



## CITY COUNCIL

Rusty Paul, Mayor

John Paulson – District 1  
Ken Dishman – District 2  
Graham McDonald – District 3  
Gabriel Sterling – District 4  
Tibby DeJulio – District 5  
Andy Bauman – District 6

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Tuesday, April 15, 2014

Summary Minutes

6:00 PM

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**A) INVOCATION** – Tom Van Laningham, Care & Counseling Center of Georgia

**B) CALL TO ORDER** – Mayor Rusty Paul

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

**C) ROLL CALL AND GENERAL ANNOUNCEMENTS**

**Mayor:** Mayor Paul present

**Councilmembers:** Councilman John Paulson, Councilman Ken Dishman, Councilman Graham McDonald, Councilman Gabriel Sterling, Councilman Tibby DeJulio, and Councilman Andy Bauman present.

**D) PLEDGE OF ALLEGIANCE** – Mayor Rusty Paul

**E) APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilman Paulson moved to approve the Regular Meeting agenda for April 15, 2014. Councilman DeJulio seconded the motion. The motion carried unanimously.

**F) CONSENT AGENDA**

**(Agenda Item No. 14-071)**

1. Meeting Minutes:
  - a) April 1, 2014 Regular Meeting
  - b) April 1, 2014 Work Session

(Michael Casey, City Clerk)

**Motion and Vote:** Councilman Sterling moved to approve the Consent Agenda for April 15, 2014. Councilman Dishman seconded the motion. The motion carried unanimously.

**G) PRESENTATIONS** (*none*)

**H) PUBLIC HEARINGS**

## Rezoning

### (Agenda Item No. 14-072)

1. **201400049** - 5901-5909 Peachtree Dunwoody Road, *Applicant: Shorenstein Realty, LLC*, to rezone from MIX (Mixed Use District) to MIX (Mixed Use District), with concurrent variances  
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

**Motion and Second:** Councilman Paulson moved to approve Agenda Item No. 14-072, 201400049 - 5901-5909 Peachtree Dunwoody Road, *Applicant: Shorenstein Realty, LLC*, to rezone from MIX (Mixed Use District) to MIX (Mixed Use District), with concurrent variances, and with staff conditions. Councilman Bauman seconded the motion.

**Friendly Amendment to the Motion:** Councilman Sterling offered a friendly amendment to the motion to add a condition to the zoning setting the maximum number of bedrooms for the project at 1,000. Councilman Paulson accepted the friendly amendment to the motion.

**Vote on the Motion:** The motion as amended carried 5-1 with Councilman DeJulio voting in opposition.

### Ordinance No. 2014-04-08

### (Agenda Item No. 14-073)

2. **201400050** - 0-110 Allen Road, 5820-5840 Sandy Spring Circle, 5830-5865 Lake Allen Lane, 5809-5831 Lake Forrest Drive, *Applicant: J W Home, LLC*, to rezone the property from R-3 (Single Family Dwelling District) and O-I (Office and Institutional District) to TR (Townhouse Residential District), with concurrent variances  
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

**Motion and Vote:** Councilman DeJulio moved to defer Agenda Item No. 14-073, 201400050 - 0-110 Allen Road, 5820-5840 Sandy Spring Circle, 5830-5865 Lake Allen Lane, 5809-5831 Lake Forrest Drive, *Applicant: J W Home, LLC*, to rezone the property from R-3 (Single Family Dwelling District) and O-I (Office and Institutional District) to TR (Townhouse Residential District), with concurrent variances, to the May 20, 2014 City Council meeting. Councilman Sterling seconded the motion. The motion carried unanimously.

### (Agenda Item No. 14-074)

3. **201400094** - 6780 Roswell Road, *Applicant: Sandy Springs Plaza Investments, LLC*, to rezone from C-1 (Community Business District) to C-1 (community Business District), with concurrent variances  
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

**Motion and Second:** Councilman Sterling moved to approve Agenda Item No. 14-074, 201400094 - 6780 Roswell Road, *Applicant: Sandy Springs Plaza Investments, LLC*, to rezone from C-1 (Community Business District) to C-1 (community Business District), with concurrent variances, staff recommendations, and two additional conditions: 1) that no maintenance of vehicles on site be permitted 2) that no washing of vehicles occur between the hours of 6:00 p.m. – 7:00 a.m. Councilman Paulson seconded the motion.

**Amendment to the Motion:** Councilman Sterling amended his motion by adding a third condition: 3) only passenger vehicles and SUV's are allowed to be located on site.

**Vote on the Motion:** The vote on the motion as amended was split 3-3 with Councilmen Paulson, Sterling, and DeJulio voting in favor of the motion and Councilmen Dishman, McDonald, and Bauman voting in opposition. The motion failed 4-3 with Mayor Paul voting in opposition to the motion to break the tie.

### Zoning Modification

**(Agenda Item No. 14-075)**

4. **201400372** - 5965 Riverside Drive, *Applicant: Dr. Kayode Fasae*, to delete conditions 1.b and 3.c of Sandy Springs rezoning case RZ06-020 for the development of a single family residence  
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

**Motion and Vote:** Councilman Sterling moved to approve Agenda Item No. 14-075, 201400372 - 5965 Riverside Drive, *Applicant: Dr. Kayode Fasae*, a zoning modification to condition 1.b of Sandy Springs rezoning case RZ06-020 for the development of a single family residence, with staff conditions; and to deny driveway access to Riverside Drive (condition 3.c). Councilman Paulson seconded the motion. The motion carried 5-1, with Councilman McDonald voting in opposition.

**Ordinance No. 2014-04-09**

### I) UNFINISHED BUSINESS *(none)*

### J) NEW BUSINESS

**(Agenda Item No. 14-076)**

1. Proposed amendments to Section 6-60 and Section 6-163 of the City of Sandy Springs ("City") Code of Ordinances relating to alcoholic beverages ("Ordinance")  
(Presented by City Attorney, Wendell Willard)

**Motion and Vote:** Councilman Sterling moved to approve Agenda Item No. 14-076, amendments to Section 6-60 and Section 6-163 of the City of Sandy Springs ("City") Code of Ordinances relating to alcoholic beverages ("Ordinance"). Councilman Paulson seconded the motion. The motion carried unanimously.

**Ordinance No. 2014-04-10**

**(Agenda Item No. 14-077)**

2. City Center Landscape Architectural Services Recommendation  
(Presented by Assistant City Manager, Bryant Poole)

**Motion and Vote:** Councilman Paulson moved to approve Agenda Item No. 14-077, the City Center Landscape Architectural Services Recommendation, authorizing the City Manager to negotiate with the selected firm a phase scope of work contract approach with the first phase negotiation not to exceed the City Manager's authority up to \$250,000. Councilman Dishman seconded the motion. The motion carried unanimously.

### K) REPORTS

1. Mayor and Council Reports

## 2. Staff Reports

### L) PUBLIC COMMENT

**Motion and Vote:** Councilman DeJulio moved to recess the regular meeting to hear the Work Session Agenda Item. Councilman Sterling seconded the motion. The motion carried unanimously. The meeting recessed at 7:33 p.m.

**Motion and Vote:** Councilman DeJulio moved to end the recess and resume the regular meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The recess ended at 7:39 p.m.

### M) EXECUTIVE SESSION – Litigation and Real Estate

**Motion and Vote:** Councilman DeJulio moved to enter into Executive Session to discuss litigation and real estate matters with the City Manager, City Attorney, and Attorney Scott Berghold included. Councilman Paulson seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, Councilman DeJulio and Councilman Bauman voting in favor of the motion. Executive Session began at 7:39 p.m.

**Motion and Vote:** Councilman DeJulio moved to adjourn Executive Session. Councilman Bauman seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, Councilman DeJulio and Councilman Bauman voting in favor of the motion. Executive session adjourned at 8:23 p.m.

### N) ADJOURNMENT

**Motion and Vote:** Councilman DeJulio moved to adjourn the meeting. Councilman Dishman seconded the motion. The motion carried unanimously. The meeting adjourned at 8:23 p.m.