

Regular Meeting of the Sandy Springs City Council was held on Tuesday, July 17, 2012, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Rabbi Mario Karpuj, Congregation Or-Hadash, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:02 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. 12-167)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for the July 17, 2012 meeting. Councilmember Sterling seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 12-168)

1. Meeting Minutes:
 - a) June 19, 2012 Regular Meeting
 - b) June 19, 2012 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 12-169)

2. Consideration of the Acceptance of the Permanent Drainage and Temporary Construction Easement (140 River North Drive)
(Kevin Walter, Director of Public Works)
Resolution No. 2012-07-43

(Agenda Item No. 12-170)

3. Consideration of the Acceptance of an Easement for Construction and Maintenance of Pedestrian Plazas and Streetscape Improvements
(Kevin Walter, Director of Public Works)
Resolution No. 2012-07-44

(Agenda Item No. 12-171)

4. Consideration of the Acceptance of Four (4) Temporary Driveway Easements on the River Valley Road Sidewalk Infill Project
(Kevin Walter, Director of Public Works)
Resolution No. 2012-07-45

Motion and Vote: Councilmember DeJulio moved to approve the Consent Agenda for July 17, 2012. Councilmember Paulson seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Recognition of Sandy Springs Storm Youth Baseball Team - Mayor Galambos

Mayor Eva Galambos called the Sandy Springs Storm Youth Baseball Team to the front. The Storm players are the State champions in their age group and are on their way to the World Series. She asked all the baseball coaches to the front. Coach McGee made a bet with the team that he would shave his head if they became State champions. This is the 10 year old age group team and they practice at Morgan Falls Park.

(Agenda Item No. 12-172)

EXECUTIVE SESSION – Litigation

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss pending or potential litigation with Director of Community Development Angela Parker included. Councilmember Sterling seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session began at 6:09 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 6:50 p.m.

PUBLIC HEARINGS

City Clerk Michael Casey read the rules for the Public Hearings section of the meeting

Alcoholic Beverage License

(Agenda Item No. 12-173)

1. Approval of Alcoholic Beverage License Application for Five Seasons Brewing at 5600 Roswell Rd Ste 21 Sandy Springs, Georgia 30342. Applicant is Casey Dryden for Retail/Package Wine & Malt Beverage

Revenue Supervisor Brandon Branham stated this is an existing business requesting the addition of a retail package wine and malt beverage license. Staff recommends denial based on Georgia Code 3-1-2, which states a brewpub means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in Code Section 3-5-36, for retail consumption on the premises only and solely in draft form.

Councilmember Dianne Fries asked if this item is in regards to selling growlers and if staff is recommending denial due to State law.

Revenue Supervisor Branham responded yes.

David Larkworthy, 5600 Roswell Road Suite 21, stated when he called the State he was informed that he would need to make a formal application for a growler license. State law does not preclude his business from being able to have a retail license. House Bill 472 states that his business is allowed to bottle and sell beer. Depending on how the law is interpreted, his company could be allowed to sell growlers, and that is why he has applied for the license.

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.

City Attorney Wendell Willard stated the State Revenue Department has taken the position that mini breweries cannot sell beer that can be taken off premises. Growlers are for beer in a container to be taken off premises. If there is no law change at the Revenue Department, it could jeopardize the brewery's current license if they sold growlers. The applicant plans on going to the State Revenue Department to see if the regulation can be reviewed and changed.

Councilmember Fries asked if the applicant needs the denial by Council.

City Attorney Willard stated the applicant needs the denial letter to take to the Revenue Department to help the discussion of the interpretation of the law.

Motion and Vote: Councilmember DeJulio moved to deny Agenda Item No. 12-173, Alcoholic Beverage License Application for Five Seasons Brewing at 5600 Roswell Rd, Ste 21, Sandy Springs, Georgia 30342, for Retail/Package Wine & Malt Beverage. Councilmember Meinzen McEnery seconded the motion. The motion carried 5-1, with Councilmember Sterling voting in opposition.

(Agenda Item No. 12-174)

2. Approval of Alcoholic Beverage License Application for Flavor Café Bakery at 236 Johnson Ferry Rd, Sandy Springs, Georgia 30328. Applicant is Fariba B. Teimori for Consumption on Premises Distilled Spirits

Revenue Supervisor Brandon Branham stated this is an existing business that is applying for consumption on premises of distilled spirits. The business already has a wine and malt beverage license. 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. 12-174, Alcoholic Beverage License Application for Flavor Café Bakery at 236 Johnson Ferry Rd, Sandy Springs, Georgia

30328, for Consumption on Premises of Distilled Spirits. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-175)

3. Approval of Alcoholic Beverage License Application for Sultan Sultan Developments, LLC at 5866 Roswell Rd Sandy Springs, Georgia 30328. Applicant is Hussein Sultan for Retail/Package Wine & Malt Beverage

Revenue Supervisor Brandon Branham stated this is a change of ownership application for retail package wine 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. 12-175, Alcoholic Beverage License Application for Sultan Sultan Developments, LLC at 5866 Roswell Rd Sandy Springs, Georgia 30328, for Retail/Package Wine & Malt Beverage. Councilmember Fries seconded the motion. The motion carried unanimously.

Litigation

(Agenda Item No. 12-176)

4. **RZ09-001/CV09-003** - 5395 Roswell Road, *Applicant: Church of Scientology*, Pursuant to the direction of the Court and as required by state law a public hearing will be held regarding the zoning of the subject property

Councilmember Tibby DeJulio requested the regular 10 minute time for each side be extended to 15 minutes.

Mayor Eva Galambos approved extending the time for each side to 15 minutes.

City Attorney Wendell Willard stated Attorney Laurel Henderson, who represented the City in litigation pertaining to this matter, is in attendance and will present this item. There has been a new site plan submitted by the applicant that meets the requirements of the City.

Attorney Laurel Henderson, Representative of the City of Sandy Springs, stated she is the attorney who has been defending litigation filed by the Church of Scientology against the City of Sandy Springs. Partial success in the litigation has been achieved. The judge granted summary judgment to the City on some of the claims. Other claims remain open for determination after trial, if this settlement is not approved. The judge also backtracked on the approval that she gave to the City on summary judgment after a motion for reconsideration. No one knows how the court will ultimately rule, that depends on the trial. The City needs to be prepared to face a contingency and the City could lose the case or the City may win. She would like to focus on the issue, which is the parking spaces required for the property. The City made an extensive study of the parking requirements to serve the proposed use at this proposed location. The Community Development Department made the ultimate determination, which was put forward in December 2009, in which approval was given for the current use. The approval was that 130 parking spaces would be required if the underground parking in the basement level were converted to enclosed space. The plaintiff had 111 parking spaces that they could provide. The court looked at the difference between 111 and 130 parking spaces and asked if both parties could reach a number that would satisfy both parties. The only issue in the mediation was the adequacy of the parking. From the court's perspective, the parking number was somewhere between 111 and 130. At the mediation, the plaintiff

presented a site plan with 130 parking spaces on its property and on the adjacent easement to which they hold a perpetual nonexclusive right. It is an easement that has been utilized by the property which serves that property. The easement has not been used for any other purpose in the past. The applicant submitted a site plan in accordance with that number. The City has reviewed the site plan against its development standards. The site plan meets the development standards at this point in time. Construction plans will be more detailed and an additional hydrology study will be required for erosion control and runoff containment. The hydrology study will be done as part of the development process. The proposed settlement revises three conditions of the zoning. The first condition is to increase the size of the allowable structure to 43,916 square feet, which is at a density of 24,672 square feet per acre. The density is within the City's Comprehensive Plan designation of 25,000 square feet per acre. That density is only figured on the 1.7 acre of the building and not on the adjacent easement combined. The second change is to incorporate an updated site plan dated June 4, 2012. The final condition is to add a new condition that the owner or developer should provide a minimum of 130 onsite parking spaces, including the easement area as shown on the site plan, referenced in condition 2.a. When the Church of Scientology suggested that 111 parking spaces were enough, the City stated 130 parking spaces are needed. The number of parking spaces in the plan is 130 and the Church has found a way to meet that number. There were two instances of past zoning conduct that the court pointed to as creating enough factual issues that the City could have to go forward to trial for a discrimination claim. The first issue was a zoning matter that was heard by the Council for Beth Tefillah which sought to increase a school on its property. The school sought a use permit and wanted to establish other religious facilities for its use. Beth Tefillah was under parked. The City looked at the number of parking spaces that would be required for a church and a school. The City added those numbers together and made a reduction for shared parking, because the parking would be used at different times. The City determined that 105 parking spaces would have been required, while the synagogue only had 71 parking spaces, which was a deficiency of 34 spaces. The synagogue presented a letter from a school nearby that states they have 100 parking spaces and the school would be welcome to have the spaces used for synagogue purposes. The City accepted that as sufficient as to meet the City's parking requirements. There was no variance and the former Director of Community Development testified in deposition that in retrospect, the City should have required a variance. The Council was aware of the parking numbers when it approved the use permit for the expansion of the school.

The second case that has been cited by the plaintiff is Zenobia. This church had a historically under parked facility. At the time Zenobia's application came to Council, there were only 20 existing parking spaces in their lot. The church wanted to tear down an old dilapidated building and build a new structure in its place. The required parking would have been 57 parking spaces. However, the church could only produce 42 spaces. The church then applied for a series of variances. The church was not increasing the size of the building, but simply improving the quality of the facility. The church presented a letter from a neighboring NTB business that stated the church would be allowed to park at that location afterhours. All the variances were granted in that case to allow offsite parking without a lot of documentation as to exclusivity, availability, whether it could be revoked, or if there was a formal contract. The third ground for claim of discrimination is the fact that the City has within its zoning ordinance a schedule of parking requirements. The City schedule lists certain uses by category and it requires a certain number of parking spaces per seat or per so many units of floor space for that use. There is a category in the parking schedule for churches. The plaintiffs are claiming that the City discriminated against the church because more requirements were added than would have been required under a strict reading of that section. If the church category had been used by itself, there would have been only 46 parking spaces required for this facility of almost 44,000 square feet. At first look, that does not seem to pass a credibility test. When plaintiffs prepared and presented their request for rezoning approval, part of the presentation included information that the Scientologists do not utilize their facility in the same manner as most churches. The church's main use is not one large congregational meeting once a week, as many other churches, synagogues, and temples do. The church's use is much more diffused and involves people coming and

going on different days of the week and different times of the day. The church is a seven day a week facility with heavier use in the evenings and at night. When the Community Development Department heard the presentation, it was clear that the 46 parking spaces were not going to be sufficient to cover the use in question for this large of a facility. Staff tried to determine what would be a valid number of parking spaces that would sufficiently serve the property. A number of studies were done including national transportation figures used to compute percentages and people per vehicle. Staff eventually arrived at the required number of 130 parking spaces to serve the expanded facility. Having disclosed that number to the court, the City is locked in at that number. It is important for everyone to understand the downside if this matter does not settle. First, there are issues of damages. Currently, the City has spent \$90,000 towards damages. Due to this issue being in Federal court and being a civil rights style case, the City should anticipate paying attorney fees and costs of litigation as well as potential damage claims for loss of the use and loss of use during the litigation. This cost could amount to hundreds of thousands of dollars. If the City loses the litigation and the 46 parking spaces are all that is required under the City's parking schedule, the plaintiff will be allowed to develop the 44,000 square foot building with 46 parking spaces. That is a substantial handicap to impose on the citizens who live around the facility. If the plaintiff wins the case, the neighbors could be adversely impacted by church attendees that do not have places to park and begin to park at neighboring properties. By compromising on the number of spaces the City has already determined is necessary, she believes the City has guarded against the worst thing that could happen in the litigation. She recommended that Council approve the settlement and the modifications of the zoning conditions.

Mayor Eva Galambos thanked Attorney Laurel Henderson for her explanation.

Woody Galloway, The Galloway Law Group, LLC, representative of the applicant, stated he disagrees with the need for 130 parking spaces, but that is the number the City requires. The applicant's engineer was able to fit 130 parking spaces on the property while still meeting the greenspace and other requirements of the ordinance. Attorney Laurel Henderson cited two instances where churches were under parked and other instances where the City had approved under parked applications. The applicant's intent in saying the Church of Scientology does not operate like a traditional church was designed to address the concerns expressed by the neighborhood. The neighbors believed the church will be a Buckhead style church facility that would cause parking problems within the neighborhood and problems along Roswell Road. The Church does not operate in that manner, but in a more continuous basis throughout the week. The Nashville Church of Scientology location is five times the size of the Atlanta church and had 45 cars in the parking lot at any given time in a week. The parking at this location will not be a problem. To address the concerns that were raised by the City, the Church is willing to spend \$300,000 to provide parking spaces that the Church's traffic experts agree are not needed. The Church is willing to provide the required parking spaces in order to settle this litigation.

Mr. Galloway asked to reserve the remainder of his time for the rebuttal.

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

Brian Daughdrill, 15 Lenox Pointe, stated he is a resident of Sandy Springs. The primary concern is this item does not meet the zoning ordinance requirements of the City of Sandy Springs. The City and applicant found a way to meet the requirement for 130 parking spaces by ignoring the City's zoning ordinance. The City is facing a lawsuit and allegations based on two previous decisions made by Council, arguably to ignore the zoning ordinance. Again, Council is contemplating ignoring the zoning ordinance. Section 18.2 of the zoning ordinance requires that every use be served by off street parking as specified in the ordinance. Parking spaces shall serve only the designated use. Council was told by the City's attorney this is not an exclusive easement. Section 19.3.6 of the City's ordinance addresses similar uses that share parking. Each one must be able to meet 100% of its parking requirements and that is not the

case here. There has been an agreement to provide the 130 parking spaces. The zoning application that was filed does not have an authorization from the post office as part of the application. In the seven years the City has been in business it has created two incidents of bad precedence that the City is now facing in litigation. If Council approves this item, they should approve a text amendment to change the zoning ordinance, because there will be no ability to control this type of activity moving forward. This matter is before Council without having gone before the Planning Commission. Under the City of Cumming vs. Realty Development Corp., when a case comes back from court, it starts new. Since that has not occurred, the City is violating the constitutional statutory due process of the neighbors and others entitled to a second hearing. He suggested Council present this item again before the Planning Commission.

Pattie Sullivan, 5530 Benton Woods Drive, stated she represents the neighborhood of Benton Woods, which fully supports the case against modification for the reasons given.

Jane Kelley, 4590 Windsor Park Place, stated she represents the High Point Civic Association, which continues to support denial of this item.

Robin Beechey, 20 Willow Glen, stated he represents the Willow Glen Condominium Association and is authorized to speak on behalf of the Cloisters Condominium Association, Lake Forest Summit Homeowners, and the Courtyards at Glenridge. Those that live in the neighborhood south of the Perimeter will have to live with the consequences of Council's decision if this item is approved. The neighbors view this as a test of Council to withstand the pressure and stand firm on the City's zoning ordinance. The neighbors fail to see if 130 parking spaces was the requirement in 2009 and was still the requirement four weeks ago, how the zoning ordinance can be ignored this evening and approve the application with only 80 parking spaces. The City has a duty to stand on the unanimous decision taken in 2009 to deny the basement conversion and not approve the application. It will be interesting to hear how each Councilmember rationalizes their voting decision. The parking requirement would still not be met, even if there was an exclusive agreement. The parking requirement does not give the applicant the right to tear up the post office landscaping with construction to create the extra nine parking spaces. Either the post office offers offsite parking or the 2009 application contained an incorrect statement that the applicant zoned all the land involved in the application. The post office parking is off site and does not meet the zoning requirements. He asked all local residents who oppose this application to stand up and indicate their opposition.

Manual Elkourie, 60 Willow Glen, stated he supports all denial issues that have been presented. It is clear that the application was defective in 2009. There was no approval from the post office to use the parking spaces exclusively, and there is no approval today to tear up the property and reduce the greenspace. He asked that Council deny this item.

Jack Shaw, 5400 Roswell Road, stated he was asked to speak on behalf of the 130 homeowners and tax payers of the Roundhill Condominium Association. The neighbors objected to the original rezoning in 2009 and now strongly object to a further proposed expansion of the building by conversion of the basement parking garage to interior space. In order to justify the applicant's proposal, an easement on the land owned by the U.S. Postal Service is being allowed. Use of the land will require the applicant to modify stormwater systems on land they do not own. The applicant has not even received approval from the post office to use the space. The U.S. Postal Service is currently going through the process of heavy consolidation and many postal facilities are being closed. It is very likely the facility will be closed and the land sold or additional space may be consolidated into that property. Without approval from the post office, the applicant does not have the basis to claim the right to use the property. The applicant has already shown disregard for the concerns of the neighborhood by the way they have let the building fall into disrepair. The sole justification for approving this item is the potential financial costs. Any such potential costs would be dwarfed by those associated with a lawsuit from the citizens of Sandy Springs.

The citizens insist that the Mayor and Council take the leadership roles they were elected for and place the concerns for taxpayers and residents ahead of a misguided fear of the Church of Scientology and reject this proposed settlement.

Matt Ewing, 31 Willow Glen NE, stated the applicant wants to build a 44,000 square foot building that needs the neighboring property to park 50 cars. Fulton County previously approved variances and zoning changes on Glenridge Drive and many other locations in Sandy Springs. The frustration over zoning matters caused the citizens to rise up and form the City. The current City Council would never have approved the current zoning at this location. Council should be responsive to the citizens.

Shelia O'Shea, 5400 Roswell Road, stated she is a resident of Roundhill Condominiums. The Church of Scientology made a mistake in buying this property in 2005 by not performing due diligence. The building was already too large for the existing space and too small for the organization's needs. A building that still has the words "sales office" over the door does not become a sacred ground when a corporation that claims religious status purchases it. The City of Sandy Springs decided the Church should use the building they bought 'as is'. If that is not acceptable to the church, that is not the City's problem to solve. This has been a difficult process and we will all be grateful to see it behind us. She hopes the City will avoid setting precedent that they can be sued into compliance with frivolous litigation.

City Clerk Michael Casey stated one public comment card was properly received from a citizen who had to leave the meeting early. He then read the public comment into the record:

Janet Wells, 302 Beachland Drive, stated "The Homeowners Adjacent to Roswell Road Corridor (HARC) are opposed to the zoning variance."

Mr. Galloway stated these comments were arguments made in 2009 when the case originally came before Council. Only 46 parking spaces are required for this property. The City has asked that the Church provide an additional 84 parking spaces. This amount is three times the ratio that every church in the City has been required to provide. The Church of Scientology is willing to provide the required parking spaces and has gone to great lengths to address this issue. The City Attorney and staff found the easement area could be used for parking. The parking area is in the easement area and was used under the property's prior use as an office building. In accordance with Council's decision in December 2009, the City Council voted to approve use of the building as a 32,000 square foot facility. The applicant is asking Council to approve a large facility that will not change the exterior dimensions of the building. The applicant plans on making substantial improvements to the site, including improving the basement area and utilizing it. The twenty percent limitation for offsite parking only applies if the applicant requests an administrative permit. The applicant is not asking for a permit for offsite parking. This is onsite parking as interpreted by City staff. The applicant does not need authorization from the post office to ask for rezoning of the adjacent property. The easement area is a property interest the applicant acquired as a bundle of rights they bought from the prior property owner. There have been allegations made that the Church does not have authorization to change the drainage and remove landscaping. The applicant has provided City staff with the authorization from the post office for the construction. If this situation is about parking, then the applicant has addressed that issue. If this is about keeping the Church of Scientology out of Sandy Springs, then that cannot be addressed, because the Church has the right to be here.

Mayor Eva Galambos called for public comments in support of the application.

John Nesbit, 6615 Chambrel Way, Suwanee, GA, stated he grew up in North Atlanta. He owns a marketing business and is the president of a small business association with members in Sandy Springs. He has been a Scientologist for more than 20 years. He has seen the church grow and expand across the

world. The desire to restore the beautiful building on Roswell Road is a dream come true. Sandy Springs is a great City and the Church is looking forward to being a contributing member to the community. In order to fulfill religious practices, the expanded facilities are required as described in the proposed plan. The Church has met the requirements of the City. On behalf of all Scientologists, he would appreciate it if Council voted in favor of the request.

Joel Benk, 3679 Cochise Drive, stated he has lived in Atlanta since 1975 and has a cosmetic dental practice. He and his wife have been leaders in the Scientology community in the greater Atlanta area for the last twenty-seven years. Using the entire 43,916 square feet in the church building is vital for the success of the church. His wife is the executive director of the church and is responsible for the successful operation, physical structure, outward appearance of the church, and the relationship with the community. The Church has complied with everything the City has requested over the last several years. Now it is time to move forward and approve the zoning application.

Karen Lange, 5235 Kenbrook Way, stated she is an equities trader and a graduate of the business school of the University of Virginia, where she met her husband Paul. They are also residents of Sandy Springs. She and Paul formerly operated a homebuilding company which built approximately fifty homes in the City of Atlanta and Sandy Springs. She also was previously the President of the Atlanta Chapter of the Greater Atlanta Homebuilders Association. She supports the Church of Scientology as it is her church. She would like the church to make full use of the building to be able to carry out religious practices. Sandy Springs is a truly wonderful place to live and an excellent place to do business. The Church has proposed a solution to satisfy the City's parking requirements and will continue to work with the City and be a model citizen in this community. She hopes that Council will make the decision to grant the application for a modification of zoning.

Mr. Galloway stated there is a problem with traffic as it relates to Roundhill Condominiums and the ability for the neighbors to ingress and egress. That traffic issue was preexisting and will be there until that intersection is fixed. As heard from staff, that intersection can be fixed without interfering with the Church's parking area. A 43,916 square foot church will generate fewer trips than the 32,000 square foot office building at this location prior to the Church's purchase of the property. In a 2010 deposition, a previous City employee, Mark Moore, testified "given that Roswell Road at that area is just under 36,000 average daily traffic and Glenridge Drive is almost 17,000 vehicles per day, proportionately it is just not enough traffic to really affect the level of service to any degree." He presented a series of photos of the easement area and the post office parking lot that were taken today at various times. The photos were taken at 10:00 a.m., 12:15 p.m., and 4:30 p.m. Not a single parking space was used within the easement, because no one parks there. On the post office property there were six parking spaces being used at 10:00 a.m.; seven spaces out of the 52 spaces were being used at 12:15 p.m.; and thirteen spaces were being used at 4:30 p.m. There will be plenty of parking to serve the needs of this property. The applicant has addressed the issues the City has raised and the site plan meets all the requirements from staff. He asked that Council approve the request pursuant to the conditions that Attorney Laurel Henderson outlined.

Mayor Galambos closed the public hearing.

Councilmember Tibby DeJulio asked if the City's zoning regulation requires all property owners to sign off on a zoning application.

City Attorney Willard stated the application is required to have the signature of the owner of the easement area.

Councilmember Dianne Fries asked if the post office signed off on the application.

Ms. Henderson responded yes.

Councilmember DeJulio stated one public speaker brought up a scenario where the post office property may be sold. He asked if the new owner could also claim the 50 parking spaces under the easement. In effect there would be 50 actual parking spaces with 100 parking spaces allocated.

City Attorney Willard stated that would be a possibility, because it is a nonexclusive area for parking. Whoever owns the post office property also has a right to use the same easement area.

Councilmember John Paulson asked if a new property owner at the post office location could deny the Church from uses the parking spaces.

City Attorney Willard responded no.

Councilmember DeJulio stated a public speaker stated this item should have gone before the Planning Commission again before it came back to Council. He asked if the City's zoning requirements or the court's requirements indicate these type of items should be brought before the Planning Commission.

City Attorney Willard responded no. This is still a pending and original application that started in 2009 and has moved forward with litigation. This case was given public notice about the hearing this evening. The notice was posted at the property site as well as advertised in print.

Councilmember Karen Meinzen McEnerny stated it is been brought up by the neighbors that there will be reconfiguration for stormwater on the parking easement owned by the post office. She asked if staff is comfortable that they received adequate documentation from the post office to reflect that the easement area will be dug up and stormwater management installed.

Ms. Henderson stated the post office has given their approval to allow the church to apply for a land development permit in that easement area.

Councilmember Meinzen McEnerny stated she is troubled that she participated in zoning decisions in the past that were cited today, one involving a synagogue and one a church, in which the Council approved significant variances to the parking ordinance. These variances allowed for a basis for the applicant to claim discrimination. As much as she would like to deny this application, she has no grounds to do so. She will vote in support of the application to ensure judicial and religious parity to this applicant.

Councilmember Chip Collins asked if there is any evidence that has been submitted by those in opposition that 130 parking spaces will not be sufficient. He asked if there has been any evidence submitted that supports the notion that the church and the way they use the building will have an adverse effect on traffic in the corridor.

Ms. Henderson responded no.

Councilmember Gabriel Sterling stated there are issues with two previous times Council reviewed parking variances for religious institutions. There are also issues because under the City's zoning a church of this size only requires 46 parking spaces. The City looked for a different set of rules for this application given the way the Church will use the building.

Ms. Henderson responded that is correct. The City used additional authority that is attached to the schedules to supplement the need for parking, so the parking would be adequate onsite.

Councilmember Sterling asked about the outcome of a similar case in Gwinnett County, at the City of Lilburn, where a settlement was reached and the Council voted down the settlement.

Ms. Henderson stated that case was finally settled after the Justice Department threatened to intervene and the City is now under a five year consent order with Justice Department oversight of all religious applications.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 12-176, RZ09-001/CV09-003 - 5395 Roswell Road, *Applicant: Church of Scientology*, Modification of the approved zoning conditions per the site plan dated received June 4, 2012 and the revised conditions of approval. Councilmember Fries seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and/or Church and associated accessory uses in the existing structure at a density of 24,672 square feet per acre or 43,916 square feet, whichever is less.
 - b. No overnight stays (11:00 PM to 6:00AM).
 - c. To prohibit any drug, alcohol, substance abuse, chemical dependence, and/or criminal rehabilitation programs.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated June 4, 2012. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. Streetscape including sidewalks will be required at time of building permit or land disturbance permit, whichever occurs first, subject to the approval of the Public Works Department.
 - b. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - d. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the

reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Glenridge Drive

- e. To allow parking within the required minimum front and side yard setback (CV09-003).
- f. To reduce the twenty (20) foot side setbacks to five (5) feet (CV09-003).
- g. To allow for a parking lot without the required parking islands (CV09-003).
- h. To allow for relief from the requirement of planting a large shade tree every 6 parking spaces (CV09-003).
- i. The owner/developer shall provide a minimum of 130 on-site parking spaces, including the easement area, as shown on the site plan referenced in condition 2.a. above.

Vote on the Motion: The motion carried 5-1, with Councilmember DeJulio voting in opposition.

Ordinance No. 2012-07-22

Council took a five minute break at this point in the meeting.

(Agenda Item No. 12-177)

- 5. **RZ07-021/CV07-020/U07-008** - 5775 & 5795 Glenridge Drive, *Applicant: MLGP Lakeside, LLC*, Pursuant to the direction of the Court and as required by state law, a public hearing will be held regarding the zoning of the subject property

Councilmember Tibby DeJulio requested the regular 10 minute speaker time be extended to 15 minutes.

Mayor Eva Galambos approved extending the speaker time to 15 minutes.

City Attorney Wendell Willard stated this item has been in litigation. The original application came before Council in 2008. There was another application in 2010 and Council hoped to settle the case at the time. However, an agreement was not reached with the property owners to accept the proposal from the City. Council denied that application and it proceeded to litigation. The court directed both parties to discuss the various issues to reach a settlement. An agreement was reached that is in compliance with what Council and staff outlined. He stated Attorney Laurel Henderson, who represented the City in litigation pertaining to this matter, is in attendance and will present this item.

Attorney Laurel Henderson, Representative of the City of Sandy Springs, stated the original application from MLGP Lakeside LLP involved rezoning 1,175,000 square feet of office and commercial space. There are currently five office buildings on the property; 3 five story buildings and 2 two story buildings. The plan was to retain all 3 five story buildings, to create 2 new sixteen story office towers, construct a large hotel, and 300 residential apartment units. The property is bisected on the City's comprehensive plan. The property has approximately thirty to forty percent in the live/work regional designation and the remainder of the property is in the live/work community. The density was a problem with the first application, not only because of traffic, but also because of impact on the neighborhood access the street. Council's goal was to get the density reduced. The proposal before Council now is for 700,000 square feet of office space, and 50,000 square feet of commercial space, of which a maximum of 8,000 square feet can be free standing in the form of a restaurant. The remaining commercial space

would have to be housed within an existing office building or an apartment building. There are two proposed apartment buildings totaling 520 apartment units. The number of apartment units will increase, but that is consistent with the live/work community designation. The number of square feet of office and commercial space has been decreased by almost 40%. In addition, there are certain traffic improvements that are conditions of approval included in the consent order. Those provide for an additional south bound lane on Glenridge. This lane would begin at the property driveway for the medical office building and head south to the westbound ramp to I-285. Additionally there is a second lane on the west bound ramp onto I-285 to allow more stacking of vehicles. There is hope that this will improve access for the medical building across the street. There are things that can be done during the development phase to route traffic so drivers will not be in a dedicated turn lane for that building too soon, if they are intending to drive onto I-285. Those devices will help preserve access for people getting out of that building. There is also a condition for an additional northbound lane along most of Glenridge Drive. This lane would be for drivers entering or exiting the property. The additional entrances that are right in and right out only, in most cases, have been preserved and the main intersection will still be signalized. With these changes, we are very close to having a development fully aligned with the live/work community. The density is slightly higher at 28,000 square feet per acre, as opposed to 25,000 square feet per acre. There is a conceptual site plan that has been submitted to staff. The plan shows a couple of buildings reaching the size of 16 stories high. The owner of the property recognizes there is not enough square footage to build 2 sixteen story towers. It is anticipated the owner will build one tower to that level. The lower tower may be 10 to 12 stories in height. This depends on whether the owner wants to keep the one remaining five story office building on the north end of the property. The apartments are shown in yellow on the plan with parking decks included. The parking decks would be limited to four stories facing Glenridge Drive. Because of the topography on the lot, the parking deck could be up to seven stories in the rear. Any building constructed in between the apartments and the dotted line across the property on the plan will have a limit of eight stories. If there is one or more buildings placed on the rear of the property, the maximum height would be sixteen stories. While the applicant could configure the property in various ways, the property will have to remain within the square footage limitation.

Mayor Eva Galambos asked Ms. Henderson to comment as to what parties were involved in the negotiations and who attended.

Ms. Henderson stated the negotiations were discussed between the parties to the litigation. That involved attorneys Carl Westmoreland, Richard Robins for MLGP Inc., and various individuals associated with that organization. City's counsel discussed the matter with City Council from time to time. There has also been conversations with neighborhood representatives. There were at least two neighborhood representatives at court. After most of the negotiations had been finalized, all parties were invited back into the conference room and made aware of what all was included in the package.

Carl Westmoreland, 3343 Peachtree Road, Atlanta, GA, representative of the applicant, stated this item is before Council under a court order dated May 14, 2012. The conditions reflect recommended conditions from when this matter was previously before the Council. The issue has always been office density. When the first application was filed several years ago it requested over 1.1 million square feet. The application as it went to court had 770,000 square feet of office use which has been reduced to 700,000 square feet. The only modification from the attached conditions to the court is condition 1.e. This condition was modified to reflect the line indicated on the site plan between the live/work regional and the live/work community land use district. The plans are conceptual on where the office buildings will be located. The total office use on the site is limited to 700,000 square feet. The heights of the buildings are limited. The heights were changed to comply with the policy and intent of Council that the taller buildings be located to the intersection of I-285 and GA400. There is adequate room to accommodate the roadway improvements. He asked to reserve the remainder of his time for the rebuttal.

The applicant believes this is a reasonable compromise and hopes that Council votes to approve the request.

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

Pete Hendricks, 6085 Lake Forrest Drive, stated he was before Council in August 2010, with an application that requested 770,000 square feet for office use, 50,000 square feet for retail use, and 532 apartments units. The difference between that application and the one currently before Council is 70,000 square feet of office space. Staff did a review and analysis of the previous application. They found the development would significantly increase traffic on that section of the Glenridge Drive corridor. The traffic would impact the Glenridge Forest subdivision and his client, the Glenridge medical office building. The increase of development on this property will also impact the Glenridge medical office building by limiting the ability for users to access Glenridge Drive north bound. Public Works commented that the increased traffic volumes will create a safety and operational hazard in accessing the 5730 Glenridge Drive property. The only difference between the analysis made then and what is currently before Council is a deduction of 70,000 square feet of office space. The recommended condition 3.g. states the owner/developer shall install a southbound right turn lane from Glenridge Drive onto the I-285 westbound ramp. The lane could begin at Glenridge Forest and continue to the front of the medical building. Kimley-Horn submitted a letter that his client filed with the City on August 17, 2010, memorializing the traffic concerns his client has with the property. Submitted the same date was a letter from Health America Realty Group who was handling the leasing for the Glenridge medical building at that point in time. The letter confirmed the adverse ramifications that would come from approval of the application. His client, Ralph Edwards, submitted a public comment card to speak on this item.

Ralph Edwards, 78 Lindberg Drive, Atlanta, GA, stated there are many reports, including traffic reports, regarding this item. He asked Council to drive down Glenridge Drive and to imagine driving down that street with another 3,000 cars in the area. His medical facility serves elderly clients, individuals that come for operations and clients that are recovering from operations. It is very important for his clients to be able to easily get into the building. A traffic engineer has said the plan submitted did not work two years ago and will not work this time. The businesses located here offers first quality medical services. There are two surgery centers and seven up-to-date operating rooms at this facility. Access to this building is extremely important. He asked Council to consider there is a special need here and it is not being met by the proposed plan.

Doug Falciglia, 5925 Brookgreen Drive, stated he is the president of the Glenridge Hammond Neighborhood Association. He has concerns regarding the consent order. He asked how Council can consider this rezoning application based on some of the conditions. He has communicated with staff regarding the conditions. Conditions 3.g. and 3.h. state said lane shall be subject to the approval of the Georgia Department of Transportation and shall be installed prior to the issuance of the first Certificate of Occupancy for the development. He asked what will be done if GDOT does not approve. Condition 3.c. states no less than 34% of the site shall be maintained as open space. He just reviewed the conceptual site plan this past Friday. The plan shows two distinctly different projects, one being an office at the rear and the apartments in the front. He asked how much greenspace is at this location now. The proposed plan would create 520 apartments in the greenspace. This is a conceptual site plan and Council is being asked to rezone the property with a conceptual plan. He asked if the plan will come before Council again when the applicant decides to move forward. Condition 2 states unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy. That sounds like everything has to be done before the property is occupied. It is apparent the judge wants the public to be involved. The City's ordinance as revised last August states the public will be notified and legal notices are to be posted in the Sandy Springs Reporter and the Sandy Springs Neighbor. This public hearing appeared in neither newspaper and only appeared in the Northside Neighbor. The Northside Neighbor is

only delivered south of the Perimeter and his subdivision is north of the Perimeter. A number of his neighbors have sent emails to the Mayor and City Council within the last two weeks. Many have received responses from Council that the neighborhood was actively involved with negotiations with the developer. He has not spoken to the developer since 2010. The extent of the conversation the neighborhood had with him was a phone call he made to the City Attorney a few days before the trial was to take place. He was informed that the City was considering a settlement. There were no specifics mentioned as to what the settlement would be, and that was the extent of the conversation. He was one of the two people that attended the court case. There was no communication as to what the neighborhood wants and what they would accept. He asked that Council defer this item to allow more time to resolve some of the issues.

Thaea Lloyd, 570 Valley Lane, stated the residents should not have to bear the brunt of businessmen not doing their due diligence before buying land locked pieces of property. If the application is approved, the Council will be inflicting a hardship on the medical building. The next step would be the medical building being allowed access into the Roundhill neighborhood in order to get out at Glenridge Drive. The neighbors feel they should not be bothered with the possible traffic in their neighborhood. She asked that Council deny or defer the application to allow the neighbors time.

Bill Gannon, 505 Taunton Way, stated he represents the High Point Civic Association. The property was land locked when it was developed. If this application is approved, there will be encroachment into the Glenridge neighborhood.

Mr. Hendricks stated his client was not aware of the application and asked for deferral of this item.

Mr. Westmoreland stated staff ultimately recommended approval because they recommended conditions including the widening of Glenridge Drive and the ramp to deal with the traffic issue. If staff thought traffic would be an issue, they would have recommended denial of the application. With regard to the applicant having to comply with the conditions before a certificate of occupancy is issued, that is a condition that was negotiated with staff at the previous meeting. This was done to protect the City, the surrounding neighborhoods, and business owners from the impact of the development before the corresponding traffic improvements. He referred to the line on the site plan between the two comprehensive plan categories to delineate where the taller buildings and the greater density can be placed in accordance with City policy. It is beneficial to the neighbors that there is a conceptual site plan in order to allow public input. The conditions were developed by City staff and recommended for approval of the application for a higher density a couple years ago. The compromise is the applicant has decreased the office density by 70,000 square feet; by 40% from what was originally requested several years ago. The applicant has attempted to comply with City policy by the delineation of the comprehensive plan line on the site plan. He asked that Council approve this application.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 12-177, RZ07-021/CV07-020/U07-008 - 5775 & 5795 Glenridge Drive, *Applicant: MLGP Lakeside, LLC*, For modification of the approved zoning conditions. Councilmember Paulson seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and associated accessory uses at a density of 26,893 square feet per acre or 700,000 square feet, whichever is less.

- b. One (1) freestanding restaurant at a density of 307.34 square feet per acre or 8,000 square feet, whichever is less.
 - c. Residential and associated accessory uses at a density of 19.98 units per acre or 520 units, whichever is less.
 - d. Accessory commercial uses at a density of 1,613.52 square feet per acre or 42,000 square feet, whichever is less. Said accessory commercial uses shall be contained entirely within either the office buildings and/or the residential buildings. Exterior entrances and signage shall be prohibited.
 - e. The maximum height for new office buildings is dependent on the location of the buildings with respect to the curved line dividing the property into two portions as shown on the site plan referenced in condition 2.a. For any new office building to the right of the line and within the southeastern wedge closest to the intersection of Ga.-400 and I-285, the maximum height shall be sixteen (16) stories, exclusive of any penthouses for mechanical equipment. (U07-008). For any new office building to the left of the line and to the north and west of the wedge, the maximum height shall be eight (8) stories, exclusive of any penthouses for mechanical equipment. (U07-008).
 - f. The restaurant shall have a maximum height of one (1) story.
 - g. The residential building shall have a maximum height of 80 feet (7 stories) except that the building shall not exceed 60 feet (4 stories) along the Glenridge Drive frontage (west elevation), excluding any penthouses for mechanical equipment. (U09-009) Any residential buildings shall meet the design standards of the Sandy Springs Overlay District (Article 12B).
 - h. The following uses are prohibited: Amusements, Indoor; Assembly Halls; Automotive Parking Lots; Automotive Specialty Shops; Church, Temple or Other Place of Worship; Funeral Homes; Garage, Automobile Repair including painting, body repair and overhaul of major components; Group Residences; Gymnasiums; Landscaping Business; Garden Center; Lawn Service Businesses; Millinery or Similar Trade whenever products are sold commercial, exclusively on the site where produced; Motels; Personal Care Homes; Plant Nurseries; Repair Shops not involving any manufacturing on the site; Research Laboratories; Service Stations; Stadiums; Theaters; Recycling Centers, Collecting; Automotive Garage; Automotive Repair Garage; Automobile & Light Truck Sales\Leasing; Batting Cage, Outdoor; Bowling Alley; Car Wash; Check Cashing Establishment; Drive-in Theater; Drive-thru banking facilities; Garage, Automobile Repair; Laundry and/or Dry Cleaning Plant Distribution Center; Pawn Shop; Plumbing Shop associated with commercial sales; Skating Rink; Tinsmithing Shop; Self Storage/Mini; Self Storage/Multi; Drive-thru restaurants.
2. To the owner's agreement to abide by the following:
 - a. To the site plan dated June 11, 2012 and received by the Department of Community Development on June 12, 2012 (as entered pursuant to the Court Order of May 14, 2012). Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
 3. To the owner's agreement to provide the following site development standards:

- a. The minimum design standards are:

Minimum front yard: 40 feet

Minimum side yard: 10 feet

Minimum rear yard: 10 feet

Minimum internal setback: 0 feet

Minimum landscaping and buffering between uses: 0 feet

Minimum heated floor area per dwelling unit: 700 square feet

- b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- c. No less than 34% of the site shall be maintained as open space of which 15% shall be green space.
- d. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with adjacent properties. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained; permanent easements shall be recorded allowing for future interparcel access along the entirety of the boundary of the adjacent properties, prior to the issuance of an LDP.
- e. The owner/developer shall update the existing signalization to accommodate the new roadway configuration at the project entrance and provide pedestrian access consistent with current city standards. Said signalization and pedestrian access shall be subject to the approval of the Public Works Department as part of the LDP and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- f. The owner/developer shall install a dedicated northbound right turn lane to serve project entrances on Glenridge Drive. Location and design of said lane shall be subject to the approval of the Public Works Department as part of the LDP and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- g. The owner/developer shall install southbound right turn lane from Glenridge Drive onto I-285 westbound ramp. Location and design of said lane shall be subject to the approval of the Public Works Department as part of the LDP and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- h. The owner/developer shall install a parallel lane on the westbound entrance ramp from Glenridge Drive onto I-285. Location and design of said lane shall be subject to the approval of the Georgia Department of Transportation and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- i. No outparcel shall have direct access to Glenridge Drive.
- j. To modify the surface parking landscape island requirement to provide for an alternate landscaping plan by maintaining the existing surface parking landscaping as shown on the site plan referenced in condition 2.a. (CV07-020)

- k. The tree buffer at the western boundary line of the property abutting Glenridge Drive, shall be retained as configured on the latest site plan as presented to the City with rezoning application RZ09-010/U09-009/CV09-019 as measured from the dedicated right-of-way.

Councilmember Dianne Fries stated there was mention of the newspaper and the City's notification to the public regarding this hearing. She asked why there is such an inconsistency regarding public notice.

City Attorney Willard stated there is a problem with the way the newspapers are delivered in Sandy Springs. The public hearing was to be advertised in two newspapers, but he was told only one of the newspapers advertised the hearing. There was a public hearing notice posted on the property. The City has met the legal requirements for the public hearing notice.

Councilmember Fries asked if the City Manager would review when the local newspapers are delivered. The City may need to advertise in a daily newspaper.

City Attorney Willard stated the City was previously using the Daily Report as the legal organ for public notices, which is a newspaper that many people do not read. Staff came to Council about one year ago with the recommendation to use the Sandy Springs Neighbor and the Sandy Springs Reporter as the legal organs.

Mayor Galambos asked if the public notice was in the Sandy Springs Reporter.

City Attorney Willard stated he does not believe so.

City Manager John McDonough stated staff discussed this issue in length and the City did submit and pay for the ad, but it was not run in the Sandy Springs Reporter. Staff will be meeting with that newspaper to discuss these issues. Due to the schedule of the other newspaper, the advertisement was not able to be placed in that newspaper. The City's goal is to advertise as broadly as we can utilizing the available instruments. The Daily Report is one reliable instrument, but it is not widely read. Staff is also posting notices on the properties. The City is doing in excess of what is legally required to ensure the people have an opportunity to be properly notified. Staff will continue to explore other methods of advertising the public notices.

Councilmember Gabriel Sterling stated the City followed the notification procedures properly, but the outcome did not meet the goal the City set. The newspaper only advertised the public hearing in the Northside Neighbor, which is only delivered on the south side of I-285. No one on the north side of I-285 received the notification in the Sandy Springs Neighbor. While the City met the legal requirements, the spirit of trying to notify the public has not been met in this particular case.

Councilmember DeJulio stated he is very familiar with this intersection, since it is three blocks from his house. Since Sandy Springs has been a City, the City has been promising the residents in the Glenridge and Hammond Hills area that we are not going to allow commercial development into that area. The neighborhood is very viable and vibrant and is continuing to improve on a daily basis. If Council approves this item tonight, the owner of the medical building may as well close that building. If there are two lanes exiting this development turning left to get onto I-285, they are traffic bound. He used to drive in this area every evening and from 5:00 p.m. to 6:00 p.m. the traffic would be bumper to bumper from I-285 to Hammond Drive. The people exiting the medical building will have to go across three lanes of traffic, unless they want to get onto I-285. The only alternative is for the medical building owner to ask Council for an entrance onto Glenforest. The City has been promising the people that live on Glenforest we would not let this happen. He does not see how Council can deny this application after the applicant has invested so much money into the property. He probably received at least fifty emails from constituents stating they did not know about this public hearing.

Substitute Motion and Second: Councilmember DeJulio moved to defer Agenda Item No. 12-177, RZ07-021/CV07-020/U07-008 - 5775 & 5795 Glenridge Drive, *Applicant: MLGP Lakeside, LLC*, For modification of the approved zoning conditions, to the August 17th City Council meeting. Councilmember Meinzen McEnery seconded the motion.

Councilmember Fries asked about the lane to I-285 being in front of the medical building entrance. A concrete traffic island would be helpful in front of the medical building. She asked if there is an option for the court order to be worked out with the applicant and the neighbors for another month.

City Attorney Willard stated the case is a consent settlement between the property owner and the City. If the property owners wish to continue discussions, that is up to them.

Councilmember Karen Meinzen McEnery stated she received notice and attended the court hearing. Also present were Ms. Lloyd, Doug Falciglia, and two representatives from MetLife business. The City and applicant's counsel went behind closed doors and came to an agreement. She applauds the City's counsel for implementing the live/work community direction that was discussed. The comprehensive plan use that was approved in 2007 contains two major components, the map and the large notebook that contains the policies. There was a discrepancy in the approved comprehensive plan on the map, which showed a transit oriented area that is not in the policy. Transit oriented developments are not part of the City's policy. The map showed that a portion of the site is in the live/work regional, which is the higher density. The City does not have transit oriented development in the policy that allow higher density because it is closer to MARTA. She asked how it will affect adjacent owners in terms of live/work regional if Council approves the site plan.

Ms. Henderson stated there is not vested rights that attach to a comprehensive plan designation. The line is on the site plan map because it is how it is reflected at the current time on the City's future land use map. The line was placed on the map to demarcate where any taller structures could be located. The taller buildings would skew the density towards the back of the lot and the lower elevation of the lot to minimize the visual appearance from Glenridge Drive. The overall density is still very close to live/work community, which is what Council requested. The line on the map does not mean the applicant can develop to any density they choose behind that line. The overall density required for the entire property is still in place.

Councilmember Meinzen McEnery asked about precedence for adjacent uses within half a mile by placing the line on the site plan. She asked if the line infers the City has transit oriented development.

Ms. Henderson stated this is the only area that does not have viable access to a MARTA station.

Councilmember Fries asked if Council approved the land use map.

Ms. Henderson responded yes.

Councilmember Meinzen McEnery stated the policies of the comprehensive plan have no description of (TOD) transit oriented development. Council did provide the guidance to make the consent order based on live/work community. Conditions 3.g. and 3.h. were part of the original conditions in 2009 and are a key part of the quality of life issues for the business and the neighbors that are adjacent. She would prefer that both conditions be laid out ahead of time, before construction begins. She is concerned about the property rights for the medical building and if any part of the installation of the west bound lane requires easements, agreements or acquisitions from private property owners that have not been a part of the lawsuit. She will support a deferral while some of the issues are reviewed. If a deferral is granted, she hopes MetLife will work with the neighbors.

Councilmember Chip Collins stated he had to refer back to the 2010 minutes to remember how Council voted on this item and it was denied 5 – 1. Traffic was a big issue even with the recommended conditions

from staff. What was being done to the medical building was a concern and the neighbors were opposed. With this item coming back to Council as a settlement, he assumed those issues would have been somewhat addressed. The only difference he can tell is the density reduction of 70,000 square feet. The medical building concern has not been addressed in any way. No neighborhood had any real involvement in the settlement and negotiations. He supports deferral of this item. If this item is deferred, he hopes that both sides will work very hard to compromise on the remaining issues.

Councilmember John Paulson stated the issue of public notice needs to be resolved. If deferral of this item gives all involved more time for review and consideration, he is fine with that.

Vote on the Motion: The motion carried unanimously.

Rezoning

(Agenda Item No. 12-178)

6. **RZ12-005/CV12-005** - 216 E. Belle Isle Road, *Applicant: Belle Isle Animal Clinic*, To rezone from C-2 (Commercial District) conditional to C-2 (Commercial District) conditional to allow an addition to the existing veterinary clinic building

Manager of Planning and Zoning Patrice Dickerson stated this item is a request to rezone the subject property from C-2 conditional to C-2 to allow an addition to the existing veterinary clinic. Staff is recommending approval of the rezoning and associated concurrent variances. The case was heard by the Planning Commission in July and the Commission recommended approval as recommended by staff.

Brad Riffel, 50 Warm Springs Road, stated he represents one of the owners of the Belle Isle Animal Clinic. The applicant is requesting to add internal kennels for which more parking spaces would be required.

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 approve Agenda Item No. 12-178, RZ12-005/CV12-005 - 216 E. Belle Isle Road, *Applicant: Belle Isle Animal Clinic*, To rezone from C-2 (Commercial District) conditional to C-2 (Commercial District) conditional to allow an addition to the existing veterinary clinic building. Councilmember Fries seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To a(n) Indoor Veterinary Clinic, Clinic, General Office, Day Care Facility, Research Laboratory, and associated accessory uses.
 - b. To the 4,025 square foot building developed at a density of 7,740.4 gross square feet per acre.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on April 3, 2012. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to

complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:
 - a. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required thirty-five (35) foot Zoning Buffer and the ten (10) foot Improvement Setback along the side east property line to a twenty (20) foot landscape strip planted to buffer standards (CV12-005 #1).
 - b. Variance from Section 18.2.1 of the Zoning Ordinance to reduce the required parking from 16 spaces to 15 spaces (CV12-005#3).
 - c. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of East Belle Isle Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.

Councilmember Karen Meinzen McEnerny asked if there will be enough greenspace to walk the dogs with the expansion and additional parking.

Mr. Riffel responded yes.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2012-07-23

(Agenda Item No. 12-179)

7. **RZ12-006/CV12-007** - 8610 Roswell Road, *Applicant: Christian Brothers Automotive*, To rezone a proposed outparcel from CUP (Community Unit Plan District) conditional to C-2 (Commercial District) with concurrent variances to allow for an automotive repair shop

Manager of Planning and Zoning Patrice Dickerson stated this item is a rezoning request to allow the construction of an automotive repair shop at the Loehman's shopping plaza. The zoning modification request allows the creation of the outparcel. Staff is recommending approval conditional of both applications and the Planning Commission recommends approval of the rezoning request as recommended by staff.

Johnathan Wakefield, 15995 Barkers Landing, Houston, TX, stated he is the Development Director for Christian Brothers. Christian Brothers is a nine bay light automotive repair facility. The business is not the stereotypical automotive repair facility. The business hours of Christian Brothers are from 7:00 a.m. to 7:00 p.m. and closed every Sunday. The company would only be open on Saturday for the first six months, in order to give the franchisee an opportunity to build up their clientele. The reason for this is to be a good neighbor to the residential community. The business is different in that the building will look more like a stone cottage with a nine car garage. Landscaping is very important to the company as well. His company tries to go above and beyond any City's required ordinance. His company has less car traffic in the course of a day than a McDonald's drive thru during lunch for thirty minutes. In working with City staff, there is a very good solution for any perceived traffic issues that may come up in the future. Another major issue that is often discussed is lighting. The stereotypical automotive repair facility operates during late hours and keeps vehicles outside the building, which requires more lighting for security. Christian Brothers does not store vehicles overnight, so the company does not require the same level of security lighting. There will be no pole lighting for the business.

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 Fries moved to approve Agenda Item No. 12-179, RZ12-006/CV12-007 - 8610 Roswell Road, *Applicant: Christian Brothers Automotive*, To rezone a proposed outparcel from CUP (Community Unit Plan District) conditional to C-2 (Commercial District) with concurrent variances to allow for an automotive repair shop. Councilmember Sterling seconded the motion.

Staff conditions:

1. To the owner's agreement to abide by the following:
 - a. To the site plans received by the Department of Community Development on April 4, 2012. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
2. Variance from Section 18.2.1. of the Zoning Ordinance to reduce the required off-street parking for an from twenty-five (25) spaces to nineteen (19) spaces (CV12-007)
3. Variance from Section 4.23.1 of the Zoning Ordinance to allow a retaining wall(s) within the required ten (10) foot landscape strip(s).

Councilmember Dianne Fries stated the applicant has met with the neighbors and she spoke with them as well. She appreciates the cooperation and the extra landscaping is fantastic.

Councilmember Karen Meinzen McEnerny asked if the zoning complies with the City's comprehensive land use plan.

Manager of Planning and Zoning Dickerson responded yes. The plan recommends that the property be commercial use.

Councilmember Meinzen McEnerny asked what areas in the overlay district along Roswell Road do not allow automotive use.

Manager of Planning and Zoning Dickerson stated those areas are downtown Sandy Springs and on Roswell Road between Abernathy Road and Glenridge Drive.

Councilmember John Paulson asked that a shaded section on the site plan not cause the cars to go right out into traffic on Roswell Road.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2012-07-24

Zoning Modification

(Agenda Item No. 12-180)

8. **ZM12-003/CV12-008** - 8610 Roswell Road, *Applicant: Christian Brothers Automotive*, To modify the site plan approved under Z65-0020 to allow creation of an outparcel, with concurrent variances

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 Fries moved to approve Agenda Item No. 12-180, ZM12-003/CV12-008 - 8610 Roswell Road, *Applicant: Christian Brothers Automotive*, To modify the site plan approved under Z65-0020 to allow creation of an outparcel, with concurrent variances. Councilmember Sterling seconded the motion.

Staff conditions:

1. To the site plan received by the Department of Community Development dated April 4, 2012. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy. (ZM12-003)
1. To delete the required ten (10) foot landscape strip adjacent to the newly formed northern property line(s) of the proposed outparcel to allow for a new sidewalk and an existing sign as indicated on the Site Plan received by the Department of Community Development on April 4, 2012. (CV12-008 #1)

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2012-07-25

Millage Rate

(Agenda Item No. 12-181)

9. An Ordinance of the Mayor and Council of the City of Sandy Springs, Georgia, to Fix the Ad Valorem Tax Rate of the City of Sandy Springs for Fiscal Year 2013; and for Other Purposes

City Manager John McDonough stated this item is the annual ordinance after the adoption of the FY13 budget. The millage rate will remain at 4.731 mills, which is the authorized millage cap under the City Charter. Staff recommends City Council approval of this item.

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 DeJulio moved to approve Agenda Item No. 12-181, An Ordinance of the Mayor and Council of the City of Sandy Springs, Georgia, to Fix the Ad Valorem Tax Rate of the City of Sandy Springs for Fiscal Year 2013; and for Other Purposes. Councilmember Paulson seconded the motion. The motion carried unanimously.

Ordinance No. 2012-07-26

Economic Development

(Agenda Item No. 12-182)

10. Americold Incentives Request

Director of Community Development Angela Parker stated Americold is a temperature controlled warehouse business. The company has approximately 1.1 billion square feet of warehouse worldwide. The company decided to renew their lease and expand their business in Sandy Springs. The company is proposing a capital investment of \$2 to \$3 million and increasing from 285 employees to 335 employees. The company would qualify for Tier 2 incentives, which would give them a business license fee reduction for two years, expedited permitting, and the permit fees being waived. Staff recommends approval of this application.

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.

Mayor Galambos asked if build out and furniture are considered part of capital improvements.

Director of Community Development Parker stated she does not know if furniture is included in soft costs. In this particular case, the hard construction costs for Americold exceed the threshold for Tier 2.

Mayor Galambos stated she wanted to be sure the intent of this program is to improve the tax digest.

Director of Community Development Parker stated in this case the construction costs meet that threshold.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 12-182, Americold Incentives Request. Councilmember Paulson seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 12-183)

1. Consideration of Approval of the GDOT Maintenance Reimbursement Contract

Director of Public Works Kevin Walter stated a few weeks ago GDOT elected to make their maintenance agreement program available to all municipalities in the State. The program allows GDOT to pay municipalities up to \$3,500 per center line mile for every year they assume general maintenance of State right-of-ways. The City has already supported GDOT's efforts to keep the City beautiful and clean by funding about 40 miles of State right-of-way including I-285, GA400, and State Route 9. The City applied for a contract to receive approximately \$141,000 from GDOT. He recommended Council approve the resolution allowing the City to sign the contract to receive these funds.

Councilmember John Paulson asked if signing the contract obligates the City to do more than what is already being done.

Director of Public Works Walter stated the contract would obligate the City to perform snow removal on State Route 9.

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 12-183, Approval of the GDOT Maintenance Reimbursement Contract. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2012-07-46

Director of Public Works Kevin Walter stated staff received a letter from GDOT informing the City of their desire to totally replace the Northridge bridge. There is another \$2 plus million of funding for the project. GDOT has asked for the City's continued commitment of \$500,000, originally for certain beautification items, which GDOT would like to go towards construction. This item will be brought before Council at the next Council meeting.

Councilmember Dianne Fries asked if two additional feet will be added to the bridge.

Director of Public Works Walter stated there are limitations on what can be done for bicycle lanes. Some parts of the City's beautification will be done, but not all of it.

(Agenda Item No. 12-184)

2. An Ordinance to Amend Chapter 6, Article I, Section 6-1(b) of the Sandy Springs Code of Ordinances so as to remove from the definition of the word "growler" the requirement that the growler bottle be made of glass

City Attorney Wendell Willard stated this item will allow plastic growlers to be used as well as glass.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-184, An Ordinance to Amend Chapter 6, Article I, Section 6-1(b) of the Sandy Springs Code of Ordinances so as to remove from the definition of the word "growler" the requirement that the growler bottle be made of glass. Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance No 2012-07-27

(Agenda Item No. 12-185)

3. Approve Additional Design/Spec Services by Atkins Engineering for the Abernathy Greenway Project

Director of Recreation and Parks Ronnie Young stated this item is a request to approve \$33,550 for additional design services for restrooms, fence, well drilling, and permits associated with those items for the Abernathy Greenway.

Mayor Eva Galambos asked if there is money in the budget for this request.

Director of Recreation and Parks Young responded yes.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 12-185, Additional Design/Spec Services by Atkins Engineering for the Abernathy Greenway Project. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-186)

4. Consideration of Approval and Authorization for the City Manager to Execute a Contract to Construct Phase IV of the Abernathy Greenway Project (T-0002) Subject to Validation and Approval by the Legal and Finance Departments and the Georgia Department of Transportation

Director of Recreation and Parks Ronnie Young stated this item is the result of the June 28, 2012, bid for the Abernathy Greenway Phase IV. There were five bidders. Bidder number one bid \$898,540.50. When the subtotals were added in that bid, the bid increased to \$2.189 million. He recommends awarding the contract to Johnson Landscapes, providing that after validation the bid information is correct. The City will also have a contract with GDOT, because of \$800,000 of funds being used in this phase of the project. Once Phase IV is complete, the park should be completed by the end of this calendar year. He anticipates the work will begin within one month. Work is currently being done to install the Dragonfly,

the first playable art piece. The other pieces will be installed in November 2012. He asked for Council's approval to award the contract to Johnson Landscapes, Inc.

Mayor Eva Galambos asked if the requested amount is in the budget.

Director of Recreation and Parks Young responded yes.

Councilmember John Paulson asked if it was discussed with Triscapes that they made a math error in their bid.

Director of Recreation and Parks Young stated City procurement staff and Atkins Engineering discussed this with Triscapes.

Councilmember Karen Meinzen McEnery asked about alternate bids for adding trails and various other items.

Director of Recreation and Parks Young stated one of those bids included changing the surface of the parking area from permeable concrete pavers to gravel. Staff decided to go with the concrete pavers, which is similar to what is being installed at Hammond Park. The park elements to the east side of Wright Road have been eliminated for the time being.

City Manager John McDonough stated this item has a substitute resolution from what was provided in the agenda package. What was removed from the resolution was the construction and inspection services portion.

Councilmember Chip Collins stated the previous agenda item Council approved is to allow the company to do design work.

Director of Recreation and Parks Young stated Atkins Engineering will perform the design/spec services.

Councilmember Collins stated the work will include trails, irrigation system, and landscaping. There has been discussion and concern from the neighborhood about the placement of the bathrooms. He asked if the bathrooms were included in what is being approved this evening.

Director of Recreation and Parks Young responded no.

Councilmember Collins stated the final decision on where the bathrooms will be installed and where the playable art pieces will go is not part of what is being approved this evening.

Director of Recreation and Parks Young responded yes.

Councilmember Collins stated there is a request to have another discussion regarding where the playable art will be installed.

Mayor Galambos stated she thought Council already approved where the playable art will be installed.

Councilmember Meinzen McEnery asked what the issues are regarding the playable art locations.

Director of Recreation and Parks Young stated a drawing previously presented to Council shows what staff is working towards as far as placements for the playable art. The only art piece location that is finalized is the piece that has already been placed in the park. Staff may run into issues regarding the

width, length, and other dimensions of the art pieces. Fitting the pieces into a park that was already designed with a ten foot wide trail with current and additional trees may also create issues.

Councilmember Dianne Fries stated she recalls a plan that was approved by Council and it included waiting on constructing the extra parking lot. She has a problem with Council going back and changing items that have already been voted on. If Council did not agree on the site plan at a previous meeting, she requested the site plan be brought back to Council at the next City Council meeting.

Councilmember Collins stated there has been a plan in place since 2007. Last year, the playable art came to Council and was to be located in one area. Staff then received responses back from the artists and the art pieces are larger than anticipated. That is why Council should be flexible on this plan. Previously discussed was moving the bathroom closer to the playable art. The only logical place for the bathroom was in the narrow part of park, closest to the houses that are near the park. The nearby neighbors have concerns about the placement of the bathrooms. He sees no harm in making sure the park plan is correct. Now that staff knows the size of the art pieces, they can develop the best plan possible. One possibility would be moving the bathrooms to the west side of the Woodward house and possibly moving some of the playable art pieces. Having two alternative plans is worth looking into.

Councilmember Fries stated she does not have an issue with looking at alternatives. She wants to make sure that one Councilmember is not directing staff. If the City Manager and staff review this information and decide it is worthy of Council discussion, she suggested bringing the item back before Council.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-186, Approval and Authorization for the City Manager to Execute a Contract to Construct Phase IV of the Abernathy Greenway Project (T-0002) Subject to Validation and Approval by the Legal and Finance Departments and the Georgia Department of Transportation, and to Award a contract to Johnson Landscapes Inc. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2012-07-47

REPORTS AND PRESENTATIONS

There were no reports by Mayor and Council or by City staff.

PUBLIC COMMENT

Jon Burton, 6700 Pine Mill Lane, stated the previous conversation regarding Abernathy Park changes the dynamics of the comments he was going to make and certainly the comments the individual homeowners were going to make. He resides in the Brandon Mill subdivision and is on the board for his neighborhood homeowners association. He was asked by many homeowners to provide an overview of the concerns and issues they have with the existing plans for the park. Long before Sandy Springs was created, many neighbors came to work together on a consensus of what was envisioned for the park. What was agreed upon was a linear greenspace park that included jogging, walking, and hiking trails. That is no longer the plan for this park. Now in discussion is a linear playground with oversized playable art and proposed parking lots, pavilions, and restrooms that dominate at the expense of greenspace and pedestrian trails. He would like mitigation for the neighborhood. Several neighborhoods in the Johnson Ferry and Abernathy Road corridor have been asked to endure a lot. These neighborhoods have and will continue to be the most impacted by the park. The neighbors would like to have a meeting with the steering committee and planners to address their concerns regarding the changes in the park and to try to mitigate the changes.

Mayor Eva Galambos stated the adjacent neighborhoods will have the greatest increase in property values because parks always increase property values.

Mr. Burton stated he does not dispute that information. He is discussing the homeowners in the Brandon Mills homeowners association and the houses that directly line the park and what will be done to mitigate the imposition on them.

Gary Forlenza, 19 Brandon Ridge Drive, stated his backyard is located behind the Woodward house in Abernathy Park. He does not see how a bathroom at the back of his property will increase the value of his home. For a park that small, there is no need for a bathroom. He asked how the City will handle loitering and other issues the park may have. He already has items that have been stolen from his property. He wonders how the noise at the pavilion will affect him. Regarding the subject of public notice, he receives that particular newspaper once every quarter. He went on the newspaper website and this item has not been updated since November 2011.

Leticia Weidenhamer, 9 Brandon Ridge Drive, stated her home is located on the other side of the park. Her main concern is how the plan went from a 20 space parking lot to 36 spaces. The Woodward house is set on a nice piece of property and the additional parking spaces will take away from the greenspace. She asked that Council look at the original site plan.

Paige Zapanuik, 6695 Pine Hill Lane, stated she lives adjacent to the park to the east side of the Woodward house. She supports the comments of Mr. Burton and asked that Council consider keeping more greenspace in the park.

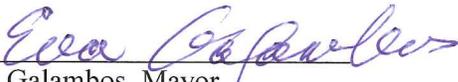
Dermot Waters, 29 Brandon Ridge Drive, stated he has lived in the neighborhood for about ten years. It seems like the park site plans are changing at the last minute. He would like the neighborhood concerns to be heard.

(Agenda Item No. 12-187)

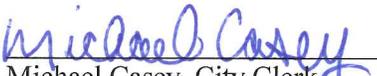
ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 9:41 p.m.

Date Approved: August 7, 2012



Eva Galambos, Mayor



Michael Casey, City Clerk