

Regular Meeting of the Sandy Springs City Council was held on Tuesday, October 20, 2009, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Rabbi Josh Heller, B'Nai Tora, offered the invocation.

CALL TO ORDER

Mayor Galambos called the meeting to order at 6:03 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, either during a public hearing or during 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 Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos

Councilmembers: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery present.

PLEDGE OF ALLEGIANCE

North Springs High School JROTC Color Guard led the Pledge of Allegiance.

(Agenda Item No. 09-262)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Paul moved to change the Meeting Agenda by moving Agenda Item 09-270 after Agenda Item 09-266. Councilmember Fries seconded the motion to move Agenda Item 09-270. The motion carried unanimously.

Motion and Vote: Councilmember Paul moved to approve the Amended Meeting Agenda. Councilmember Jenkins seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 09-263)

1. Approval of a Contract with Control Specialists' for the FY10 Intersection Improvement Program
(Thomas Black, Public Works Director)

(Agenda Item No. 09-264)

2. Acceptance of Driveway and Temporary Construction Easement Rights for the Windsor Parkway (Roswell to High Point) Sidewalk Project (T-0020)
(Thomas Black, Public Works Director)

(Agenda Item No. 09-265)

3. A Resolution for the Adoption of the 2009-2013 Annual Capital Improvement Element (CIE)
(*Nancy Leathers, Community Development Director*)
Resolution No. 2009-10-78

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda. Councilmember Jenkins seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Sandy Springs Youth Sports (SSYS)

David Grider, Joe Roche, and the players from SSYS presented the Mayor and Council with a framed picture of the SSYS youth. They also expressed special thanks to the Management Staff and the Parks and Recreation Staff. SSYS is a volunteer organization that provides baseball, softball, football and cheerleading for boys and girls ages five to fourteen at the Morgan Falls Athletic Field. Their vision is to be the best youth recreational program in the state of Georgia by providing the best youth sports experience, class and instruction, facilities, and a fun safe environment.

2. Proclamation – Family Month November 2009

Mayor Eva Galambos presented a proclamation to Bishop Harold Carlson for Family Month. The proclamation proclaims November 2009 as Family Month in the City of Sandy Springs. All citizens are urged to spend quality time with family members to strengthen relationships between parents and children.

3. Save Award – Sandy Springs Fire and Rescue Department

City Manager John McDonough and **Fire Chief Jack McElfish** presented the Save Award to Sandy Springs Fire Rescue personnel for the rescue of a patient in cardiac arrest. Personnel arrived within four minutes of receiving the call. The Sandy Springs personnel and the arriving Rural Metro Ambulance crews immediately began working together in an attempt to restore circulation in the patient. CPR was initiated, advanced life support measures were initiated, and the patient was shocked by a defibrillator a total of 3 times. After the third shock, the patient's heart was stabilized, the patient was successfully resuscitated and he regained a pulse. However, he remained comatose.

Paramedics Billew and Dews placed two intraosseous (into the bone marrow space) lines, and initiated the new **hypothermic protocol**. They began infusing two liters of iced saline to cool the patient's body and offer protection to the injured brain that had been starved of oxygen during the cardiac arrest. They continued their efforts in route to the hospital and the patient began to breathe on his own, but did require some ventilation assistance. The patient was turned over to St. Joseph's Hospital with a working heart, a strong pulse, and respirations. After further testing and treatment in the Intensive Care Unit at St. Joseph's Hospital, the patient was released 10 days later and able to enjoy a full quality of life.

The Rescue Personnel receiving the award were as follows:

Sandy Springs Fire Rescue Crew

Crew Chief/EMT - Tony Brown

Fire Rescue Technician II/ Paramedic - Leann Billew

Fire Rescue Technician II/ EMT-Nick Azar

Fire Rescue Technician II- Brent Dycus

Fire Rescue Technician I- Davy Ford

Rural Metro Ambulance Crew

Paramedic-Laura Dews
EMT-Stacie LeCompte

PUBLIC HEARINGS

(Agenda Item No. 09-266)

1. Review of the Drinking Water Rate Structure and Customer Service from the City of Atlanta to the City of Sandy Springs

City Clerk Michael Casey reminded everyone of the rules for public hearings.

City Manager John McDonough stated the City has received an overwhelming number of calls and emails concerning the water issue. He then presented to the Mayor and Council all the complaints that have been received since the start of the City.

Mayor Eva Galambos called for comments from the public.

James Lacy, 235 Westminster Place, stated he feels the rates being charged by the City of Atlanta are unfair.

Karen Catlin, 210 Grogans Landing, stated she is appalled at the water rates and the fact that the meters are broken. Her last bill for a two month period was \$1,473 for a two person household.

Linda Lacy, 235 Westminster Place, stated she thinks it's terrible that the water company is charging a 21% surcharge on top of the high rates they are already charging.

Barbara Muecke, 6435 Bridgewood Valley Road, NW, stated she is upset when she writes and calls those that are in charge of the water department and she gets no return response.

Eleanor Brazell, 244 Underwood Drive, stated her water bills were high for three months after they put in the new meters in September of 2008. After they took a year to research the bills, the City of Atlanta stated the charges were correct and that the \$400 bill needed to be paid in full or the service would be disconnected. Mrs. Brazell also stated that she lives alone and uses her water very conservatively.

Warren Hull, 71 Hardeman Road, stated 21% is too high for the bills.

John Crandall, 100 Glenridge Ave, stated he and his wife are only in town three weeks a month and his water bill ranges from \$23 to \$850 a month. He stated his water was cut off while he was out of town and it took the City of Atlanta two days to turn it back on. Upon calling the City of Atlanta, he was told to come in person to the office to be heard and even then they would most likely do nothing about it.

Stephen Blank, 5350 North Powers Ferry Road, stated this is the second time there was a leak in the front of his street and he has been trying for two months to get the leak fixed.

Robert Sterling, 205 Wing Mill Road, stated that he has had a dispute with the water company since the day he moved into his home five years ago. He was informed that he has a water problem because he has a swimming pool and he can afford to pay the bill. The bill went from \$280 to \$442 a month. When he noticed a water employee outside, he asked if she was there to fix the problem and she stated she was there to cut off his water. He had to pay a \$1300 bill to keep it on. Between the months of August and September he was out of town five days and his bill went up another \$132 a month.

Arthur Johnston, 8195 Sullivan Hill Road, wanted to know if Sandy Springs has the option to move from Atlanta to Roswell as a water supplier.

Mayor Galambos explained that Roswell gets most of its water from the water treatment plant in Johns Creek, which is also the plant that provides most of the water for Sandy Springs.

John Paulson, 1644 Northridge Road, suggested that we study taking water from the Chattahoochee River to service the needs of Sandy Springs.

Jane Waites, 680 Glenairy Drive, stated her bill for \$100 is too much.

Wyatt & Patti Gambrell, 1103 Marsh Trail Circle, stated since May their water bill has doubled for an apartment home.

James L. Anderson, 1001 Dunwoody Chase NE, stated the City of Atlanta has a monopoly that has citizens over a barrel and powerless. Everyone knows the water company schedules 16% increases every year and everyone pays a 20% surcharge. In the Dunwoody Chase Community, 10% of the total budget goes to water and that number goes to 20% when you add sewage.

Mayor Galambos stated that the City of Sandy Springs is under an agreement that determines what entity in Fulton County provides water to every jurisdiction. This is an agreement that was signed many years ago. With the birth of the new cities, the state law requires that the agreement be renegotiated. The City of Sandy Springs is there to renegotiate this agreement and to object to the 21% penalty rate and to object to the fact that there is no maintenance being done to the pipes. Sandy Springs has very strong proof that the Atlanta water system is using our water revenues to pay for their sewers when we are already paying Fulton County for sewers. The City of Sandy Springs is striving to have the agreement changed to meet the needs of our community and if that is not possible, we are prepared. The City of Sandy Springs is currently going through mediation and the next step would be the courts. The most likely outcome is that Sandy Springs will be in the courts. There is no promise for immediate relief, but Sandy Springs will not rest until the problem is solved.

Mayor Galambos stated that we will hear from those that either did not know to turn in comment cards or were in another area and did not get a chance to speak.

Stan Jones, 225 Cliff Overlook, stated that he was speaking for the Huntcliff HOA. They feel the surcharge is excessive and that too many of the bills have been based on estimated usage. For two years, his personal bill was seven times more than his normal average. When the water company was called for relief they were told the water meter was broken. When the meter was finally repaired, the bills did go down. The other complaint is the water supply lines have an alleged leakage rate of 20%.

Rezoning

(Agenda Item No. 09-270)

2. **RZ09-001/CV09-003 - 5395 Roswell Road (SR9)**, *Applicant: Church of Scientology*, to allow for a church in the existing building and to expand the building by enclosing the existing parking deck, with concurrent variances

Assistant Director of Planning & Zoning Patrice Ruffin stated that this is a rezoning case to allow for a church in the existing building and to expand the building by enclosing the existing parking deck with five concurrent variances. The petition was heard at the September 17, 2009, Planning Commission meeting and the Commission recommended denial. Specifically, the Commission had concerns regarding the amount of parking being provided for the proposal. Following the Planning Commission meeting, the applicant submitted a revised site plan to increase the parking being provided, which also required two

additional concurrent variances. As such, staff is recommending deferral back to the Planning Commission to allow them time to review the revised site plan and two additional concurrent variances.

Woody Galloway, Dillard and Galloway, LLC, representing the applicant, stated they had gone back to the Planning Commission for them to review the negotiated conditions. The applicant negotiated with the Director of the Community Development department and the City Attorney. Unfortunately, the Planning Commission recommended denial of that request, expressing concern about the number of parking spaces and occupancy that was proposed. The number of parking spaces was originally 82 spaces and a cap of 283 occupants was voluntarily placed on the Church of Scientology in an effort to address the concerns of the community. As a result of the Planning Commission's action, they took another look at the request and evaluated if additional parking spaces could be provided at the site and if an additional reduction of the cap would be possible. As a result of that, they filed an amendment with Community Development to increase the number of parking spaces provided from 81 spaces to 111, doing so with a combination of restriping and adding additional spaces. They also proposed to reduce the total cap of the total number of people to be onsite at one time, from 283 to 170. They voluntarily increased the number of parking spaces and decreased the number of people that could be present on site at any one time. Because they are now proposing to do some land disturbance activity on the site, there is the need for a couple of additional variances. Staff has indicated those additional variances need to go back to Planning Commission for review. They are willing for it to go back to Planning Commission for their consideration of the new proposal. As much as they hate for that to happen and hate for the delay to happen, they are willing to go back to Planning Commission for them to consider the proposal at the new cap of 170 people along with raising the number of parking spaces provided to 111. That's a ratio of one space for every 1.5 people on site. They feel that this will address the parking issue. They would like the Planning Commission's recommendation on that and they will come back to Council in December.

Mayor Eva Galambos asked if Mr. Galloway was asking for a sixty day deferral.

Mr. Galloway stated the applicant was asking for it to go to the Planning Commission in November and then come back to Mayor and Council in December.

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

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

Councilmember Ashley Jenkins asked the Mayor if the City Attorney could explain why this was a zoning procedures act issue.

City Attorney Wendell Willard explained according to state law, anytime there is a zoning action it has to be reviewed and go through the procedures and processes. The City of Sandy Springs felt it would be appropriate to have the new variances go to the Planning Commission for review, because they were not part of the original application that the Planning Commission considered. Because of the issues involved, the City felt this was appropriate.

Mayor Galambos stated that the City advertised this as a public hearing, so we are obligated to hold the public hearing this evening with the understanding that the petitioner has indicated the desire to go along with the deferral. She then called again for the opposition's statements.

Robin Beechey, 20 Willow Glen, stated he was representing the Willow Glen Condominium Association. He was prepared to argue the case for denial as recommended by the Planning Commission. He stated that he was not going to go into detail at this time, since the Petitioner has asked for a deferral, but asked that it be put on record that the association is asking for denial. The Association does not object

to the deferral, because they believe that new material has been brought forward by the applicant and it ought to be properly publicized and properly considered in accordance to the zoning ordinance.

Jane Kelley, 4590 Windsor Park Place, stated she was representing the High Point Civic Association, which represents five hundred homeowners in Sandy Springs. She stated that they accept the deferral, but it is very disappointing that this has come to another delay due to procedural violations.

Patty Burns, 5400 Roswell Road, stated that she represents 600 petitions as well as the 16 homeowner and civic association signatures. She stated that she accepts deferral on this, but is disappointed because they have worked very hard to get to this evenings meeting and hoped that this would be over. She hopes by the next meeting that this issue will be over.

Sheila O'Shea, 5400 Roswell Road, stated that she is a resident of Round Hill Condominiums. She stated that each deferral and delay makes it obvious that there is no workable compromise that can be reached between the needs of the neighborhood and the needs of the Petitioner. The Petitioner's status as a religious entity does not give them carte blanche to do whatever they want and claim discrimination if denied. If the Petitioner was seeking a permit to build a building of that size in that spot right now, it would have been sent back to the drawing board from the very first. She feels this has gone on long enough. She stated that she would consent to a deferral, but would hope that the City Council would be willing to stand up for the people of Sandy Springs and deny the Petitioner.

Mr. Galloway stated the changes that have been made have all been made in order to try to address the concerns that have been raised by the staff, the residents, or the Planning Commission. The Church has tried to make it clear how the Church of Scientology practices their religion and how they need a great deal of space to practice their religion. The Petitioner has tried to address the parking issue that was raised and has done so to the satisfaction of the staff. Procedurally, it is best that it goes back to the Planning Commission. The Petitioner can then come back to Mayor and Council with the Planning Commission's recommendation on the application and then the Mayor and Council can consider it for final action.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember DeJulio made a motion to defer Agenda Item 09-270, RZ09-001/CV09-003 - 5395 Roswell Road (SR9), Applicant: Church of Scientology, to allow for a church in the existing building and to expand the building by enclosing the existing parking deck, until December 15, 2009. Councilmember Jenkins seconded the motion for deferral.

Councilmember DeJulio stated that this has been going on forever. The people from his district are planning and getting prepared and coming to the meetings, only to be put off again. He asked the attorneys if it is possible to get this resolved this time, so that these people don't have to give up their whole holiday and keep coming back and forth and getting no results. He stated he wants to get this finalized, so the City can give them their hearing and get this matter over with.

Vote on the Motion: The motion carried unanimously.

The Council took a five minute break.

(Agenda Item No. 09-267)

3. Consideration of Approval of the Appropriation of the Property Located at Forest Place Condominiums on Lake Forrest Drive through the Use of Eminent Domain

Capital Program Director William Martin stated that the request for eminent domain is actually in response to a desire by the homeowners association of the Forest Place Condominiums to donate property

for the Lake Forest sidewalk project. In this case, because of the bylaws and rules of the HOA, they could not donate without the friendly condemnation. This is the necessary process in order to consummate the donation.

Debra Sharker, President Forrest Place HOA, 50 Forrest Place, stated that Forrest Place is a fifty-five townhome community on the corner of Lake Forest Drive and Hammond. When the City started working on all the sidewalks along Lake Forrest to connect the school to everything, the Lake Forrest residents were some of the people that spoke against having sidewalks on the east side and wanted them on the west side. Then the City came back and said that their corner is needed for the electrical boxes, etc. The HOA would like to be a part of that and they are very supportive of it. In return for giving up the square footage that is needed, the HOA is asking that they along Hammond Drive are incorporated in the sidewalk project. It would be great to have sidewalks for the kids to walk on, because currently the kids are walking along the grass and it doesn't look good. What the HOA is asking for is a trade. The HOA would give the City the space to put up the boxes, if the community can get the sidewalks. If this works out, the City will have 55 happy homeowners.

Councilmember Karen Meinzen McEnerny asked what the additional cost would be for the sidewalk on Hammond.

Capital Program Director Martin stated that it is estimated between \$15,000 and \$20,000 for that section of sidewalk.

Councilmember Meinzen McEnerny asked how much it would cost if the City were to condemn the needed acreage.

Capital Program Director Martin stated that he doesn't have the final appraisal, but he thinks it would be about equal.

Councilmember Tibby DeJulio stated he thinks this HOA should be commended. The City wants to get more sidewalks, but he wants to get more of the citizens involved with the payment of the easement fees. This way everyone wins. He thinks this should be a model for other homeowners in Sandy Springs.

Mayor Eva Galambos called for public comments in support of or opposition to the item. There were no comments from the public.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item 09-267, Approval of the Appropriation of the Property Located at Forest Place Condominiums on Lake Forrest Drive through the Use of Eminent Domain. Councilmember Paul seconded the motion. The motion carried unanimously.
Resolution No. 2009-10-73

(Agenda Item No. 09-268)

4. Consideration of Approval of the Appropriation of the Property Located at 370 Windsor Parkway through the Use of Eminent Domain

Deputy Director of Public Works Jon Drysdale stated that this consideration is concerning the Windsor Parkway Sidewalk Project. After several attempts and advertisements, the owner of parcel 370 has been unreachable. In order to proceed with the project, eminent domain is needed.

Mayor Eva Galambos called for public comments in support of or opposition to this item. There were no comments from the public.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item 09-268, Approval of the Appropriation of the Property Located at 370 Windsor Parkway through the Use of Eminent Domain. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2009-10-74

(Agenda Item No. 09-269)

5. An Ordinance to Amend Chapters 10, 22, 38, 46, 103, 105, 109 and 117 of the Code of the City of Sandy Springs to Standardize Appellate Language with Chapter XXII of the City of Sandy Springs Zoning Ordinance

Deputy Director of Community Development Chris Miller stated that these are housekeeping changes to the ordinance to standardize the appellate language between the City Code and the Zoning Ordinance.

Mayor Eva Galambos called for public comments in support of or in opposition to this item. There were no comments from the public.

Motion and Vote: Councilmember Fries moved to approve Agenda Item 09-269, an Ordinance to Amend Chapters 10, 22, 38, 46, 103, 105, 109 and 117 of the Code of the City of Sandy Springs to Standardize Appellate Language with Chapter XXII of the City of Sandy Springs Zoning Ordinance. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Ordinance No. 2009-10-54

Zoning Modifications

(Agenda Item No. 09-271)

6. **ZM09-006/CV09-010** - 6780 Roswell Road (SR 9), *Applicant: Homeland Self Storage*, to modify condition 2.a. of RZ06-052 to show proposed monument signs, with concurrent variances for wall signs

Assistant Director of Planning and Zoning Patrice Ruffin stated this request for Homeland Self Storage is to allow for two monument signs and to allow for an additional wall sign on the north elevation of building C. Staff is recommending approval conditional of the modification request and concurrent variances. The petition was heard at the August 26, 2009, Design Review Board meeting and the Board recommended approval.

Nathan Hendricks, 6085 Lake Forest Drive, Suite 200, stated the application was an earlier application that was approved for rezoning for the mixed use of the retail office and the self storage facility. As the applicant went through the process, he was encouraged to bring the office retail component down to the street, which he did, but the actual storage facility is at least 300 feet away from the street. What resulted from that, concerning the signage, is that the applicant needs to have a sign that can be seen when traveling north and south on Roswell Road that is not several feet away from the street. The applicant is also requesting to have the telephone number on the side of the building facing north. The Design Review Board stated they would not have a problem with the phone number, but suggested that the email address may work better. He respectfully requests Council's approve of the application.

Mayor Eva Galambos called for public comments in support of or opposition to this item. There were no comments from the public.

Councilmember Doug MacGinnitie stated that he had spoken with the City Attorney to insure the transparency of our government. He stated that the state law and charter require that he disclose that the owner of the property has made a recent contribution to his Secretary of State campaign. The same provisions do not cause him to recuse himself from the vote.

City Attorney Wendell Willard stated that since this is a zoning action, there should be a disclosure as a part of the application that the applicant has made campaign contributions to a member of the Council.

Mayor Galambos stated that she had received a contribution from the applicant.

City Attorney Willard stated that state law requires that if there is a contribution from an applicant that is before the Council on a zoning action, there is to be a disclosure of that matter by the applicant, not by the council member. He stated that it is not a recusal, but a disclosure obligation. He urged that the applicant disclose if he has made any contributions to any member of the Council or Mayor.

Bruce Weiner, 515 Heard's Ferry Road, stated that he had made contributions to the Mayor, Councilmember MacGinnitie, and Councilmember Jenkins.

Councilmember Ashley Jenkins stated that she does not have a problem with the monument signs, but has a problem with the telephone number on the side of the building.

Mr. Hendricks stated that the applicant would be fine with not putting the phone number on the side of the building.

Councilmember Dianne Fries stated the number that was to be put on the sign was for the storage facility and if the phone number is placed on the monument sign, people may think that phone number is for the leasing of any of the spaces at Marsh Creek Village. She suggested that the applicant put a sign in the window on the corner with the phone number.

Mr. Hendricks stated that putting a sign in the window would not be big enough. He stated that he is okay with putting the telephone number on the monument sign.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item 09-271, ZM09-006, with a change to deny the wall sign, but to approve the two monument signs with one facing northbound and one facing southbound. Councilmember Paul seconded the motion. The motion carried unanimously.

Ordinance 2009-10-52

(Agenda Item No. 09-272)

7. **ZM09-007/CV09-014** - 980 Fenimore Circle, *Applicant: Bill Grant Homes*, to modify condition 3.a. of Z03-153 to allow encroachment into the required 40 foot rear/perimeter setback, with a concurrent variance

Assistant Director of Planning and Zoning Patrice Ruffin stated this is a modification request to reduce the setback from 40 feet to 29 feet to allow for the construction of a pavilion in the rear yard of the property. The staff is recommending approval conditional of the zoning modification request and the concurrent variance.

Bill Grant, 2050 Old Dominion Road, stated that this request is to build a pergola that encroaches into the rear lot line 11 feet. This pergola will be the second one on this street and there has been no opposition to this construction.

Mayor Eva Galambos called for public comments in support of or opposition to this item. There were no comments from the public.

Motion and Vote: Councilmember Paul moved to approve Agenda Item 09-272, ZM09-007/CV09-014 - 980 Fenimore Circle, Applicant: Bill Grant Homes, to modify condition 3.a. of Z03-153 to allow encroachment into the required 40 foot rear/perimeter setback, with a concurrent variance. Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance 2009-10-53

Text Amendment

(Agenda Item No. 09-273)

8. **TA09-018** - An Ordinance to Amend Article 22, Appeals, and Article 28, Rezoning and Other Amendment Procedures, of the Sandy Springs Zoning Ordinance

Assistant Director of Planning and Zoning Patrice Ruffin stated that this item was presented to Mayor and Council at the work session earlier this month. The Planning Commission reviewed this item at this month's meeting and recommended approval. Staff is also recommending approval as presented.

Mayor Eva Galambos asked if this was a substantive change regarding the use permits and the extension of the use permits.

City Attorney Wendell Willard stated that under the use permit the holder must perform in a certain amount of time before the permit is lost. It is a substantive change, because your rights as a holder of a use permit can be removed.

Mayor Galambos asked if this is retroactive or going forward.

City Attorney Willard stated that this is going forward.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item 09-273, TA09-018 - An Ordinance to Amend Article 22, Appeals, and Article 28, Rezoning and Other Amendment Procedures, of the Sandy Springs Zoning Ordinance. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Ordinance No. 2009-10-51

(Agenda Item No. 09-274)

9. A Resolution to Rename West Peachtree-Dunwoody Road to Peachtree-Dunwoody Road

Assistant Director of Planning and Zoning Patrice Ruffin stated that the changes to the street names would be that West Peachtree Dunwoody Road would be changed to Peachtree Dunwoody Road. This is on the side closest to MARTA. Peachtree Dunwoody Road would be changed to Hunters Crossing Drive on the north end and to Roberts Court on the south end.

Mayor Eva Galambos questioned if the residents in this area are okay with the change.

Gordon Kay, HOA President, 6940 Hunters Knoll, stated that it is very confusing to give directions to his home. The residents are in favor of changing the street names. He stated that he is not sure who owns the Roberts Court side of the property.

Councilmember Ashley Jenkins stated that the Fulton County zoning documents would have to be reviewed to determine if Roberts Court is part of the development, but for the time being there will be a place holder put in for the area, because it is not a through street.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item 09-274, a Resolution to Rename West Peachtree-Dunwoody Road to Peachtree-Dunwoody Road, Northern Peachtree Dunwoody Road to Hunters Crossing, and Southern Peachtree Dunwoody Road to Roberts Court. Councilmember Fries seconded the motion. The motion carried 5-1 with Councilmember Meinzen McEnery voting in opposition.

Resolution No. 2009-10-75

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

(Agenda Item No. 09-275)

1. Intergovernmental Agreement with the Fulton County School Board Regarding North Springs High School

Assistant City Attorney Cecil McLendon stated this is the first of the renewals of the school IGA Agreements. The critical provision of the IGA is that it will allow the City to have use of the facilities. As part of the agreement, there is a one-time payment of \$28,000 that is used to construct facilities on the property that the City will also have access to and use of.

Councilmember Ashley Jenkins asked if this agreement is for capital.

Assistant City Attorney McLendon responded that the \$28,000 on this agreement does go towards capital, but the subsequent agreements will be more focused on programming.

Councilmember Tibby DeJulio asked if the agreement for usage of the facility has a time frame and if the \$28,000 is for use of the facility for just one year.

Assistant City Attorney McLendon responded that the agreement is for use of several facilities throughout the school grounds that the City will have access to. The capital component is for a batting cage area that the City will have usage of, but not exclusively. The City will have usage of these items as long as the contract is renewed each year.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item 09-275, an Intergovernmental Agreement with the Fulton County School Board Regarding North Springs High School. Councilmember Paul seconded the motion. The motion carried unanimously.

(Agenda Item No. 09-255)

2. Appointment of Ted Sandler to Fill a Vacancy on the Board of Appeals

Mayor Eva Galambos stated that this is an item that was brought up previously that Ted Sandler would take the place of Mark King, who resigned from the BZA. It was verified that Mr. Sandler does live in the City of Sandy Springs.

Motion and Vote: Councilmember Meinzen McEnery moved to approve Agenda Item 09-255, Appointment of Ted Sandler to Fill a Vacancy on the Board of Appeals. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2009-10-79

(Agenda Item No. 09-276)

3. Resolution to approve and authorize the Mayor to enter into an Intergovernmental Agreement by and among the Cities of Alpharetta, Johns Creek, Milton, Roswell and Sandy Springs for the Acquisition of Color Aerial Photography and Light Detection and Ranging (LiDAR) data

City Attorney Wendell Willard stated this agreement will lower the cost for all the cities to use one vendor to provide service to all. This technology is part of the GIS and provides color photography. At the end of the agreement, each city will own their areas.

Councilmember Karen Meinzen McEnerny asked the purpose of paying for the Aerial Photography and Light Detection data.

Assistant City Manager Noah Reiter stated that the images will be available to the 911 center and potentially police and fire units in the field once the connections are made via mobile data, which is forthcoming in the next couple of weeks.

Police Chief Terry Sult stated that the information is spatially accurate and can help in estimating and project planning. From a police perspective, it is used for things such as chases that occur. Images can be pulled up to determine the police positioning.

Councilmember Meinzen McEnerny stated that she had viewed websites recently that are related to this technology and she noticed that they can do watershed analysis and figure out how much is pervious and impervious by aerial. She asked if this type of data would be helpful for the consideration of a storm water utility.

Chief Sult responded that yes, this data could be used for consideration of a storm water utility and is useful for other types of information. For example, from a GIS perspective using prime data, the Police Department was able to determine where the high crime areas are located and now crime in those areas has decreased 24%.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item 09-276, a Resolution to approve and authorize the Mayor to enter into an Intergovernmental Agreement by and among the Cities of Alpharetta, Johns Creek, Milton, Roswell and Sandy Springs for the Acquisition of Color Aerial Photography and Light Detection and Ranging (LiDAR) data. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2009-10-76

(Agenda Item No. 09-277)

4. A Resolution to become sponsors of the Natural Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) Program

Director of Public Works Thomas Black stated that this is the process to obtain federal funds from the flooding issues. FEMA funds are unavailable until all federal resources are exhausted. FEMA funds are used as a last resort. In order for the City to get the funding from NRCS for the roadwork and debris removal from our bridges, a resolution has to be approved.

Motion and Vote: Councilmember Meinzen McEnerny moved to approve Agenda Item 09-277, a Resolution to become sponsors of the Natural Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) Program. Councilmember MacGinnitie seconded the motion. The motion carried unanimously.

Resolution No. 2009-10-77

REPORTS AND PRESENTATIONS

- a) Mayor and Council Reports
- b) Staff Reports

PUBLIC COMMENT

Mayor Eva Galambos called for public comments.

Charles Ricketits, 9400 Roberts Drive, stated he is the president of the Reserves of Dunwoody Condominium Association and would like some help from the Mayor and Council concerning a fine that has been levied against the Association that he feels is unfair. Some background on the situation is that they were a brand new organization taking over a bankrupt development with no money. They knew that there was a problem since it was a thirty year old development that hadn't been maintained. The organization was cited by the City and spent over \$800,000 to correct the problems. Now that everything is correct, they are being asked for \$8800 in court costs for a period of time that they were not in control of the situation and they feel this is unfair. The court date is November 5, 2009.

Mayor Galambos stated that she remembered receiving his email and has requested more information about the situation.

Councilmember Ashley Jenkins asked if the \$8800 was assessed per owner or as an organization.

Mr. Ricketits stated the fine was attributed to \$400 a month in court costs for 22 months. The citations were dismissed, since the organization complied with everything.

City Attorney Wendell Willard asked if there had been an assessment of this amount or is this just the amount proposed by the City.

Councilmember Dianne Fries asked Mr. Ricketits if they had been in court already for this. She also asked if Nancy Leathers, Director of Community Development, could give any information on this matter.

Mr. Ricketits stated he had been to court several times, since the courts were very happy with the progress. The court date would then be rescheduled to give them additional time.

Director of Community Development Nancy Leathers stated she felt Mr. Ricketits had accurately represented this issue. The recommendation for the dismissal of cost is because of the extended period of time that the staff regularly went back to examine the site and work with him in terms of the process. There was no permit cost, since this was just work to correct the violations, and there were not permit inspections, just inspections for work that was being done to correct the problems.

Mayor Galambos stated it is premature to discuss this issue tonight, since it will go to court and the judge and solicitor will discuss it.

City Attorney Willard stated that he felt this matter needed to be discussed with the judge, as to what is appropriate or not appropriate.

EXECUTIVE SESSION

There was no Executive Session called.

(Agenda Item No. 09-278)

ADJOURNMENT

Motion and Vote: Councilmember Fries moved to adjourn the Regular Council meeting. Councilmember Paul seconded the motion. The motion carried unanimously. The meeting adjourned at 8:08 p.m.

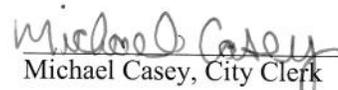
Regular Meeting of the City of Sandy Springs City Council

Tuesday, October 20, 2009

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Date Approved: April 20, 2010


Eva Galambos, Mayor


Michael Casey, City Clerk