

Regular Meeting of the Sandy Springs City Council was held on Tuesday, February 21, 2012, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

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

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:02 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. 12-043)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for February 21, 2012. Councilmember Paulson seconded the motion. The motion carried unanimously

CONSENT AGENDA

(Agenda Item No. 12-044)

1. Meeting Minutes:
 - a) February 7, 2012 Regular Meeting
 - b) February 7, 2012 Work Session*(Michael Casey, City Clerk)*

(Agenda Item No. 12-045)

2. Consideration of Approval of Nonprofit Funding Awards
(Eden Freeman, Assistant City Manager)

(Agenda Item No. 12-046)

3. Request to Amend FY12 Budget
(John McDonough, City Manager)

(Agenda Item No. 12-047)

4. Consideration of Issuance of Task Order for Additional Staff in Information Services
(*John McDonough, City Manager*)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for February 21, 2012. Councilmember Sterling seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Proclamation for Community Action Center – Mayor Eva Galambos

Mayor Eva Galambos asked the representatives from the Community Action Center to the front. She read the proclamation which states: The Community Assistance Center (CAC) was founded in 1987 by ten area congregations as an independent agency to coordinate responses to requests for emergency assistance. CAC's mission is to bring together the Sandy Springs and Dunwoody communities to provide compassionate assistance for neighbors in need by providing financial support, helping to meet basic needs and promoting self-reliance. CAC helps more than 2,000 families each year focusing on hunger and homeless prevention by addressing immediate needs and connecting clients with other resources to help them become more self-sufficient. CAC works to meet basic human needs such as food, shelter, and clothing with the goals of helping individuals and families stay in their home, helping to reduce poverty and building stronger independent families and therefore a more stable community. During its 25 years of service, the CAC has become the "go to" agency when individuals and families in these communities face a financial loss. She proclaimed February 25, 2012, Community Assistance Center Day in the City of Sandy Springs.

2. Buckled for Life plaques – Police Chief Terry Sult

Police Chief Terry Sult stated Buckled for Life is a program that was initiated to recognize those whose lives were saved by buckling their seat belt. He introduced Sergeant Danny Nable, Commander of the Sandy Springs Traffic Unit.

Police Sergeant Danny Nable called the two recipients to the front. This award was created to allow public recognition of the effectiveness of safety belts. In the City of Sandy Springs there is a 90% use rate of safety belts among the citizens. The goal is to reach 100%. The recipients will have their names added to a plaque that will be in the Police Department Headquarters. He handed out certificates to each of the recipients.

Police Chief Sult stated the certificates are presented to individuals who make the decision to be buckled for life. This is a decision to always wear a seat belt to help prevent life threatening injuries from occurring during a motor vehicle crash. He saw the photos of the crashes the two individuals were involved in and it is amazing they survived. It is a simple decision made by buckling your seat belt. He thanked the two individuals being recognized.

3. MARCOM Award - 2011 Gold Winner to Sergeant Melanie Rowand for Marketing & Promotion of "Signature Moments" – Police Chief Terry Sult

Police Chief Terry Sult stated about two months ago each Councilmember was presented with the book "Signature Moments". This project was the brainchild of Sergeant Melanie Rowand. It is an excellent book and was created with the assistance of the City Communications Department. The book was submitted for a MARCOM award and won two. He presented the MARCOM Award to Sergeant Rowand. This award honors excellence in marketing and communications.

4. MARCOM Award - 2011 Gold Winner to Sergeant Melanie Rowand for Writing "Signature Moments" – Police Chief Terry Sult

Police Chief Terry Sult stated this is the 2011 Gold Winner award for writing "Signature Moments". He thanked Sergeant Melanie Rowand and presented her the award.

Mayor Eva Galambos thanked Sergeant Rowand for giving everyone a greater appreciation of the individual members of the police force.

Police Sergeant Melanie Rowand stated although the book depicts the Police Department employees, it also shows a standard of excellence the City has. The book is a direct reflection of City Council and Police Chief Sult. She thanked Chief Sult and the City Council for their support.

PUBLIC HEARINGS

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

Alcoholic Beverage License

(Agenda Item No. 12-048)

1. Approval of Alcoholic Beverage License Application for Emidio's Restaurant at 8610 Roswell, Rd Suite 950, Sandy Springs, Georgia 30350. Applicant is Maria G. Sapeta for Consumption on Premises Wine, Malt Beverage & Distilled Spirits

Revenue Supervisor Brandon Branham stated this item is a new application for consumption on premise wine, malt beverage, and distilled spirits. 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. 12-048, Alcoholic Beverage License Application for Emidio's Restaurant at 8610 Roswell, Rd Suite 950, Sandy Springs, Georgia 30350, for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits. Councilmember Paulson seconded the motion. The motion carried unanimously.

Use Permit

(Agenda Item No. 12-049)

2. U11-004 - 650 Mount Vernon Hwy., Applicant: Cumberland Academy of Georgia, A Use Permit to maintain a Private School

Manager of Planning and Zoning Patrice Dickerson stated this item is a use permit request for the existing school located at the church property at 650 Mount Vernon Hwy. The applicant intends to increase the number of classrooms from 10 to 12 and increase the student enrollment from 62 to 200. Staff is recommending approval conditional of the use permit request. The request was heard at the January 19, 2012, Planning Commission Meeting. The Commission recommended approval subject to staff conditions, amended to include condition 1.e. This condition requires the applicant provide a vehicular circulation stacking plan that would account for the maximum number of students requested and that the stacking plan be subject to City approval.

Debbi Scarborough, 650 Mt. Vernon Hwy, stated Cumberland Academy of Georgia is a school that handles autistic, ADD, and ADHD children. The school currently has 70 students. The building has been inspected and approved by the Fire Department. She provided staff a staffing plan for future growth of the school, which has teachers certified in special education. She started this school because she could not find a school for her autistic son, who attends the school.

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

Lori Cora, 3825 Gladney Drive, stated her 15 year old autistic son attends Cumberland Academy. She also has three other children in public schools. She looked for a school for her son that would provide extra attention and she found this at Cumberland Academy. The teachers are wonderful and the school is a safe environment for her son. One of the reasons for the growth at the school is because there is a need for a school like this. She asked that Council approve the use permit application.

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

Francois Genest, 6375 Glenridge Drive #301, stated he represents the Glenridge Square Association. The Association is in favor of Council approving the use permit. He requests that three conditions recommended by staff be slightly amended. Condition 1.c. limits the student enrollment to 200. He would like the student enrollment number to be reduced to 120. On the application staff calculated 210 available parking spaces with 86 allocated for the church. This would leave 124 parking spaces for the school. Each classroom holds no more than 10 students. City staff calculated there is enough parking to allow 120 students. The staff did not take into consideration this type of school does not have carpools or buses and requires more parking spaces. The previous tenant, Sophia Academy, had 109 students by 2006, and decided to relocate because they ran out of space. No one has been able to locate a certificate of occupancy for the building. The Fire Department building inspection did not contemplate the usage of 200 students with learning challenges. This application is for 200 students and will create a traffic nightmare on already busy Glenridge Drive. Another condition that he recommends be changed is that nighttime and holiday weekend activities be disclosed to the neighbors three months in advance. Condition 1.g., requires the cooler unit for the building to not be used after 11:00 p.m. and before 6:30 a.m. He asked that the condition be extended to exclude Sundays and after 5:00 p.m. on Saturdays and holidays. This school is open year round and periodically schedules lock-ins. If the requested conditions were added, the school would still be able to operate efficiently. He requested Council defer the application for thirty days. This would allow the Association to evaluate the noise of the chiller unit. This cost could be shared with the church and the school by a private agreement to install a wall around the chiller unit. The three changes to conditions the Association requests are as follows: lower the maximum number of students to 120; special activity notices be given three months in advance; and the chiller unit not be used after 11:00 p.m. and before 6:30 a.m., as well as excluding Sundays, and after 5:00 p.m. on Saturdays and holidays.

Barbara Malone, 240 Colewood Way, stated she is here on behalf of the Sandy Springs Council of Neighborhoods. She requested Council defer the application to allow the conditions requested by Mr. Genest to be added. She requested that standard conditions be added to include hours of operation, grade level enrollment, confirm the school is operating on a 180 day school calendar (including summer school), and to limit the chiller unit use.

Jerry Hebert, 6391 Glenridge Drive, NE #135, stated he is the President of Glenridge Commons Homeowners Association. While his neighborhood is further away from the chiller unit than Glenridge Square, they are equally bothered by it. He supports amending the staff conditions as requested by Mr. Genest.

Ms. Scarborough stated she does not want to be a nuisance to the neighborhood. The school has been at this location for four years and the chiller unit has been there for about forty-seven years. The builder who built the nearby homes did place barriers between the chiller unit and the properties. School is not held all year long, but summer school is held. The church uses the facility on Sundays for luncheons, so they are not able to turn the chiller unit off. She agrees with turning the chiller unit off in the late evening. Turning the chiller unit back on at 6:30 a.m. is not a reasonable time in order to cool the building for the students before they arrive. The previous principal for Sophia Academy, Don Sasso, is now the principal at Cumberland Academy. He believes that when Sophia Academy relocated there were over 130 students. That school was not utilizing the space her students are now utilizing. Her classrooms have two teachers to a classroom. The traffic is controlled by a staggered release of the students. The majority of the student's parents do not live in Sandy Springs, but they do carpool. The number of parking spaces is not an issue.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Sterling moved to defer Agenda Item No. 12-049, U11-004 - 650 Mount Vernon Hwy., *Applicant: Cumberland Academy of Georgia*, A Use Permit to maintain a Private School, to the March 20, 2012, City Council Meeting. Councilmember Meinzen McEnery seconded the motion.

Councilmember Gabriel Sterling stated it seems that Cumberland Academy wants to be a good neighbor. He does not agree with the City placing conditions on the school that may not allow them to operate their business appropriately. He has hope for mediation regarding the conditions.

Councilmember Karen Meinzen McEnery stated she did not see the stacking plan report condition for the pickup and drop off of students.

Manager of Planning and Zoning Dickerson stated that condition is covered in 1.e. There has been discussion about requiring the plan to include a maximum number of students, which it does not currently. The Public Works Department recommends that number be 150 students.

Mayor Eva Galambos asked about the certificate of occupancy.

Manager of Planning and Zoning Dickerson stated the City did not receive a certificate of occupancy record from Fulton County at the time the City incorporated. The City has operated under the assumption that all buildings had a certificate of occupancy. When the previous school was at this location, the Fire Department did perform a building inspection. There have also been inspections while Cumberland Academy has been located there.

Mayor Galambos asked if the occupancy permit has been met by virtue of the Fire Department inspection.

Manager of Planning and Zoning Dickerson responded yes.

Councilmember Meinzen McEnery stated she heard someone mention the school on Mt. Vernon Hwy., which has negative traffic overflow ramifications. She asked how the number of 200 students was arrived at. She is concerned about overcrowded facilities that would impact adjacent uses in the community. This site is more commercial than the location on Mt. Vernon Hwy. She asked the applicant if the 120 number offered by the community is meritorious.

Manager of Planning and Zoning Dickerson stated the applicant requested a 200 student maximum. In reviewing the parking requirements, staff was comfortable with that number.

Councilmember Chip Collins asked what the optimum class size is.

Ms. Scarborough stated each classroom size is based on a student teacher ratio of 10:1.

Councilmember Collins asked about the reconfiguring of the classrooms.

Ms. Scarborough stated the building is 49,000 square feet and there is room for two more classrooms.

Councilmember Collins asked about the number of students Sophia Academy had when they left that location.

Ms. Scarborough stated she believes the numbers of students was anywhere from 130 to 135.

Councilmember Collins asked if Ms. Scarborough would agree to 120 as the number of maximum students allowed. He would prefer to go with the lower number of students and then analyze how traffic flow is impacted. This application could be revisited at a later date.

Ms. Scarborough stated she wants the school to grow appropriately, but also not to take on too many students without the available space. Based on the school's current growth, with 17 students in 12 classrooms the total number would equal 200 students. If the school reaches that size, she does not know if the school would still lease the building.

Councilmember Collins stated right now there are six students per classroom and doubling that number would only be 120. He asked if the school is located in the family life center or the entire church.

Ms. Scarborough stated the school is in the 49,000 square foot family life center and the 5,000 square foot gym. There is also more area the school is not utilizing.

Councilmember Collins asked if the chiller unit is only associated with the family life center.

Ms. Scarborough responded yes. The chiller unit is the system that cools the school. She does not know the dynamics of the whole system. The church sets the computer timer for when the chiller unit is turned on and off.

Councilmember John Paulson asked about traffic and if there would be staggered drop off and pickup times of students.

Manager of Planning and Zoning Dickerson stated that is not a listed condition. Staff can have the traffic monitored and if the traffic becomes a problem, the condition can be added.

Councilmember Tibby DeJulio asked how many of the 70 students drive to school.

Ms. Scarborough responded one.

Councilmember DeJulio stated he is familiar with special needs schools and understands the need for this type of school. If there is an intersection that can handle traffic along this street, it would be this intersection. She should be commended for taking on the effort of starting a school. The school is a wonderful addition to the City. He asked Councilmember Paulson about chiller units.

Councilmember Paulson stated new chiller units have become more efficient and quieter.

Councilmember DeJulio stated he was told when he replaced the air conditioning unit in his house that the energy savings would pay for the unit in three to four years. It would be a great project for the neighborhood and church to replace the chiller unit. It would be energy saving, save the environment, and eliminate the noise issue.

Councilmember Dianne Fries asked Ms. Scarborough where she came up with 200 as a number for students.

Ms. Scarborough stated she took the number of classrooms, which is 12, and multiplied that by 17 potential students for each classroom.

Councilmember Fries stated the numbers could have been changed to come up with 180 or 120. She asked if Ms. Scarborough sees a growth to 200 students in one or five years.

Ms. Scarborough stated she would have to guess on the student growth in the upcoming year.

Councilmember Fries stated if the application is granted with the lower number of 120, the applicant would be required to apply for a new use permit in two years, and that could be burdensome.

Vote on the Motion: The motion carried 4-2 with Councilmembers Fries and DeJulio voting in opposition.

Zoning Modifications

(Agenda Item No. 12-050)

3. **ZM11-004** - 20 Glenlake Parkway, *Applicant: Kaiser Foundation*, To modify condition 1 & condition 2.a. of application Z88-160/U88-118/U88-119/U11-120/U88-121

Manager of Planning and Zoning Patrice Dickerson stated this item is a request to modify the existing conditions 1 and 2.a. to allow the addition of an office building at the existing Kaiser Permanente facility on Glenlake Parkway. Staff is recommending approval conditional of the request.

Philip Ouellette, 3495 Piedmont Road Atlanta, GA, stated he works with Kaiser Foundation Health Plan of Georgia as the Director of Facilities. This is an application to modify the buildable square footage to 286,000. The facility is currently 121,000 square feet. The proposal is to build an addition to the current building and a structured parking deck to the north portion of the parcel.

Mayor Eva Galambos asked if there will be a bigger footprint on the property compared to what currently exists.

Mr. Ouellette responded yes. The additional square footage is approximately 115,000. The new building would be four stories with one floor below grade. The property is zoned O&I conditional. When the property was purchased in early 1990's, there was the expectation of being allowed to construct up to 765,000 square feet of additional building. That includes added structured parking. The master plan for the property does not anticipate additional construction, beyond what is before Council today.

Manager of Planning and Zoning Dickerson stated the Glenlake Parkway development and various parcels were allotted certain square footage. This application has nothing to do with an increase above the square footage that was permitted in 1988. The additional construction falls within what is allotted for the entire development.

Mayor Galambos asked if the applicant already has the zoning for the additional square feet.

Manager of Planning and Zoning Dickerson responded yes. The site plan shows where the additional building will be located.

Mayor Galambos asked why this application is coming before Council if the property already has the allowed zoning.

City Attorney Wendell Willard stated the applicant had an approved site plan and now that site plan is being changed from what was previously approved by Council.

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

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

Mike Rabalais, 600 Abernathy Road, stated he has managed the Glenridge Hall property for about eight years. Glenridge Hall was built in 1929 by Thomas K Glen. He represents Mr. Glenn's great granddaughter, Caroline Glenn Mason. Kaiser Permanente is a great neighbor and has been very generous in allowing Glenridge Hall to use their parking deck. Glenridge Hall is a nationally registered historic site. It is probably one of the largest private green spaces in the City. The applicant's proposed construction would be along the eastern edge of the Glenridge Hall property. He did not receive the zoning announcement, because it was sent to the wrong address. He asked Council for a deferral for about forty-five days. He is concerned where the applicant will place the new construction. The proposed parking garage for the applicant will be an obtrusive factor to Glenridge Hall. He is concerned about the increase of lighting, traffic noise, impaired views, and aesthetics. No indication was given on the existing site plan of what the floor elevation would be. He asked that the applicant and the City look at the size of the parking garage, build walls or barriers to shield the Glenridge Hall property from the loading area, and put in appropriate landscaping as the natural buffer in between the two properties. He spoke to Mr. Ouellette, who has been courteous, and he believes both parties can come to a reasonable conclusion regarding this application.

Mr. Ouellette stated Kaiser Permanente has a wonderful relationship with Glenridge Hall, which he anticipates will continue. There is a scheduled meeting between both for the upcoming Thursday in regards to mediating these issues. There is no additional area on the parcel to construct the building besides what is provided in the application. The plan is to work with Glenridge Hall to preserve the aesthetics of the historic home.

Councilmember Gabriel Sterling asked Mr. Ouellette if a thirty to forty-five day deferment would adversely affect the project.

Mr. Ouellette responded no.

Councilmember Karen Meinzen McEnery asked what the difference is between the current site plan and what is being proposed.

Mr. Ouellette stated at the time the site was purchased, Kaiser Permanente was considering two mid-rise buildings and two parking structures. An allowable extra 700,000 square feet of construction was approved.

Councilmember Meinzen McEnery stated there is currently 121,000 square feet and the proposed plan construction would add 160,000 square feet. She asked if the existing four story building is above ground.

Mr. Ouellette stated from the back of the building four stories can be seen, but looking at the front, only three stories can be seen.

Councilmember Meinzen McEnery stated if Council grants the deferral, she would ask that Mr. Ouellette work with Glenridge Hall representatives to mitigate the height of the structures that are facing the historic property.

Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember DeJulio moved to defer Agenda Item No. 12-050, ZM11-004 - 20 Glenlake Parkway, *Applicant: Kaiser Foundation*, To modify condition 1 & condition 2.a. of application Z88-160/U88-118/U88-119/U11-120/U88-121, to the April 3, 2012, City Council Meeting. Councilmember Sterling seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-051)

4. **ZM11-005/CV11-007** - 201 Mount Vernon Highway, *Applicant: Arlington Memorial Park*, To modify condition 2.a. of application Z93-030/U93-011/CV93-049 with a concurrent variance to the stream buffer ordinance

Manager of Planning and Zoning Patrice Dickerson stated this item is a request to modify the site plan for Arlington Cemetery. Also included is a request for a variance to allow encroachment into the stream buffer on the property, for expansion of a detention pond and relocation of an internal drive.

Carl Westmoreland, 1075 Peachtree Street, Atlanta, GA, stated this is a modification to a site plan that was approved in February 2009. The original site plan does not allow any more developed area on the property or additional buildings. This site plan allows reconstruction, enlargement, and the maintenance of the presently nonfunctioning detention pond in the northwest corner of the property. The detention pond was to be maintained by Fulton County, but was not, which has led to flooding problems. Staff determined there is an issue with flooding offsite which is due to failure of the detention pond. Arlington Cemetery submitted a hydrology study to the City which committed the cemetery to complete on site improvements to correct issues with the detention pond. The improvements include enlarging, repairing, and maintaining the pond. The immediate decrease in peak runoff into the neighborhood would be twenty-one to thirty-seven percent. With all impervious surfaces that could be built on the property, there would be a ten to twenty-two percent reduction in the rate of water runoff. There are conditions that the applicant re-vegetate and plant a buffer. There are a couple clarifications to staff for two conditions that are in conflict. This application would change the site plan and any conditions that require Arlington Cemetery to renovate and maintain the detention pond. Representatives of Arlington Cemetery and their engineers are in attendance, if there are any questions.

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

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

Jack Walz, 510 Riverhill Drive, stated he has lived in Sandy Springs since 1964. His house was built in 1976. About a month later Fulton County installed a dam and detention pond behind his property. Six weeks later there was a heavy storm and the dam was breached and washed out. Fulton County stated the reason for this was due to a design flaw. The County repaired the detention pond by building a concrete overflow and replacing the dam. This has held up for the past thirty-six years. The dam is now covered with vegetation and hardwoods have grown in the area. Since the pond has been repaired, he has not seen any flooding in the area. This would be the third attempt at repairing the detention pond. He questions increasing the size of the detention pond and the initial negotiations of the easement. The new plan does not specify what the detention pond will look like and if the greenery will be replanted.

Patty Berkovitz, 800 Crestvalley Drive, stated she represents the Watershed Alliance of Sandy Springs. The Alliance did submit a list of conditions to staff on February 9, 2012, but they were not included in the agenda package. She included the list of recommended conditions in the letter that she sent to staff. There is a concern that the stream buffer variance should be in two parts. The pond is not a detention pond, but a conjunction of two streams running over mud. The second part of the stream buffer variance should be located at the top of the hill, where the water drains out of the lake. The new proposal would remove the road next to the stream. She asked to keep the existing road. The result of removing the road would be damaging to the stream. Some of the conditions in her letter deal with moving the dirt across the property. At the time the application went to the Board of Appeals, it was found structures had been built without permits. Those buildings were causing the water runoff problem. She has consistently asked that the water at the top of the hill be captured and maintained. There are many other possibilities to remedy this. She would also like to see the linkage road moved out of the twenty-five foot State buffer, because of the ongoing problem with the dirt. She requested a deferral to continue the conversation regarding the conditions she has requested.

Ron Lee, 6270 Rivershore Pkwy, stated he saw this application in January 2012, and took it to the neighborhood Board. The Board then hired an outside firm to analyze the proposal. The firm found adverse implications in the proposal for Rivershore Estates. He asked for a deferral to allow time for the issues to be reviewed and remedied.

Jim Wold, 5820 Riverwood Drive, stated the detention pond is located behind his house. The detention pond has failed and something has to be done about it. The engineer from Arlington Cemetery is committed to not remove any trees. If any trees are removed in order to work in the area, they will be replanted along with additional trees along the border line of the property. He wants to ensure this will happen and that it is included in the conditions.

Mr. Westmoreland stated the condition that is being proposed states: all the required natural, undisturbed buffers shall be replanted where sparsely vegetated, subject to the approval of the Sandy Springs Arborist. There was an email between the applicant's engineer and Mr. Wold in regards to what the applicant proposes to do at the location. The applicant does not have a problem with the language being included as a condition. The applicant submitted a study for the first time in November 2011, and it was given to people in the neighborhood as well. The City feels that the plan does accomplish the primary objective of reducing the rate of water flow offsite. The problem is the fact that the detention pond was not built correct from the beginning. This application is a way to have the detention pond fixed and maintained. In terms of not having permits, Arlington Cemetery has spent \$4 million in the last three years on site improvements to re-vegetate and correct the issues. There was discussion about whether the applicant would be willing to move the road closer to the stream and/or would the applicant be willing to move the crossing farther south. There are gravesites that would not allow the road to be moved. In terms of leaving the road where it is, the applicant would be taking a lot of structures out of the twenty-five foot buffer area. The applicant has made a lot of commitments to improve the situation. The external issue the applicant feels is more important is to keep the water onsite and from going down into residential neighborhoods. The internal issue is what can be done to let the water go into the detention pond, which is an operational issue for Arlington Cemetery.

Mayor Galambos asked Mr. Westmoreland to read the conditions the applicant agrees to.

Mr. Westmoreland stated there are two versions of the condition which address vegetation and screening at the back of the pond. Another he received from staff stated: all the required natural, undisturbed buffers shall be replanted where sparsely vegetated, subject to the approval of the Sandy Springs Arborist. The condition where there was dialogue between Mr. Wold and the applicant's engineer states that in the area immediately adjacent to the detention pond, the applicant will re-vegetate along the property line,

plants trees around the perimeter of the pond where land clearing and activities are required. Areas that cannot be re-vegetated include the dam embankment for structural reasons, the spillway, the area within the detention pond structure, and an area around the pond which would be needed for maintenance vehicles and access. Both conditions address the same issue, one just goes into more detail.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 12-051, ZM11-005/CV11-007 - 201 Mount Vernon Highway, *Applicant: Arlington Memorial Park*, To modify condition 2.a. of application Z93-030/U93-011/CV93-049 with a concurrent variance to the stream buffer ordinance, including the condition to re-vegetate the buffer area where construction will occur. Councilmember DeJulio seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property to the following:
 - a. A Cemetery and Mausoleums, and accessory structures (U93-011).
 - b. Administrative offices and sales offices incidental to the use described in condition 1.a., for a total gross square footage, including existing structures, not to exceed 7,500 square feet.
 - c. Funeral establishments shall be prohibited.
 - d. The manufacturing of vaults shall be prohibited. Storage of vaults shall be allowed.
2. To the owner's agreement to abide by the following:
 - a. To the Site Plan received by the Zoning Department of Community Development on ~~February 3, 2009~~ December 6, 2011 and to submit to the Director of Public Works for approval, prior to the approval of a Land Disturbance Permit, a revised Site Plan based on a certified boundary survey of the entire property zoned, incorporating the stipulations of these conditions of zoning approval and meeting or exceeding the requirements of the Zoning Resolution. (ZM08-016)
 - b. Any Land Development Permit related to this Zoning Modification application (ZM11-005/CV11-007) shall include providing detention, compliant with current standards, for the drainage basin containing the proposed development, considering the basin to be fully developed as represented on the Zoning Modification site plan received by the Department of Community Development on December 6, 2011. Any proposed additional development beyond that currently approved by ZM08-016/CV08-034 and the Phase 1 Improvements as defined in condition 5.m., resulting from approval of this Zoning Modification, shall be contingent upon the owner accepting ownership of the pond and holding the City of Sandy Springs harmless for the pond, its operation, and its maintenance by executing an Indemnification Agreement. Operation and maintenance of detention shall be the responsibility of the property owner.
3. To the owner's agreement to the following site development considerations:
 - a. No vehicle traffic shall come within 25 feet of residential property, except along existing paved roadways permitted within the said setback pursuant to this petition.

- b. Replant to buffer standards the area between the existing Oak Hill Drive and the north property line. Arlington Memorial Park will replace 17 pines next to the fence line behind 460 Riverhill Drive with 23 hollies. Species of holly to be determined by the City of Sandy Springs Arborist. Plantings shall be completed prior to issuance of a Land Disturbance Permit (LDP).
- c. Replant to buffer standards the area between the existing drive and the property line (by the Masonic, Cross, and Monument sections).
- d. Provide a 50-foot setback for all buildings and above ground burial structures of every kind, excluding those existing, as shown on the site plan referenced in condition 2.a. except for headstones and identification monuments in Area 2 and the area adjacent to Area 2 identified on the site plan referenced in condition 2.a. (V93-049)
- e. No more than the two existing exits/entrances on Mt. Vernon Highway. Curb cut location and alignment are subject to the approval of the City of Sandy Springs Traffic Engineer.
- f. No access shall be allowed from Long Island Drive where it adjoins the northern property line.
- g. Replace the existing fence with a new fence along Mount Vernon Highway and angled back on the west side of the main entrance as it currently exists on the property as referenced on the maps showing the surveyed fence location submitted to the Department of Community Development on May 22, 2000. The fence must be located a minimum of 10.5 feet from the back of curb. The new fence shall be composed of black metal. It shall be 6 feet in height, consisting of 3 rail, 2-inch post and 8-foot panels. The fence shall be installed by September 1, 2000.
- h. Provide a setback for graves along Mount Vernon Highway in Area #1 from the right-of way line to the fence line on the east side of the main entrance as shown on the revised site plan submitted to the Department of Community Development on February 3, 2009.(2000VC-0062 NFC-Part 1). On the west side of the main entrance, the setback shall be 60 feet and no graves shall be allowed at the 60- foot setback line and within the area up to the fence as shown on the site plan.
- i. Provide a 10-foot side yard setback for graves in Area #2 as shown on the revised site plan submitted to the Department of Community Development on February 3, 2009. (2000VC-0062 NFC-Part 2)
- j. Provide a 5-foot side yard setback for graves in Area #3 as shown on the revised site plan submitted to the Department of Community Development on February 3, 2009. (2000VC-0062 NFC-Part 3)
- k. Provide a 5-foot rear yard setback for graves in Area #3 as shown on the revised site plan submitted to the Department of Community Development on February 3, 2009. (2000VC-0062 NFC-Part 4)
- l. Provide a 20-foot side yard setback for graves in Area #4 for a distance of 313 feet as shown on the revised site plan submitted to the Department of Community Development on February 3, 2009. (2000VC-0062 NFC-Part 5)
- m. Provide a landscape strip along Mount Vernon Highway in Area 1 in varying widths from the fence line to the property line on the east side of the main entrance as shown on the revised

- site plan submitted to the Department of Community Development on February 3, 2009. In areas where the fence line and property line overlap, a landscape strip shall be planted 3 feet into the right-of-way subject to approval from the Department of Public Works. The City of Sandy Springs will not be responsible for maintaining the landscaping. Should the County need to provide maintenance that eliminates the landscaping; the City of Sandy Springs will not be responsible for restoring the landscaping. The area on the west side of the main entrance shall remain an undisturbed buffer between the angled fence and the property line. Landscape strip shall be completed by March 31, 2001. (2000VC-0062 NFC-Part 6)
- n. The landscape plan for Area 1 shall be submitted to the Department of Community Development for review by the City of Sandy Springs no later than August 1, 2000. Planning Staff shall convene a meeting with the City of Sandy Springs Arborist, the applicant and representatives of the community to review the landscape plan within 30 days after approval from the City of Sandy Springs Arborist.
 - o. The applicant shall provide a performance bond to the City of Sandy Springs at the time the landscape plan for Area 1 is approved. An appropriate indemnification agreement should be drafted to satisfy the County Attorney.
 - p. Provide a landscape strip planted to buffer standards in the following widths shown. Said plantings and specifications shall be subject to the approval of the City of Sandy Springs Arborist. (2000VC-0062 NFC-Part 7)
 - Area #2- Ten feet
 - Area #3- Five feet (along property line labeled for a distance of 340 ft.)
 - Area #4-Twenty feet (along property line labeled for a distance of 313 feet)
 - q. Provide a 5-foot landscape strip planted to buffer standards in Area #3 along property line labeled for a distance of 635 feet. (2000VC-0062 NFC-Part 8)
 - r. Reduce setbacks to extent necessary to allow existing driveways, paths, buildings and structures to remain.
 - s. Demarcate existing and future grave sites along all interior property lines, interior to any required landscape strip, buffer, improvement setback or tree save area whichever applies as follows. The replacement fence will serve as demarcation in Area 1 for existing and future graves along Mount Vernon Highway. Areas 2, 3 and 4 as identified on the site plan shall be demarcated with 6" x 6" flush markers every 50 feet that are painted and readily identifiable. In undeveloped areas, a 4-foot high above ground metal fence post shall be installed every 50 feet with the top of post painted and readily identifiable subject to the approval of the Director of Community Development.
 - t. The tree save area as identified on the site plan received by the Department of Community Development on February 3, 2009 shall be demarcated with 6x6 flush markers on all corners that are painted and readily identifiable subject to the approval of the Director of Community Development.
 - u. All demarcation shall be in place no later than March 1, 2009.

- v. Demarcation plan subject to the approval of the Director of Community Development must be posted within public view no later than March 1, 2009 in the Arlington Park sales office and shall be maintained there at all times.
- w. Provide a 35-foot side yard setback for a distance of 213 feet for graves in Area #4 starting beyond the 313 feet referenced in condition t. as shown on the revised site plan submitted to the Department of Community Development on February 3, 2009.
- x. Provide a tree save area as shown on Exhibit 1 submitted to the Department of Environment and Community Development on May 31, 2000, subject to the approval of the City of Sandy Springs Arborist. A separate map of the tree save area shall be posted within public view no later than September 1, 2000 in the Arlington Park sales office and shall be maintained there at all times.
- y. Plant one (1) row of 6 plants to be approved by the City of Sandy Springs Arborist behind 430 Riverhill Drive beginning at the edge of the residents' south property line and running north for a distance of 50 feet. Plantings shall be completed prior to issuance of a Land Disturbance Permit (LDP).
- z. Arlington Cemetery shall maintain the required planted buffers and landscape strips as conditioned pursuant to zoning modification 2000ZM-0021 NFC and concurrent variances 2000VC-0062 NFC, Parts 1-8.
- aa. To allow the applicant an exemption from the requirements of the Urban Overlay District Streetscape standards for planting strip, sidewalks, street trees and lighting due to the existence of graves along the majority of the property line along Mt. Vernon Highway. (CV08-028).
- bb. Reserve an area extending 130' from the centerline of Mt. Vernon Highway from the vehicular entrance southwest to the property line adjacent to 211 Mt. Vernon Highway as future right of way. The reserved area may not include any permanent structures or burial plots.
- cc. No above ground monuments will be placed within the 50-foot building setback.
- dd. Prior to each major phase of expansion, construction fencing shall be installed along all clearing limits and inspected by the City of Sandy Springs prior to clearing. Said fencing shall be subject to the approval of the City of Sandy Springs Arborist.
- ee. Planting of trees in compliance with the City of Sandy Springs shall be made in buffer areas along the property lines, as practically as possible, to enhance the existing vegetative buffer. Said tree planting plan shall be subject to the approval of the City of Sandy Springs Arborist.
- ff. Proposed mausoleums shall not exceed 35 feet in height and shall not be located closer than 65 feet to any property line.
- gg. Any security lighting on mausoleums shall have a controlled footprint and be screened from adjacent residential areas.

- hh. The relocated maintenance building shall not exceed 35 feet in height, shall not be located closer than 70 feet to the closest property line and be painted a dark or neutral color to limit its visibility from surrounding residential areas.
 - ii. Construction shall not commence on the mausoleums identified as mausoleums A, B and C on the site plan dated January 30, 2009 prior to the date specified for each:
 - A. 15 years from the date of approval of this application.
 - B. 20 years from the date of approval of this application.
 - C. 25 years from the date of approval of this application.
 - jj. Proposed mausoleums located along the eastern property line adjacent to properties fronting Bonnie Lane shall be set back 115 feet. Said mausoleums shall be located consistent with the existing grade of the land in this area.
 - kk. Variance from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to reduce the seventy-five (75) foot buffer and setback requirements (50 foot undisturbed natural buffer and 25 foot impervious surface setback) to the extent necessary to allow for existing and proposed improvements in accordance with the site plan and letter of intent received by the Department of Community Development on December 6, 2012 (CV11-007).
 - ll. All the required natural, undisturbed buffers shall be replanted where sparsely vegetated, subject to the approval of the Sandy Springs Arborist.
 - mm. In the area immediately adjacent to the detention pond, the owner shall re-vegetate the buffers along the property line and will plant trees around the perimeter of the pond where land clearing activities are required to construct the pond. Areas excluded from the aforementioned re-vegetation include the dam embankment, spillway, area within the detention pond, and area around the pond needed for maintenance vehicles and access.
4. To the owner's agreement to abide by the following requirements, dedications, and improvements:
- a. Dedicate at no cost to the City of Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide at no cost to the City of Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved.
 - b. Improve Mount Vernon Highway along the entire property frontage with curb and gutter per City of Sandy Springs standards.
 - c. Provide a deceleration lane for each project entrance or as may be approved by the City of Sandy Springs Engineer.
5. To the owner's agreement to abide by the following:
- a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit, to arrange with the County Arborist an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries.

- b. To maintain as a minimum, the tree density requirements as prescribed by the City of Sandy Springs Tree Preservation Ordinance Administrative Guidelines, either through the retention of existing trees, or tree replacement in perpetuity.
- c. Analyze the downstream effect from stormwater management structures and the development, hydrologic-hydraulic engineering studies shall extend downstream to a point where development represents less than 10% of the total watershed at this point.
- d. Evaluate the downstream ditch stability and bank erosion protection potential of existing downstream conveyance system. Provide all necessary documentation to the Department of Public Works at construction drawing phase.
- e. Provide downstream analysis of the flood discharge timing effect on the existing conveyance systems due to each storm frequency.
- f. All natural streams within the limit of project must be stable and be expected to remain stable under ultimate development or provide appropriate erosion protection for the streams subject to the approval of the Department of Public Works.
- g. The design discharge at the outlet of drainage system shall not result in velocities that equal/exceed the erosive velocity or the existing velocity of the receiving channel/draw, unless dissipation and erosion protection measures are placed at the outlet. Provide Public Works with documentation.
- h. Detention must be provided subject to the approval of Public Works.
- i. To contact the Drainage Basin Engineer prior to any application for a Land Disturbance Permit, subsequent to this petition, to arrange an on-site visit evaluation as to the location, stormwater discharge path of detention pond and other downstream constraints.
- j. Lots should generally be graded in such a manner that the surface runoff does not affect downstream lots or flow through lots shall be collected and conveyed in appropriate storm drainage system. (Provide documentation at the construction drawing phase and subject to the approval of Public Works.
- k. Conditions c, d, e, f, and g are subject to the approval of the Drainage Engineer.
- l. At such time as work begins on the Phase 1 Improvements, as defined below in condition 5.m., dirt generated by cemetery operations will be placed in the stockpile areas identified as the "Phase 1 Improvements" on the Grading & Drainage Detention Pond Plans received by the Department of Community Development on February 10, 2012 which will contain erosion protection that is compliant with all Federal, State, and Local laws and regulations.
- m. Owner's obligation to begin implementation of the improvements detailed in the November 1, 2011 Master Hydrology Report by Prime Engineering and identified as the "Phase 1 Improvements" on the plans attached hereto "Grading & Drainage Detention Pond" numbered C-201.1 and C-201.2 and received by the Department of Community Development on February 10, 2012 (the "Phase 1 Improvements") are conditioned on the issuance of all permits and approvals from any relevant agency needed for such implementation. These include, without limitation, issuance of any variances and permits from federal agencies including the Army Corps of Engineers, any state agencies including

the Environmental Protection Division and the Georgia Soil and Water Conservation Commission, Fulton County agencies and the City of Sandy Springs (collectively, the "Agencies"). The City agrees that it will be the named party and applicant requesting approval from the Agencies, such request to be based on Phase 1 Improvement Plans to be provided to the City by the Owner. The Owner's responsibilities shall include and be limited to preparation of the Phase 1 drainage, grading and erosion and sedimentation control plans for the Phase 1 Improvements and payment of application fees and permit fees specific to those plans and the Phase 1 Improvements. The Owner will cooperate promptly and as necessary with any requests specific to those plans made of the City by the Agencies and will pay any fees required in that process. Owner shall begin implementation of the Phase 1 Improvements within 90 days after issuance of all necessary approvals for the Phase 1 Improvements. Owner's obligation to implement the Phase 1 Improvements is further conditioned on receipt of a construction easement from Fulton County to allow implementation of the Phase 1 Improvements. Upon completion and final approval by the Agencies of the Phase 1 Improvements, the Owner shall execute the Indemnification and Maintenance Agreement for Detention Ponds with the City of Sandy Springs and accept a quitclaim deed from Fulton County releasing the County's interest and responsibility to the Owner for maintenance of the County Detention Basin identified as Basin #1 in the master hydrology report and drainage plans.

- n. No mausoleums or structures exceeding three feet from finish grade shall be within the 75 foot stream buffer as shown on the site plan received by the Department of Community Development on December 6, 2012.
- o. The owner/applicant shall restore the 25 foot stream buffer areas that are currently disturbed and are disturbed as a result from any proposed additional development that is a part of this application (ZM11-005/CV11-007). The aforementioned stream buffer areas shall be restored and maintained to riparian standards as regulated.

Substitute Motion and Second: Councilmember Meinzen McEnerny moved to defer Agenda Item No. 12-051, ZM11-005/CV11-007 - 201 Mount Vernon Highway, *Applicant: Arlington Memorial Park*, To modify condition 2.a. of application Z93-030/U93-011/CV93-049 with a concurrent variance to the stream buffer ordinance to the March 20, 2012, City Council Meeting. Councilmember Collins seconded the motion.

Councilmember Karen Meinzen McEnerny stated she has spent a considerable amount of time on the property. The cemetery's daily operations are essentially a six day a week construction site, which is understandable considering its use as a cemetery. As part of the operations they have to dig graves and the soil is moved to various places on the property. This application would allow the soil to be moved to the northwest side of the property. The reason the detention pond has been redesigned is for accommodation in the future. The cemetery plans to mass grade the expansion area. When something is mass graded, the new soil introduced is not as pervious as before. She would like the deferral to discuss a way to limit the amount of water runoff into the detention basin and protect the property's environmental characteristics. At the north end of the lake there is an overflow stream. She thinks that leaving the existing roadway would be less costly to the applicant and less environmentally destructive.

Councilmember Dianne Fries asked if the submitted application would move the road away from the stream.

Councilmember Meinzen McEnerny responded no. The stream that comes out of the northern end of the lake goes underneath the road in an insufficiently designed manner. A culvert would need to be added in

this area. This new road is planned to be put near where the rebuilt culvert will be. All the dirt trucks will be driving over the stream. She asked that the road be moved south where a construction site and storage materials are located so the stream crossing would be eliminated entirely.

Councilmember Fries stated you may not see a grave in the area, but the plots are sold. She asked Councilmember Meinzen McEnerny if she is asking to move the road or to leave it where it is.

Councilmember Meinzen McEnerny stated she would like to leave the existing road parallel to the stream, instead of relocating it to the top of the hill. There is an internal access road to be installed to the expansion area. She referenced a current map of Arlington Cemetery. She asked internal improvements to be made to the south, so a turnaround parking area could be rebuilt with pervious materials. She would like the mass grading to be reviewed as well. She would like both parties to sit down and mediate the issues.

Mr. Westmoreland stated the applicant would like to relocate the road further south. However, there are cemetery plots in this area. In regards to removing the turnaround, that is already in the site plan. The soil from excavation could be relocated to another area.

Councilmember Gabriel Sterling asked if the applicant has been in discussion with the neighbors since September 2011.

Mr. Westmoreland responded yes.

Councilmember Chip Collins asked if the City currently has a lawsuit involving two detention ponds.

City Attorney Wendell Willard stated the City is seeking declaratory judgment to maintain the detention facility.

Councilmember Collins asked if the City wins the lawsuit, would Fulton County have to maintain the pond.

City Attorney Willard responded yes. The ponds would have to be maintained at their current condition.

Councilmember Collins asked if the City won that lawsuit, would the City have an order forcing Fulton County to do what Arlington Cemetery is doing now. He is concerned with enlarging the size of the pond and cutting the trees down.

City Attorney Willard stated this pond is overgrown with vegetation and is in need of being returned to a working condition, which would require the removal of trees. Vegetation should not have been allowed to grow in the pond.

Councilmember Collins stated he supports the deferral. He asked that the Public Works Department ensure this is the best way to deal with stormwater. If the pond is being repaired, it will benefit the neighbors. The City should be mindful of unnecessarily removing a buffer between institutions and neighborhoods.

Mayor Galambos asked if stormwater staff was involved with this application.

Manager of Planning and Zoning Dickerson responded yes.

Mr. Westmoreland stated many of the meetings regarding the application were held at City Hall and the neighbors were also involved with the process.

Vote on the Substitute Motion: The substitute motion failed 2-4 with Councilmembers Paulson, Fries, Sterling, and DeJulio voting in opposition.

Vote on the Motion: The motion carried 4-2 with Councilmembers Collins and Meinzen McEnerney voting in opposition.

Ordinance No. 2012-02-06

(Agenda Item No. 12-052)

5. **ZM11-006** - 5855 Riverside Drive, *Applicant: Tabula Rasa*, To modify conditions 1.b., 2.m., and 2.n. of application U09-001/U09-002/U09-007

Manager of Planning and Zoning Patrice Dickerson stated this item is a request to modify conditions 1.b., 2.m., and 2.n. of application U09-001. The applicant is requesting to allow a private elementary school to be increased from grade 3 to grade 5 and to change the use permit expiration date from 2013 to 2020. Staff is recommending approval conditional of the request.

Ellen Smith, Holt Ney Zatcoff & Wasserman, 100 Galleria Parkway Atlanta, GA, stated she represents Tabula Rasa in respect to this request to modify three conditions of the school's existing private use permit. This property is a ten acre parcel south of I-285. The improvements on the property include an existing church, school building, classroom trailer, parking lot, and play area. The vast portion of this property is unimproved and heavily wooded. Tabula Rasa is a private foreign language school and has been at this location since 2007. The school's private use permit has several conditions including a cap on enrollment, and a limit on grade levels. In early 2009, the church modified the existing building. The school then increased its enrollment, which resulted in three use permits for the property. One permit was for the church, one for the private school, and one for the daycare. There is a list of more than twenty conditions that apply to all of the use permits. In fall 2009, the school had its first ever first grade class with fewer than ten students. Two of the now third grade students are in attendance this evening. There are now twelve students in kindergarten and twenty-six in Pre-K. The total number enrolled in grades K through 3 is less than thirty. The school has been operating in compliance with the use permit and there have been no zoning violations since 2009. This application is a request to modify three conditions. One of the conditions would allow the grades to go not from K to 3, but from K to 5. This would allow the children to go to fourth grade next year at the same school. The school does have a cap on enrollment. The applicant also seeks to modify conditions 2.m. and n, to change from the expiration date of the private school use permit set at December 31, 2013, to 2020. The reason for 2013 was to address concerns the community had in 2009. The trailer being used for the school has a lease that expires December 31, 2013. In 2020, the school's lease with the church ends. When Tabula Rasa agreed to these conditions, the school anticipated looking for and finding an alternate location for the elementary school. The school still anticipates spending its capital to buy a piece of property for the school. Parents will not allow their kids to begin their education at a school, if the student cannot attend that same school through the fifth grade. Due to this, the school has not had an opportunity to increase the class sizes. The property continues to suit the needs for the school. The applicant has been looking for another commercial property throughout the Atlanta area. Most of the properties need significant renovation or the purchase price is significant. The issue is that when you tell a bank there will be less than thirty children, the bank will not give a loan without the guaranteed income stream. Neither the total enrollment number nor the hours of operation will change. The applicant will not affect the community at large, except it will allow continuity of education for the students. The trailer is not visible from the street. There are many neighbors who support this application.

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

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

Trisha Thompson, 145 River North Drive, stated she is the Zoning Chairman of the Sandy Springs Council of Neighborhoods. In July 2009, this applicant was before Council regarding the uses on the property for the expansion of the church, daycare, and the enrollment for the existing school. At that time, Council granted the application and placed a condition on the school that it leaves this location by December 31, 2013. The applicant agreed to the condition. The applicant is now before Council requesting to extend the agreed upon departure of the school to 2020. Since the application was approved in 2009, the real estate market in the region has suffered brutal setbacks. She asked how the school could not find another location with all of the available real estate properties. The total number of students currently enrolled in grades K through 3 is less than thirty students. It should not be difficult to find attractive and appropriate rental space for thirty or more children. If Council were to stipulate that the school's expiration date be changed to 2020, there is little evidence that the condition would be honored. She asked that Council honor their past reasoning, retain the conditions of the 2009 application and deny this application.

Timothy Cook, 5845 Riverside Drive, stated he thought that the school would no longer be at this location at the end of 2013. This area is not suited for a full time school due to high traffic in this area. There are stormwater issues in the neighborhood as well. The applicant is in violation of their parking lot. One of the conditions from 2009 was that the parking lot lights were to only be twenty feet high and not be visible from surrounding properties. The lighting issue has not been fixed. He can see lights and lighted signs from his backyard. He does not understand why the applicant cannot find adequate property to relocate the school.

Ms. Smith stated the applicant has honored the conditions. In regards to the lighting, there has not been any change to the light poles. Whatever poles were located on the property for thirty or more years are still there. If the church were to install new lighting, it would need to comply with the condition that the light poles be a maximum of twenty feet high. The last time the applicant was before Council, they gave their honest and good faith business plan for the school. There are plenty of properties to choose from to relocate the school to. Obtaining financing has gotten more difficult. The opportunity of having the school enrolled through the fifth grade presents a viable business plan for alternate property locations. She asked for Council's approval of the application.

Councilmember Tibby DeJulio stated 2013 is still another year and a half away. The number of children in the school does not seem to have increased. The neighbors need to be considered as well. When a commitment is made, it should be lived up to. He does not have a problem with adding the fourth and fifth grades to the school. Extending the permit time frame to 2020 is a breach of the faith of the neighbors and representations that were made to the Council.

Councilmember Dianne Fries asked if in 2009 Council was indicating that the school could no longer be at this location or if it was on a trial basis.

Councilmember DeJulio stated he understood the condition to mean that the school would have a new facility by 2013. He agrees with the idea of having a language school in Sandy Springs. There has to be other locations the school could relocate to. If the school cannot find another location, it is because they are not looking, or they are not looking hard enough.

Councilmember Fries stated it needs to be taken into consideration that for several churches that are struggling, having a school partner helps the church out.

Motion and Second: Councilmember Meinzen McEnery moved to approve Agenda Item No. 12-052, ZM11-006 - 5855 Riverside Drive, *Applicant: Tabula Rasa*, To modify condition 1.b., but to not modify conditions 2.m., and 2.n. of application U09-001/U09-002/U09-007. Councilmember DeJulio seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. A church at a maximum density of 2,614.19 square feet per acre or a total of 26,351 square feet, whichever is less (U09-001). The subject Private School (U09-002) and Day Care Facility (U09-007) may occupy the aforementioned space.
 - b. A Private Elementary School (grades K through 3⁵) with a total enrollment of no more than 70 students limited to operating Monday through Friday between the hours of 8:00 a.m. to 3:00 p.m.
 - c. A Day Care Facility with a total enrollment of no more than 150 children limited to operating Monday through Friday between the hours of 8:00 a.m. to 6:00 p.m.
 - d. A Day Care Facility with a total enrollment of no more than 50 children limited to operating Saturdays between the hours of 9:00 a.m. to 3:00 p.m.
 - e. The Private School and Day Care(s) shall provide copies of all state licenses and exemptions to the Director of Community Development by July 1st of each calendar year.
 - f. By August 21, 2009 and July 1st of each calendar year thereafter, the Private School and Day Care(s) shall provide an annual report detailing total enrollment by the uses (exemptions and/or licenses) detailed in conditions 1.b, 1.c, and 1.d, subject to the approval of the Director of Community Development.
 - g. No more than a total of 17 staff and 118 children shall be enrolled during weekdays and/or Saturdays until such time review and approval for more occupancy has been obtained from Fulton County Health & Wellness, then a total enrollment of up to the quantity specified in conditions 1.b, 1.c, and 1.d. may be utilized.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated April 8, 2009. 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.

- b. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Riverside 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 light source of all external lighting in the development shall be screened and shall not be directly visible from adjoining residential properties.
- d. To bring the existing structure into compliance with building codes pursuant to Chapter 105, Buildings and Building Regulations, the Code of the City of Sandy Springs.
- e. To bring the existing structure into compliance with fire codes, pursuant to Chapter 22, Fire Prevention and Protection, of the Code of the City of Sandy Springs.
- f. The school shall provide a 24-hour contact person available to address on-site management issues for surrounding property owners. The school shall provide this information in the annual report referenced in condition 1.f. Compliance with this condition shall be in place by July 1st of each calendar year.
- g. The school shall submit a schedule of events to the Sandy Springs Communications Department detailing the date and time of each special event. Said schedule shall be submitted annually, by July 1st of each calendar year, and monthly on the first day of each month.
- h. Use of such recreational fields and play areas shall not be permitted after sunset.
- i. To prohibit any fixed/permanent outdoor loudspeakers, horns, or amplified sound systems. Operation and use of any portable sound system shall be subject to the City of Sandy Springs Noise Ordinance.
- j. Parking lot lighting shall be no taller than 20 feet and shall not be installed within 50 feet of any residentially-zoned property. The light source of all external lighting on the Property shall be screened and shall not be directly visible from adjoining residential properties. Outdoor lighting of all play areas and recreational fields is prohibited.
- k. Delivery hours and days shall be limited to the following: 7:30 AM to 7:30 PM on Monday through Friday; 8:00 AM to 5:00 PM on Saturdays; no deliveries are permitted on Sundays.
- l. No additional instruction and programs shall be permitted for any person beyond the staff recommended conditions for the number of enrollment during weekdays and Saturdays as specified in conditions 1.b, 1.c, and 1.d.

- m. The existing trailers, shown on the site plan received by the Department of Community Development dated February 25, 2009, shall be removed from the subject property no later than ~~December 31, 2013~~ **June 30, 2015**.
- n. The subject Private School Use Permit shall expire on ~~December 31, 2013~~ **June 30, 2015**.
- o. The instruction at the Private School shall be limited as follows: only offer grades K through 1 for the 2009-2010 academic year, only offer grades K through 2 for the 2010-2011 academic year, only offer grades K through 3 for the academic year 2011-2012.

Friendly Amendment: Councilmember Collins offered a friendly amendment to the motion to modify condition 1.b. as requested and to modify conditions 2.m. and 2.n. for the date to read May 31, 2014. Councilmembers Meinzen McEnery and DeJulio accepted the amendment.

Councilmember Karen Meinzen McEnery stated the applicant's business plan affects the viability of the school and its neighbors. She would support extending the grade limit from third to fifth.

Ms. Smith stated the condition that Council is discussing regarding the 2013 and 2014 dates only impacts the private school use. The use would continue for the daycare. The additional two and half years with two more grade levels should give the school a successful business plan to take the commercial venture out of the residential area.

Councilmember Chip Collins stated allowing the trailer to remain on the property until 2020 is too long. This is not a bad place for a small school. If the income is taken away from the church, there is a possibility the church might close. If this happens, the neighbors might get something in their neighborhood they really do not want. Extending the private school use permit two years allows the school to find a permanent solution. He asked if the trailer is something the City would ordinarily allow.

Manager of Planning and Zoning Dickerson stated trailers are permitted under an administrative permit for temporary use for about three years.

Councilmember Collins stated if the 2020 date is allowed, the use of the trailer would total about twelve years. The trailer is his only issue.

Councilmember Gabriel Sterling asked if the school has received any zoning or code violations.

Manager of Planning and Zoning Dickerson responded no.

Councilmember Sterling stated due to the school's current business model, the school is asking for an extension on the use permit date. His understanding of the condition that expires on December 31, 2013, is that Council would revisit this application in 2013. The date of 2020 is too long, given the trailer situation. He does not see the negative impact of the school remaining in this location. The school should be allowed to let their business grow. Maybe the use permit date could be extended to 2015. This application can always be revisited at a later date.

Councilmember John Paulson stated he has heard three explanations for the date of 2013. One explanation was 2013 is when the trailer lease expires; one explanation was the school needs to relocate by that date; and the third explanation was to wait until 2013 to see how well the school is doing. The date of 2020 is too long. There is nothing of significant substance being asked for in this application.

Mayor Galambos stated there are schools throughout the City that are valuable and offer something unique that are not in some of the other schools. There have been no complaints on Tabula Rasa in the last three years that would indicate the school is a problem. The value and benefits of the school need to be considered

Substitute Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 12-052, ZM11-006 - 5855 Riverside Drive, *Applicant: Tabula Rasa*, To modify condition 1.b. of application U09-001/U09-002/U09-007 to read “grades K through 5” and to modify conditions 2.m. and 2.n. by extending the date to June 30, 2015. Councilmember Fries seconded the motion.

Councilmember Fries asked about the interpretation of extending the date to June 30, 2015, for conditions 2.m. and 2.n.

Councilmember Sterling stated extending the date is not a deadline date for the school to leave that location, but to see how it is going at that time.

Councilmember Collins stated his interpretation is that the school should find a permanent solution, if they wish to stay located on that property.

City Attorney Wendell Willard asked Councilmember Sterling to clarify the meaning of the motion.

Councilmember Sterling stated his motion is not saying to the applicant to be out of that location at that date.

Mayor Galambos stated if another application comes before Council in 2015, the minutes will reflect the intention of this motion.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2012-02-07

Councilmember Collins stated there has been concern about allowing a for profit business at this site. This is one of the few intersections near I-285 that does not have commercial property.

Resolution

(Agenda Item No. 12-053)

6. Resolution to Support the Rehabilitation of Affordable Housing Units for Older Persons on Property Located at 144 Allen Road

Robert Engstrom, Chair of the Board, Housing Authority of Fulton County, stated last year the Fulton County Housing Authority received support from the City for rehabilitation of the units located at 144 Allen Road. The rehabilitation was mandated by the Federal Department of Housing and Urban Development (HUD). Due to bureaucracy delays, the same resolution is again before the Council. He asked for Council’s support of this resolution.

Mayor Eva Galambos asked if the existing units in the building are going to be rehabilitated.

Mr. Engstrom responded yes.

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

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 12-053, Resolution to Support the Rehabilitation of Affordable Housing Units for Older Persons on Property Located at 144 Allen Road. Councilmember Fries seconded the motion.

Councilmember John Paulson asked if any progress has been made regarding the rehabilitation.

Mr. Engstrom stated HUD first requires approval from the local municipality. The approval from last year expired and that is why this application is now before Council.

Torian Priestly, Vice President of the Benoit Group, stated Fulton County is submitting a new application to the Department of Community Affairs. With that new application a new resolution is required.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2012-02-15

Public Hearing

(Agenda Item No. 12-054)

7. Potential Park Site at Fulton County Sewer Pump Site Located off of Old Riverside Drive

Director of Recreation and Parks Ronnie Young stated this item is the research of a possible additional park. In September 2011, at the direction of Council, City staff visited this particular site with the County Commissioner, office staff, and Director of Public Works from Fulton County. This piece of property is 24.8 acres located off of Old Riverside Drive. The property was previously used as a sewer pumping station for Fulton County. Staff conducted two onsite walkthroughs during 2011 with residents and park supporters. Staff contracted with Lose & Associates for three alternative concepts that include components to be constructed at the park. Concept number one has a parking lot of pervious surface for fifty vehicles. Included would be a playground, a walking track to the river's edge, and two potential pavilions that would sit over the river.

Councilmember Gabriel Sterling asked if the parking would be on both sides of the ingress and egress area.

Director of Recreation and Parks Young responded yes. The restrooms would be on the right side of the design and there are two dog parks; one for small dogs and the other for large dogs.

Councilmember Dianne Fries asked how many acres would be in the area for the dog park.

Director of Recreation and Parks Young responded 3.24 acres.

Councilmember Fries stated the City of Johns Creek's dog park is less than 2 acres and it is spectacular. The dog park for this plan does not need to be 3.24 acres.

Director of Recreation and Parks Young stated for concept number two there would be no dog park. The area in the center would be an open field. The walking/jogging track circles the entire park. There would

be a potential pavilion on the left side of the park on the edge of the river. The difference between this plan and the first plan is this one has an open area for free play type activities and the additional walking area in the trees. Concept number three shows the playground relocated to the left side of the park. The plan would include the walking track around the park and one or two pavilions. The idea for this park is to relieve some of the stress at Overlook Park, which includes pavilion rentals.

Councilmember Fries stated the only change she sees between concept plan two and three is that the playground was moved from near the parking lot to the left side of the park.

Director of Recreation and Parks Young stated that is correct. There are setbacks from the river and other issues having to do with the location. Once the City contracts with a consulting firm, this plan can move forward provided an agreement can be made with Fulton County to lease or buy the property. There are ongoing discussions with Fulton County regarding the property. He would like input from residents and interested people regarding these concept plans.

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

Patty Berkovitz, 800 Crest Valley, stated she represents the Watershed Alliance of Sandy Springs. She is also the property owner of 705 Edgewater Trail, which is almost across the street from this location. She opposes the location of the pavilion, as it will compromise the river bank, creating erosion problems. All structures should be moved outside of the protected fifty foot river buffer. As currently drawn, these pavilions will require an EPD stream buffer variance and a permit from the National Park Service. All three plans appear to propose impervious surfaces in the 150 foot impervious setback. The plans should be revised so that the parking lot, sidewalk, and trail are made with pervious material. There was discussion in phase two of a boat ramp. A boat ramp will require extensive permitting from the EPD, National Forest Service, and the Army Corp of Engineers. This use of the property is too intense. The parking lot would be for fifty vehicles, which is way too many for the three acres. Due to the proximity of the property to the river, the property should be low intensity. There have been questions regarding signage. She did not receive anything from her Homeowners Association regarding the potential park site.

City Manager John McDonough stated this item comes from several conversations with a Fulton County representative who would like to help the City move this project forward, if there is Council and public support. The reason for this meeting tonight was to see if there is neighborhood and community support to move the project forward. If there is support, the City would gladly endorse this project. This would not be an inexpensive project for the City.

Mayor Galambos called for public comments in support of this application.

Bob Peoples, 7035 Riverside Drive, stated he is on the Sandy Springs Conservancy Board. The Board was involved with the tours of the property. The Conservancy wholeheartedly supports a City park at this location.

Trisha Thompson, 145 River North Drive, stated the City should take advantage of this County property. Some of the public did not know about the possibility of a park at this location. The people that she has spoken to are overjoyed about the potential park. The City would manage the property in an appropriate manner.

Mayor Galambos closed the public hearing.

Mayor Galambos asked if the nearby properties owners have been notified of this potential park.

Councilmember Chip Collins stated there were two walkthroughs of the property. Both times a lot of neighbors were invited from the area. Van Westmoreland, who actually lives on Old Riverside Drive, has no problem with the potential park. It is easier to get people to attend a Council meeting when they are in opposition to an item rather than in support of it. He spoke to thirty to forty people that were on the site, including homeowners associations, who were in support. He also emailed individuals on his mailing list and received positive feedback regarding the park. This discussion is the first step in deciding if a park is wanted at this location. Once the property is acquired through lease or purchase, then the specific issues can be raised.

Councilmember Sterling stated Council is in agreement that the City is under parked. The City should take full advantage of this opportunity to allow people to come together and utilize this beautiful area. There will probably not be impervious surface problems. He would like to have the pavilion close to the river. If a boat ramp is not installed, people will find slopes of mud and use them as boat ramps. It is better that the situation be controlled long term.

Councilmember Karen Meinzen McEnery stated she emailed over 2,000 people and received many favorable responses and not one unfavorable response about the potential park. What is seen here is the disturbed area of the site that was the footprint of a larger sewer treatment facility that was closed in the 1970's. What cannot be seen is the 19 acres that surrounds this area, including a creek. There is plenty of land for trails, shade walkways, and dog parks. She would like the rest of the land to be utilized for it to be a twenty acre park instead of a three acre park.

Councilmember Collins stated there were two other people in attendance this evening in support of this agenda item, but they could not stay due to the length of the meeting.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 12-054, with a Resolution in support of obtaining the land at the Fulton County Pump Site Located off of Old Riverside Drive for a park site. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2012-02-16

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 12-055)

1. Intergovernmental Agreements (IGAs) with Schools

Director of Recreation and Parks Ronnie Young stated the City currently has seven Intergovernmental Agreements (IGAs) with the Fulton County public schools allowing the City to use the schools facilities. There are three updated IGAs ready for renewal dated to begin at the start of this school year. Five of the IGAs are one year agreements that will expire in August 2013. One of the IGAs is a five year agreement. The school system has hired a land management staff person. That person will be heavily involved in the schools' land management. It is imperative the City uses the school facilities for youth programs at very little cost to the City budget. The use of these schools has been a tremendous asset to the City. The new IGAs include the same language as the previous IGAs. The small change relates to the City accepting responsibility for maintenance of turf on the exterior of the school. The maintenance expenses will include irrigation, fertilization, chemicals, and grass cutting. He asked Council for approval to allow the Mayor to sign the IGAs. Staff is still working on the details of another IGA to come before Council that has to do with the turf project at Dunwoody Springs.

Councilmember Karen Meinzen McEnerny asked if the City will be required to install the irrigation and pay for water meters and the water.

Director of Recreation and Parks Young stated an over ground watering system has been purchased that connects to the fire hydrants. The City will water the fields as needed and pay for that water. In some cases, the subcontractors that operate the youth programs will pay for some of the costs.

Councilmember Meinzen McEnerny stated she hopes the water bill will not be too large of a cost.

Director of Recreation and Parks Young stated the cost will not be as much as what the City was paying before, because the City will not have to pay the hourly use fee, which was paid for the last four years.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-055, the Intergovernmental Agreements (IGAs) with the Fulton County School District. Councilmember Sterling seconded the motion. The motion carried unanimously.

REPORTS AND PRESENTATIONS

1. Mayor and Council Reports
2. Staff Reports

PUBLIC COMMENT

Robin Beechey, 20 Willow Glen NE, stated he is here to discuss 5395 Roswell Road, which is the Scientology owned building. In 2009, when the Church of Scientology sought approval to use this building for a church, there were at least sixteen homeowner associations that opposed the application. The use would be too intensive for such a small area and would cause traffic problems. There was disappointment in 2009 when approval was given for the three story building. The neighborhood was in agreement when Council did not approve the underground parking garage. The neighborhood was pleased to hear a Federal judge supported the denial of the parking garage. It was reported last week that the judge had a discrimination claim to the parties for mediation. He does not understand what there is to mediate. Council was flexible in 2009 to accommodate the applicant. There are many citizens that have been watching this process. He asked that Council stand by their 2009 decision.

Mayor Eva Galambos stated Council never comments on anything that is under litigation, but his comments will be taken into consideration.

Mr. Beechey asked about the judgment.

City Attorney Wendell Willard stated the City is under court direction for mediation that is scheduled for late March 2012.

Linda Herman, 6717 Ridge Mill Lane, stated she is here to speak on the proposed Wright Road parking for Abernathy Greenway. In the time she has lived on Ridge Mill Lane, there have been two issues. Two of the issues include the widening of Abernathy Road to accommodate Cobb County traffic, and the property at 166 Abernathy Road. She asked Council to keep in mind that the neighborhood agreed to a park. All property values have suffered drastically due to the road construction and the uncertainty of what would be happening with this park. Having a public restroom and parking lot on one of the two main entrances to her subdivision will not be positive for property values. She asked that restrooms and a parking lot be kept away from her neighborhood.

Charles Wilson, 75 Brandon Ridge Drive, stated he has lived in Sandy Springs for many years. He was happy to see a new park being constructed in Sandy Springs. He is the President of Brandon Mill Woods Emeritus. The Board has reviewed the most recent Abernathy Greenway master plan. There are reservations regarding the parking lot ingress and egress for both the proposed driveway and parking lot, which will result in traffic issues. Turning a residential lot into a parking lot seriously impacts the privacy of the neighbors. This portion of Wright Road has been subject to flooding. The paving of this lot will further increase this problem. The proximity of Wright Road to Roswell Road may lead to this lot being used for parking by those not visiting the park. The need for a parking lot has been presented to eliminate anticipated parking on Wright Road. This is an assumption and does warrant the additional expense to building the parking lot. Unauthorized parking on Wright Road can be controlled by "No Parking" signs and the implementation of towing policies. One of the main reasons the City acquired this lot was to provide an ingress and egress for the home currently accessed from Abernathy Road. No time during this discussion was the additional parking or restroom facility ever brought before the neighborhoods. Changing this parcel of land into a parking lot runs counter to the City's stated policy of neighborhood protection and minimization of traffic. Having a parking lot at the entrance of the neighborhood negatively impacts the subdivision.

Terry Harth, 45 Brandon Ridge Drive, stated she has been a resident of Brandon Mill Woods since 1973. Her neighborhood is most directly impacted by the planned parking lot and restrooms on Wright Road. She would like a better explanation of why the parking lot is needed and how to buffer the area.

Alan Serby, 185 Stone Mill Trail, stated he and his wife have lived in Sandy Springs since 1969. He has previously operated parking lots with adjacent restrooms. He was one of the original people that developed the Chattahoochee Nature Center. Placing restrooms and a parking lot at this location will create traffic and security problems.

Mayor Galambos stated the restrooms will not be located off Wright Road.

Mr. Serby stated the problem with the ingress and egress from the parking lot at Wright Road will be horrendous. The neighborhood supports a linear park, but the current plan was not what was presented to the neighbors. He is in support of building additional parking at the Abernathy Art Center. The parking lot at Wright Road would be a mistake.

Following Public Comment:

Motion and Vote: Councilmember DeJulio moved to recess the regular meeting for a short break and to hear one of the Work Session Agenda Items. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting recessed at 9:32 p.m.

Motion and Vote: Councilmember DeJulio moved to end the recess and resume the regular meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The recess ended at 9:50 p.m.

(Agenda Item No. 12-056)

EXECUTIVE SESSION – Litigation

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss pending or potential litigation. Councilmember Fries 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 9:51 p.m.

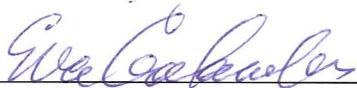
Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 10:03 p.m.

(Agenda Item No. 12-057)

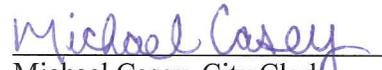
ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 10:03 p.m.

Date Approved: March 6, 2012



Eva Galambos, Mayor



Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

February 21, 2012

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 21st day of February, 2012, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

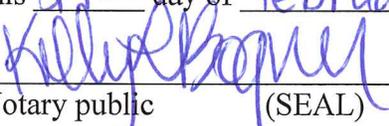
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.



Eva Galambos, Mayor

Sworn to and subscribed before me,
this 29th day of February, 2012.



Notary public (SEAL)

