mayor Rusty Paul** asked when the books are closed on the fiscal year.

Finance Director Ellis stated the books are closed on June 30<sup>th</sup>. The auditors give the City up to sixty days after the fiscal year ends to clear up the numbers.

**Council Member Chris Burnett** stated the City is over budget 111% on property taxes. He asked if there is a way to differentiate what percentage is coming from an escalation of value and what percentage is coming from an increase in the new properties that are on the tax rolls.

Finance Director Ellis stated she can get that information from Fulton. The 111% percent is from total revenues and not just property taxes.

#### 2. Update on Lake Forrest Dam Project - Garrin Coleman, Director of Public Works

**Director of Public Works Garrin Coleman** stated the last Lake Forrest Dam project update was on February 3, 2015. Since that time, staff has worked with several consultants and completed the fish

relocation. The remaining fish will not be removed from the lake. It was determined during the survey process that the lake is not flat bottomed, but rather is V shaped. There is sufficient depth in the lake that the remaining fish should be fine. The lowering of the lake was done in two phases. It is now complete. The fence was installed on July 25<sup>th</sup>. Staff is investigating sediment concerns from downstream citizens. The Corps of Engineers Nationwide Permit was obtained after the lake drawdown. Staff is currently reviewing Schnabel Engineering's proposal to complete the alternative options analysis. A teleconference is scheduled with the City of Atlanta staff to jointly review the proposal with Schnabel Engineering. The scope includes land surveys and soil testing. City staff anticipates about a six month process for the testing. Though the consultant requests more time, staff is requesting six months. Staff conducts site observations after rainfall events of more than a half inch. Currently, the project's budget is at \$1.9 million of allocated funds.

**Council Member Andy Bauman** asked about the dam.

Director of Public Works Coleman stated this is a Category I dam, which means there is a threat of loss of life, should it fail.

Council Member Bauman asked if the category of the dam is any indication of the condition of the dam.

Director of Public Works Coleman stated the category of the dam has to do with the amount of water that is retained by the dam, depth, lake surface area, and the volume.

Council Member Bauman asked if staff even knows at this point if the dam is failing. He asked if City staff is assessing the dam more often now that the water level is lower.

Director of Public Works Coleman responded yes. The City received a letter from Safe Dams stating this is a Category I dam and they have significant concerns. The City accessed the drainage pipe that runs through the structure and took a video of it and we have concerns as well. There is a leak in the pipe. Any time there is water going through the core of a dam, that is not a good thing.

Council Member Bauman asked if it would be safe to say there is not a final determination of the condition of the dam, and the condition of the dam will have to be determined before the alternatives are vetted.

Director of Public Works Coleman stated some of the testing will determine what the moisture content is of the dam.

### **PUBLIC COMMENT**

There were no public comments.

**Motion and Vote:** Council Member DeJulio moved to recess the Regular Meeting to hear the Work Session agenda. Council Member Sterling seconded the motion. The motion carried by unanimous vote. The meeting recessed at 6:51 p.m.

**Motion and Vote:** Council Member DeJulio moved to end the recess and resume the Regular Meeting. Council Member Sterling seconded the motion. The motion carried by unanimous vote. The recess ended at 7:27 p.m.

### **EXECUTIVE SESSION**

14. **16-294** Litigation and Real Estate

**Motion and Vote:** Council Member DeJulio moved to enter into Executive Session to discuss litigation and real estate. Council Member Sterling seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Dishman, Council Member Burnett, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive Session began at 7:27 p.m.

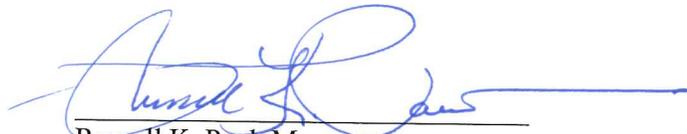
**Motion and Vote:** Council Member DeJulio moved to adjourn Executive Session. Council Member Burnett seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Dishman, Council Member Burnett, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive Session adjourned at 8:13 p.m.

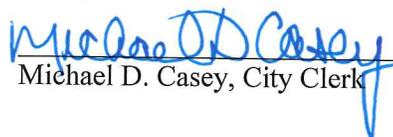
**ADJOURNMENT**

15. 16-295 Adjournment

**Motion and Vote:** Council Member DeJulio moved to adjourn the meeting. Council Member Dishman seconded the motion. The motion carried unanimously. The meeting adjourned at 8:14 p.m.

Date Approved: August 16, 2016

  
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Russell K. Paul, Mayor

  
\_\_\_\_\_  
Michael D. Casey, City Clerk

**CITY OF SANDY SPRINGS, GA**

STATE OF GEORGIA  
FULTON COUNTY

August 2, 2016

**AFFIDAVIT FOR EXECUTIVE SESSION**

Personally comes Russell K. Paul, Mayor of the City of Sandy Springs, who on oath says that to the best of his knowledge and belief, on the 2<sup>nd</sup> day of August, 2016, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Discussion or voting on real estate matters pursuant to O.C.G.A. 50-14-3(b)(1);

Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.



Russell K. Paul, Mayor

Sworn to and subscribed before me,  
this 2<sup>nd</sup> day of August, 2016.

  
Notary public

