

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

INVOCATION

Tom Van Laningham, Refugee Resettlement & Immigration Services (RRISA), offered the invocation.

CALL TO ORDER

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

ROLL CALL AND GENERAL ANNOUNCEMENTS

Assistant City Clerk Kelly Bogner 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.

Assistant City Clerk Bogner 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. 12-097)

APPROVAL OF MEETING AGENDA

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

CONSENT AGENDA

(Agenda Item No. 12-098)

1. Meeting Minutes:
 - a) April 3, 2012 Regular Meeting
 - b) April 3, 2012 Work Session
 - c) March 27, 2012 Council Retreat

(Michael Casey, City Clerk)

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

PRESENTATIONS

1. Proclamation for Donate Life Month – Mayor Galambos

Mayor Eva Galambos called Scott Haggard, representative of LifeLink Georgia, to the front. She read the proclamation which states, "One of the most meaningful gifts that a human being can bestow upon another is the gift of life. More than 113,000 men, women and children await life-saving or life-enhancing organ transplants, of which over 3,400 reside in Georgia. The critical donor shortage remains a public health crisis as an average of 18 people die daily due to the lack of available organs. Organ, eye, and tissue donation can provide families the comfort of knowing the gift of donated organs and tissue endows another person with renewed hope for a healthy life. 5,205 citizens of Sandy Springs, Georgia, have already registered their decision to give the Gift of life at the website. LifeLink of Georgia is a non-profit, community service organization dedicated to the recovery of high quality organs and tissues for transplantation therapy. The City of Sandy Springs supports LifeLink of Georgia's life-saving mission." She proclaimed April 2012, as Donate Life Month in the City of Sandy Springs to honor all those who made the decision to give the gift of life, to focus attention on the extreme need for organ, eye and tissue donation, and to encourage all residents to take action and sign up on Georgia's Donor Registry at www.donatelifegeorgia.org.

Scott Haggard, Representative of LifeLink of Georgia, stated his sister was an organ donor three years ago. LifeLink appreciates the support of the City. This is a vitally important issue for people who are waiting on an organ transplant. An individual can sign up to be an organ donor when applying for a driver's license or at www.donatelifegeorgia.org.

Mayor Galambos stated a good recent example of an organ transplant is Vice President Dick Cheney, who received a donated heart.

2. Proclamation for Sandy Springs Fair Housing Month – Mayor Galambos

Mayor Galambos read the proclamation which states, "April 11, 2012, marks the 44th anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, creed, national origin, sex, family status, and handicap. The Fair Housing Law encourages equal housing opportunities for all citizens. The City of Sandy Springs is committed to highlight the Fair Housing Law by continuing to address discrimination in our community, support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every American of their right to fair housing. On March 2, 2010, the Sandy Springs Mayor and City Council adopted the City's first *Analysis of Impediments to Fair Housing* study that identified recommendations and actions to promote fair housing. Steps that are underway to accomplish these recommendations include the recognition of Fair Housing Month." She proclaimed April 2012 as Sandy Springs Fair Housing Month in commemoration of the U.S. Fair Housing Law and urges all citizens of Sandy Springs to celebrate and support fair housing throughout the year.

PUBLIC HEARINGS

Assistant City Clerk Kelly Bogner read the rules for the Public Hearings section of the meeting.

Alcoholic Beverage License

(Agenda Item No. 12-099)

1. Approval of Alcoholic Beverage License Application for Ariana Afghan Cuisine at 5785 Roswell Rd, Sandy Springs, Georgia 30328. Applicant is Jalil Aziz for Consumption on Premises Wine, Malt Beverage and Distilled Spirits

Revenue Supervisor Brandon Branham stated this item is a new application for consumption on premises of wine, malt beverage, and distilled spirits. The applicant has met all of the 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. 12-099, Alcoholic Beverage License Application for Ariana Afghan Cuisine at 5785 Roswell Rd, Sandy Springs, Georgia 30328, for Consumption on Premises of Wine, Malt Beverage and Distilled Spirits. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Text Amendment

(Agenda Item No. 12-100)

2. **TA12-004** - An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance

Manager of Planning and Zoning Patrice Dickerson stated this item is an amendment to Article 33, Signs, based on recommendations received from the Design Review Board in the fall of 2011. Both the Design Review Board and the Planning Commission have recommended approval of the amendment. Following the Planning Commission's hearing, there were two changes that staff made based on recommendations from the City Attorney. Those changes are on page 3 of the revision. Staff recommends approval as presented.

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. 12-100, **TA12-004** - An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance. Councilmember Paulson seconded the motion. The motion carried unanimously.

Ordinance No. 2012-04-10

Mayor Galambos stated the signage on Old Milton Parkway near State Bridge Road is very instructive and attractive. These signs should give Sandy Springs standards to aspire to.

Grant Application

(Agenda Item No. 12-101)

3. Consideration of Approval of Application for Allocation under FY2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Assistant City Manager Eden Freeman stated this item is an application for the City's allocation under the FY2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The City's allocation for this year is \$17,351, which is slightly less than the \$21,000 received last year. The Police Department is proposing to use the funds to purchase an additional automatic license plate reader for the City as well as another Iron Sky camera. Staff is required to present the package to Council thirty days before the application is submitted.

Councilmember John Paulson asked how many license plate readers the City would have if the application is approved and how many does the City currently have.

Police Chief Terry Sult stated the application would provide one additional mobile automatic license plate reader. The City currently has one mobile unit and two fixed locations with the license plate readers. Within the last week the automatic license plate readers were responsible for the Police Department being able to identify a wanted subject. This individual was breaking into many buildings within the City. Eighteen cases were cleared within the City and over one hundred throughout the metro area.

Councilmember Chip Collins asked for an explanation on how the license plate readers operate.

Police Chief Sult stated the equipment reads license plate numbers and runs it against a database. The license plate reader also maintains a record of the license plates that are scanned. At the fixed locations, the license plate readers maintain the dates and times a vehicle drives through the area. In this case, there was a description of a vehicle used in break-ins that matched the descriptions from the camera and license plate reader. The Police Department was able to identify the driver of the vehicles as coming from the Clayton County area. Over \$100,000 of stolen goods was confiscated from the individual. The mobile license plate reader is in a squad car. As the squad car drives down the road, an immediate alert is given if it scans the plate of a stolen vehicle.

Councilmember Dianne Fries stated she thought the City has a police car with many cameras on that one car.

Police Chief Sult stated the Police Department still has that vehicle and it is being used. As the vehicle drives down the road or through a parking lot, the license plate reader is actively scanning. The new reader will be mobile and can be moved from vehicle to vehicle.

Mayor Eva Galambos asked if the license plate number has to be typed into the computer.

Police Chief Sult stated the license plate reader eliminates the need to type the license plate number into the computer.

Mayor 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. 12-101, Approval of Application for Allocation under FY2012 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Councilmember Fries seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

(Agenda Item No. 12-102)

1. Approval of Resolution Requesting that FEMA Depict the Flood Risk Areas between the 640 Acre and 100 Acre Limits within the City as Zone X

Stormwater Manager Celia Klardie stated the first part of this item is a presentation. The first slide discusses definitions. Zone A is a high risk area with a 1% annual chance of flooding and a 22% chance of flooding over the life of a 30-year mortgage. The shaded Zone X is a flood insurance risk zone that corresponds to areas outside the 1% annual chance floodplain or has a 1% annual chance of sheet flow flooding, where average depths are less than 1 foot. It is also for areas outside of the contributing drainage area less than 1 square mile, which is the 640 acre limit. The district flood risk areas are areas that FEMA is requiring the City designate as either Zone A or Shaded Zone X. It is comprised of areas with drainage basins less than 640 acres or a shaded Zone X. The area is comprised of drainage basins

that typically are not required to be studied per FEMA, but are required to be studied by the Metropolitan North Georgia Water Planning District. A City decision to take "No Action" will maintain the areas shown as Zone A. Five nearby communities have been in a similar scenario as Sandy Springs. Two of these communities are the cities of Alpharetta and Roswell and they both chose the Zone X designation. Currently, the Preliminary Maps are issued in draft form and will not be final for another year. Staff is expecting notice from FEMA on when the 90-day public comment period will begin. The Georgia Department of Natural Resources (GA DNR) is currently awaiting approval from FEMA in order to commence the comment period. During this period, technical and/or scientific data can be submitted to file a protest or an appeal regarding the overall accuracy of the mapping process. All that information will go to City staff and be sent to FEMA for review and consideration. City staff has and will continue to assist property owners affected by the district area with interpretation of their flood maps, site visits to evaluate mapped limits of flood risk areas, and providing available information that would support protests or appeals. Affected properties that obtain flood insurance prior to the maps becoming effective will benefit from a grandfathered insurance rate for two years after the maps become current. The preliminary maps are adopted as current effective FEMA maps. Once the maps have been adopted, if a property owner wants to submit a Letter of Map Amendment (LOMA), they should do so at that time. That is when the property owner is able to complete an elevation certificate, which further defines the elevation of the finished floor compared with the base flood elevation. There are two online mapping tools available which include: GA DNR's website and the Sandy Springs flood mapping website. Before the study was submitted to GeorgiaDFirm.com, the information was provided to the citizens in draft form. In the interim, FEMA reviewed the study and made a couple of changes. There was a slight discrepancy between the two maps. As of January 2012, the City website was updated to reflect revisions made to GA DNR's map, due to more recent topographical information. In order to prevent future issues, staff has removed the City's online map until after the 90 day public appeal period. A property owner will know if they are affected by visiting the GA DNR's website or by contacting Floodplain Administrator Bennett White or herself. There are pros and cons of no action (Zone A) versus action (shaded Zone X). The no action Zone A pros are: buyers notified of flood risk and a greater probability of receiving mitigation funds in the event of future buyout programs. The con is insurance is required and rates are generally more costly. The pro of shaded Zone X is insurance is not required. The con is buyers may be unaware of possible flooding on the property. Development and re-development projects will be reviewed by staff and have the same requirements whether they are Zone X or Zone A. The requirement of insurance for federally backed loans on properties in Zone A is the nationally recognized method for ensuring that buyers are notified and properly protected against high risk flood loss areas. There are 27,688 parcels within the City. 4,819 of those parcels are affected by the preliminary flood risk areas. 2,567 of the 4,819 parcels lie within the district areas where the City can designate them as Zone A or shaded Zone X. A maximum of 244 structures are within the district flood risk areas. Staff recommends the City take action to designate the district areas as shaded Zone X.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 12-102, Resolution Requesting that FEMA Depict the Flood Risk Areas between the 640 Acre and 100 Acre Limits within the City as Zone X. Councilmember Collins seconded the motion.

Mayor Eva Galambos called for public comments in support of or opposition to the proposed resolution in the order in which the speaker cards were received.

Larry Crowe, 1070 Azalea Drive, stated he owns four properties in Sunnybrook Meadows subdivision. He purchased his first property in 1981 and lived there for over twenty-five years. When he first moved to Sunnybrook, there was a small church on the northwest corner on thirteen acres. On the southeast corner of the property was a kudzu pit, where the Publix is now located. On the northeast corner there was an AT&T property where a condominium development is now located. All of these properties are now completely paved. He suggested driving along Roswell Road and looking at the stormwater drain

inlets. Sunnybrook Meadows and Brook Drive are receiving most of the stormwater runoff. Now, Abernathy Road has been paved to four lanes. All of these measures have surely increased stormwater runoff, increasing the potential for future flooding along Brook Drive. When he first moved to Sunnybrook, the water behind his property was a brook, but it has now turned into a raging river. The neighborhood posted a video on YouTube a couple of years ago to show the flooding in his backyard. He asked if everything has been done to minimize the flooding along Brook Drive. He asked if there will be funding allocated to help address the flooding concerns of the residents.

Barbara Malone, 240 Colewood Way, stated she is in attendance on behalf of Mountaire Springs Neighborhood Association. The Association supports this item. Colewood Creek is a neighborhood that would be adversely affected by the possibility of changing Zone X to Zone A. City staff members Celia Klardie and Bennett White have gone above and beyond their duty to make sure residents know what is happening.

Ron Lee, 6070 Rivershore Pkwy, stated he represents the Rivershore Estates neighborhood. Adoption of this item will preserve property values and the tax base. It will also allow impacted homeowners to continue to purchase the flood insurance at a maximum rate of \$355 a year, rather than at the higher amount that would be required if this item is not adopted.

Mayor Galambos closed the public hearing.

Councilmember John Paulson stated his home is one of the 244 structures. He requested that staff make sure the 244 property owners know they are in the area where flooding may occur.

Mayor Galambos asked how staff is notifying the 244 property owners.

Stormwater Manager Klardie stated staff sent letters to all of the owners and invited them to the flood risk open house meetings. Several of the invitees could not attend. Staff has been working with the property owners individually. There are other measures staff can endeavor upon to make sure each property owner is reached. Not all of the 244 structures identified are residential structures. A few may be pump houses or similar structures.

Councilmember Karen Meinzen McEnery stated when applications come in for redevelopment, staff will be aware that the property is in a Zone X area, but potentially the property could have been a Zone A. She asked what type of activity may occur, if one of these parcels is brought forward for development.

Stormwater Manager Klardie stated part of the review process would include engineering study evaluations proving that the location of any proposed structure or development would have no adverse impact on adjoining property owners or downstream property owners. If the developer does propose to change the flood plain, the application has to go through a process where all the nearby property owners are notified.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2012-04-31

NEW BUSINESS

(Agenda Item No. 12-103)

1. Consideration of the Extension of the Atlanta Grand Bohemian Hotel Land Disturbance Permit under Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs

Manager of Planning and Zoning Patrice Dickerson stated the most recent extension for this land disturbance permit is set to expire. The applicant has submitted the required documentation to request an additional extension. Staff is recommending approval of a 180 day extension.

Councilmember Dianne Fries stated she knows the ordinance states that the extension of a land disturbance permit has to be brought to Council each time. This extension is something that Council wants to continue to be made available for the Grand Bohemian Hotel. She asked if Council can make a decision tonight that would allow the ability to renew an extension without it coming before Council each time.

City Attorney Wendell Willard stated the ordinance states there is an administrative extension that can be done by staff one time. Subsequent to that, the item has to come before Council. Council has the right to approve an extension. The ordinance is not clear on the length of the extension. This approval would be the same length as the original extension of 180 days.

Councilmember Fries stated this permit has been extended four or five times.

Councilmember Gabriel Sterling asked staff if Council can allow the permit extension to be more than 180 days.

Manager of Planning and Zoning Dickerson responded yes.

Mayor Galambos stated she has spoken to the applicant of this item. The applicant states he believes his company is close to obtaining financing for the project. The 180 day extension should be enough time and would put the pressure on the applicant to obtain financing.

Councilmember Fries asked if the applicant is charged each time they apply for an extension.

Manager of Planning and Zoning Dickerson responded no.

Councilmember Karen Meinzen McEnerny asked if the applicant is keeping the property at a maintenance level that is acceptable to the community.

Councilmember Fries stated the property is being properly maintained.

Assistant City Attorney Cecil McLendon stated the default provision of the ordinance is an extension in six month increments. Staff discussed whether the term in the ordinance is absolutely binding. The basis is in place for a six month extension. If this item comes back to Council in the future, he would like to develop the text necessary to justify a longer extension. He advised Council to approve a six month permit extension at this time. If this item comes back to Council again, the item can be addressed in a way that would not create problems for enforcement of the ordinance.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-103, Extension of the Atlanta Grand Bohemian Hotel Land Disturbance Permit under Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs. Councilmember Fries seconded the motion. The motion carried unanimously.

Joseph Foltz, attorney for Kessler Enterprise Inc., stated he appreciates the consideration of extending the permit to longer than six months. This item keeps showing up on the Council agenda as the Atlanta Grand Bohemian when in fact it should state the Sandy Springs Grand Bohemian.

PUBLIC COMMENT

Bill Cleveland, 6441 Wright Road, stated he is the Chair of the Sandy Springs Stormwater Coalition. There are costs associated with not managing stormwater. He suggests as the Council goes through the budget cycle that they take the time to develop a comprehensive stormwater plan for the entire City. He asked consideration be given to come up with a funding schedule to develop those projects. The RFQ the City released discusses reducing the amount of impervious surface, increasing the efficiency of stormwater systems, and establishing detention ponds. The RFQ addressed many of the issues that have been latent for so long. Those standards should be adopted Citywide and not just confined to the commercial district. If the City became proactive and started addressing the stormwater issues, it would show the City is interested in protecting the residents.

Barbara Malone, 240 Colewood Way, stated the process with the stormwater and FEMA maps would be an ideal opportunity to look at stormwater problems throughout the whole City and start a more effective stormwater program.

Michael McGuinn, 6420 Tanacrest Court, stated he lives close to Colewood Creek. Even though he is President of the Sandy Springs Watershed Association, he is in attendance this evening stating his personal opinion. He has lived under the continuing threat of possible flooding for the past forty years. The flood of 2009 is the only flood that did serious damage to his property. His home should not have been permitted to be built by Fulton County, due to its location near the creek. Four years later, Fulton County decided to widen all of its county owned bridges and that doubled the flow rate volume. Sandy Springs was created because of the citizen's dissatisfaction with Fulton County policies and procedures. He supports actions of the City addressing water flow problems in the watershed areas. Detention ponds are a great asset and should be pursued.

Ron Lee, 6270 Rivershore Pkwy, thanked Council for adopting the item related to the flood risk areas. Rivershore Estates looks forward to working with the City to address some of the stormwater issues.

REPORTS AND PRESENTATIONS

1. Mayor and Council Reports

Councilmember Gabriel Sterling handed out two potential redistricting maps that he worked on with State staff this week, at the request of the City Attorney and with Council's permission. The district boundary lines may be changed to meet the new population numbers from the 2010 census. The boundary lines were changed in keeping with the lowest level of deviation possible, while still following precinct lines. Most of the basic lines did not change that much. One of the maps has a deviation of 468 people and the other map deviation is 729. The overall deviation on map #2 is 4.66 and the overall deviation on map #1 is 2.99. He asked that Council review the two maps over the next couple of weeks. The map that he likes has a clean line between Mt. Vernon Hwy. and Hammond Drive that allows residents to easily see which district they are in.

Councilmember Karen Meinzen McEnerny stated when the City was incorporated, each district consisted of about 14,500 residents. As a result of the census, the target number per district is now 15,400.

Councilmember Sterling stated if the population of the City is divided into six districts, the deviation is based off that number.

City Attorney Wendell Willard stated staff would like to get a consensus from Council and begin the adoption of the maps as part of a Charter amendment.

Mayor Eva Galambos asked for a target date for when this item should be considered on a Council meeting agenda.

City Attorney Willard stated once Council reviews the maps over the next two weeks and an opinion is received from Council, the Charter amendment provisions can be prepared to start the process.

EXECUTIVE SESSION

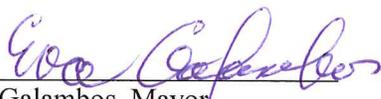
There was no Executive Session.

(Agenda Item No. 12-104)

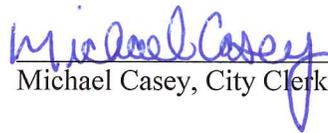
ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 6:57 p.m.

Date Approved: May 1, 2012



Eva Galambos, Mayor



Michael Casey, City Clerk