

**Regular Meeting of the Sandy Springs City Council held Tuesday, June 16, 2009, 6:00 p.m., Mayor Eva Galambos presiding.**

**INVOCATION**

Rabbi Scott Colbert, Temple Emanuel offered the invocation

**CALL TO ORDER**

Mayor Galambos called the meeting to order at 6:06 p.m.

**ROLL CALL and GENERAL ANNOUNCEMENTS**

**City Clerk Michael Casey** reminded everyone to silence all cell phones and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or before the conclusion of the meeting under the public comment section, are required to complete a public comment card. The cards are located on the back counter. Return completed cards to the Clerk.

City Clerk Casey called the roll.

**Mayor:** Mayor Eva Galambos

**Councilmember's Present:** Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny.

**PLEDGE OF ALLEGIANCE**

Mayor Galambos led the Pledge of Allegiance

**APPROVAL OF MEETING AGENDA** (Agenda Item No. 09-142)

**Motion and Vote:** Councilmember Paul moved to approve the meeting agenda. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**CONSENT AGENDA**

Agenda Item No. 09-143

1. **Approval of the Acceptance of Right-of-way, Driveway and Temporary Construction Easement Rights for the Windsor Parkway (Roswell to High Point) Sidewalks Project (T-0020)**  
(Angelia Parham, Public Works Director)  
Resolution No. 2009-06-37

Agenda Item No. 09-144

2. **Approval of the Temporary Driveway Easement for the PCID Peachtree Dunwoody (I-285 to Abernathy Road) Living Centers Initiative (LCI) Streetscape Project (CSSTP-0006-00(984))**  
(Angelia Parham, Public Works Director)  
Resolution No. 2009-06-38

Agenda Item No. 09-145

3. **A Resolution Establishing a Vision and Innovation Policy for the City of Sandy Springs**  
(Presented by City Attorney, Wendell Willard)  
Resolution No. 2009-06-39

**Motion and Vote:** Councilmember Jenkins moved to approve the consent agenda. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

## **PUBLIC HEARINGS**

### **Budget**

#### **1. To receive public comment pertaining to the Fiscal Year 2010 budget**

Mayor Galambos called for public comment.

**Dan Ross, 725 Dalrymple Road, Past President of the Sutton Pines Condo Association**, came forward to speak in support of allocating funds for Sidewalk Projects to include Dalrymple Road/Roswell Road across from the new CVS under construction. Properties that are within a quarter of a mile of a school should receive priority consideration. He would like to donate the land needed to build the sidewalk, which, according to Ashley Jenkins, is worth \$15,000. The Association is more than happy to donate that land to the city to get their sidewalk and he and the Board at Sutton Pines are happy to do anything they can to expedite this.

**Carlos Moreno, 4687 Dudley Lane, and Chastain Park Civil Association (CPCA)**, came forward to speak in support of planning, design, funding and implementation of a Dudley Lane sidewalk from the path at Park Drive and Dudley Lane to Dudley Lane and Powers Ferry Road. About three years ago, his street signed a petition supporting the agreement to pay 25% of the cost of sidewalk installations. Recently, the Chastain Park Civic Association completed a traffic/pedestrian safety study and it states that the CPCA supports the planning, design, funding and implementation of a Dudley Lane sidewalk. They have been working on this for a long time, even before Sandy Springs became a City.

**Sheri Radaszewski, 4731 Dudley Lane**, came forward to speak in support of funding the sidewalks on Dudley Lane at "Mother's Point". They moved here thinking they would enjoy all of the amenities around them, but it has gotten to the point that each year the traffic from various events has made it unsafe to walk the neighborhood. She finds herself stopping in driveways to avoid the traffic coming in both directions. Her street is a cut through to get to the park and she wants to be able to walk her kids to the playground and to walk to concerts at night. She understands there are others who want to have sidewalks and knows there is only so much money allowed, but they have thousands among thousands of people every day within just a few blocks radius where they live who are trying to get to this area. They are willing to do whatever it takes to put sidewalks there.

**Sherian Wilburn, 100 Allen Road, President of Sandy Springs Perimeter Chamber**, came forward to speak in support of funding the Heritage Bluestone Building. She was speaking on behalf of the Board of Directors, which have endorsed the expansion of the Bluestone Building. She thinks this is an excellent project with good positive economic potential for the community; creates a center that helps increase the quality of life; and provides economic opportunity for caterers and the entertaining industry.

**Carol Rubler, 6839 B Glenlake Parkway, Chairperson of Business Development Committee and member of Sandy Springs Chamber & Sandy Springs Civic Roundtable**, came forward to speak in support of funding the Heritage Bluestone Building. They wish that we had a facility for events that are in the center of Sandy Springs. The Chamber members and other business owners who have discussed this topic would like to have the facility available with these improvements.

**Lori Evers, 1040 Lancaster Walk, President of Heritage Sandy Springs**, came forward to speak in support of funding the Heritage Bluestone Building. She said she would like to clarify things. The only agreement on the table between Heritage Sandy Springs and the City is a Memorandum of Understanding worked out about three weeks ago. There has been mention of deferring the project to allow us additional time to raise capital funds for next year. She does not want to misrepresent the Board's ability to raise funds. She seriously doubts over the next

year that they can raise significant capital funds for this build-out due to the economy and everything else currently operating at a deficit. In general, the people of Sandy Springs that they spoke with identify the historic site as public city property and feel that their taxes should cover this. She has had conversations with some foundations about the funding of Phase II and they are reluctant to give them money. They have made over \$2 million dollars of improvements to the property. Their entire balance sheet is under \$400,000, so when they talk to foundations about 1.8 million, they look at the ratio of 1.8 million to the balance sheet of \$400,000, and with a ratio of four and ½, they are not interested. They are concerned that delaying the contract will actually add more to the cost.

**D. J. Delong, 30 Cameron Glen Drive**, came forward to speak in support of funding the Heritage Bluestone Building. He was concerned about the desire to capture a part of the rental income from this facility for the city. He thinks it is an interesting concept of taking funds from a non-profit to fund city operations. He wonders what is coming in the future, paying tolls at the ball fields, coin-operated meters for the lights at the ball fields, parking meters in all the city parking lots, or a tollbooth on the bridge that crosses the river. The reasons the city invests taxpayers dollars in capital assets are for public safety, economic development, and for something for the general good of the taxpayers. He thinks Council will do the right thing for the citizens.

**George Northrop, 5850 Riverwood Dr.** – Submitted a public comment card, but chose not to speak

**Glenn McDaniel, 289 Dartmoor Circle**, came forward to speak in support of funding the Heritage Bluestone Building. He stated we voted to have a city because we wanted to have a community, not to just share a layer of government, which is significant. He is in support of Heritage because it not only gives to the community, but the community gives to it. It has been carrying the flag for the city for a while. Let us give them support to see what it will turn out to be. If there are resources to put into it, let us sit and talk about it.

**Bob Beard, 6326 Vernon Woods Drive**, came forward to speak in support of funding the Heritage Bluestone Building. He has been involved with Heritage since 1991. The efforts of Heritage to create the sense of downtown are in cooperation with the city. The Bluestone building is going to become one of the key centers of commerce and civic activities in our city. The physical location of the building is ideal. He feels that anything we can do to add any element of activity in the downtown area is going to be a benefit to everyone and this is the first step to total redevelopment of that part of our town.

**Mayor Galambos** closed the Public Hearings on the Budget

Agenda Item No. 09-146

- a. **Consideration of approval of an ordinance adopting a budget for the Fiscal Year 2010 for each fund of the City of Sandy Springs, Georgia, pursuant to Article V, Chapter 5 of the Charter of the City, beginning July 1, 2009, and ending June 30, 2010, appropriating the amounts shown in each budget as expenditures, adopting the item of anticipated funding sources, prohibiting expenditures to exceed appropriations, and prohibiting expenditures from exceeding actual funding sources.**

Ordinance No. 2006-06-30

**Motion and Second:** Councilmember Paul moved to approve and adopt Agenda Item No. 09-146, a budget for the Fiscal Year 2010 for each fund of the City of Sandy Springs, Georgia, pursuant to Article V, Chapter 5 of the Charter of the City, beginning July 1, 2009, and ending June 30, 2010, appropriating the amounts shown in each budget as expenditures, adopting the item of anticipated funding sources, prohibiting expenditures to exceed appropriations, and prohibiting expenditures from exceeding actual funding sources as presented by staff. Councilmember Fries seconded the motion.

**Amendment to Motion and Second:** Councilmember DeJulio moved to amend the Capital Improvement portion of the budget to change the allocation of the funds for the Bluestone building by allocating \$150,000 to Heritage to develop plans for the building; and allocating the remaining \$1.65 million by allocating one-half for sidewalks and one-half for roadway reconstruction. Councilmember Fries seconded the motion.

**Discussion on Amendment to Motion:** Councilmember Jenkins stated that she completely disagrees with Councilmember DeJulio's motion. This is why you put money into redevelopment of City owned buildings in the center of town. We are trying to bring businesses and people into the center of downtown. It is something that is going to bring heads and beds to the City and may generate a little money for Heritage, which they can then put back into programming. You cannot ask Heritage to do capital fund raising when this is a City park. We do not ask any other group to do this. It is a City park and we have to pay for improvements. She thinks this is a worthwhile project for allocation of capital. She understands the need for sidewalks. We have \$3,000,000 allocated for that right now. We have the monies in these pots. She believes this is a very important project for the vision of the City of Sandy Springs.

**Councilmember Meinzen McEnerny** quoted a valued member of the Sandy Springs community; "Great cities invest in public spaces". She agrees wholeheartedly with Councilmember Jenkins. We have a program to continue paving on our City streets. We have spent \$15,000,000 already with another \$5,000,000 again this year. We do not need to splinter the development of this community center as Councilmember DeJulio has suggested by putting another \$825,000 into road reconstruction. We already have \$3,000,000 in sidewalks. She has been very patient over the last three and one half (3 ½) years and she has voted every time to support the expenditures in the City's Capital budget because she knew there would be a time when the priority would support the passive parks, more neighborhood sidewalks and Heritage. Heritage is a City park and has not received one penny of capital money from this City for its needs. We have raised money from the community and she thinks it would be very short sighted for us to split this money and ask Heritage to defer their service to the community. She will not support Councilmember DeJulio's motion.

**Councilmember DeJulio** stated that Heritage is a central and vital part of Sandy Springs. We all agree upon that. For many years when we were trying to incorporate the City of Sandy Springs, we met at Heritage among other places. As we have met with the people from Heritage, one of the things that we have found is not all of the planning for the project is complete. It is going to take some time and is going to cost about \$125,000 to \$150,000 to complete this project plan. We have never allocated money for a project that we have not had plans on. It is premature to judge the need for a facility like this on three or four months of history. This approach gives Heritage time to prove that they can do something with the Bluestone building, get their planning done and the City pay for it. Next year we can look at funding, depending upon how well they do.

**Councilmember Fries** stated that every time Council has talked about this it has been a difficult topic for her. She can see both sides. She does not want to start any new big projects until finishing the ones already started. She is worried about the economy. She agrees with Councilmember Jenkins because it is City property and the City should pay for capital improvement and maintain it, which we do at \$75,000 a year. She would like to remind the Council that the Hospitality Board preleased space in the new portion of the building at \$240,000. In a sense, the City has helped complete the first phase. She would prefer to look at this next year. She worries about what the economy is doing and where we are going to fall on our revenues coming in. This has not been as clear-cut to her as it is to some of the other councilmembers.

**Councilmember MacGinnitie** stated that this is clearly just an allocation of capital issue. His first choice would be to give the surplus back to the taxpayers, but since that is not going to happen, he agrees with Councilmember Jenkins that this is the City's obligation. He does not understand nor would he condone asking any of the non-profits operating the City parks to raise the money for capital projects. He has no problem with Heritage or with the project. He thinks Heritage does a fantastic job for the community. He ran on a platform of getting more sidewalks in the City. He has a petition that over 300 of the folks in his district have signed looking for more sidewalks. For him, it is a relatively easy decision to support Councilmember DeJulio's motion. Not because it reflects badly on this project or on anybody associated with it, but because his constituents want sidewalks and this gives them an opportunity to get more sidewalks in their district. His hope is that at some point there is money to fund this project down the road.

**Councilmember Paul** stated that this is a difficult decision for all of the Council. This and zoning are the two toughest things that Council makes decisions on. It is about setting priorities and trying to make the right decisions. He does not believe that Heritage should have to raise money to put into Capital Improvements for City owned facilities. Heritage is doing the City a tremendous service by operating this facility and actually, they are saving the City an untold amount of money in the operation of this facility and are doing a fantastic job with its programming. He wants this project built and he thinks the City should step up and build it. The question is over what amount of time. We are phasing reconstruction of roads, sidewalks and storm water and everything we do in some form or another; even City parks like Morgan Falls. He does not think that this project should be any different. He is going to support Councilmember DeJulio's motion. Step 1 is to get the plans done. Let us give the existing facility some time so that we can draw certain conclusions about it. One of the things he would like to see is a good marketing plan for this facility. This will be the real success if it goes forward. He is going to support the motion to provide partial funding to get the plans going.

**Councilmember Meizen McEnery** stated that she would like to make a substitute motion.

**City Attorney Wendell Willard** explained that City Council has to vote on the amendment first and then vote on the main motion before there can be a substitute motion. Council debated the amendment now there will be a vote on the amendment. Afterwards, you can make a substitute motion to the main motion.

**Reconsideration of Motion:** Councilmember Paul moved to reconsider Council's previous actions. Councilmember Fries seconded the motion for reconsideration. The motion carried unanimously.

**Motion to Amend the Amendment:** Councilmember Meizen McEnery moved to amend the pending amendment such that \$150,000 of the money previously designated for Heritage remains with Heritage for planning and design and the balance of the money goes 100% into the roads programs for either road repaving or reconstruction as determined by the City Council later. Councilmember Jenkins seconded the motion.

**Discussion on the Motion to Amend the Amendment:** Councilmember Paul stated that Councilmember Meizen McEnery's motion would mean that we would not put the funds in Dudley Lane.

**Councilmember Meizen McEnery** stated that Dudley Lanes does need sidewalks. However, we have \$3,000,000; double what we had last year. Dudley Lane is a perfect street for consideration because we are already funding sidewalks.

**Councilmember Paul** stated that he is going to speak against the amendment. He has two major subdivisions in his District, Riverside and North Springs, both of which are desperate to have sidewalks. The building of sidewalks is one of the reasons why he supports the original amendment. We have heard very eloquently from the folks at Dudley Lane, Sutton Place, Riverside, North Springs and other subdivisions about sidewalks. Sidewalks have many benefits, such as health and traffic calming. Secondly, sidewalks are an amenity that adds to the property values in our community. We are worried about declining property values. If you really want to do something from a governmental point of view that will add to property values, build sidewalks. One of the reasons he voted for reconsideration was because of the demand for sidewalks. He supports putting more money into road reconstruction. We have done absolutely no reconstruction. He thinks the balance between the sidewalks and doing more road reconstruction in communities and neighborhoods where the streets have just literally disappeared is a good approach to doing this, so he is voting against the amendment.

**Councilmember Jenkins** stated that in this budget we put \$3,000,000 into sidewalks. Staff has been evaluating the sidewalk plan; \$1,500,000 of this will go to finish the sidewalks around schools program; Sutton Place across from North Springs High School; the sidewalks in North Springs around Spalding Drive; Charter Elementary School; on Dalrymple and on Brandon Mill. The other half of the money, another \$1,500,000, goes towards collector and distributor streets. We only have a mile left of collector and distributors streets to repave. We have to start

rebuilding some of the dead-end streets that are rated zero. This is why she will vote to put the balance of the money back into the roads.

**Mayor Galambos** asked if everyone was clear as to what the amendment is. You take all the remainder of the \$1,800,000, after you subtract the \$150,000, and put it all into repaving or reconstruction of roads.

**Vote on the Motion to Amend the Amendment:** The vote on the motion was 3-3 with Councilmember DeJulio, Councilmember MacGinnitie and Councilmember Paul voting in opposition. Mayor Galambos voted in opposition, breaking the tie. The motion failed.

**Mayor Galambos** stated that Council has heard excruciating needs in terms of both sidewalks and reconstruction of roads that are absolutely falling apart. She thinks it is important to make a little bit more headway in both directions.

**Mayor Galambos** stated that the original amendment Council will vote on now is to take \$150,000 of the \$1,800,000 to put into planning and design for the Bluestone building and then evenly split the remainder with half going into roads and half going into sidewalks.

**Vote on Original Amendment:** The motion carried unanimously.

**Mayor Galambos** explained that City Council is now voting on adopting the budget with the amendment that just passed.

**Vote on Main Motion as Amended:** The motion passed with a 5-1 vote, Councilmember MacGinnitie voting in opposition.

**City Clerk Michael Casey** read the Zoning Rules.

### **Rezoning Deferred**

Agenda Item No. 09-147

- 1. U09-001/U09-002 - 5855 Riverside Drive, Applicant: St. Andrew's Presbyterian Church - A use permit to allow construction of a 2,000 square foot addition to the existing church and a use permit to expand enrollment at the existing special school facility**

**Assistant Director of Planning and Zoning Patrice Ruffin** stated that this is a use permit to allow a building addition to the existing church building and to expand enrollment at the existing private school. The Planning Commission recommended a 30 day deferral to the June 18, 2009 Planning Commission hearing. Staff is also recommending deferral consistent with the Planning Commission recommendation based on information provided by the applicant.

**Ellen Smith, Holt Ney Zatcoff & Wasserman, LLP 100 Galleria Parkway**, stated that she represents Tabula Rasa, the Language Academy of the Presbyterian Church, with respect to their request to expand the existing church building and increase enrollment at the private language school. Since they were before City Council at the end of April, the applicant has met with staff and with the State of Georgia. Part of this matter has been a clarification by the applicant, staff and the state as to what the definition is of a private school and how the City's Zoning Ordinance and Use Regulations interact with the state licensing regulations. As part of that, they have determined that the academy's proposed use for the property does qualify as both a daycare facility and a private school, as defined in the City's Zoning Ordinance.

They re-advertised the petition to comply with State Zoning Procedures Law. Because of this re-advertising, the applicant, along with staff and the Planning Commission, respectfully requests a 30-day deferral. This will come before City Council in July 2009.

Since they have been before City Council, the applicant has proposed a number of significant limitations on the use. The applicant has been working with the Sandy Springs Counsel of Neighbors to try to address some of the concerns, particularly with respect to traffic and enrollment numbers. The applicant has come a long way and respectfully requests a 30-day deferral.

**Mayor Galambos** called for public comment.

**Cece Webster, 6270 Blackwater Tr., NW** – Submitted a public comment card, but chose not to speak

**Barbara Malone, Sandy Springs Counsel of Neighbors**, came forward to speak in support of the applicant's request for a 30-day deferral. She said the Sandy Springs Counsel of Neighbors supports the request of deferral from the applicant. They would like to acknowledge the diligent work done in regards to daycare, preschool and elementary to ensure their lives are safe. They would like future applicants from other schools to adhere to the same criteria. The applicant and attorney have been very receptive to their concerns and comments. The increase in enrollment to 200 would be in order, but they feel this is not the right location for an elementary school and will continue to urge the applicant to look at the Roswell Road corridor for premises for their elementary school. The school has submitted documentation regarding traffic that they are trying to ease the burden on Riverside Dr. during peak traffic times.

**Sara Eads & R. Steward Eads, 640 Fair Oaks Manor**, came forward to speak in opposition to the applicant's application for the neighborhood and expressed concerns related to 911 and traffic burdens. She said there was a review conducted by the Emergency Services Department. Two of the things they made note of are: if this petition is approved, there will be an increase of 911 calls and this increase will negatively affect service levels; and second, if you increase traffic without road improvements, it will increase the response time of emergency response vehicles, thereby decreasing delivery of emergency services. The neighborhood strongly opposes this due to having negative experience with the current facility located in the church. They request that Council deny the application.

**Mayor Galambos** closed the public hearing.

**Motion and Vote:** Councilmember Jenkins moved to defer Agenda Item No. 09-147, U09-001/U09-002 - 5855 Riverside Drive, Applicant: St. Andrew's Presbyterian Church - A use permit to allow construction of a 2,000 square foot addition to the existing church and a use permit to expand enrollment at the existing special school facility to the July 21, 2009 Regular Meeting. Councilmember Meinzen McEnery seconded the motion. There was no Council comment. The motion carried unanimously.

## **Rezoning New**

Agenda Item No. 09-148

- 2. RZ09-001/CV09-006 - 5395 Roswell Road (SR9), Applicant: Church of Scientology – To allow for a church in the existing building, with concurrent variances**

**Assistant Director of Planning and Zoning Patrice Ruffin** stated that the applicant is requesting to rezone the subject property from O-I conditional to O-I to allow for a church in the existing office building. The Planning Commission recommended a 60-day deferral. Staff is also recommending deferral of the petition.

**Woody Galloway, 3500 Lenox Road**, stated that he is here representing the Church of Scientology. This request concerns 1.78 acres of land, which is located at the intersection of Roswell Road and Glenridge. The property is currently zoned O-I conditional and they are seeking to zone to O-I, and change the conditions to allow the property

to be used as a church. As staff has indicated, they have recommended a deferral. Part of this deferral is because of the desire for the applicant to provide a parking analysis for the existing site. The applicant has engaged a parking consultant to evaluate the parking at the existing facility in Dunwoody, and then use a factor to increase the size based on the increase in square footage, and look at other existing facilities. The consultant will look at one comparable size facility in the state and provide the parking information to the staff. Based on this, the applicant requests that City Council follows the recommendation of staff and defers this case for 60 days.

**Mayor Galambos** called for public comment.

**Jane Kelley, 4590 Windsor Park Place, High Point Civic Association**, came forward to speak in opposition to the application and expressed concerns related to traffic. They oppose this rezoning as proposed because of it potentially creating a public safety hazard and setting a possible dangerous precedent on required parking. The applicant wants to increase the square footage of the building, but decrease the parking spaces. They agree with staff that a shared parking requirement is reasonable. Secondly, the intersection has limited turn lanes; additional traffic without intersection improvements will make a bad situation worse. Third, legally requiring only 47 parking spaces for a building over 43,000 sq. ft. will set quite a precedent to follow in the future. They feel that is a self-imposed hardship, since the building was zoned Offices only when it was purchased, even though they obviously had plans to use it as a church.

**Patty Burns, 5400 Roswell Road, Round Hill Condominium**, came forward to speak in opposition to the application and expressed concerns related to traffic. She distributed copies of a map to Council and stated it is their firm belief that this rezoning will greatly increase the traffic congestion. Ms. Burns referred to the map to explain her view of the traffic in the area. There are no funds or plans to remedy the intersection of Roswell and Glenridge. This lack of public safety planning on the part of Sandy Springs is an outrage. Six condominium developments with hundreds of taxpayers surround this intersection. They take great pride in keeping up their property and wish that the petitioners shared their pride. For the record, they do not have an area for police to monitor the traffic in this area. They respectfully request that Council deny the application as proposed based on existing traffic congestion and hazards presented to public safety.

**Robin Beechey, 20 Willow Glen, Willow Glen Condominium Association** came forward to speak in opposition to the application. He stated we made a formal objection that you have, based on inadequate parking, hazardous traffic conditions and allowing something like this. He asked how you control something like this, limit or restrict it once it has received permission. They would have preferred that the Planning Commission deny the application. They do not see how any parking study can possibly resolve an impossible parking situation.

**Shelia O'Shea, 5400 Roswell Road, Round Hill Condominiums**, came forward to speak in opposition to the application and expressed concerns related to parking. She said that Mr. Galloway insists the parking will be adequate for the space designated as sanctuary, and according to the ordinance, the classroom space does not count. Mr. Galloway neglects to mention that the classes in questions are not an adjunct to the practice of Scientology; they are the practice of Scientology. The Church of Scientology claims these classes as religious expression to the point that the money paid for these courses is tax deductible.

**Woody Galloway** addressed some of the public's concerns. He said one point raised was why the parking calculation is based on the size of only the large assembly area. This is because of what the Ordinance states. All of the use of this facility is as a church. No other church in this city is required to provide parking based on the usage of classrooms, the sanctuary and offices all at the same time. Staff has said that in this case, they want to see a parking analysis, because the Church of Scientology operates somewhat differently than a traditional Christian church. There is a study out on the traffic and for parking throughout the day, because they offer classes throughout the day, seven (7) days a week. Because of this fact, they do not have a need for mass parking like some other churches. They are proceeding to do their traffic counts this week and next and then the numbers will be available to the Planning Commission, the City Council and staff to do their analysis. He thinks in this case the Council needs to apply the City's ordinance fairly across the board. That is what the law requires and this is what

the applicant is requesting be done. They feel this facility will be a great enhancement to the City. It is sitting in a state of somewhat disrepair. The applicant has done improvements to the site in recent weeks to make sure that in the interim time before they make substantial improvements, which have escalated to about \$3,500,000 to the facility, that it will not be a detriment to the City of Sandy Springs in any way. The Planning Commission has requested additional information. Therefore, the applicant would like the opportunity to provide the information. He understands the issues as they relate to traffic and to the condominium association across the street. Unfortunately, this is an existing problem that has been there. As a church, spreading the demand throughout the day and spreading it mainly on nights and weekends is going to be beneficial. It is a drop in the bucket in terms of the traffic along Roswell Road. Mark Moore was asked at the Planning Commission hearing what he felt about the traffic and his indication was that this would not have a significant impact on the road system.

**Councilmember Jenkins** questioned if the orange on the map is the primary entrance or if it is off Glenridge Drive.

**Woody Galloway** stated that the orange section of the map is the ceremonial main entrance.

**Councilmember DeJulio** stated that a couple of things really bother him about this particular site. Mr. Galloway brought up the thing about the state of disrepair. They have owned this building for about four (4) years. He drove around the building a couple of times and it is an absolute shame. He questioned what has happened to the building. The shutters are on the ground and hanging half way off the building. They finally cut the grass, but it had been about three (3) or four (4) feet high. He spoke with the Police Chief about this intersection, because as he was driving back from dinner Friday night there was an incredibly horrible accident at this corner. The applicant is having the traffic study done in June. You do not have any time in the year in Atlanta, or the general area of Sandy Springs, when you have less traffic than you will have in the next two weeks of June. He wonders if any traffic study the applicant has done in the next couple of weeks will have any value. All the schools are out and many people on vacation. With people getting ready for the Fourth of July weekend, he questions how the applicant can justify doing a traffic study during the last two weeks of June.

**Mr. Galloway** stated they are not doing a traffic study. The applicant is doing a parking analysis.

**Councilmember DeJulio** asked how the parking analysis is going to have any relevance and reflect where people are and what they are doing when you are looking at this time of year. If the applicant were doing this study the last two weeks of September, then it would be great, because that is when the people are here and when they go to church and travel the road.

**Mr. Galloway** stated that the church keeps very detailed records in terms of the number of people that come to the existing facility here as well as other facilities in other parts of the country. The parking consultant looks at this information and the applicant can provide the information for the dates from March through May. The staff's analysis can factor in attendance figures and the applicant can provide additional information, as well, so that Council can see if there is a substantial difference. As for the issue of disrepair, this was prior to the staff bringing it to the owner's attention by way of the Notice of Violation. The reason they did not do anything at that point in time is because the plans still needed to be approved and they did not want to spend money on taking down the shutters and putting up new shutters for a facility that is part of a capital campaign for which they plan on raising money. They are going to do it all at one time as opposed to doing it in stages. They addressed these issues and they have engaged a landscape service to take care of the ongoing maintenance of the facility. The concept at the time was not to spend money on this site until they were prepared to do the entire improvement. The applicant has amended this and is now maintaining the facility. In terms of the parking analysis, they will take data, which includes what the attendance figures have been over the course of a few months. They will provide this information to the City staff.

**Mayor Galambos** closed the public hearing.

**Motion and Vote:** Councilmember Jenkins moved to defer Agenda Item No. 09-148, RZ09-001/CV09-006 - 5395 Roswell Road (SR9), Applicant: Church of Scientology - To allow for a church in the existing building, with concurrent variances for 60 days, to be heard by City Council at the August 18, 2009 Regular Meeting. Councilmember Meinzen McEnery seconded the motion. There was no Council comment. The motion carried unanimously.

### **Text Amendments**

Agenda Item No. 09-149

#### **3. TA09-009 - An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance**

**Assistant Director of Planning and Zoning Patrice Ruffin** stated there are additional revisions needed to Article 3. Therefore, staff is recommending a 60-day deferral of this ordinance and will bring this item back before City Council in August 2009.

**Mayor Galambos** called for public comment. There were no comments from the public.

**Motion and Vote:** Councilmember Paul moved to defer Agenda Item No. 09-149 for 60 days, to be heard by City Council on August 18, 2009 at the Regular Meeting. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Agenda Item No. 09-150

#### **4. TA09-010 - An Ordinance to Amend Article 4, General Provisions, Section 4.3, Exceptions, of the Sandy Springs Zoning Ordinance** Ordinance No. 2006-06-31

**Assistant Director of Planning and Zoning Patrice Ruffin** stated that the basis for this change is to delete the language that will make Fulton County properties and structures exempt from the City Code. Staff is recommending approval.

**Mayor Galambos** called for public comments. There were no comments from the public.

**Motion and Vote:** Councilmember Jenkins moved to approve Agenda Item No. 09-150, TA09-010 - An Ordinance to Amend Article 4, General Provisions, Section 4.3, Exceptions, of the Sandy Springs Zoning Ordinance. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Agenda Item No. 09-151

#### **5. TA09-011 - An Ordinance to Amend Article 19, Administrative Permits and Use Permits, Section 19.4.18, Equine Garment Fabrication, of the Sandy Springs Zoning Ordinance** Ordinance No. 2006-06-32

**Assistant Director of Planning and Zoning Patrice Ruffin** stated that the purpose of this amendment is to delete this section of the ordinance. There is an appropriate district for this use.

**Mayor Galambos** called for public comments. There were no comments from the public.

**Motion and Vote:** Councilmember Jenkins moved to approve Agenda Item No. 09-151, TA09-011 - An Ordinance to Amend Article 19, Administrative Permits and Use Permits, Section 19.4.18, Equine Garment Fabrication, of the Sandy Springs Zoning Ordinance. Councilmember Meinzen McEnery seconded the motion. The motion passed 5-1, Councilmember Paul voting in opposition.

Agenda Item No. 09-152

6. **TA09-012 - An Ordinance to Amend Article 19, Administrative Permits and Use Permits, Section 19.3.12, Swimming Pool, Private, of the Sandy Springs Zoning Ordinance**  
Ordinance No. 2009-06-33

**Assistant Director of Planning and Zoning Patrice Ruffin** stated that the purpose of this amendment is to clarify that for multifamily developments the 100-foot pool setback is not for pools adjacent to buildings internal to the site, just adjacent to an external property line. Staff is recommending approval.

**Mayor Galambos** called for public comment. There were no comments from the public.

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 09-152, TA09-012 - An Ordinance to Amend Article 19, Administrative Permits and Use Permits, Section 19.3.12, Swimming Pool, Private, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion.

**Discussion on the Motion:** Councilmember Meinzen McEnery stated that she would like the City Council to consider allowing staff to look at the location of the pool equipment, which is currently allowed within 10 feet of the property line. Her comment does not affect this particular ordinance change. She has received many comments about pool equipment allowed within 10 feet of the property line in terms of the side and rear setbacks.

**Vote:** The motion carried unanimously.

Agenda Item No. 09-153

7. **TA09-013 - An Ordinance to Amend Article 19, Administrative Permits and Use Permits, Sections 19.3.1(2) and 19.4.7, Antenna Tower, and Associated Structure (Radio, TV, Microwave, Broadcasting, Etc.), to Exceed the District Height, of the Sandy Springs Zoning Ordinance**  
Ordinance No. 2006-06-34

**Assistant Director of Planning and Zoning Patrice Ruffin** stated that this amendment is to clarify this section of the ordinance to ensure that the calculation of height for cell towers includes any lighting and markings required by the FAA.

**Mayor Galambos** called for public comments. There were no comments from the public.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 09-153, TA09-013 - An Ordinance to Amend Article 19, Administrative Permits and Use Permits, Sections 19.3.1(2) and 19.4.7, Antenna Tower, and Associated Structure (Radio, TV, Microwave, Broadcasting, Etc.), to exceed the District Height, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

#### **Alcoholic Beverage License**

Agenda Item No. 09-154

8. **Approval of Alcoholic Beverage License Application for the Boiling Pot at 7285 Roswell Road, Sandy Springs, GA 30328 - Applicant is Nguyen Thien for Consumption on Premise Wine, Malt Beverage and Distilled Spirits**

**Director of Administrative Services Tarsha Patterson** stated that this application pertains to a new business and staff recommends approval.

**Mayor Galambos** called for public comments. There were no comments from the public.

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**Motion and Vote:** Councilmember Jenkins moved to approve Agenda Item No. 09-154, Alcoholic Beverage License Application for The Boiling Pot at 7285 Roswell Road, Sandy Springs, GA 30328. Applicant is Nguyen Thien for Consumption on Premise Wine, Malt Beverage and Distilled Spirits. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Agenda Item No. 09-155

- 9. Approval of Alcoholic Beverage License Application for Café Antalya at 8290 Roswell Road, Ste. 400 Sandy Springs, GA 30350 - Applicant is Kadir Aydin for Consumption on Premise Wine, Malt Beverage and Distilled Spirits**

**Director of Administrative Services Tarsha Patterson** stated that this application pertains to a new business and staff recommends approval.

**Mayor Galambos** called for public comments. There were no comments from the public.

**Motion and Vote:** Councilmember Jenkins moved to approve Agenda Item No. 09-155, Alcoholic Beverage License Application for Café Antalya at 8290 Roswell Road, Ste. 400 Sandy Springs, GA 30350. Applicant is Kadir Aydin for Consumption on Premise Wine, Malt Beverage and Distilled Spirits. Councilmember MacGinnitie seconded the motion. There was no Council discussion. The motion carried unanimously.

Agenda Item No. 09-156

- 10. Approval of Alcoholic Beverage License Application for IL Forno NY Pizza & Pasta at 5680 Roswell Road Sandy Springs, GA 30342 - Applicant is Zuhra Sariev for Consumption on Premise Malt Beverage**

**Director of Administrative Services Tarsha Patterson** stated that this application pertains to a new business and staff recommends approval.

**Mayor Galambos** called for public comments. There were no comments from the public.

**Motion and Vote:** Councilmember Jenkins moved to approve Agenda Item No. 09-156, Application for IL Forno NY Pizza & Pasta at 5680 Roswell Road, Sandy Springs, GA 30342. Applicant is Zuhra Sariev for Consumption on Premise Malt Beverage. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

Agenda Item No. 09-157

- 11. Approval of Alcoholic Beverage License Application for Teela Taqueria at 227 Sandy Springs Place, Ste 504, Sandy Springs, GA 30328 - Applicant is Nikilas Panagopoulos for Consumption on Premise Wine, Malt Beverage and Distilled Spirits**

**Director of Administrative Services Tarsha Patterson** stated that this application pertains to a new business and staff recommends approval.

**Mayor Galambos** called for public comments. There were no comments from the public.

**Motion and Vote:** Councilmember Paul moved to approve Agenda Item No. 09-157, Alcoholic Beverage License Application for Teela Taqueria at 227 Sandy Springs Place, Ste 504, Sandy Springs, GA 30328. Applicant is Nikilas Panagopoulos for Consumption on Premise Wine, Malt Beverage and Distilled Spirits. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Agenda Item No. 09-158

**12. Approval of Alcoholic Beverage License Application for Exxon at Northridge #90 at 8325 Roswell Road Sandy Springs, GA 30350 - Applicant is Tom L Bower III for Retail\Package Wine and Malt Beverage**

**Director of Administrative Services Tarsha Patterson** stated that this application pertains to a new business and staff recommends approval.

**Mayor Galambos** called for public comments. There were no comments from the public.

**Motion and Vote:** Councilmember Fries moved to approve (Agenda Item No. 09-158); Alcoholic Beverage License Application for Exxon at Northridge #90 at 8325 Roswell Road, Sandy Springs, GA 30350 - Applicant is Tom L Bower III for Retail\Package Wine and Malt Beverage. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

Agenda Item No. 09-159

**13. Section 108 Loan Guarantee Program Applications Establish Budget and Approve Resolution to Transmit**

Resolution No. 2009-06-36

**CDBG Program Manager Vann McNeill** stated that this item brings the closure of the application process through the CDBG Program. It will allow the City to borrow up to five (5) times its most recent allocation.

**Mayor Galambos** called for public comments. There were no comments from the public.

**Motion and Vote:** Councilmember Paul moved to approve Agenda Item No. 09-159, Section 108 Loan Guarantee Program Applications Establish Budget and Approve Resolution to Transmit. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

**UNFINISHED BUSINESS**

Agenda Item No. 09-160

**1. Sandy Springs Elections Update**

**City Attorney Wendell Willard** stated that the City Council received a memorandum from his office bringing them up to date with examination of the possibility of the City conducting its own election. One of the things looked at, as suggested by Council, is the paper ballot. We received information from Premier Voting Solutions, the only vendor authorized by the Secretary of State in Georgia to provide services to local governments. Premier Voting Solutions is also the sole provider of election equipment in the State of Georgia. The state owns the equipment and loans it to the counties. If the City were to conduct its own election, it would have the right to receive the same equipment from the county. There are a number of things that go with receiving the equipment, such as programming and other obligations, for which we would need to look to a third party, or the county, or Premier Elections Solutions.

After going through all the possibilities, we had four members of staff attend the Secretary of State's three day Seminar. The State certified these individuals as Election Officials. If the City used paper ballots, then the City would have to get all of the equipment from Premier Election Solutions. If we went with the touch screen equipment, we would have the responsibility of getting the equipment programmed. The major hurdle is that the City is still under the mandates of the Voter Rights Act, which requires us to get any election changes approved by the U.S. Justice Department. Even if the City stayed with the touch screen, we would have other changes. For example, City Hall would require approval as a polling place for the pre-voting.

The difficulty that staff saw is the timeframe under which we are working. The Justice Department has two (2) months, eight (8) weeks, to make a response once they receive a request. The Justice Department could send back a letter to the City saying that the City needs to change or amend the application and that would start the eight weeks running again. We are fearful that in trying to get through the Justice Department we may run into a time problem trying to get approval and get our systems set up. We can get the names of the various poll managers. The City has 36 precincts and 25 separate voting places. We would have to have proper staffing and training of these individuals for conducting the City's election.

The meeting on Friday concluded with a recommendation to City Council that there was a unanimous feeling of staff and those present that we are in a poor position this late in the game to get prepared to conduct an election. Staff is suggesting that we go forward with using Fulton County, but sit and observe and go through the full election process with them. Likewise, we want to start the process of going through the Justice Department approval, recognizing that somewhere down the road there may be a time the City has a Special Election, even before the next four (4) year cycle election. If that comes about, we want to be prepared to conduct the election ourselves.

Our concern is the saving of money. We looked at a savings that may be in the range of 42% from what Fulton County is requiring that the City pay up front. Even with those savings, we are running a great risk. As all of us know, if there is something that messes up the election, there is untold chaos trying to undo or correct it.

The City Attorney and staff's recommendation is that City Council consider going forward at this time with Fulton County conducting the election and have staff work closely with Fulton County in getting everything prepared. Also, start the process now in getting the Justice Department's approval for the City to conduct its elections.

**Councilmember DeJulio** asked if the City would have to do this every time there is an election.

**City Attorney Wendell Willard** stated only if the City makes a change in the procedures and format by which it conducts elections. One of the things the City is for approval is the idea of using the paper ballots with a scanner. Many other places throughout the country use this process.

**Councilmember DeJulio** questioned if it would create a problem if the City uses the paper ballots when conducting our own election and uses the regular scanners for the Presidential election.

**City Attorney Wendell Willard** stated it would not.

**Councilmember MacGinnitie** asked if the City Attorney's recommendation was for staff to shadow and view for future elections, even if the Supreme Court kicks out Section 5 later this month.

**City Attorney Wendell Willard** stated that might be a possibility. He has read and analyzed what may come out of the decision for Section 5.

**Councilmember MacGinnitie** stated if the City does have to get pre-clearance, he would recommend that the City not do its own election this time.

**City Attorney Wendell Willard** agreed and stated because we are looking at the end of June and still face the other shortcomings, as far as, lack of real knowledge of how to put it all together in such a short time.

**Councilmember Paul** stated that he feels that the City Attorney is giving City Council very good advice and they need to follow it. He is disappointed. He thinks this was a brilliant idea six (6) months late. He would like to see the City begin the process of moving in this direction for whatever elections the City has in the future and get this process underway. The Justice Department would be bound to examine everything we do very carefully. They

would probably have reservations, at least questions and concerns that could extend us beyond the election, and rather than jeopardize that, he thinks Council should go with the City Attorney's advice.

**Councilmember Jenkins** questioned if staff ever resolved the issue about whether Premier Elections is the sole source provider.

**Assistant City Manager Steve Rapson** stated that it would depend on one's definition of sole source. The short answer is that for the State of Georgia Premier is a sole source provider and the State will only certify this particular vendor to do the election.

**City Attorney Wendell Willard** stated that the prices received from Premier are under those authorized by the State.

**Mayor Galambos** stated that she has a slightly different take on this subject. She does feel that it is extremely important that the City prepare as fast as possible to hold it owns elections in case this court decision goes in the City's direction before the deadline where we have to contract with Fulton County. She has contacted Congressman Lewis's office and asked whether they would intervene with the Justice Department and help us in getting clearance for this. They have not yet responded. Councilmember DeJulio and she attended a fundraiser for Congressman Lewis and his staff has been very receptive to everything she has asked of them. She feels there is a possibility. She does not know if they can do any good with the Justice Department.

**Councilmember Paul** stated that the Justice Department typically takes a full 60 days and there is a reason why they do. The Justice Department wants to make sure that they have collected all of the facts and information before they make a decision. They can defer their decision as long as they possibly can to make sure that they do not make a premature decision and then have to go back and make changes.

**Mayor Galambos** stated that we should plan for Fulton County conducting our election, but not close our options 100%, in case something happens and we do not have to go that way.

## **NEW BUSINESS**

Agenda Item No. 09-161

### **1. Consideration of a Construction Contract for Morgan Falls Overlook Park**

**Assistant City Manager Rapson** stated we put out a proposal to over 250 individuals, a lot of those on the Georgia Registry. We had about twenty-six (26) firms attend the pre-bid meeting for the construction at Morgan Falls Overlook Park. We received six (6) bids. We are recommending awarding of the contract to the third lowest bidder. We based this on the analysis of the top three bids, which were Johnson, Castro and Astra. We were looking for companies who have similar experience with the projects we are actually putting in the ground. They had roughly about 15 projects in their proposal, and it is almost verbatim to what we are trying to do, so staff's unanimous recommendation is to award the contract to Astra for the \$2,390,500. That award also includes the two alternates, which were the Kayak Storage and Buildings 1 and 2.

**Mayor Galambos** asked how this compares to what we anticipated.

**Assistant City Manager Rapson** said it is roughly about \$500,000 to \$600,000 less than what we had budgeted.

**Mayor Galambos** asked for any more questions.

**Councilmember DeJulio** asked when they anticipate starting this and what they anticipate as construction time. **Assistant City Manager Steve Rapson** responded we are actually going to work that out with them tomorrow based on this approval. We are trying to get it done as quickly as possible.

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 09-161, the construction contract for Morgan Falls Overlook Park, and award the contract to Astra. Councilmember Jenkins seconded the motion.

**Discussion on the Motion:**

**Councilmember Meinzen McEnerny** asked if this contract has any provisions for saving the site around the William Powers cabin.

**Assistant City Manager Steve Rapson** replied there is a provision in the contract in regards to the chimney and actually saving those stones.

**Mayor Galambos** asked if this was for rebuilding the chimneys.

**Assistant City Manager Steve Rapson** answered yes, but not under this contract

**City Attorney Wendell Willard** stated under a different program, it could happen.

**Councilmember Meinzen McEnerny** asked if Attorney Willard or someone on staff knows the difference in the grading plan, the difference in the grade between what the plan shows and where the existing cabin is. Is it about 20 feet? Would you suggest that it is not a tremendous difference in grade?

**Mayor Galambos** responded that she does not think there is any way of answering that question, but Ms. Fries has some information about it.

**Councilmember Fries** thanked the Mayor. She said Councilmember Meinzen McEnerny sent Council a lot of information and one item was this map from the official records of the War of the Rebellion. Another item is a high gloss current aerial map of the river. Of the two maps, this one in particular is an official historical map, and it shows all the Power's homes and their sites. In addition, it was amazing how accurate this map is when we pulled up the current river view. Looking at where dot is in relation to the Power's home and the shape of the river on this, Councilmember Fries believes we are looking at a chimney that is not the Power's chimney. Looking at how this map has everything located and all the others seem to be right on the spot, the Power's home is actually under water. You will see on the grid map, there is a ridgeline. The Power's home was located on the flat part, not up on the hill. Water consumed the home after the dam flooded the lower land. The chimney that is there, having a poured concrete foundation and having electrical equipment, is old, but it is not from the Power's cabin.

**Mayor Galambos** said what we have on the agenda tonight is not historical research, but a motion to approve or not approve a contract with the firm that has been selected using due process.

**Councilmember Paul** asked Mr. Rapson if it was staff's determination that Johnson and Castro were not competent, capable or qualified to do this work.

**Assistant City Manager Steve Rapson** answered if he had to use one of those words, it would be qualified.

**Councilmember Jenkins** stated they did a smaller park, project #1, for \$700,000 versus \$8,000,000 for Astra.

**Assistant City Manager Steve Rapson** responded most of the ones you see under the first two bidders were portions of parks done in conjunction with a general contractor who did the entire park. They did some small park work and a lot of landscaping.

**Councilmember Jenkins** observed that based on these numbers, Astra worked on projects of \$8,000,000, \$3,000,000 and several at \$2,000,000, they have been the general contractor for larger projects.

**Assistant City Manager Steve Rapson** stated they have been the primary contractor for the entire project for multi-million dollar projects.

**Mayor Galambos** asked for any other questions.

**Councilmember Paul** asked about the largest projects that Johnson and Castro completed based on their submissions.

**Assistant City Manager Steve Rapson** answered \$727,000 for Johnson and \$720,000 for Castro.

**Councilmember Paul** asked if that is their top five most representative projects, the best projects.

**Assistant City Manager Steve Rapson** answered they submitted all the projects that we have, and he gave them credit for the most he could.

**Mayor Galambos** stated we have a motion on the floor.

**City Attorney Wendell Willard** suggested that the motion be that Council is accepting based on a recommendation of the lowest qualified bidder from staff's analysis.

**Amendment to the Motion:** Councilmember Fries moved to approve Agenda Item No. 09-161, the construction contract for Morgan Falls Overlook, to Astra, who is the lowest most qualified bidder and authorize the City Manager to enter into a contract to proceed with the project. Councilmember Jenkins seconded the motion. There was no further Council discussion. The motion carried unanimously.

Agenda Item No. 09-162

**2. License Denial Appeal in Re: Cottongim**

The City Solicitor, Bill Riley, held a hearing on this item and Mr. Craig Cottongim read a letter in his defense.

There were questions and discussion from the Mayor and City Council.

**Motion and Vote:** Councilmember Fries moved to affirm the non-clearance letter. Councilmember Jenkins seconded the motion. There was no further Council discussion. The motion carried unanimously.

**Mayor Galambos** said the hearing is now closed and all evidence will be given to the City Clerk.

Agenda Item No. 09-163

**3. Resolution Appointing Michael Casey as City Clerk**

Resolution No. 2009-06-40

**Mayor Galambos** stated this is a nomination to appoint Michael Casey as our City Clerk. He has been acting City Clerk and has been doing an admirable job. We are delighted to have such a good candidate.

**Motion and Vote:** Councilmember Paul moved to approve Agenda Item No. 09-163, a Resolution Appointing Michael Casey as City Clerk. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Mayor Galambos** announced that the City's Communication staff has put together a wonderful Economic Development brochure. She urged everyone to look at it because it is very informative and should get people excited about Sandy Springs. Anyone with suggestions on items not covered should please see Judy Parker.

**REPORTS AND PRESENTATIONS**

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

**1. Presentation of the Quarterly Updates on the Capital Improvement Program and other Major Public Works Programs**

Item deferred to next quarter.

**Councilmember Paul** recognized two of the Sandy Springs High Schools that Newsweek Magazine recognized as top schools in the country. Riverwood was #215 and North Springs was up there in the rankings, too.

**PUBLIC COMMENTS**

**Alan Toney, 330 River Knoll Drive**, came forward to speak on the potential Power's historic site. He said there is misinformation about the two mud stack chimneys at the Overlook site. Those chimneys are from the 19<sup>th</sup> century; they are mud stack, not built with concrete. This historic site needs reviewed before Council knocks it down. This is possibly the Powers Home and he thinks Council needs to be very careful in knocking it down.

**EXECUTIVE SESSION – Litigation & Real Estate** (Agenda Item No. 09-164)

**Motion and Vote:** Councilmember Paul moved to enter into Executive Session to discuss pending litigation and real estate matters. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session began at 9:15 p.m.

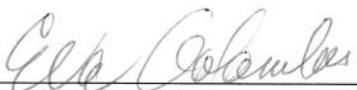
**Motion and Vote:** Councilmember Paul moved to adjourn Executive Session. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 9:53 p.m. and the Regular Meeting resumed.

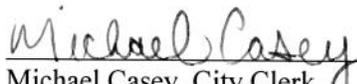
**Motion and Vote on Pending Litigation:** Councilmember DeJulio moved to authorize the filing of a rezoning application on the subject property (Sprayzar) with the conditions that there are not more than four stories above grade, not more than 12,500 square feet per floor of the building, and that the requirements of the current development standards are met by the plaintiff. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried 5-1, Councilmember Meinzen McEnery voting in opposition.

**ADJOURNMENT** (Agenda Item No. 09-165)

**Motion and Vote:** Councilmember DeJulio moved to adjourn the meeting. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously. The meeting adjourned at 9:56 p.m.

Date Approved: October 6, 2009

  
\_\_\_\_\_  
Eva Galambos, Mayor

  
\_\_\_\_\_  
Michael Casey, City Clerk

**CITY OF SANDY SPRINGS, GA**

STATE OF GEORGIA  
FULTON COUNTY

June 16, 2009

**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 16<sup>th</sup> day of June, 2009, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Future acquisition of real estate pursuant to O.C.G.A, 50-14-3(4);

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 16<sup>TH</sup> day of JUNE, 2009.

*Michael D Casey*  
\_\_\_\_\_  
Notary public

