



CITY COUNCIL

Rusty Paul, Mayor

John Paulson – District 1
Ken Dishman – District 2
Graham McDonald – District 3
Gabriel Sterling – District 4
Tibby DeJulio – District 5
Andy Bauman – District 6

Tuesday, September 16, 2014

Summary Minutes

6:00 PM

A) INVOCATION – Rabbi Josh Heller, B’nai Torah

B) CALL TO ORDER – Mayor Rusty Paul

Mayor Paul called the meeting to order at 6:02 p.m.

C) ROLL CALL AND GENERAL ANNOUNCEMENTS

Mayor: Mayor Paul present

Councilmembers: Councilman John Paulson, Councilman Ken Dishman, Councilman Graham McDonald, Councilman Gabriel Sterling, Councilman Tibby DeJulio, and Councilman Andy Bauman were present.

D) PLEDGE OF ALLEGIANCE – Mayor Rusty Paul

E) APPROVAL OF MEETING AGENDA

Motion and Vote: Councilman DeJulio moved to approve the Regular Meeting Agenda for September 16, 2014. Councilman Dishman seconded the motion. The motion carried unanimously.

F) CONSENT AGENDA

Meeting Minutes

(Agenda Item No. 14-206)

1. Meeting Minutes:
 - a) August 6, 2014 Special Called Meeting
 - b) August 27, 2014 Special Called Meeting
 - c) September 2, 2014 Regular Meeting
 - d) September 2, 2014 Work Session
- (Michael Casey, City Clerk)*

(Agenda Item No. 14-207)

2. Recommendation to enter into contract agreement with Optech RWM, LLC for traffic sign maintenance and emergency road services
(*Garrin Coleman, Director of Public Works*)

Motion and Vote: Councilman Sterling moved to approve the Consent Agenda for September 16, 2014. Councilman Paulson seconded the motion. The motion carried unanimously.

G) PRESENTATIONS

1. Proclamation for Sandy Springs Reads – Mayor Paul
2. Proclamation Declaring September 16, 2014 as The American Legion Day – Mayor Paul
3. Heritage Trail Presentation - Heritage Sandy Springs Historic Committee

H) PUBLIC HEARINGS**Alcoholic Beverage License****(Agenda Item No. 14-208)**

1. Approval of Alcoholic Beverage License Application for Taboo 3000, 6075 Roswell Rd, Sandy Springs, Georgia 30328. Applicant is Kenneth Durden for Consumption Wine, Liquor, and Malt Beverage
(*Presented by Revenue Technician, Shaun Suggs*)

(Invitation for Public Comment)

Motion and Vote: Councilman Sterling moved to grant a temporary Alcoholic Beverage License Application for up to 60 days to Taboo 3000, 6075 Roswell Rd, Sandy Springs, Georgia 30328, to allow the City Attorney to review the application documents. The applicant is Kenneth Durden for Consumption Wine, Liquor, and Malt Beverage. Councilman McDonald seconded the motion. The motion carried 5-1, with Councilman Bauman voting in opposition.

Rezoning**(Agenda Item No. 14-209)**

2. **201300687 (DRI)**** - Tax Parcel 17-0019- LL-059 (Abernathy Road, Peachtree Dunwoody Road, Mount Vernon Highway, GA 400), *Applicant: Hines*, to rezone the subject property from O-I (Office and Institutional District) conditional to MIX (Mixed Used District), with a use permit to exceed the maximum district height and concurrent variances
(*Presented by Manager of Planning and Zoning, Patrice Dickerson*)

(Invitation for Public Comment)

Motion and Vote: Councilman Sterling moved to defer Agenda Item No. 14-209, 201300687 (DRI)** - Tax Parcel 17-0019- LL-059 (Abernathy Road, Peachtree Dunwoody Road, Mount Vernon Highway, GA 400), *Applicant: Hines*, to rezone the subject property from O-I (Office and Institutional District) conditional to MIX (Mixed Used District), with a use permit to exceed the maximum district height and concurrent variances, to the October 21, 2014 City Council meeting. Councilman Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-210)

3. **201401170** - 400 Carpenter Drive, *Applicant: Holt Persinger*, to rezone the subject property from C-1 (Community Business District) conditional to A-L (Apartment Limited District) to allow for a 45-unit residential building, with concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilman DeJulio moved to deny Agenda Item No. 14-210, 201401170 - 400 Carpenter Drive, *Applicant: Holt Persinger*, to rezone the subject property from C-1 (Community Business District) conditional to A-L (Apartment Limited District) to allow for a 45-unit residential building, with concurrent variances. Councilman Bauman seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-211)

4. **201401628** - 85 Johnson Ferry Road, *Applicant: Waterford Homes*, to rezone the subject property from R-3 (Single Family Dwelling District) to R-5 (Single Family Dwelling District) to allow for the development of two (2) single family residences, with concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilman McDonald moved to approve Agenda Item No. 14-211, 201401628 - 85 Johnson Ferry Road, *Applicant: Waterford Homes*, to rezone the subject property from R-3 (Single Family Dwelling District) to R-5 (Single Family Dwelling District) to allow for the development of two (2) single family residences, with concurrent variances. Councilman Dishman seconded the motion. The motion carried unanimously.

Ordinance No. 2014-09-30**(Agenda Item No. 14-212)**

5. **201402051** - 4735 Roswell Road, *Applicant: The Providence Group of Georgia, LLC*, to rezone from A-1 (Apartment Dwelling District) conditional to A-L (Apartment Limited District) for the construction of a mixed townhouse and multifamily dwelling unit development, with a use permit to exceed the maximum district height and concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilman DeJulio moved to defer Agenda Item No. 14-212, 201402051 - 4735 Roswell Road, *Applicant: The Providence Group of Georgia, LLC*, to rezone from A-1 (Apartment Dwelling District) conditional to A-L (Apartment Limited District) for the construction of a mixed townhouse and multifamily dwelling unit development, with a use permit to exceed the maximum district height and concurrent variances, to the November 18, 2014 City Council meeting. Councilman Bauman seconded the motion. The motion carried unanimously.

Zoning Modification**(Agenda Item No. 14-213)**

6. **201401133** - 305 Carpenter Drive, *Applicant: Masoud Zahedi*, to delete all conditions related to senior living in Sandy Springs zoning case RZ08-012
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Second: Councilman DeJulio moved to deny Agenda Item No. 14-213, 201401133 - 305 Carpenter Drive, *Applicant: Masoud Zahedi*, to delete all conditions related to senior living in Sandy Springs zoning case RZ08-012. Councilman Bauman seconded the motion.

Amendment to Motion and Vote: Councilman DeJulio amended his motion to defer Agenda Item No. 14-213, 201401133 - 305 Carpenter Drive, *Applicant: Masoud Zahedi*, to delete all conditions related to senior living in Sandy Springs zoning case RZ08-012 to the October 21, 2014 City Council meeting. Councilman Bauman seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-214)

7. **201402339** - 540 Trimble Lake Court, *Applicant: Chituru Adele*, to modify condition 3.d. of Z99-0063 to allow temporary construction access from South Trimble Road to allow for a pool

(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-214, 201402339 - 540 Trimble Lake Court, *Applicant: Chituru Adele*, to modify condition 3.d. of Z99-0063 to allow temporary construction access from South Trimble Road to allow for a pool. Councilman Sterling seconded the motion. The motion carried unanimously.

Ordinance No. 2014-09-31

(Agenda Item No. 14-215)

8. **201402352** - 9620 Huntcliff Trace, *Applicant: Robert & Linda Corr*, to modify conditions of Z70-0090 to allow a proposed deck to encroach in the required side yard setback

(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilman Dishman moved to approve Agenda Item No. 14-215, 201402352 - 9620 Huntcliff Trace, *Applicant: Robert & Linda Corr*, to modify conditions of Z70-0090 to allow a proposed deck to encroach in the required side yard setback. Councilman Sterling seconded the motion. The motion carried unanimously.

Ordinance No. 2014-09-32

Resolution

(Agenda Item No. 14-216)

9. Resolution for the Adoption of Consolidated Annual Performance and Evaluation Report (CAPER) for the 2013 CDBG Program

(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-216, a Resolution for the Adoption of Consolidated Annual Performance and Evaluation Report (CAPER) for the 2013 CDBG Program. Councilman Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2014-09-85

D) UNFINISHED BUSINESS *(none)*

J) NEW BUSINESS

(Agenda Item No. 14-217)

1. Resolution in Support of High Capacity Transit in the SR 400 Corridor
(Presented by Transportation Unit Manager, Brad Edwards)

Motion and Second: Councilman Paulson moved to approve Agenda Item No. 14-217, a Resolution in Support of High Capacity Transit in the SR 400 Corridor. Councilman Dishman seconded the motion.

Friendly Amendment to the Motion and Vote: Councilman Sterling offered a friendly amendment to the motion to revise the resolution to state, “Sandy Springs supports shifting the rail alignment to the west side of SR 400 at some point north of Spalding Drive where land use dictates...” and “Sandy Springs supports a future rail station north of Northridge Road on the west side of GA 400...” Councilman Paulson accepted the friendly amendment. The motion carried unanimously.

Resolution No. 2014-09-86

(Agenda Item No. 14-218)

2. Consideration of North Fulton Regional Radio System Authority Contribution Agreement
(Presented by City Attorney, Wendell Willard)

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-218, the North Fulton Regional Radio System Authority Contribution Agreement. Councilman Dishman seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-219)

3. Consideration of a Resolution to approve utilization of Construction Manager at Risk project delivery method for Public Works construction contracts including, but not limited to, City Center
(Presented by City Attorney, Wendell Willard)

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-219, a Resolution to approve utilization of Construction Manager at Risk project delivery method for Public Works construction contracts including, but not limited to, City Center. Councilman DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2014-09-87

(Agenda Item No. 14-220)

4. Acceptance of Grant Award 2014-DJ-BX-0953 from the Office of Justice Programs, Bureau of Justice Assistance
(Presented by Assistant City Manager, Bryant Poole)

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-220, the Grant Award 2014-DJ-BX-0953 from the Office of Justice Programs, Bureau of Justice Assistance. Councilman Dishman seconded the motion. The motion carried unanimously.

Resolution No. 2014-09-88

(Agenda Item No. 14-221)

5. Resolution to authorize the City of Sandy Springs, Georgia, to purchase a portion of those certain lots, tracts or parcels of land located at 5899 and 5901 Roswell Road, Sandy Springs, Georgia, Parcel ID: 17-0090-LL-049-3 and 17-0090-LL-048-5
(Presented by City Attorney, Wendell Willard)

Motion and Vote: Councilman Bauman moved to approve Agenda Item No. 14-221, a Resolution to authorize the City of Sandy Springs, Georgia, to purchase a portion of those certain lots, tracts or parcels of land located at 5899 and 5901 Roswell Road, Sandy Springs, Georgia, Parcel ID: 17-0090-LL-049-3 and 17-0090-LL-048-5. Councilman Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2014-09-89**K) REPORTS**

1. Mayor and Council Reports
2. Staff Reports
 - a) July 2014 Financial Report – Accounting Manager D’Wayne Hulbert
 - b) City Center Master Plan Update – Assistant City Manager Bryant Poole

L) PUBLIC COMMENT**M) EXECUTIVE SESSION – Litigation and Real Estate**

There was no Executive Session.

N) ADJOURNMENT

Motion and Vote: Councilman DeJulio moved to adjourn the meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 9:04 p.m.