Regular Meeting of the Sandy Springs City Council was held on Tuesday, June 1, 2010, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Rabbi Josh Heller with B'Nai Torah offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:01 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence cell phones and pagers at this time. Additionally, those wishing to provide public comments during either a public hearing or the Public Comment section 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 before speaking.

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos present.

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny present.

PLEDGE OF ALLEGIANCE

Mayor Galambos led the Pledge of Allegiance.

(Agenda Item No. 10-127)

E) APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for June 1, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

F) CONSENT AGENDA

(Agenda Item No. 10-128)

1. Approval of Waiver of Penalty and Interest for 2010 Business Occupational Tax Renewal for Project Management Technology at 5775 Glenridge Dr Bldg B Ste 500 Sandy Springs, GA 30328.
   (Robert Logan, Accounting Manager)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for June 1, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

G) PRESENTATIONS

1. Citizens Police Academy

Jill Coolik stated she was representing the Citizens Police Academy Class #003 that graduated in April. She thanked the City of Sandy Springs, the Sandy Springs Police Department, and Police Chief Terry Sult for sponsoring and supporting this program and giving ordinary citizens the opportunity to partner with the Sandy Springs Police Department. She also gave special thanks to Senior Officer Larry Jacobs, Lieutenant Steve Rose, and Reserve Officer Mendel Stafford for planning, organizing and scheduling all the academy classes.

H) PUBLIC HEARINGS

City Clerk Michael Casey read the Zoning Rules for this part of the meeting.

(Agenda Item No. 10-129)

1. First Public Hearing on FY2011 Budget

City Manager John McDonough stated a week ago, staff presented a balanced budget in the general fund at $83,068,402. Staff also presented recommendations on eight additional funds which Council has had an opportunity to review. The purpose of tonight's meeting is to receive comments from the public on the proposed FY2011 Budget.

Mayor Eva Galambos called for public comments in support of or opposition to the FY2011 Budget. There were no comments from the public. The public hearing was closed.

Variance

(Agenda Item No. 10-130)

2. **V10-014** - Peachtree-Dunwoody Road, *Applicant: City of Sandy Springs*, Relief from Section 109-225.a 1 and 2 of the Stream Buffer Protection Ordinance to allow installation of a sidewalk related to the T-0026 Peachtree-Dunwoody Road Intersection Improvement capital improvement project.

Assistant Director of Planning and Zoning Patrice Ruffin stated this application is a stream buffer variance for the Peachtree-Dunwoody Road Intersection Improvement Project. The Public Works Department is requesting the primary variance. Staff is recommending approve conditional of the variances as requested, subject to conditions. Staff has also provided an additional condition and given it to the City Clerk for the record.

Transportation Planner Mark Moore stated Public Works is requesting this variance from the City Stream Buffer Ordinance to build the T-0026 Peachtree-Dunwoody at Spalding Drive Intersection Improvements as designed. The variance is in two parts. The first part is an encroachment on the west side of Peachtree-Dunwoody Road in front of two single-family residential properties for the purposes of the construction of sidewalk. It is within the 25 foot City undisturbed buffer. Staff has also filed for a state variance because there is a 25 foot overlaying state undisturbed buffer. This was an unnamed tributary that staff originally did not identify as waters of the state until they got further into the design. It comes out of the pipe at Talbot Colony, goes across one frontage in a pipe under a driveway, comes out, goes under another driveway, and then goes back into a pipe next to the Village Creek Townhomes. It stays piped through the townhomes and to the back end of the MARTA property near the GA400 right-of-way. The intent is to build the City standard sidewalk on the west side of the street in front of those two homes. Staff looked at a number of different alternatives. One was removing the sidewalk from the project as originally conceived to do a lane widening on that side. That idea is no longer an option, since there are several stream buffer bands. The existing Peachtree-Dunwoody Road is within the 25 foot buffer. There is no curbing in front of those townhouses, so staff will be adding curb and gutter. The

road is not being widened, but due to the significant demand, a five foot sidewalk is being added. This is the only gap in sidewalk on that side of Peachtree-Dunwoody between Spalding Drive and Abernathy. Someone can walk from the North Springs MARTA station and down, but because of the vegetation there, someone would end up walking in the road to use that side of the street. The other piece to clarify is that staff does not need any right-of-way to complete the project as designed in front of those homes. The additional condition that Assistant Director of Planning and Zoning Ruffin mentioned is the clearing of the vegetation in the right-of-way, which will include the vegetation on the road side of the stream, but not the stream channel itself. Staff has met with the citizens who are concerned about there still being a screen between their homes and the road. Staff has agreed to have the City Arborist look on their side of the stream channel on the property and see whether the vegetation that exists there meets the ordinance standard for a vegetative buffer. If it does not, staff will replant the area to bring it to buffer standards. The second portion of the variance is due to the stream being too close to the road. The actual widening of the northbound right turn lane, which is the significant operational improvement, will actually be in the 50 and 75 foot undisturbed and impervious buffer. Staff will need the variance from the City's stream buffer standards to be able to build on the other side of the road from the stream, because it will encroach into the buffers. The other point concerning mitigation effort is currently there is no curb and gutter and any water that comes off the road right now flows across the vegetation and directly into the stream channel. Staff will add curb and gutter that will tie into the storm water system. Staff will retain for water quality purposes the storm water within the road way, channeling it, and going through the normal process.

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

Dennis Williams, 7350 Peachtree-Dunwoody Road thanked Community Development Director Nancy Leathers, Chief Arborist Michael Barnett, Transportation Planner Mark Moore, and Transportation Manager Garrin Coleman. He stated they have been very open to ideas. He welcomes the idea of the curb and sidewalk in front of his home. It has been a dirt path since he can remember. The area has changed dramatically as far as the density and how it impacts traffic. One thing that troubles him is the 22 trees that are going to be removed, because it will change the profile of the properties vegetation. He asked staff to consider adjusting the width of the sidewalk, if possible, to save the mature trees in the area.

Mayor Galambos called for public comments in opposition to this application. There were no comments. The public hearing was closed.

Motion and Second: Councilmember Jenkins moved to approve Agenda Item No. 10-130, V10-014 Peachtree-Dunwoody Road, *Applicant: City of Sandy Springs*, Relief from Section 109-225.a 1and 2 of the Stream Buffer Protection Ordinance to allow installation of a sidewalk related to the T-0026 Peachtree-Dunwoody Road Intersection Improvement capital improvement project, including item 2, the stream buffer shall be replanted to buffer standards to achieve a visual barrier along 7350 Peachtree-Dunwoody Road (17-0022-LL-055-3), subject to the approval of the Sandy Springs Arborist. Councilmember Fries seconded the motion.

Councilmember Ashley Jenkins stated she appreciates staff working with Mr. Williams. On other projects in the City staff has been able to vary the width of the sidewalks, if there are big trees to save. She is not sure if staff will be able to get the width down to 36 inches, because ADA requires that two wheelchairs be able to pass each other. There are ways staff can work through this issue. The curb and gutter will really help the water quality of the stream, which is very important. The senior living center on the corner is the only spot that does not have a sidewalk and right now the seniors have to walk in the street on Peachtree-Dunwoody to connect. Those seniors do walk on Spalding Drive and once the sidewalk is installed, they will be able to walk the rest of the way down Peachtree-Dunwoody.

Councilmember Dianne Fries stated she agrees with Councilmember Jenkins and staff is also looking at Ison Road to install sidewalks. She pointed out that sometimes placing the sidewalks behind the big trees works. She asked if the topography allows this option for this project.

Transportation Planner Moore stated the area is very tight. Depending on the location, because it does vary, there is an average of less than 10 feet from the edge of the lane to the slope down into the channel of the stream. The comments that staff expects to get from the state variance is to not get in further than necessary. Some of the big trees are completely or partially in the slope down to the stream channel. There really is no way to go back behind them to get farther away from the road. Chief Arborist Barnett's initial commentary to staff was that none of the trees would be saved due to the amount of disturbance staff will have to do in order to get the sidewalk in. As staff starts to clear the undergrowth and can see a little better, they will do whatever can be done to save the trees, but it will be very hard, because there is a lot of undergrowth.

Councilmember Fries asked if staff would do gentle clearing before cutting.

Transportation Planner Moore stated staff would clear it first, see what is there, and then determine if the larger trees can be avoided.

Councilmember Fries asked if ADA is 48 inches.

Mayor Galambos answered no; that is still in disagreement.

Councilmember Karen Meinzen McEnerny stated she thinks it is very clear that the sidewalk is needed. She appreciates and agrees with Mr. Williams, because this is a stream buffer violation. Trees help control the quality of water that goes into that stream, which is a good reason to keep as many of those trees as possible. When the Fulton County Board of Education brought forward the sidewalk proposal to service Ridgeview Middle School, they also had to create a sidewalk in an area that drops way down. They gently cantilevered the sidewalk. What the City wants is an ADA accessible sidewalk which doesn't have to be a poured concrete structure. If the City could mitigate the construction area, then staff can save some of the trees that Chief Arborist Barnett has opined will die during construction. She is encouraging and requiring staff to look at alternative ways to construct the sidewalk.

Mayor Galambos stated she does not have the ADA Ordinance or law before her and is going from memory. She measured the sidewalks in Atlanta on Peachtree-Dunwoody as well as Lake Forrest and did not find them to be 60 inches. That is what prompted her to look up the law. She agrees with Mr. Williams that you have to be able to pass the wheelchairs, but that can be done on the driveways. It doesn't have to be the part that is on either side of the driveway, because the distance still is met by doing it on the driveways. She does not think Council can micromanage exactly what staff is going to do. All that can be done is to ask the staff to be as cognizant as possible in terms of accommodating the trees, where possible. Staff might review that law and see whether a 60 inch wide sidewalk is necessary.

Councilmember John Paulson asked how many trees could be saved if the two foot grass barrier was removed and the sidewalk was tucked against the curb.

Transportation Planner Moore stated he did not know at this point. Until it is cleared out, they will not be sure.

Mayor Galambos stated Mr. Williams is being very accommodating and she would like staff to be as accommodating as possible. She thinks if they work together, with rational facts, everyone will be happy.

Vote on the Motion: The motion carried unanimously.

Resolution

(Agenda Item No. 10-131)

3. A Resolution of the Sandy Springs Mayor and City Council Directing Staff to Recodify the Zoning Ordinance.

City Attorney Wendell Willard stated everyone that has worked with the City's Zoning Ordinance can recognize the need to have better codification and clarification of the ordinance. The City adopted the Fulton County ordinance in December 2005. Since then, staff has found things to tweak and work on from time to time and made changes. There is a need to have a better arrangement of the ordinance. There are several things that are repetitive and several things that are in conflict. He emphasized that this is a recodification and clarification. It is not a change to any policies or decisions, which can only be done by Council. This is to have a better product for the use of the public and staff.

Community Development Director Nancy Leathers stated the other important thing staff has found is that there is a lack of clarity on the language. The definition section of the ordinance is lacking and makes it very difficult to work with and very difficult to enforce. The City Attorney's office has agreed to work with the Community Development department to redraft the ordinance to make sure it is much clearer.

Councilmember Tibby DeJulio asked if the recodification would make it easier for the citizens to find the policies and procedures concerning the Zoning Ordinance when looking on the website.

Community Development Director Leathers stated yes, along with being easier for staff to use.

Councilmember Karen Meinzen McEnerny asked if the Zoning Ordinance would be on the MuniCode website after the recodification.

City Attorney Willard answered yes.

Mayor Eva Galambos stated the reason it was not submitted to MuniCode is because it needed to be straightened out first.

City Attorney Willard stated the issue with the definitions is a big problem. There are terms that are not defined and defined incorrectly. Staff is working on going through all the definition to put clarity there. Staff is hoping to do an index that someone can use to find a particular item more easily.

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

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-131, a Resolution of the Sandy Springs Mayor and City Council Directing Staff to Recodify the Zoning Ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.
Resolution No. 2010-06-39

Councilmember John Paulson asked if Council would see the changes before they are put in place.

Mayor Galambos stated they are on the disc.

Community Development Director Leathers stated as each chapter is written; it will go to Planning Commission and then come before Council.

Councilmember Paulson asked for the time frame.

Community Development Director Leathers stated the first round of amendments should reach Council in July and then move forward as rapidly as possible.

I) UNFINISHED BUSINESS

There was no unfinished business.

J) NEW BUSINESS

(Agenda Item No. 10-132)

1. Consideration of Approval of a contract to construct the Spalding Drive Elementary School Sidewalks Project Subject to Validation and Approval by the Legal and Finance Departments.

Capital Program Director Marty Martin stated on May 14th staff received seven bids to construct the sidewalk on Brandon Mill and Dalrymple. It will be on the east side of Brandon Mill from West Spalding Drive to Dalrymple, and on the south side of Dalrymple from the Brandon Mill intersection to Duncourtney Drive. The budget figure for this project is $500,000 and the apparent low bidder, for whom reference research is still being conducted, is Precision 2000, Inc. They have bid before, but not successfully. The project includes sidewalks, retaining wall work, and storm drain work.

Councilmember Karen Meinzen McEnerny asked if staff has looked at the trees that might be impacted for removal and asked if they have determined how to protect as many as possible.

Capital Program Director Martin stated he characterizes this project as one of the more forgiving sidewalks projects. In some cases across the front of some parcels, a driveway easement is not required because the topography is not difficult. In addition to the consideration of sidewalk, staff had to make some calls to improve storm drainage. Staff will have to install new curb and gutter to tie into the storm drainage system to improve drainage conditions on the roadway. That intrusion from dropping the storm drain will impact some of the adjacent trees. One of the areas that staff tried to minimize the impact was at the intersection of Dalrymple and Duncourtney Drive. There is an area, right up to the edge of the roadway, which requires about three parcels worth of retaining wall to be constructed. This is the only way to provide any road shoulder at all through that area.

Councilmember Dianne Fries stated she appreciates staff's new philosophy that it doesn't have to be a straight line two foot off of the curb. Council appreciates staff looking at a different alternative, understanding that the property owner has to give a little in order to go around the trees.

Councilmember Chip Collins asked for elaboration on the remaining reference checking.

Capital Program Director Martin stated in conjunction with the bid opening, contractors are asked for references, and staff does contact those references to see if there is any derogatory information about the contractor.

Councilmember Collins verified Council will be approving this item subject to staff's comfort with the company's references.

Capital Program Director Martin answered yes, plus the final review of legal and procurement.

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 10-132, Approval of a contract to construct the Spalding Drive Elementary School Sidewalks Project Subject to Validation and Approval by the Legal and Finance Departments. Councilmember Fries seconded the motion. The motion carried unanimously.
Resolution No. 2010-06-40

(Agenda Item No. 10-133)

2. Consideration of Approval of a Project Framework Agreement with the Georgia Department of Transportation for the Roswell Road Bridge over I-285 Widening Project (T-0031)

Public Works Director Tom Black stated this is the PFA for the Roswell Road Bridge. Hopefully the City will get the rest of the funding soon. This is just the next step in the process.

Councilmember Karen Meinzen McEnerny asked what PFA stands for.

Public Works Director Black answered Project Framework Agreement.

Mayor Eva Galambos asked where the City stands on the funding.

Public Works Director Black stated things are starting to fall into place, because other projects are coming in underfunded and that money will be carried forward. Staff is pushing to get the letting in September of 2010.

Mayor Galambos stated she raised the subject again with the State Board of Transportation representative. He assured her that there would be $900,000, but the City has heard that before.

Councilmember Tibby DeJulio stated he thought the amount was $2 million.

Mayor Galambos answered yes, that is what was asked for.

Public Works Director Black stated staff is asking for as much possible, but also other monies on other projects. There will not be monies for some construction, so staff is asking to have some of the federal dollars shifted. Staff is trying every avenue possible.

Mayor Galambos stated she appreciates staff's agility. She asked if the design is approved.

Public Works Director Black stated everything is going fine. The last thing in the air regarding the design was whether or not federal highway was going to make staff change the wall on the west side of the bridge. If that change is necessary, the cost will be an additional $800,000. If not, it will require a variance that only the state highway engineer can sign off on. The entire surface of the bridge is going to have to be refinished. Staff will use a micro-finish, which is a very small, thin finish that will help the look and life of the bridge.

Mayor Galambos asked if staff is asking Council to approve moving forward with the design and engineering.

Public Works Director Black answered yes; this is the PFA with GDOT. Staff has a PI number and this is the contract on how staff will move forward with the design. There is no right-of-way acquisition.

Councilmember Karen Meinzen McEnerny thanked Public Works Director Black for his diligent work in trying to get funding. She hopes he is reminding GDOT that this is the only interchange bridge over I-285 that is original. In the spirit of fairness, she knows of many interchanges, in Henry County and Eagles Landing, that were widened to six lanes and now there are twelve lanes. The City does not even have one change. In the spirit of fairness, this bridge needs to get GDOT funding.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-133, Consideration of Approval of a Project Framework Agreement with the Georgia Department of Transportation for the Roswell Road Bridge over I-285 Widening Project (T-0031). Councilmember Jenkins seconded the motion. The motion carried unanimously.
Resolution No. 2010-06-41

(Agenda Item No. 10-134)

3. Resolution Supporting Auto Museum in Sandy Springs

City Attorney Wendell Willard stated staff was asked to prepare wording addressing the City's position on offering assistance support wise to the group planning to start an Auto Museum in the City of Sandy Springs. Staff presents this to Council in the form of a resolution for consideration.

Motion and Second: Councilmember Paulson moved to approve Agenda Item No. 10-134, a Resolution Supporting an Auto Museum in Sandy Springs. Councilmember DeJulio seconded the motion.

Councilmember Karen Meinzen McEnerny stated that she misspoke at the last meeting when she indicated that the City did not have a policy to support the not for profits. In fact, the City does have a policy. She applauds the citizens that have brought this item to Council. The City does have a policy that allows Council to endorse not for profits and their efforts. She encourages other not for profits to come forward if they would like to participate in this policy.

Vote on the motion: The motion carried unanimously.
Resolution No. 2010-06-42

K) REPORTS AND PRESENTATIONS

a) Mayor and Council Reports

City Manager John McDonough stated in anticipation of the items coming to Council in August, staff made some recommended changes to the 2010 Council Meeting schedule. The changes included two meetings in July, versus the one in July of last year, and a single meeting in the month of August. The Mayor has proposed to eliminate the first meeting in July, meaning there would be one meeting in July held on the third Tuesday of the month, and then add a meeting in the month of August, which would be held the first week of August.

Mayor Eva Galambos stated she made the suggestion because the second meeting in August includes the Lakeside zoning petition, which will take a lot of time. The schedules have been fairly light and she doesn't anticipate a lot of items before August.

Councilmember Dianne Fries reminded everyone that last year when there were single meetings in July and August, the August meeting continued past 11p.m. and the power went off. She would rather there be two meetings every month.

Mayor Galambos stated Council will meet July 13, 2010, and then meet on the first and third Tuesday in August.

Councilmember Fries clarified there will be a single meeting in July and two meetings in August. She asked if anyone wants to have two meetings in July and two in August. She asked if there were any bids or contracts that will need approval and get hung up, since there will not be a meeting between July 13th and the first of August.

City Manager McDonough stated he did not anticipate anything major.

Community Development Director Nancy Leathers stated she is concerned about the cases that are advertised for the June Planning Commission Meeting and the July Council Meeting. If they are already advertised, they will be advertised as July 13th, because that is the date that staff had.

Mayor Galambos asked how many petitions are on the July 13th meeting.

Councilmember Fries asked if the date should be July 20th.

Community Development Director Leathers stated staff didn't advertise for the July 20th meeting, because they had the July 13th meeting date.

Councilmember Karen Meinzen McEnerny asked if it would be okay to drop the July 20th meeting.

Mayor Galambos asked if there was a heavy zoning agenda on July 13th.

Community Development Director Leathers stated that there are a couple of cases, maybe three.

Councilmember Ashley Jenkins asked if the cell tower is on that meeting.

Community Development Director Leathers answered yes.

Councilmember Jenkins stated there may be a need for two meetings in July, since the cell tower is on the July 13th meeting and Lakeside is on August 17th.

Motion and Vote: Councilmember Meinzen McEnerny moved to approve a modification to the City Council Meeting Schedule to eliminate the July 20, 2010, City Council Meeting and to add a City Council Meeting on August 3, 2010. Councilmember Fries seconded the motion. The motion carried unanimously.

L) PUBLIC COMMENT

Bill Gannon, 505 Taunton Way, stated someone put up a seven foot high backyard fence at the intersection of Peachtree-Dunwoody and Clemenstone. It is entirely legal and consistent with the ordinances. It is a 7 foot high, 6 inch by 6 inch cedar column fence. It is like the world's biggest deck except it goes on the front of the home, and it does so in such a way that it hits not only the front, but the side. It wipes out the effect of the streetscape that goes down by Children's Health Care of Atlanta. It stops right at the traffic light and then you see a lovely industrial looking fence and you can't see what is behind it. The folks along Peachtree-Dunwoody don't typically have HOA restrictions. He asked staff to consider reviewing the existing fencing policy for front yards. The neighbors are questioning what color, height, or length the fence should be. One or two lousy fences can destroy the character of a whole area.

Mayor Eva Galambos stated staff anticipated this problem and is already working on it.

Councilmember Tibby DeJulio stated several months ago there was a situation where an apartment complex asked for a license to sell beer and wine in the store within the complex. He indicated that it could become a problem in the future and he had asked staff to go ahead and come up with a solution to that. He had a conversation with the Police Chief's wife, Rhonda, because they used to live in that apartment complex. They both agree it could be a major problem. He does not think the City wants to see apartment complexes around Sandy Springs selling alcohol, so that people who want to party on a Saturday night can stock up on liquor in the complex. He asked if staff can work on something.

City Attorney Wendell Willard stated this will be a zoning that classifies a property based on it being an apartment use with an ancillary use of having a convenience store within the building. Staff can recognize zoning classifications as being limited to licenses for beer, wine, or alcohol.

Councilmember DeJulio stated he does not want to see an apartment complex not be able to have a restaurant that serves beer and wine, but if they do have someplace that serves food, then they can sell it as an added item on their menu. He does not want to see a trend started in Sandy Springs.

Councilmember Chip Collins stated a secretary from his law firm that lives in that building personally came and thanked him for passing that item. He does not see an issue or problem with it.

Councilmember Dianne Fries stated she likes the idea of having retail space support the residents. That is how you live, work, play, and don't get in the car and go places.

Mayor Galambos stated maybe Police Chief Sult can give Council some background on any problems in that area.

Police Chief Sult stated this is a unique complex. It is part high-rise, part condo, and part apartment complex. The condo is generally not a problem, but there are problems up and down the high rise and the apartments that range from minor drug violations, alcohol related offenses, and prostitution. There will be some issues, because there are a lot of concentrated people in a small location with affordable rent. There have been several retail type businesses in the lobby of this place including office support, a small restaurant and now a convenience store. Anytime you mix additional alcohol early in the morning, it does become problematic. It becomes an issue of control. Does the alcohol leave the front doors? It is very difficult to control without stationing someone there. The danger is that you do not want to restrict multi-use locations such as City Walk that may have stores on the bottom and apartments above. Some of those projects can be very appealing in a pedestrian friendly community. Security is stationed right where the alcohol will be served. The issue arises when someone walks out the doors of the convenience store, into the lobby area, and then opens the container. This is unique to that one location.

Mayor Galambos stated Council needs to give staff an idea of whether or not to work on this issue or leave it alone.

Councilmember DeJulio stated it is something that needs to be looked at.

Councilmember Fries asked if there are many apartment complexes already built that will have retail included.

Community Development Director Leathers stated it wouldn't normally occur in an apartment complex unless it was in a commercially zoned property area, an MIX property. The one that Chief Sult is referring to is an MIX (mixed use development property) which also has a hotel on the property. Staff

will need to take a look at how to manage it. It may be something that has to be completely separate from the entrance of the apartment or the entrance to the commercial property comes from the exterior of the building versus the interior of the building. Staff just needs to see what will work in a walkable community, but provide public safety.

Councilmember Fries asked how many apartments in Sandy Springs already have retail space in them. Is this the only one?

Councilmember DeJulio stated there is another one that has a land disturbance permit on the Crawford property. It is going to be an apartment complex with retail space underneath it.

Councilmember Fries stated to keep in mind that for years Council has pushed MIX use.

Mayor Galambos suggested that Council wait and let staff bring them ideas and then debate it.

Community Development Director Leathers stated unlike the one that Police Chief Sult was discussing, where the commercial use is actually in the lobby of the apartment complex, these others are really exterior oriented businesses with apartments over them and access from a different direction or separately. That was the application for the Crawford Company. They are not entering through the commercial properties.

Police Chief Sult stated it boils down to two things. If there is an isolated location or two with appropriate mixed use zoning approved by Council, then it becomes an enforcement issue, which the Police Department is prepared to do if it becomes problematic. The police can work with the management for that location, if it becomes an issue. The zoning needs to be looked at if the City starts getting a lot of problem areas like that.

Mayor Galambos asked if he feels staff can handle the issue at this point.

Police Chief Sult stated he thinks it is something Council should think about, and research it as suggested. This particular location is not a problem yet. They just got their license, but he thinks it will be a problem. There is an officer that lives there onsite who can keep a close eye on it, monitor, and gage any issues. He can than give Council information on what kind of problems are occurring, what the options are, and let Council make a policy decision.

Mayor Galambos stated that Council will wait until they get more information.

(Agenda Item No. 10-135)
M) EXECUTIVE SESSION – *Pending Litigation*

Motion and Vote: Councilmember DeJulio moved to enter Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive Session began at 7:08 p.m.

Motion and Vote: Councilmember DeJulio moved to Adjourn Executive Session. Councilmember Paulson seconded the motion. The motion carried unanimously with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive Session Adjourned at 7:30 p.m.

(Agenda Item No. 10-136)

N) ADJOURNMENT

Motion and Vote: Councilmember Collins moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 7:31 p.m.

Date Approved: August 3, 2010

Eva Galambos, Mayor

Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

June 1, 2010

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 1st day of June, 2010, 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

Eva Galambos, Mayor

Sworn to and subscribed before me,
this 1ST day of JUNE, 2010.

Michael D Casey

Notary public (SEAL)

MICHAEL D. CASEY
MY COMMISSION EXPIRES
NOTARY
PUBLIC
JANUARY 11, 2013
CHEROKEE COUNTY, GEORGIA