

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, December 20, 2011, at 6:00 p.m., Mayor pro tempore Tibby DeJulio presiding.**

**INVOCATION**

Reverend Ron Gilreath, Mount Vernon Presbyterian Church, offered the invocation.

**CALL TO ORDER**

Mayor pro tempore Tibby DeJulio called the meeting to order at 6:06 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 absent. Mayor pro tempore Tibby DeJulio present.

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

**PLEDGE OF ALLEGIANCE**

Mayor pro tempore Tibby DeJulio led the Pledge of Allegiance

Mayor pro tempore Tibby DeJulio recognized Councilmember John Paulson's mother who is visiting from Chicago, IL.

**(Agenda Item No. 11-284)**

**APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Fries moved to approve the Meeting Agenda for December 20, 2011. Councilmember Sterling seconded the motion. The motion carried unanimously.

**CONSENT AGENDA**

**(Agenda Item No. 11-285)**

1. Meeting Minutes:
  - a) December 6, 2011 Regular Meeting
  - b) December 6, 2011 Work Session*(Michael Casey, City Clerk)*

**(Agenda Item No. 11-286)**

2. Acceptance of a Permanent and Construction, Maintenance and Utility Easement from Hammond Center Joint Venture in connection with the Perimeter Community Improvement District's (PCID) Pedestrian Plazas' construction project on Peachtree-Dunwoody Road  
*(Kevin Walter, Director of Public Works)*

**Resolution No. 2011-12-111**

**(Agenda Item No. 11-287)**

3. Acceptance of Two (2) Permanent Construction Easements for Construction and Maintenance of Sidewalks for the FY-10 Sidewalk Program/ Spalding Drive Sidewalks (Nesbit Ferry Extension), T-6010-14

*(Kevin Walter, Director of Public Works)*

**Resolution No. 2011-12-112**

**(Agenda Item No. 11-288)**

4. Acceptance of Three (3) Temporary Driveway Easements for the FY 11 Sidewalk Program - Old Powers Ferry Road Sidewalks T-6011-5

*(Kevin Walter, Director of Public Works)*

**Resolution No. 2011-12-113**

**(Agenda Item No. 11-289)**

5. Revision of Task Order to Jacobs Engineering for Gymnastics/Hammond Park Gymnasium

*(John McDonough, City Manager)*

**(Agenda Item No. 11-290)**

6. Issuance of Task Order for Additional Staff in Municipal Court

*(John McDonough, City Manager)*

**(Agenda Item No. 11-291)**

7. Issuance of Task Order to ST Services of Georgia

*(John McDonough, City Manager)*

**(Agenda Item No. 11-292)**

8. Lease Agreement for Liquid Propane Fueling Station

*(Wendell Willard, City Attorney)*

**Motion and Vote:** Councilmember Fries moved to approve the Consent Agenda for December 20, 2011. Councilmember Sterling seconded the motion. The motion carried unanimously.

**PRESENTATIONS**

1. Proclamation for Lt. Jared Ogden

**Mayor pro tempore Tibby DeJulio** asked Lt. Jared Ogden and Councilmember Paulson to the front. He stated that he and Councilmember Paulson are Vietnam Veterans and it is a pleasure to welcome a Navy Seal previously deployed to Afghanistan. The City is proud of Lt. Ogden and what the other American troops have done for our country. He read the proclamation which states: Jared Ogden graduated from North Springs High School in 1999 and the US Naval Academy in 2004. Jared Ogden was commissioned as an Ensign in the US Navy and was deployed to the Arabian Gulf as a Surface Warfare Officer aboard the USS Belleau Wood, and was later transferred to the USS Bonhomme Richard. In 2006, Jared Ogden was selected to transfer to the Naval Special Warfare Command and began Basic Underwater Demolition/SEAL training in 2007. Jared Ogden became a SEAL in 2008 and has been deployed three times, including two highly kinetic appointments in support of Operation Enduring Freedom in Afghanistan. Jared Ogden was recently awarded the Bronze Star with Valor for actions taken in 2009. We salute and express our gratitude to Jared Ogden for his service to our country and proclaim December 20, 2011, Jared Ogden Day in the City of Sandy Springs.

**Lt. Jared Ogden** thanked the City for the proclamation. He is not used to this type of recognition for his military service. He asked everyone to remember that there are troops still putting their lives in harm's way every day.

**Mayor pro tempore Tibby DeJulio** wished everyone the best Holidays and a Happy New Year.

## **PUBLIC HEARINGS**

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

### **Zoning Modification**

#### **(Agenda Item No. 11-293)**

1. **ZM11-003** - 5505 Glen Errol Road, *Applicant: Mike Ivey*, To modify condition 4.c. of Z89-068 to delete the requirement for the owner/applicant to install sidewalks

**Manager of Planning and Zoning Patrice Dickerson** stated this is a zoning modification request by the property owner to modify condition 4.c. of the applicable zoning case by deleting the requirement for the sidewalk installation. This would enable the property owner to remove the section of sidewalk in front of his house. This is the only section of sidewalk that is located along this stretch of Glen Errol Road. Staff recommends approval.

**Mayor pro tempore Tibby DeJulio** called for public comments in support of the application.

**Mike Ivey, 5505 Glen Errol Road**, stated he has resided in Sandy Springs for nineteen years. For eighteen years he resided on Dudley Lane and has lived at his current residence for one year. Upon moving into the house he discovered the sidewalk in front of his house is not connected to any other sidewalk segments. The sidewalk on Glen Errol Road across the street from his house runs almost the entire length of the road. He is requesting approval to remove the sidewalk in front of his house and plant grass in its place.

**Mayor pro tempore Tibby DeJulio** called for public comments in opposition to the application. There were no comments from the public. Mayor pro tempore Tibby DeJulio closed the public hearing.

**Motion and Second:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 11-293, ZM11-003 - 5505 Glen Errol Road, *Applicant: Mike Ivey*, To modify condition 4.c. of Z89-068 to delete the requirement for the owner/applicant to install sidewalks. Councilmember Fries seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Single family detached dwellings and accessory uses and structures.
2. To the owner's agreement to abide by the following:
  - a. To the Site Plan received by the Zoning Department on 4-13-89 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.

- b. To submit to the Director of Public Works for his approval, prior to any defoliation or alteration of the site, a Land Disturbance application which shall include a grading plan including phasing, a hydrological study, a separate soil sedimentation and erosion control plan, and proposed provisions for permanent storm water retention.
  - c. To submit to the Director of Public Works for his approval prior to the approval of a Land Disturbance Permit, a detailed landscape and/or tree protection plan for all required buffers, landscape strips, and tree protection zones. Said landscaping for each phase of development shall be in place prior to the recording of the final plat for each phase of development.
  - d. To submit to the Director of Public Works for his approval, prior to the subdivision of any parcel zoned pursuant to this petition, a copy of all easement agreements for shared parking and access.
3. To the owner's agreement to the following site development considerations:
- a. No more than 4 exit/entrances on Glen Erroll Drive to be located a minimum of 150 feet from the new dedicated right-of-way of Long Island Drive. Curb cut locations and alignments are subject to the approval of the ~~Fulton County~~ Sandy Springs Traffic Engineer.
  - b. No access shall be allowed from Long Island Drive.
  - c. Provide and maintain off-street parking on the subject property during the entire construction period.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
- a. Dedicate at no cost to ~~Fulton County~~ Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to ~~Fulton County~~ 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:
    - 30 feet from centerline of Glen Erroll Drive.
    - 30 feet from centerline of Long Island Drive.
  - b. Improve the following roadways along the entire property frontage from the center of road to back of curb as follows:
    - 14.5 feet from centerline of Glen Erroll Drive.
  - c. Construct sidewalks along entire property frontage within the rights-of-way of Glen Erroll Drive and Long Island Drive. ~~Said sidewalks for each phase of development shall be in place prior to the recording of the final plat,~~ with the exception that Lot 3 (A.K.A. 5505 Glen Erroll Road) shall not be required, per Conditions of Z89-068 Zoning, to keep the existing sidewalk and install new sidewalk along its Glen Erroll Road frontage.

- d. Subject to Ordinance No. 2008-09-48, Section 103-80 of the Land Development ordinance, applicant shall maintain shoulder within the right-of-way to permit future installation of sidewalks. In addition, owner/applicant shall pay for future sidewalk installation.
  - e. Before commencing with the proposed sidewalk removal, the Owner/Applicant shall apply for and receive a Land Disturbance Permit and/or a Right-Of-Way Encroachment Permit and, after the proposed work is completed, the Owner/Applicant shall restore the disturbed area with turf grass that shall be maintained by the Owner/Applicant as long as no future improvements occur in the once disturbed area.
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 City 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 ~~Fulton County~~ Sandy Springs Tree ~~Preservation~~ Conservation Ordinance ~~Administrative Guidelines~~, either through the retention of existing trees, or tree replacement, in perpetuity.

**Councilmember Karen Meinzen McEnery** stated she has discussed this item with Mr. Ivey and Councilmember Collins. She appreciates Mr. Ivey coming to Council to have this portion of the sidewalk removed. She asked about the length of Glen Errol Road.

Mr. Ivey responded almost one mile.

Councilmember Meinzen McEnery stated on the west side of Glen Errol eighty percent of the street has a sidewalk. The sidewalk then skips over to the east side, which is Mr. Ivey's property. The sidewalk covers the frontage of Mr. Ivey's property and then ends.

**Councilmember John Paulson** stated he thinks it is a great idea removing the sidewalk and completing the sidewalk on the other side of the street.

**Vote on the Motion:** The motion carried unanimously.

**Ordinance No. 2011-12-20**

### UNFINISHED BUSINESS

There was no unfinished business.

### NEW BUSINESS

There was no unfinished business.

### REPORTS AND PRESENTATIONS

1. Mayor and Council Reports
2. Staff Reports

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**PUBLIC COMMENT**

**Sandra Lewis, 230 Hammond Drive**, stated she arrived at this meeting straight from the studio where she was instructing a class. Sips n Strokes is an art studio that gives instructional art classes to people that have never painted. A customer came in recently with out-of-town guests and as the people entered the building they were reminded they could not BYOB at her location. Sips n Strokes is an idea that started in Birmingham, AL about nine years ago. The idea began in Wendy LoVoy's home. She took no more than sixteen students at a time that came in to paint and were allowed to drink a glass of wine. Out of that idea Sips n Strokes was born, which is a franchise. After she went to the East Cobb location several times, she decided to open Sips n Strokes in Sandy Springs. When the Sandy Springs location was opened, the corporate office had told her that the Sandy Springs City Council had voted to allow BYOB, but she was misinformed. The corporate office had been advised by City staff that her location could sell alcohol to allow people to have a glass of wine while they painted. There are now nineteen competitor companies within the Atlanta area that do allow BYOB. Her location would have more customers if they were allowed to bring in wine.

**Mayor pro tempore Tibby DeJulio** asked where her business is located.

Ms. Lewis stated her Sips n Strokes is located in City Walk on Hammond Drive. She has a zip code analysis, which shows that almost sixty-eight percent of her customers come from outside Sandy Springs. Only 33.6% of her customers are Sandy Springs residents. Her business is a 4,000 square foot facility, but only 2,000 square feet was needed. This building was chosen as the hub location because she plans on opening two more Sips n Strokes locations. If the Sandy Springs location is not allowed BYOB, the hub location will then have to be located in East Cobb. Her customers spend money by eating at restaurants in the area and buying gas. On the nights her business is open, perhaps half of Meehan and Teela Taqueria's customers are from Sips n Strokes. She has a product party room that allows customers to bring food. Every evening customers bring in bags of food from Wholefoods, which is located in the same shopping plaza. Sips n Strokes is trying to be part of the community. The business has donated to many of the locals schools. There is a nearby location that used to be a Sips n Strokes franchise in Dunwoody, which is now called Canvas By You. Every evening Sips n Strokes loses customers to Canvas By You. There are dozens of people that walk into her location and after seeing the sign stating the City does not allow BYOB, they walk out.

**Barbara Malone, 240 Colewood Way** stated she is here to discuss the flood plain issue. She has attended both flood plain meetings as someone who may be affected, but also on behalf of her neighborhood association. She is concerned about the outcome of the previous flood plain meeting. At one meeting a resident visited two work stations to get maps of their property. On the first map it showed their property would be in Zone X. The second work station had a map that showed their property as being in Zone A. That is a huge conflict. There was no explanation of why there was this difference. It is a concern that there may be a number of residents that received incorrect information. She was given two flood plain maps from staff this evening that show conflicting information. She urges Council to look at the information that was given to the public.

**Mayor pro tempore Tibby DeJulio** stated the information that was given to the public was not intentionally meant to be misleading. Staff will follow up on this issue to ensure the maps are correct.

**Motion and Vote:** Councilmember Collins 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 6:29 p.m.

**Motion and Vote:** Councilmember Sterling moved to end the recess and resume the regular meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The recess ended at 7:12 p.m.

(Agenda Item No. 11-294)

**EXECUTIVE SESSION – Litigation and Real Estate**

**Motion and Vote:** Councilmember Fries moved to enter into Executive Session to discuss pending or potential litigation and real estate. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Mayor pro tempore DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session began at 7:14 p.m.

**Motion and Vote:** Councilmember Sterling moved to adjourn Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Mayor pro tempore DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 8:16 p.m.

(Agenda Item No. 11-295)

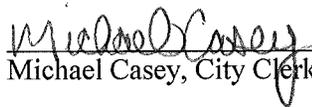
**ADJOURNMENT**

**Motion and Vote:** Councilmember Sterling moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 8:16 p.m.

Date Approved: January 3, 2012



Eva Galambos, Mayor



Michael Casey, City Clerk