

CITY OF JOHNS CREEK
COUNCIL MEETING
October 10, 2011 @ 7:00pm

The Mayor and Council of the City of Johns Creek held a monthly meeting on Monday, October 10, 2011. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

COUNCIL PRESENT: Post 1-Randall Johnson- **Absent**
Post 2-Dan McCabe- **Absent**
Post 3-Karen Richardson
Post 4-Ivan Figueroa
Post 5-Kelly Stewart
Post 6-Bev Miller
Mayor Mike Bodker

STAFF PRESENT: City Clerk Joan Jones
City Manager Kachmar
City Attorney Bill Riley

PLEDGE OF ALLEGIANCE: Led by Eagle Scout Richard Tyler Storm, Troop 3143 and Scout Paul Hogan of Troop 1963.

OPENING REMARKS: Mayor Bodker welcomed everyone to the meeting and extended a Happy New Year wish to all those of the Jewish faith. He acknowledged it was Columbus Day, and wished everyone a happy holiday. The Mayor announced this Saturday the City will host *Music in the Park*, which was rained out during the summer. The family festivities begin at 4:00 at Newtown Park, with free hamburgers and hot dogs supplied by Publix Supermarkets and the Johns Creek Symphony Brass performance at 6:00pm. He encouraged all to visit the City's web site for more information on this and other news and events. Mayor Bodker congratulated Council Member Kelly Stewart who received a commendation from Governor Nathan Deal for her work on the Citizens United for Israel. He remarked the final vote of the Transportation Round Table will take place this week, noting there has been discussion on several amendments which have been proposed to move funds around for certain projects. The amendments will be discussed on Wednesday, with the final vote on the list of projects expected on Thursday. In closing, the Mayor congratulated the Johns Creek Fire Department on celebrating their third anniversary this weekend, and thanked them for the exemplary work they have provided to the City, saying he personally has been a recipient of the Department's responsiveness during a fire.

MINUTES: Council Member Richardson motioned, seconded by Council Member Miller to approve the September 26, 2011 Work Session Summary and Council Meeting Minutes as presented. There being no discussion, the motion passed unanimously.

MEETING AGENDA APPROVED: Council Member Figueroa motioned, seconded by Council Member Stewart to amend the meeting agenda to add an EXECUTIVE SESSION to discuss five(5) litigation and one (1) land item. There being no discussion, the motion passed unanimously and the amended agenda was approved.

PUBLIC COMMENT: Malcolm Bernard addressed Council and spoke on his wildlife habitat project to have the City of Johns Creek designated as a National Wildlife Habitat Community. If

this goal is achieved, Johns Creek will be only the second City in Georgia and one of 55 in the nation to achieve this goal. The City has met most of the requirements for certification and requires only 115 more backyards to register. Mr. Bernard thanked Council for their support of this project and Council Member Richardson for nominating him for a grant from WSB-TV's Atlanta's Cox Conserves Hero, supporting environmental education. He asked all citizens to register their back yard online to help the achieve certification and to vote for his teen wildlife habitat for the Conserves Hero award.

Ms. Carolyn Truax and two students from Hillside Elementary School addressed Council and invited them to participate in their upcoming Science Olympia Day, Friday, November 4th. They presented Council Members with their own egg drop project kit, and instructions to complete this experiment to see if an egg dropped from 25 to 50 feet will survive.

Mark Endres addressed Council and stated his opposition to the resolution supporting the SPLOST IV, which is on tonight's agenda. Mr. Endres requested Council table the agenda item, indicating Council should not take a position on this issue as it is not a local issue, but a county wide issue, a private citizen issue.

CONSENT AGENDA: Council Member Miller motioned, seconded by Council Member Stewart to approve the Consent Agenda, which included- ***ACTION ITEM*** – Privileged Resolution Recognizing Eagle Scout Richard Tyler Storm, Troop 3143; ***ACTION ITEM***— Approve the Bid Award to PLM Ventures for the Shakerag Park Multipurpose Building and ***RESOLUTION 2011-10-25*** - to Approve and Authorize a 9-1-1 Charge On Prepaid Wireless Telecommunications Services. There being no discussion, the motion passed unanimously and the Consent Agenda was approved.

ANNOUNCEMENTS: City Clerk Jones announced the following upcoming meetings:

- *Tuesday, 10/18 @7:00pm—BZA Meeting*
- *Monday, 10/24 @5:00pm—Work Session, followed by 7:00p—City Council Meeting*

Clerk Jones also mentioned November 11 is the deadline to submit an application for participation in the City's Founders Day Parade.

REPORTS & PRESENTATIONS: Council Member Stewart read the following Privileged Resolution recognizing Eagle Scout Richard Tyler Storm of Troop 3143:

The City of Johns Creek recognizes Richard Tyler Storm of Troop 3143 on successfully meeting all the rank requirements for Eagle. Whereas, Eagle Scout Storm's project consisted of stabilizing and expanding by 100 feet the brick patio of the Johns Creek United Methodist Church Barbeque area; and Whereas, by stabilizing the area for tables and chairs his project provides a safe and enjoyable outdoor space for church members, youth soccer participants and the community to use and enjoy for many years to come. Eagle Scout Storm's project demonstrates a commitment to his community and highlights the enriching values the Scouting program instills in our youth. The Mayor and Council of the City of Johns Creek now hereby recognize and applaud Eagle Scout Richard Tyler Storm and wish him well in all his future endeavors.

OLD BUSINESS: No Old Business

NEW BUSINESS:

MEMORANDUM OF UNDERSTANDING WITH FULTON COUNTY DEPARTMENT OF HEALTH SERVICES: Attorney Riley presented on the Memorandum of Understanding with Fulton County Department of Health regarding efforts during a pandemic, such as the influenza, whereby the City will work with the County to facilitate vaccinations for the public. Comments made by Council during the previous Work Session discussion were incorporated in this draft. Council Member Richardson motioned, seconded by Council Member Miller to approve the Action Item authorizing the Memorandum of Understanding with Fulton County Department of Health Services for Public Health Emergencies. There being no further discussion, the motion passed unanimously. (***ACTION ITEM***)

APPROVE AMENDMENT WITH CH2M HILL: As this item was previously discussed during a Work Session, Council required no additional presentation. Council Member Figueroa clarified the amendment included no additional staff. Council Member Miller motioned, seconded by Council Member Richardson to approve Resolution 2011-10-26, approving the Amendment by and between the City of Johns Creek and CH2MHill, Inc. for Public Works, Community Development and Certain Other Services and for Other Purposes. There being no further discussion, the motion passed unanimously. (***RESOLUTION 2011-10-26***)

RESOLUTION OF SUPPORT TO EXTEND THE SPECIAL LOCAL OPTION SALES TAX (SPLOST IV): Mayor Bodker noted the language in this resolution is identical to that included in a 2007 resolution of support passed by the Council. Council Member Stewart motioned to table this resolution, commenting she is a proponent of education but considers this a county and/or individual matter, not a local issue and therefore Council should not take a position, thereby influencing the opinion of local voters. The motion died for lack of second. Council Member Figueroa motioned to support Resolution 2011-10-27 to support extending the Special Local Option Sales Tax (SPLOST IV) for Education Purposes, seconded by Council Member Richardson. In discussion, Council Member Miller expressed support for the resolution and noted the City has great schools and this attracts residents to the area, great schools are a benefit to residents and she supports investing in improving our schools; Council Member Richardson concurred with Council Member Miller and emphasized the City has had a great partnership with the Fulton County schools system and the quality of the schools directly impacts the quality of the community; Council Member Figueroa commented the City has often weighed in on policies of other jurisdictions when it impacts our citizens and added the Council is always seeking opportunities to support the schools; Mayor Bodker added there is a clear connection with our great schools and the impact on our community, noting the schools have a great reputation, even advertising in foreign countries and concurred with Council on the importance of sustaining a strong partnership with the schools. There being no further discussion, the motion passed 4 – 1 with Council Members, Figueroa, Richardson, Miller and Mayor Bodker supporting the motion and Council Member Stewart opposing. (***RESOLUTION 2011-10-27***)

OTHER BUSINESS: No other Business.

PUBLIC COMMENT: Mark Endres addressed Council and expressed his disappointment in the resolution of support for the SPLOST IV reiterating it is not City business and is up to the voters to decide and commented on the Community Charity campaign in the Solid Waste Ordinance.

MAYOR'S COMMENT: The Mayor thanked everyone for attending and urged citizens to keep updated on the Transportation Investment Act and the list of projects which may be funded with the proposed penny tax.

EXECUTIVE SESSION: Council Member Stewart motioned seconded by Council Member Richardson to adjourn into Executive Session to discuss five (5) litigation and one (1) land matter. The motion carried unanimously and Council held an Executive Session. Council Member Richardson motioned, seconded by Council Member Miller to come out of Executive Session and resume the regular meeting. The motion carried unanimously.

ADJOURNMENT: There being no further business, Council Member Miller motioned, seconded by Council Member Stewart to adjourn the meeting. The motion carried unanimously and the meeting was adjourned.

Approved by:

Attested by:

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk