

Regular Meeting of the Sandy Springs City Council was held on Tuesday, October 16, 2012, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Reverend Chris Lemley, Holy Innocents' Episcopal Church, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:03 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 Eva Galambos present

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery present.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance

(Agenda Item No. 12-249)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Sterling moved to approve the Regular Meeting agenda for October 16, 2012. Councilmember Paulson seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 12-250)

1. Meeting Minutes:
 - a) October 2, 2012 Regular Meeting
 - b) October 2, 2012 Work Session*(Michael Casey, City Clerk)*

(Agenda Item No. 12-251)

2. Proposed 2013 City Council Meeting Schedule
(Michael Casey, City Clerk)

(Agenda Item No. 12-252)

3. Consideration of the Acceptance of the Agreement to Purchase Right of Way - 1120 Hightower Trail
(Garrin Coleman, Interim Director of Public Works)

Resolution No. 2012-10-64

(Agenda Item No. 12-253)

4. Consideration of the Acceptance of the Dedication of a Right of Way Deed as part of the Zoning Requirements - Alderwood
(Garrin Coleman, Interim Director of Public Works)

Resolution No. 2012-10-65

(Agenda Item No. 12-254)

5. Spalding/Mt Vernon Intersection Improvement (CIP T-0039) Preferred Design Alternative Approval
(Garrin Coleman, Interim Director of Public Works)

Resolution No. 2012-10-66

(Agenda Item No. 12-255)

6. Approval for the Mayor to Execute Georgia Power Relocation Agreements for the Morgan Falls Road Improvement Project (CIP T-0034)
(Garrin Coleman, Interim Director of Public Works)

Resolution No. 2012-10-67

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for October 16, 2012. Councilmember Sterling seconded the motion. The motion carried unanimously.

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

(Agenda Item No. 12-256)

1. Approval of Alcoholic Beverage License Application for The Beer Growler at 4969 Roswell Rd Suite 220 Sandy Springs, Georgia 30342. Applicant is Donald Edwards for Retail/Package, Malt Beverage

Revenue Supervisor Brandon Branham stated this is a new application for retail/package and malt beverage. The applicant has met all requirements and staff recommends approval.

Mayor Eva Galambos called for public comments in support of or opposition to the application. There were no comments from the public. Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-256, Alcoholic Beverage License Application for The Beer Growler at 4969 Roswell Rd Suite 220, for Retail/Package, Malt Beverage. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Community Development

(Agenda Item No. 12-257)

2. **RZ12-004/CV12-004** - 5975 Mitchell Road, *Applicant: St. James Anglican Church, Inc.*, Rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this item was deferred by Council at the August 21, 2012, City Council meeting and sent back to the Planning Commission in September. Following the deferral, the sign was not properly posted on the property. At this time staff is recommending deferral of the case to allow for proper notification of the public.

Bryan Flint, 2026 Mason Mill Road, Decatur, GA, stated he is employed by Arrowhead Real Estate. He supports the deferral in order to allow the posting of a sign with all of the information.

Mayor Eva Galambos called for public comments in support of the application. There were no comments from the public.

Mayor Galambos called for public comments in opposition to the application.

Jeff Mitchell, resident of Sandy Springs, stated he represents the Braemore community. The community has asked for a no vote or dismissal of the application since July 2012. If the property is to be developed, it should be done within the City's zoning ordinance with no variances. The applicant has shown no hardship. The majority of the neighbors in the Mitchell Road area hope to discuss and clarify two concerns. One concern is there are numerous errors on the application. The church is not closed. The petitioner's statement to the City on September 12, 2012, showed that on February 9, 2012, the applicant did not have authority to sign the rezoning petition. The City continues to ignore this. The discrepancies in the contract and rezoning petition signed on February 9, 2012 should be null and void, since nonprofit procedures were not followed as required by law. In addition, there is a major ownership dispute. He does not understand why the City does not require the petitioner to reapply once the applicant corrects any misrepresentations, errors, and title issues. The community believes it is important for elected officials to require true facts and information for the petitions. Staff and Council use this information to make important decisions. The community is asking staff to examine if the petitioner presented a truthful and correct application. The community requests that Council deny this application or dismiss the application and have the developer come back to Council later with the items corrected. Additionally, a new site plan has been presented to the community. This plan shows the property can be used without variances and within the required zoning ordinance. If Council chooses to defer this item, he asks that the applicant correct the error of improper notification. It seems that Braemore was the only neighborhood properly notified by the City.

Mayor Galambos closed the public hearing.

Mayor Galambos asked about notification not being sent to the citizens.

Manager of Planning and Zoning Dickerson stated the postcards and information related to both of the community meetings were mailed in accordance with the City ordinance. The only issue was the posting of the sign on the property after the last deferral.

Councilmember Dianne Fries asked if the applicant is required to post the sign.

Manager of Planning and Zoning Dickerson responded yes.

Councilmember John Paulson stated he has received emails with questions in regards to who owns the property. He asked about the ownership of the property and who filed the application with the City.

City Attorney Wendell Willard stated staff has reviewed the file along with the application. Included in the file is data that the property is owned by a corporate entity. Staff has pulled the records from the Georgia Secretary of State website and the corporation is active. The application was filed in the name of the church corporation and signed by what appears to be the person who is authorized to act on behalf of the corporation. The applicant has met all of the City Code requirements dealing with who is an appropriate applicant. There is currently a dispute between members of the church over the authorization and who has legal control of the church body. This legal issue should be addressed by a court of law. From the legal staff's perspective this is a valid application for zoning.

Mayor Galambos asked if Council's decision should be postponed until a court of law has determined the ownership of the church.

City Attorney Willard responded no. The authority who signed on behalf of the corporation should be resolved through the court. Council only has the ability to zone the property.

Councilmember Chip Collins stated he had hoped the previous deferrals would have given all parties involved plenty of time to resolve the authority issues.

Ellen Smith, Holt Ney Zatcoff & Wasserman, representative of the church, stated other church members who signed the zoning petition and the sales contract have an attorney as well. There is also a notice issue. If Council defers the item, it will allow the parties to consider a settlement proposal which was extended to both sets of members of the church. The corporate by-laws of the church require that certain meetings be held and notice be given to all members in order to consider the proposal. The title and ownership issue of the church is not a zoning related issue. She has prepared litigation paperwork for her client and is prepared to file the documents. She is hopeful all parties can resolve this issue in a manner that does not waste any more of Council's time.

City Attorney Willard recommended that Council defer this item due to not having proper notice on the sign posted on the property.

Motion and Second: Councilmember Meinzen McEnerny moved to defer Agenda Item No. 12-257, RZ12-004/CV12-004 - 5975 Mitchell Road, *Applicant: St. James Anglican Church, Inc.*, Rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) with concurrent variances, to the December 18, 2012, City Council meeting. Councilmember Collins seconded the motion.

Councilmember Karen Meinzen McEnerny asked if there is any merit to the statement about an application being signed on February 6, 2012 by a party that did not hold the required by-law meeting.

City Attorney Willard responded that question cannot be answered now. Staff will examine the records and he will give Councilmember Meinzen McEnerny his opinion on the statement.

Councilmember Gabriel Sterling asked if the City has an administrative system by which staff can examine questions of fact internally.

City Attorney Willard stated he would not recommend Council trying cases on facts.

Mayor Galambos stated that would be moving in the direction of turning Council into a court and that is not what she would like to do.

Vote on the Motion: The motion carried unanimously.

Mayor Galambos stated this is the third time for deferral of an agenda item due to improprieties of notification. She asked that staff monitor the notifications, so these types of postponements will not occur again.

(Agenda Item No. 12-258)

3. **RZ12-009/CV12-011** - Northeast Corner of Spalding Drive at River Exchange Drive, *Applicant: Dunwoody Place Venture, LLC*, To rezone the subject property from C-1 (Community Business District) conditional to A-L (Apartment Limited District) to allow construction of a senior apartment building, with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this item was deferred at the request of the applicant from the September City Council meeting to allow the applicant additional time to secure financing before an action was taken. At this time, the applicant is requesting an additional deferral to the December 4, 2012, City Council meeting. Staff supports the deferral.

Kevin Curry, 1100 Springs Street, Atlanta, GA representative of Selig Enterprises, asked for a deferral of the application to the December 4, 2012, City Council meeting. Deferring this item a few weeks will help with securing the financing.

Mayor Eva Galambos called for public comments in support of or opposition to the application. There were no comments from the public. Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Sterling moved to defer Agenda Item No. 12-258, RZ12-009/CV12-011 - Northeast Corner of Spalding Drive at River Exchange Drive, *Applicant: Dunwoody Place Venture, LLC*, To rezone the subject property from C-1 (Community Business District) conditional to A-L (Apartment Limited District) to allow construction of a senior apartment building, with concurrent variances, to the December 4, 2012, City Council meeting. Councilmember Fries seconded the motion.

Councilmember Karen Meinzen McEnerny asked if deferring a zoning item to the first meeting of the month is allowed.

City Attorney Wendell Willard responded as long as the appropriate public hearings have occurred.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 12-259)

4. An Ordinance Amending Article III, Section 3.3., Definitions, Article XIX, Section 19.3.2.3., Antenna, Tower And Associated Structures (Radio, Television, Microwave Broadcasting, Etc.) Which Will Exceed The Maximum Zoning District Height In Districts O-I, MIX, C-1, C-2, M-1A, M-1 And M-2, And Article XIX, Section 19.4.8., Antenna Tower, And Associated Structure (Radio, Television, Microwave Broadcasting, Etc.) Which Will Exceed The Allowed Zoning District Height In Residential And AG-1, Of The City Of Sandy Springs Zoning Ordinance

Manager of Planning and Zoning Patrice Dickerson stated this item was presented by the City Attorney's office to Council in August 2012, with direction from Council to be presented to the Planning Commission in September. Staff is recommending approval of the text amendment. The Planning Commission is requesting deferral to the November City Council meeting.

Assistant City Attorney Cecil McLendon stated several of the Planning Commission members asked that he attend one of their meetings to discuss the policy behind this ordinance prior to moving this item forward. He would be willing to attend a Planning Commission meeting in order to give policy information to the Commission before they make a recommendation.

Mayor Eva Galambos called for public comments in support of the proposed ordinance. There were no comments from the public.

Mayor Galambos called for public comments in opposition to the proposed ordinance.

Barry Lebowitz, 996 Old Powers Ferry Road, stated he and his neighbors attended the Planning Commission meeting when this item was heard. The neighborhood has met with Assistant City Attorney McLendon on numerous occasions during the formulation of the ordinance. He requested Council defer this item since there are issues that need to be clarified. There needs to be some review of the standards in the existing ordinance. The ordinance states in residential districts a 300 foot tower is allowed and the towers can be a quarter of a mile apart. The buffer zones required are very small. The screening for the towers is not well defined. The neighborhood would like a more thorough review of all the language in the ordinance. Included in the new ordinance is a requirement that the applicant order an independent study to be done by an engineering firm. However, the neighborhood would prefer the applicant pay a large enough fee so that the City could hire an independent engineer. The neighborhood does not feel comfortable with the applicant hiring an independent engineer. He requested Council defer this item.

Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember Sterling moved to defer Agenda Item No. 12-259, An Ordinance Amending Article III, Section 3.3., Definitions, Article XIX, Section 19.3.2.3., Antenna, Tower And Associated Structures (Radio, Television, Microwave Broadcasting, Etc.) Which Will Exceed The Maximum Zoning District Height In Districts O-I, MIX, C-1, C-2, M-1A, M-1 And M-2, And Article XIX, Section 19.4.8., Antenna Tower, And Associated Structure (Radio, Television, Microwave Broadcasting, Etc.) Which Will Exceed The Allowed Zoning District Height In Residential And AG-1, Of The City Of Sandy Springs Zoning Ordinance, to the December 18, 2012, City Council meeting. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-260)

5. A Resolution for the Adoption of the Annual Capital Improvement Element (CIE) Update

Manager of Planning and Zoning Patrice Dickerson stated this item is related to the annual CIE update required for impact fees. The documents were sent to the Atlanta Regional Commission and have received approval. Staff is recommending approval of this item.

Mayor Eva Galambos called for public comments in support of or opposition to this agenda item. There were no comments from the public. Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-260, A Resolution for the Adoption of the Annual Capital Improvement Element (CIE) Update. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2012-10-68

Mayor Galambos stated she was impressed by the amount of detail that staff completed for the small amount of fees the City has collected.

UNFINISHED BUSINESS

(Agenda Item No. 12-261)

1. Amendment to Chapter 58 of the City of Sandy Springs Code of Ordinances ("Code") to create a new Article IV, regulating vehicle immobilization services and operators operating within the City of Sandy Springs (the "City"); and resolution setting fees for vehicle immobilization services and operators

City Attorney Wendell Willard stated this ordinance was prepared at the request of the Police Department due to recent incidents involving booting of vehicles and concerns surrounding booting fees. The concerns were regarding what would be an appropriate booting fee and if the fees should be different for a vehicle and a semi-truck.

Police Chief Terry Sult stated the goal of the Police Department is to protect the public. The Department can do this by trying to prevent the unreasonable practices of a few vehicle impound agencies. Without regulation of booting, there are issues with exorbitant booting fees being charged. Also, if there is a disagreement on the scene, the prices will sometimes increase two to three times. The Police Department would like regulations to protect the citizens, but also to protect the vendors. The equipment to boot a vehicle costs \$189 to \$700. The time it takes to boot a vehicle, whether it is an automobile or semi-truck, is about thirty seconds. He referenced a document provided to Council that refers to booting prices for the cities of Marietta, Roswell, Atlanta, and Charlotte and shows whether or not there is a differential between cars and trucks. The City of Marietta charges a \$50 boot fee for automobiles, but there is not a fee limit for vehicles that weigh 10,000 lbs. or more. The City of Roswell charges a \$35 booting fee with no different charge for cars and semi-trucks. The cities of Atlanta and Charlotte charge a \$50 boot fee. Included in the handouts is the Georgia Public Safety Service Commission's (GPSC) Transportation Rule 11-1, which governs the price of towing within the City of Sandy Springs. Council has the authority to reduce the rates, but the GPSC governs the maximum rates by State statute. The towing of a regular vehicle of 10,000 lbs. or less is a \$125 fee. The fee graduates to a combination unit like a semi-truck that weighs more than 20,000 lbs. at a maximum fee of \$650. He referenced a handout that shows a description of the boots. The document states it takes thirty seconds to install the boot. The Police Department would like the City to have a graduated boot fee schedule. He would not recommend the highest fee of \$500 or \$600 for towing a semi-truck, but if Council chooses to differentiate between cars and trucks, the amount is at Council's discretion.

Councilmember Dianne Fries asked about the various cities not differentiating between cars and semi-trucks.

Police Chief Sult stated the information on the left side of the document references booting fees and the far right column addresses towing fees.

Councilmember Karen Meinzen McEnerny asked if the State code has a maximum booting fee.

City Attorney Willard responded no.

Councilmember John Paulson stated he received a phone call from a gentleman who is in the booting business. The gentleman said the City's proposed boot fee of \$40 is not high enough and he would not be able to run his business with that low of a fee. His standard boot fee is \$75 for cars and semi-trucks. He claimed that several other booting companies in the Metro Atlanta area charge a booting fee of \$75, with no difference in the charge for cars or semi-trucks. If the charge is increased for semi-trucks, it is because the towing charge is higher. The fee being charged is a boot removal fee. He asked if background checks are performed on the employees when the City issues a booting license.

Police Chief Sult stated the proposed ordinance requires a background check.

Councilmember Fries stated there have been issues with semi-trucks parking in the City. She does not believe that the car and semi-truck boot fee should be the same. The City's ordinance for booting and towing should be similar. If booting is going to occur in a parking lot, the parking lot should have appropriate signs.

City Attorney Willard stated the ordinance requires signs in the parking lots.

Councilmember Chip Collins stated there should be a rationale for charging a higher boot fee for the semi-trucks. He recalls someone mentioning the semi-truck boot is a larger piece of equipment, therefore it is more expensive.

Police Chief Sult stated he spoke to Mr. Leete, whose company performs booting. Mr. Leete said he will not make money unless he is able to charge a boot fee of \$500 for semi-trucks. Mr. Leete is looking for a differential of fees so he is able to sustain his business.

Councilmember Collins stated when a semi-truck parks in a shopping center, it takes up more space and that would justify the semi-truck boot fee being a higher amount.

Councilmember Sterling stated there should be a differential to serve as a disincentive to the truck drivers that park in unauthorized areas. Since I-285 and GA400 intersect the City, this area is a convenient venue for many semi-trucks to park. He asked if a motion could be made that would allow legal staff to word the ordinance in the way Council wishes the ordinance to read.

City Attorney Willard responded yes. There will be an ordinance and a resolution addressing the boot fees.

Councilmember Sterling stated there is a fee schedule in the ordinance that states a \$40 boot fee. He asked if the fee amount can be deleted.

Councilmember Collins suggested the fee schedule be something that Council can change without amending the ordinance.

Steven Curley, representative of Anthony Leete, stated Mr. Leete does business in Sandy Springs as Atlanta Impound. Mr. Leete welcomes the ordinance, since it will help serve the needs of the citizens and businesses. There are issues the ordinance presents, such as the differentiation in fees which would be a disincentive to the semi-truck owners from parking in unauthorized parking lots. The semi-truck boot equipment is somewhat more expensive. Even though it only takes thirty seconds to boot the vehicle, there is more than thirty seconds involved in booting a vehicle. The equipment is required and employees that have to come from somewhere to boot and unboot the vehicle. To complete the whole process of booting the vehicle and removal of the boot costs more than \$40. A \$40 fee does not cover the cost of operating this type of business for vehicles that weigh 10,000 lbs. or less. The semi-truck boot fees should be higher to discourage the truck drivers from tearing up the commercial parking lots. The sign requirement may be problematic when trying to put that much information on such a small sign. He asked about the requirement of having a towing phone number on the sign.

Councilmember Fries stated people will need to know who to call to have their vehicle unbooted. These are details City staff can work out.

Councilmember Meinzen McEnery stated this is a difference between the booting and towing of vehicles. She supports a higher boot fee for larger vehicles. It may be cheaper to boot a vehicle compared to towing a large truck. She asked if the City is setting up a situation where companies may choose to not tow within the City, but instead boot vehicles, since it is cheaper.

Councilmember Sterling stated there still will be companies that tow vehicles, because of certain situations. The maximum towing amounts are set by State law and the City's towing ordinance is set to mirror the State law.

Councilmember Meinzen McEnery asked if booting will cost the same as towing.

Councilmember Fries responded no. There will be people that want a vehicle off the premises and will have it towed.

City Attorney Willard stated on page 7, Section 58-95 of the ordinance, the change will read as follows: vehicles shall not charge the owner of any immobilized vehicle or personal property a fee in excess of a sum approved by resolution of Council, per day, for the removal of the vehicle immobilization device or devices, or the release from impoundment. The fee shall be all-inclusive; no additional fees may be charged for using other equipment. Under Section 58-96 it will read as follows: Cost of impound - per day (established fee of Council).

Motion and Second: Councilmember Sterling moved to approve an Amendment to Chapter 58 of the City of Sandy Springs Code of Ordinances ("Code") to create a new Article IV, regulating vehicle immobilization services and operators operating within the City of Sandy Springs (the "City"); with the deletion of a specific fee amount from the ordinance and the addition of a sum approved by resolution of Council. Councilmember Fries seconded the motion.

Councilmember Tibby DeJulio asked if he rents a truck to move and parks it in the street, will he be affected by this ordinance.

Councilmember Fries stated as long as there are people near the vehicle, it should be fine.

Councilmember DeJulio asked if the moving truck will it be booted if it is left overnight.

City Attorney Willard stated there is language in the ordinance limiting how long a vehicle can be parked on the street.

Councilmember Fries stated a car cannot be booted just because a booting company believes the vehicle is illegally parked on a City street. The booting company has to be contracted to boot the vehicles.

Vote on the Motion: The motion carried unanimously.

City Attorney Willard stated the resolution deals with information on the licensing fees and annual permit fees for the businesses doing the booting. Police Chief Sult has recommendations on what the fees should be.

Police Chief Sult stated the State has separated vehicles into four categories. He suggested the booting fee be \$75 for a vehicle less than 10,000 lbs. and then increase the fee in increments of \$25.

Mayor Eva Galambos asked how close the increments would come to a maximum amount of \$650.

Police Chief Sult stated these numbers are just an example.

Councilmember Fries suggested a maximum boot fee of \$75 for cars and for semi-trucks a fee in the \$250 to \$400 range.

Councilmember Sterling suggested a boot fee of \$75 for vehicles less than 10,000 lbs.

Police Chief Sult stated the vehicles that weigh 10,000 to 20,000 lbs. are usually dump trucks.

Councilmember Sterling suggested the fee increments be \$75, \$150, \$300, and \$450.

Mayor Galambos asked Police Chief Sult if those numbers are too high.

Police Chief Sult stated it is Council's decision on the maximum fee amounts.

Councilmember Fries asked about the City's fees for towing.

Police Chief Sult stated the City follows the State's standards for towing.

Councilmember Fries asked about a single vehicle weighing 20,001 lbs. or greater compared to a combination unit weighing 20,001 lbs. or greater.

Police Chief Sult stated a semi-truck with a trailer would be an example of a combination unit.

Motion and Second: Councilmember Sterling moved to approve a resolution setting fees for vehicle immobilization services and operators operating within the City of Sandy Springs. Councilmember Fries seconded the motion.

Councilmember Fries asked if Council agrees on the boot fees that were suggested. There was a consensus of Council to accept the suggested boot fees of \$75, \$150, \$300, and \$450.

City Attorney Willard stated he has concern because there is no definition for "per unit charge" or "combination unit", because it is not in the ordinance.

Councilmember Sterling asked if the ordinance can reference back to State law.

City Attorney Willard stated he will have to add the definitions in the ordinance.

Mayor Galambos asked if this item should come back before Council again.

City Attorney Willard stated if that is the wish of Council. The ordinance will need to be changed.

Mayor Galambos asked if the ordinance can be voted on this evening with authorization for City legal staff to correct the language in the ordinance.

City Attorney Willard responded yes, and he will have Council reaffirm the ordinance amendment at the next meeting.

Vote on the Motion: The motion carried unanimously.

Police Chief Sult asked if the word "check" can be removed from the ordinance when this item comes back to Council to reaffirm. There is concern that if a check is written for payment, the payer can put a stop payment on the check right after the check is written.

City Attorney Willard stated that is not something the City controls. Council should make a motion for reconsideration of the ordinance.

Councilmember Sterling stated the ordinance states "Fees may be paid by cash, check, credit card, or debit card at no additional charge". He does not understand why the word "check" is being removed from the ordinance. The booting company can choose to not accept checks. The ordinance states "or".

City Attorney Willard stated the language is permissive and does not have to be revised.

NEW BUSINESS

(Agenda Item No. 12-262)

1. A Resolution Approving the Creation of "Sandy Springs Foundation, Inc."; Approving the Foundation's Name; and Appointing and Approving Board Members

Mayor Eva Galambos stated she is not prepared to appoint board members this evening. There will no longer be the Friends of Sandy Springs. Instead there will be the Sandy Springs Foundation, Inc., which will be for the same purpose. The Foundation will accept donations for the Recreation and Parks, Police, and Fire Departments, and the Anne Frank Exhibit.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 12-262, A Resolution Approving the Creation of "Sandy Springs Foundation, Inc."; Approving the Foundation's Name; and Appointing and Approving Board Members. Councilmember Fries seconded the motion.

Councilmember Gabriel Sterling stated the resolution does include a list of appointees.

City Attorney Wendell Willard asked for a motion to amend the resolution and delete number three, which includes names of people being designated for appointment to the board. He suggested deferring this item to the next City Council meeting.

Motion and Vote: Councilmember DeJulio moved to defer Agenda Item No. 12-262, A Resolution Approving the Creation of "Sandy Springs Foundation, Inc."; Approving the Foundation's Name; and Appointing and Approving Board Members, to the November 6, 2012, City Council meeting. Councilmember Fries seconded the motion. The motion carried unanimously.

REPORTS

1. Mayor and Council Reports

- a) Nominations to the Design Review Board – Mayor Eva Galambos

Mayor Eva Galambos stated she would like to appoint two members to the Design Review Board. First, Andy Porter would like to be reappointed to the Board. Second, there is a vacancy due and she suggested appointing Charlie Roberts. Charlie Roberts will have to first step down from his role on the Economic Development Advisory Committee.

Motion and Second: Councilmember Fries moved to approve the nomination of Andy Porter and Charlie Roberts to the Design Review Board. Councilmember DeJulio seconded the motion.

Substitute Motion and Vote: Councilmember Karen Meinzen McEnery moved to bifurcate the two nominations. Councilmember Sterling seconded the motion. The motion carried unanimously.

Motion and Vote: Councilmember Meinzen McEnery moved to approve the nomination of Andy Porter to the Design Review Board. Councilmember Sterling seconded the motion. The motion carried unanimously.

Motion and Vote: Councilmember Sterling moved to approve the nomination of Charlie Roberts to the Design Review Board. Councilmember DeJulio seconded the motion. The motion carried 5-1, with Councilmember Meinzen McEnery voting in opposition.

- b) Cancellation of November 20, 2012 City Council Meetings – Mayor Galambos

Motion and Vote: Councilmember Collins moved to approve the cancellation of the November 20, 2012, City Council meetings. Councilmember Paulson seconded the motion. The motion carried unanimously.

Councilmember Gabriel Sterling thanked staff and City Council for their support of the 24 Hours of Booty fundraiser. The event raised \$191,000 for the AFLAC Cancer Center at Children's Healthcare of Atlanta and the Livestrong Foundation.

2. Staff Reports

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION

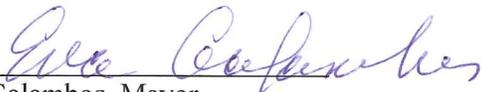
There was no Executive Session.

(Agenda Item No. 12-263)

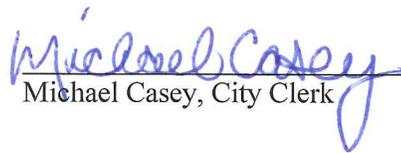
ADJOURNMENT

Motion and Vote: Councilmember Sterling moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 7:17 p.m.

Date Approved: November 6, 2012



Eva Galambos, Mayor



Michael Casey, City Clerk