



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, August 19, 2014

Summary Minutes

6:00 PM

A) INVOCATION – Bishop Paul Abamonte, Church of Jesus Christ of Latter-day Saints

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 Sterling moved to approve the Regular Meeting Agenda for August 19, 2014. Councilman Dishman seconded the motion. The motion carried unanimously.

F) CONSENT AGENDA

Meeting Minutes

(Agenda Item No. 14-177)

1. Meeting Minutes:
 - a) July 23, 2014 Special Called Meeting
 - b) August 5, 2014 Regular Meeting

(Michael Casey, City Clerk)

Right of Way

(Agenda Item No. 14-178)

2. Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (6024 Roswell Road along Hammond Drive)
(Garrin Coleman, Director of Public Works)

Resolution No. 2014-08-73

(Agenda Item No. 14-179)

3. Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (6038 and 6024 Roswell Road)
(Garrin Coleman, Director of Public Works)

Resolution No. 2014-08-74

(Agenda Item No. 14-180)

4. Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (6038 Roswell Road along Sandy Springs Place)
(Garrin Coleman, Director of Public Works)

Resolution No. 2014-08-75

(Agenda Item No. 14-181)

5. Amendment to Section 38-186 of Litter Control, Article VII, Waste Control at Construction Sites, of the Code of the City of Sandy Springs
(Garrin Coleman, Director of Public Works)

Ordinance No. 2014-08-20

Motion and Vote: Councilman Paulson moved to approve the Consent Agenda for August 19, 2014. Councilman Sterling seconded the motion. The motion carried unanimously.

G) PRESENTATIONS

1. Presentation: Connect 400 - GA 400 Transit Initiative - Mark Eatman, MARTA Project Manager

(Invitation for Public Comment)

2. Proclamation for the 40th Anniversary of the Community Development Block Grant Program (CDBG) - Mayor Paul

H) PUBLIC HEARINGS

Rezoning

(Agenda Item No. 14-182)

1. **201401173** - 5188 & 5208 Roswell Road, *Applicant: Halpern Enterprises, Inc.*, to rezone the subject property from O-I (Office and Institutional District) conditional and R-3 (Single Family Dwelling District) to MIX (Mixed Use District) to allow for a mixed use office and residential development, with concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilman Bauman moved to approve Agenda Item No. 14-182, 201401173 - 5188 & 5208 Roswell Road, *Applicant: Halpern Enterprises, Inc.*, to rezone the subject property from O-I (Office and Institutional District) conditional and R-3 (Single Family Dwelling District) to

MIX (Mixed Use District) to allow for a mixed use office and residential development, with concurrent variances, including staff conditions presented at the meeting. Councilman Sterling seconded the motion. The motion carried unanimously.

Ordinance No. 2014-08-21

(Agenda Item No. 14-183)

2. **201401601** - 5950 Mitchell Road, *Applicant: Rockhaven Homes*, to rezone from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) for the development of a 15-lot subdivision, with concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Second: Councilman McDonald moved to defer Agenda Item No. 14-183, 201401601 - 5950 Mitchell Road, *Applicant: Rockhaven Homes*, to rezone from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) for the development of a 15-lot subdivision, with concurrent variances, to the October 21, 2014, City Council meeting to allow the application to return to the Planning Commission for further evaluation. Councilman DeJulio seconded the motion.

Withdrawal of the Motion: Councilman McDonald withdrew his motion. Councilman DeJulio accepted withdrawal of the motion.

Motion and Vote: Councilman Bauman moved to defer Agenda Item No. 14-183, 201401601 - 5950 Mitchell Road, *Applicant: Rockhaven Homes*, to rezone from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) for the development of a 15-lot subdivision, with concurrent variances, to the October 21, 2014, City Council meeting to allow the application to return to the Planning Commission for further evaluation. Councilman Paulson seconded the motion. The motion carried 4-0, with Councilmembers Dishman and McDonald voting in opposition.

(Agenda Item No. 14-184)

3. **201401611** - 5801 Roswell Road, *Applicant: Zahedi, Inc.*, to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) for the development of an addition to the existing commercial building, with concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilman Bauman moved to defer Agenda Item No. 14-184, 201401611 - 5801 Roswell Road, *Applicant: Zahedi, Inc.*, to rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) for the development of an addition to the existing commercial building, with concurrent variances, to the October 21, 2014, City Council meeting to allow the application to return to the Planning Commission for further evaluation. Councilman Dishman seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-185)

4. **201401682** - 6079 Boylston Road, *Applicant: Southtech Homes, LLC*, to rezone from R-4 (Single Family Dwelling District) to A (Medium Density Apartment District) for the development of a 22-lot townhome development, with concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilman McDonald moved to defer Agenda Item No. 14-185, 201401682 - 6079 Boylston Road, *Applicant: Southtech Homes, LLC*, to rezone from R-4 (Single Family Dwelling

District) to A (Medium Density Apartment District) for the development of a 22-lot townhome development, with concurrent variances, to the October 21, 2014 City Council meeting. Councilman Dishman seconded the motion. The motion carried unanimously.

Text Amendments

(Agenda Item No. 14-186)

5. **TA14-003** - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance to add Multifamily Dwelling Unit Development Standards
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-186, TA14-003 - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance to add Multifamily Dwelling Unit Development Standards, with the addition of the Economic Development Advisory Committee (EDAC) recommendation that multifamily dwelling units contain 5% or less 3 bedrooms units. Councilman McDonald seconded the motion. The motion carried unanimously.

Ordinance No. 2014-08-22

(Agenda Item No. 14-187)

6. **TA14-004** - An Ordinance to Amend Article 7, Two Family and Multifamily Dwelling District Regulations, Article 8, Multiple Use District Regulations, Article 9, Commercial District Regulations, and Article 11, Planned Unit District Regulations, of the Sandy Springs Zoning Ordinance to allow Townhouse Dwelling Units
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-187, TA14-004 - An Ordinance to Amend Article 7, Two Family and Multifamily Dwelling District Regulations, Article 8, Multiple Use District Regulations, Article 9, Commercial District Regulations, and Article 11, Planned Unit District Regulations, of the Sandy Springs Zoning Ordinance to allow Townhouse Dwelling Units. Councilman Paulson seconded the motion. The motion carried unanimously.

Ordinance No. 2014-08-23

(Agenda Item No. 14-188)

7. **TA14-005** - An Ordinance to Amend Article 9, Commercial District Regulations, of the Sandy Springs Zoning Ordinance to clarify Permitted Uses
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Sterling moved to defer Agenda Item No. 14-188, TA14-005 - An Ordinance to Amend Article 9, Commercial District Regulations, of the Sandy Springs Zoning Ordinance to clarify Permitted Uses, to the September 2, 2014 City Council meeting to allow the EDAC and staff to work to develop recommendations. Councilman Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-189)

8. **TA14-006** - An Ordinance to Amend Section 7.2.3, Townhouse Residential District Development Standards, of the Sandy Springs Zoning Ordinance related to density
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-189, TA14-006 - An Ordinance to Amend Section 7.2.3, Townhouse Residential District Development Standards, of the Sandy Springs Zoning Ordinance related to density. Councilman Sterling seconded the motion. The motion carried unanimously.

Ordinance No. 2014-08-24

(Agenda Item No. 14-190)

9. **TA14-007** - An Ordinance to Amend Article 18, Off Street Parking and Loading, of the Sandy Springs Zoning Ordinance
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-190, TA14-007 - An Ordinance to Amend Article 18, Off Street Parking and Loading, of the Sandy Springs Zoning Ordinance. Councilman Paulson seconded the motion. The motion carried unanimously.

Ordinance No. 2014-08-25

(Agenda Item No. 14-191)

10. **TA14-008** - An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance related to internally illuminated signs
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-191, TA14-008 - An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance related to internally illuminated signs. Councilman Dishman seconded the motion. The motion carried unanimously.

Ordinance No. 2014-08-26

Resolution

(Agenda Item No. 14-192)

11. Resolution to Authorize the Transmittal of the Draft Annual Capital Improvements Element (CIE) Update to the Regional Development Center and State for Review and Comment
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Dishman moved to approve Agenda Item No. 14-192, Resolution to Authorize the Transmittal of the Draft Annual Capital Improvements Element (CIE) Update to the Regional Development Center and State for Review and Comment. Councilman Bauman seconded the motion. The motion carried unanimously.

Resolution No. 2014-08-77

Abandonment Requests

(Agenda Item No. 14-193)

12. Public Hearing on Petition for Road and Stormwater Abandonment and Privatization Filed by Highland Valley Court Homeowner's Association
(Presented by Assistant City Attorney, Cecil McLendon)

(Invitation for Public Comment)

Motion and Second: Councilman Dishman moved to approve Agenda Item No. 14-193 the Petition for Road and Stormwater Abandonment and Privatization Filed by Highland Valley Court Homeowner's Association. Councilman McDonald seconded the motion.

Amendment to the Motion and Vote: Councilman Dishman amended his motion to defer Agenda Item No. 14-193, the Petition for Road and Stormwater Abandonment and Privatization Filed by Highland Valley Court Homeowner's Association, to the September 16, 2014 City Council meeting. Councilman McDonald seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-194)

13. Public Hearing on the Application to Obtain Abandonment of Right of Way of Lake Allen Lane filed by JW Homes, LLC, Applicant of behalf of the Residents of Lake Allen Lane
(Presented by Assistant City Attorney, Cecil McLendon)

(Invitation for Public Comment)

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-194, the Application to Obtain Abandonment of Right of Way of Lake Allen Lane filed by JW Homes, LLC, Applicant of behalf of the Residents of Lake Allen Lane. Councilman McDonald seconded the motion. The motion carried unanimously.

Resolution No. 2014-08-76

(Agenda Item No. 14-195)

14. Public Hearing on the Application to Obtain Abandonment of Right of Way of Sandy Springs Circle (a/k/a Allen Court) filed by JW Homes, LLC
(Presented by Assistant City Attorney, Cecil McLendon)

(Invitation for Public Comment)

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-195, the Application to Obtain Abandonment of Right of Way of Sandy Springs Circle (a/k/a Allen Court) filed by JW Homes, LLC. Councilman Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2014-08-78

I) UNFINISHED BUSINESS *(none)*

J) NEW BUSINESS

(Agenda Item No. 14-196)

1. Consideration of Approval of a Contract to Construct Projects T-7225 & T-7226, Powers Ferry Road at Northside Drive and Powers Ferry Road at New Northside Drive Intersection Improvements Subject to Validation and Approval by the Legal and Finance Departments
(Presented by Director of Public Works, Garrin Coleman)

Motion and Vote: Councilman Bauman moved to approve Agenda Item No. 14-196, a Contract to Construct Projects T-7225 & T-7226, Powers Ferry Road at Northside Drive and Powers Ferry Road at New Northside Drive Intersection Improvements Subject to Validation and Approval by the Legal and Finance Departments. Councilman Sterling seconded the motion. The motion carried unanimously.

Resolution No. 2014-08-79

(Agenda Item No. 14-197)

2. Consideration of the Acceptance of the Agreement to Purchase Right of Way on the T-0039 Capital Improvements Project / Spalding Drive at Mt. Vernon Road Intersection Improvements
(Presented by Assistant City Attorney, Cecil McLendon)

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-197, Acceptance of the Agreement to Purchase Right of Way on the T-0039 Capital Improvements Project / Spalding Drive at Mt. Vernon Road Intersection Improvements. Councilman Dishman seconded the motion. The motion carried unanimously.

Resolution No. 2014-08-80**(Agenda Item No. 14-198)**

3. Proposed Property Exchange between the City and Mrs. Susan Strother
(Presented by Assistant City Manager, Bryant Poole)

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-198, the Proposed Property Exchange between the City and Mrs. Susan Strother. Councilman Dishman seconded the motion. The motion carried unanimously.

Resolution No. 2014-08-81**(Agenda Item No. 14-199)**

4. Soil Erosion, Sedimentation and Pollution Control Code Amendments
(Presented by Community Development Director, Angela Parker)

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-199, Soil Erosion, Sedimentation and Pollution Control Code Amendments. Councilman Paulson seconded the motion. The motion carried unanimously.

Ordinance No. 2014-08-27**(Agenda Item No. 14-200)**

5. Amendment to Chapter 22, Article II of the City of Sandy Springs Code of Ordinances (“Code”) to provide for the inspection and maintenance of private fire hydrants in the City
(Presented by Fire Chief Jack McElfish)

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-200, Amendment to Chapter 22, Article II of the City of Sandy Springs Code of Ordinances (“Code”) to provide for the inspection and maintenance of private fire hydrants in the City. Councilman Dishman seconded the motion. The motion carried unanimously.

Ordinance No. 2014-08-28**K) REPORTS**

1. Mayor and Council Reports
2. Staff Reports
 - a) June 2014 Financial Report – Finance Director Karen Ellis
 - b) City Center Project – City Manager John McDonough

There was a consensus of Council to reschedule the first City Council meeting in September from September 9th to September 2nd.

L) PUBLIC COMMENT

M) EXECUTIVE SESSION

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 9:41 p.m.