

Regular meeting of the Sandy Springs City Council was held Tuesday, December 18, 2007, 6:00 p.m. Mayor Eva Galambos presiding.

Invocation

Rabbi Bradley G. Levenberg, Temple Sinai, Assistant Rabbi offered the invocation.

Call to Order

Mayor Galambos called the meeting to order at 6:00 p.m.

Roll Call and General Announcements

Mayor Galambos requested that the City Clerk call roll.

City Clerk Rowland reminded everyone to silence their cell phone and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or at the conclusion of the meeting, are required to complete a public comment card. They are located at the back counter.

City Clerk Rowland called the roll.

Councilmembers Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery arrived at 6:10 p.m.

Pledge of Allegiance

Council Page, Jack Healy led the Pledge of Allegiance.

Approval of Meeting Agenda

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

Consent Agenda

1. Meeting Minutes:
 - a. November 13, 2007 Work Session Minutes
 - b. December 4, 2007 Regular Meeting Minutes
2. Approval of an Intergovernmental Agreement between the City of Sandy Springs and the Sandy Springs Development Authority
3. Approval of the Morgan Falls Lease Assignment
4. Approval of a Resolution Accepting the Permanent Construction Easement at 790 Mount Vernon Highway, Land Lot 165 of the 17th District as Part of the Mt. Vernon Parkway Sidewalk and Traffic Calming Project (T-0007).
5. Approval of a Resolution Accepting the Right-of-Way in Land Lot 165 of the 17th District as Part of the Mt. Vernon Parkway Sidewalk and Traffic Calming Project (T-0007).
6. Approval of a Resolution Accepting the Driveway and Drainage Easements Located at 5245 Mount Vernon Parkway, City of Sandy Springs, Fulton County, Georgia, as Part of the Mt. Vernon Parkway Sidewalk and Traffic Calming Project (T-0007).

7. Approval of a Resolution accepting the Driveway and Drainage Easements Located at 750 Crest Valley Drive, City of Sandy Springs, Fulton County, Georgia, as Part of the Mt. Vernon Parkway Sidewalk and Traffic Calming Project (T-0007).
8. Approval to Authorize the City Manager to Sign a Construction Agreement with the Georgia Department of Transportation for a Perimeter Center Fiber Optic Interconnect Project.
(Angelia Parham, Public Works Director)
9. Approval of an Intergovernmental Agreement with the Cities of Roswell, Alpharetta, and Milton for the ATMS Project along Roswell Road (T-0013).
10. Approval of an Ordinance to amend Chapter 12, Article 6, Noise Control Ordinance of the City of Sandy Springs Code of Ordinances.

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

Presentations

Presentation for “Rookie of the Year” by the Special Olympics of Georgia

Allison Hicks presented the Sandy Springs Police Department the “Rookie of the Year” award for raising funds for the Special Olympics.

Presentation of CAFR

Fred Byers, Georgia Government Finance Officers Association President, presented the City of Sandy Springs Finance Department the Certificate of Achievement for Excellence in Financial Reporting.

National MarCom Awards

City Manager McDonough presented the City of Sandy Springs Communications Department the MarCom Awards.

Organizational Items

Administer Oath of Office to Reserve Officers

Municipal Court Judge Schaefer swore in the new City of Sandy Springs Reserve Officers; Gene McCleod, David Allred, David Adcock, Jarrett Gorlin, Mendel Stafford, Jr. and Brian King.

Public Hearings

City Clerk Rowland read the zoning rules into the record.

River Corridor Review

RC 07-02SS – The Enclave at Jett Ferry – John Wieland Homes & Neighborhoods

Environmental Engineer Dettwiler stated that John Wieland Homes & Neighborhoods propose a reanalysis of the vulnerability category for the subject property as part of River Corridor Review RC05-08FC, approved by Fulton County in 2005. The application was transmitted to the Atlanta Regional Commission on August 3, 2007 and found to be consistent by the Atlanta Regional Commission on September 21, 2007.

Mayor Galambos called for public comment.

Patty Berkovitz, 800 Crest Valley Drive, Long Island Creek Watershed Preservation Association, explained that due to the conditions of drought the Association requests that the City not consider any changes in any status of any waterway within the City of Sandy Springs.

Environmental Engineer Dettwiler stated that there will be no negative effects on water quality and that it is simply a re-evaluation of the conditions that exist on the property.

Councilmember Meinzen McEnery stated that she is unclear as to why this re-review was requested.

Environmental Engineer Dettwiler stated that the property was approved by Fulton County before being developed for this project. A lot of the area was already cleared. The 1974 data shows that the property was undisturbed land and, in this case it was not.

Woody Galloway, Attorney, stated that this would allow the owner to have slightly more impervious surface on some lots which means they will have slightly bigger houses which will make them more valuable.

Motion and Vote: Councilmember Fries moved to approve RC 07-02SS, The Enclave at Jett Ferry, John Wieland Homes & Neighborhoods. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

RC 07-03SS – 275 Quiet Water Lane – Rame Development, LLC

Environmental Engineer Dettwiler stated that the owner of this property Moshe Manoah proposes the construction of one single family residential home on lot 22, block “A” of the Riverchase subdivision. The site is 1.01 acres located in vulnerability categories “E”, with allowed area of disturbance of 13,212 ft and an allowed area of impervious surface at 6,606 square feet. This application was submitted to the Atlanta Regional Commission on October 9, 2007 and is found to be consistent by the Atlanta Regional Commission on November 5, 2007.

Matt Stanford, 540 Cutwater, Site Planner, stated that this is an empty lot in a neighborhood full of houses. There have been a few complications and they are in compliance with the ARC.

Mayor Galambos called for public comment. There were no public comments.

Motion and Vote: Councilmember Fries moved to approve RC 07-03SS, 275 Quiet Water Lane – Rame Development, LLC Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

RC 07-04SS – 510 River Crest Court

Environmental Engineer Dettwiler stated that the owner of the property, Michael and Amy Koriwchak, proposes the construction of one single family residential home on lot 46, block “C” of the Riverchase subdivision. The site is 0.63 acres located in vulnerability categories “D”, “E” and “F”, with an allowed area of disturbance of 11,792 square feet and an allowed area of impervious surface at 6,816 square feet. The application was submitted to the Atlanta Regional Commission on October 29, 2007 and found to be consistent on November 10, 2007.

Mayor Galambos called for public comment. There were no public comments.

Motion and Vote: Councilmember Fries moved to approve RC 07-04SS – 510 River Crest Court. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

RC 07-05SS-537/540 Cutwater Trail

Environmental Engineer Dettwiler stated that the owner of the property, Michael Rosenblat, proposes the construction of one single family residential home on lot 42, block "A", unit 3 of the Breakwater subdivision. The site is 0.60 acres, located in vulnerability categories "D" and "E", with a proposed area of disturbance at 12,184 square feet and a proposed area of impervious surface at 6,826 square feet.

Matt Stanford, 540 Cutwater, Site Planner, stated that this is an undeveloped lot in an older neighborhood where the old ARC calculations do not work. They are in compliance with ARC.

Mayor Galambos called for public comment.

Patty Berkovitz, 800 Crest Valley Drive, Long Island Creek Watershed Preservation Association, explained that due to the conditions of drought the Association asked that the City not consider any changes in any status of any waterway within the City of Sandy Springs.

Councilmember Meinzen McEnery stated that the City is not in a position to change the review criteria of the Atlanta Regional Commission or to decide to disallow and not proceed with the ARC recommendations. She questioned if it would be considered unfair to those parties.

City Attorney Willard stated that the City has very limited ability to make any change with what has been approved by the ARC.

Motion and Vote: Councilmember Fries moved to approve RC 07-05SS-537/540 Cutwater Trail. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

Impact Fee Program

Public Hearing to receive input regarding the proposed Development Impact Fee Ordinance and Program.

Deputy Director of Community Development McNeill stated that discussion on the Impact Fees was discussed at Council Work Session last week. Staff is working on accumulating the additional analysis Council had requested. This is the second public hearing on the Impact Fee Ordinance and Program.

Mayor Galambos advised the public that Council discussed the Impact Fee Ordinance last week and revisions are needed.

Mayor Galambos called for public comment. There were no public comments.

Councilmember Jenkins stated that the Mayor made a very good point about splitting the districts in the Perimeter CID and Roswell Road. After analyzing this further she feels this is a great idea. She has talked with Yvonne Williams, PCID as well as some of the other owners and they are completely in support of this.

Eminent Domain

Consideration of Approval of the Appropriation of the Property Located at 70 Abernathy Road through the Use of Eminent Domain.

Resolution No. 2007-12-78

Director of Public Works Parham stated that this property is necessary as part of the Abernathy linear park project. Negotiations on the property have reached an impasse. Staff recommends Council approval in order to proceed with the eminent domain to acquire the property located at 70 Abernathy Road.

Mayor Galambos called for public comment. There were no comments.

Motion and Vote: Councilmember DeJulio moved to approve the Appropriation of the Property Located at 70 Abernathy Road through the Use of Eminent Domain. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of Approval of Appropriation of the Property Located at 205 Abernathy Road through the Use of Eminent Domain.
Resolution No. 2007-12-79**

Director of Public Works Parham stated that this property is necessary as part of the Abernathy linear park project. Negotiations on the property have reached an impasse. Staff recommends Council approval in order to proceed with the eminent domain to acquire the property located at 205 Abernathy Road.

Mayor Galambos called for public comment.

Robert Lesesove, 5996 Mitchell Road stated that he is the adjacent property owner. The Department of Transportation is trying to negotiate with him for his property. He has spoke with several appraisers and has had his own property appraised, the dollar amounts differ for his property. He is disturbed by the way this process is going.

Deputy Director of Public Works Drysdale stated that the City has 41 parcels in this section that have been identified for future part of the park. Thirty (30) of them have closed so far. Staff is attempting to negotiate with the remaining 9 owners. The City's appraisals are reviewed by GDOT for accuracy because federal funds are involved. If GDOT can not arrive at a negotiation, the City can do separate negotiations. In this case, the negotiations are far apart on the value of the property. Part of it is because of the commercial zoning on these parcels and there is also a creek in the back that has a significant impact on the property.

Councilmember DeJulio stated that under eminent domain the property owner is not giving up any right except the right of the possession of the property. The sale price is still undetermined and can be determined by a court rather than the City taking the property from them. All the City is trying to do is keep the project moving.

City Attorney Willard stated that this is a dispute over what will be market value. Appraisals are made by both parties and there may be factors that come into play such as residential verses commercial, impacts of natural easements meaning streams and other limitations which have a bearing on value. If parties can not reach an agreement, at some point it has to be recognized as eminent domain to keep the time lines that the City is facing to move the project forward.

Motion and Vote: Councilmember DeJulio moved to approve the Appropriation of the Property Located at 205 Abernathy Road through the Use of Eminent Domain. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Alcoholic Beverage License

Consideration of Approval of Alcoholic Beverage License Application for Chevron FoodMart (007831) at 6385 Roswell Rd Sandy Springs, GA 30328. Applicant is Aziz Noorani for Retail/Package Wine and Malt Beverage.

Director of Operations Horn stated that this is a retail license application for 6385 Roswell Road, Chevron Food Mart. The building lease is on file; the fire inspection has been completed; proper zoning has been confirmed. The facility has been inspected by the Fire Department. The owner and registered agent have both received acceptable

GCIC background checks. The public hearing has been advertised as required by the Ordinance. Staff recommends approval of the application.

Mayor Galambos called for public comments. There were no public comments.

Motion and Vote: Councilmember DeJulio moved to approve the Alcoholic Beverage License Application for Chevron Food Mart (007831) at 6385 Roswell Rd Sandy Springs, GA 30328. Applicant is Aziz Noorani for Retail/Package Wine and Malt Beverage. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Rezoning

**RZ07-026-400 Carpenter Drive, Applicant: Masoud Zahedi, To rezone the subject property from C-1 conditional to C-1 for the development of a mixed-use building with 19,000 square feet of office space, 14,000 square feet of retail space, and four (4) residential units.
Ordinance No. 2007-12-75**

Planner Ruffin stated that this is a rezoning petition for property located at 400 Carpenter Drive to rezone the subject property from C-1 conditional to C-1 to allow for development of 19,000 square feet of office space, 14,000 square feet of retail space, and four (4) residential units. The proposed building will also consist of two (2) levels of underground parking.

The Design Review Board heard this petition at the October 9, 2007 meeting and recommended approval subject to the building be designed as shown in architectural rendering presented by the applicant at the meeting. The application was heard at the Planning Commission hearing on November 15, 2007, the Planning Commission recommended approval subject to staff conditions.

Masoud Zahedi, 1801 Roswell Road, stated that he applied for this rezoning one and a half years ago and after applying for his building permit, he realized that he did not have enough square footage because he calculated it as net square footage and not gross square footage. The only change will be the square foot from net to gross.

Councilmember Meinzen McEnery questioned the total amount of gross square footage he has applied for.

Planner Ruffin stated that Mr. Zahedi was originally approved for the 36,000 square feet and his request is for 48,000 square feet.

Mayor Galambos called for public comment. There were no public comments.

Motion: Councilmember Meinzen McEnery moved to approve RZ07-026, 400 Carpenter Drive, *Applicant: Masoud Zahedi,* to rezone the subject property from C-1 conditional to C-1 for the development of a mixed-use building with 19,000 square feet of office space, 14,000 square feet of retail space, and four (4) residential units, with the following staff conditions.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and associated accessory uses at a density of 30,158.73 square feet per acre or 19,000 square feet, whichever is less.
 - b. Commercial and associated accessory uses at a density of 22,222.22 square feet per acre or 14,000 square feet, whichever is less.
 - c. Four (4) residential units at a density of 6.35 units per acre, whichever is less.
2. To the owner's agreement to abide by the following:

- a. To the site plan received by the Department of Community Development dated October 31, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
 - b. The proposed building shall be designed as shown in the architectural elevation rendering received by the Department of Community Development dated October 9, 2007. The final design of said elevation shall be subject to the approval of the Design Review Board.
3. To the owner's agreement to provide the following site development standards:
- a. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Carpenter Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.

Second and Vote: Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

RZ07-030-605 Dalrymple Road, Applicant: Simion Termure, To rezone the subject property from R-2 to R-3 for the development of 2 single family lots at a density of 1.82 units per acre. Ordinance No. 2007-12-76

Planner Ruffin stated that this is a zoning petition to rezone the subject property from R-2 to R-3 single family for the development of two single family lots at a density of 1.82 units per acre. Staff has recommended approval conditional of the request.

The petition was heard at the November 15, 2007 Planning Commission hearing. The Commission recommended approval of the petition subject to staff conditions.

Simion Termure, 605 Dalrymple Road, requested approval for his zoning petition.

Mayor Galambos called for public comments.

City Clerk Rowland read into the record a public comment received by **Betty Klein, 375 Thornwood Drive** in support of applicant's petition. "This rezoning would improve the property and the surrounding community. The building of two homes on this property would still allow the two lots to be comparable with most lots along the corridor."

City Clerk Rowland read into the record a public comment received by **Judy Hiles, 335 Earlston Drive** in support of applicant's petition. "I would like to see the property at 605 Dalrymple improved. Two new homes would improve the area."

Michael Weber, 1403 Brighton Point, stated that the Elizabeth Height Homeowners Association is in complete support of the applicant's rezoning request.

Judy Hiles, 335 Earlston Drive, requested clarification on the Planning Commission's recommendation on the driveway.

Planner Ruffin stated that Public Works had recommended that either there be a shared driveway or two driveways that both met the site distance requirements. The Planning Commission did not recommend approval of the shared driveway.

Trisha Thompson, 145 River North Drive, stated that she is only speaking for herself and not on behalf of the Council of Neighborhood. They did not have accurate information at their meeting and could not take a vote. The surrounding neighborhoods have been upgraded and the applicant's parcel looks bad and should not be rewarded with denser zoning. Two years ago a developer came in and tied up eight (8) of the ten (10) lots in contract for the people who were willing to sell and redevelop their properties. She requested that Council deny applicant's request.

Simion Termure, stated that the former owner rented out the house for the past 30 years and that is the reason for the deterioration. He purchased this property in May of this year and explained that he wants to improve it.

Councilmember Meinzen McEnery questioned Ms. Thompson if she was familiar with the definitions in the current and recently approved Comprehensive Land Use Plan related to protected neighborhoods. It is the policy of the community that these neighborhoods be protected and when at all possible no additional density will be added.

Trisha Thompson stated that she is familiar with the current Comprehensive Land Use Plan. She stated that this property has been in disrepair since May and the buyer absolutely is not thinking about neighborhood protection.

Councilmember Jenkins stated that in the current plan the policy talks about transition down between live/work/community and protected neighborhood status. This would fit the definition of transition. The City's policy also calls for transitional property.

Councilmember Paul questioned City Attorney Willard if Council approves this rezoning and then the applicant comes back later and asked to rezone the other lots adjacent to this with comparable density as this, and Council then decides not to approve, what is his level of comfort in being able to defend the City in the event the City is sued based on any decision made here tonight.

City Attorney Willard stated that each rezoning application stands separately. The City's Comprehensive Land Use Plan is a tool to guide Council. In the case before Council tonight is a rezoning application that stands alone as to whether or not is it appropriate considering the use of the property, considering the constitutional rights the property owner has as best use.

Councilmember Paul questioned City Attorney Willard if this would be setting a precedent in zoning along that area if approved.

City Attorney Willard stated that this is an odd configuration of the property and would allow for a larger frontage area. He questions how the one acre lots could be divided with the limitations the City has in development based upon flag lots.

Director of Community Development Leathers stated that this does not face onto single family residential lots across the street. It is a transition between commercial and those lots that face each other on the street. This is not situated in anyway similar to the others.

Mayor Galambos questioned what the frontage is on applicant's lot and on the adjacent lots.

Planner Ruffin stated that the applicant's frontage is 319 feet and the adjacent lots frontage is 150 feet.

Councilmember Meinzen McEnery stated that this will be an assemblage and for that reason she can not support this rezoning application.

Councilmember Fries stated that this property does back up to the live/work/neighborhood and this plan also falls into the City current Comprehensive Land Use Plan and with the unusual shape it does have the proper frontage to keep it at R-3. The other lots could not be rezoned to R-3 unless three homes were put on two lots.

Motion: Councilmember Fries moved to approve RZ07-030, 605 Dalrymple Road, *Applicant: Simion Termure*, to rezone the subject property from R-2 to R-3 for the development of 2 single family lots at a density of 1.82 units per acre with the following staff conditions.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Two (2) single family residential lots at a density of 1.82 units per acre.
 - b. The minimum heated floor area per dwelling unit shall be a minimum of 2,500 square feet.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated September 4, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Dalrymple Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - b. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Forty-five (45) feet from centerline of Dalrymple Road
 - c. The proposed residences shall share a combined driveway with a single curb cut or all curb cuts on property must conform to AASHTO standards for intersection sight distance prior to issuance of Certificate of Occupancy. Said curb cut location shall be subject to the approval of the Department of Public Works.

Second and Vote: Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried 5-1, with Councilmember Meinzen McEnerny voting in opposition.

RZ07-031/CV07-026-5755 Dupree Drive, Applicant: Dupree Management, LLC, To rezone the subject property from O-I conditional to O-I to maintain the existing 18,400 square foot office building and to develop a 3,600 square foot addition, with concurrent variances.

Ordinance No. 2007-12-77

Planner Ruffin stated that this is a petition to rezone the subject property from O-I conditional to O-I for the development of 3,600 square foot building addition to the existing 18,400 square foot office building. The total square footage will be 22,000 square feet at a density of 9,000 square feet per acre. The applicant is also requesting three (3) concurrent variances. (1) To encroach twenty (20) feet into the required twenty-five foot rear yard setback along the north property line with the proposed terrace. (2) To encroach three (3) feet into the required forty (40) foot front yard setback to allow the existing parking area along the east side of the site to remain. (3) To delete the parking lot landscaping requirements to allow the existing surface parking areas to remain.

Staff is recommending approval conditional of the rezoning request and the three (3) concurrent variances. The petition was heard at the November 15, 2007 Planning Commission hearing and recommended approval of the petition subject to staff conditions.

Brett Sundgrland, 5755 Dupree Drive, Dupree Management, LLC, stated that he is here representing the pre-management owners of the subject property. The owner would like to add 1,800 square feet in order to change the character of this building and make it look nicer. This is a very linear piece of property, with the building sitting in the middle between the concurrent variances the owner is requesting. The property is 60% heavily wooded and the plan is to keep it as such. The extension of the building is over the existing parking area. A third of the parking is under the building and a third of the parking is on each side of the building. One of the concurrent variance requests is to allow a patio in the easement that is on the back of the building, next to the adjacent property. The parking is under the building and there are two occupied floors. The first level meets grade at the back of the building. The applicant will be working with the Community Development staff to make sure that what is put in the back is something the City agrees with, and nice for the neighbors as well as the people occupying the building.

Patty Berkovitz, 800 Crest Valley Drive, spoke in support of this application.

Motion: Councilmember Meinzen McEnery moved to approve RZ07-031/CV07-026, 5755 Dupree Drive, *Applicant: Dupree Management, LLC*, To rezone the subject property from O-I conditional to O-I to maintain the existing 18,400 square foot office building and to develop a 3,600 square foot addition, with concurrent variances with the following staff conditions.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and associated accessory uses at a density of 9,090.91 square feet per acre or 22,000 square feet, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated September 4, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Dupree Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - b. To encroach twenty (20) feet into the required twenty-five (25) foot rear yard setback along the north property line with the proposed terrace (CV07-026).
 - c. To encroach three (3) feet into the required forty (40) foot front yard setback to allow the existing parking area along the east side of the site to remain (CV07-026).
 - d. To delete the parking lot landscaping requirements to allow the existing surface parking areas to remain (CV07-026).

Second and Vote: Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Mayor Galambos recognized the Council Page, Jack Healy from North Springs High School.

Text Amendment

**RZ07-036, an Ordinance to Amend Article 34, Development Regulations, of the City of Sandy Springs Zoning Ordinance.
Ordinance No. 2007-12-78**

Planner Ruffin stated that this is a text amendment to Article 34, Development Regulations, of the City of Sandy Springs Zoning Ordinance to delete section 34.4.1.F.6 regarding traffic impact mitigation plans.

Transportation Planner Moore stated that Public Works has been working with the Community Development Department in an effort to streamline and clean up some of the zoning ordinance issues the City inherited from Fulton County. This would remove the requirement for a traffic impact plan at the time of zoning.

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

Councilmember Meinzen McEnery questioned what the difference is between a Traffic Impact Study and a Traffic Mitigation Plan.

Transportation Planner Moore stated that Traffic Impact Study is a professional tool to look at trip generation, level of service at an intersection. It is recognized as a way to look at what the impacted developments would be on the transportation, infrastructure in the surrounding area. A Traffic Mitigation Plan is a poorly defined plan designed by Fulton County to find a way to get developers to minimize the impact of vehicular trips. Staff can advise Council on the important information for land use decisions that comes from the Traffic Impact Studies at the time of zoning and the City's Development Regulations at the time of building design and permit revision are in place.

Motion and Vote: Councilmember Jenkins moved to approve RZ07-036, an Ordinance to Amend Article 34, Development Regulations, of the City of Sandy Springs Zoning Ordinance. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

New Business:

Consideration of approval of a Resolution relating to House Resolution 900.

Councilmember Jenkins explained that this is a Resolution from the North Fulton Municipal Association which is Alpharetta, Johns Creek, Milton, Mountain Park, Roswell and Sandy Springs. This Resolution has been signed by all six (6) Mayors of each city. Councilmember Jenkins read Resolution into the record.

Councilmember Paul and Councilmember Fries stated that this Resolution is a little premature at this time. Councilmember Paul explained that he would like to see how this develops. There are already changes on the way that will take care of some of the concerns that the Mayor's have expressed.

Councilmember Meinzen McEnery stated that by leaving Sandy Springs out, it sends the wrong message. The City Council in Alpharetta and Johns Creek has already supported this Resolution.

Motion and Second: Councilmember Meinzen McEnery moved to approve a Resolution relating to House Resolution 900. Councilmember Jenkins seconded the motion.

Motion and Vote: Councilmember Paul offered a substitute motion to table Resolution relating to House Resolution 900. Councilmember DeJulio seconded the motion. The motion carried 4-2, with Councilmember Meinzen McEnery and Councilmember Jenkins voting in opposition.

Consideration of approval of a lease agreement for Heards Road Fire Station.

City Attorney Willard stated that the Heard Road Fire Station could not be purchased at the time the other stations were due to the type of loan transaction applied to that property. The City is under a lease agreement and the term was for one (1) year and a six (6) month renewal. The City is not ready to purchase this Station at this time. Staff and the City Attorney's office recommend the lease agreement continue for a one (1) year term with an additional six (6) month option to extend.

Director of Finance Rapson stated that the City's lease amount per month is \$21,804. It is financed for over 15 years and what the City is doing is paying the County's monthly payment as if they were actually going to pay the entire thing for the year. The City is paying based on the schedule set forth in the COPS Program.

City Manager McDonough explained that there are some other issues on the table right now. This is all part of a collective strategy on how the City is going to deal with those issues.

Councilmember DeJulio explained that by definition the Certificates of Participation have to be annual renewable leases. If they are not annual renewable leases then they become due and payable in full immediately. He questioned if the City had an agreement with the issuing authority that when the payments are complete on this property, if it would be owned by the City at that time.

Director of Finance Rapson stated that no agreement is in place at this time. This section can not be pulled out of the COPS Program; it is a \$142,000,000 issue. The Certificate can only be used for fire related services which is the only use that building can be used for.

City Attorney Willard explained that there are several issues that the City is negotiating with Fulton County. This is part of the negotiation.

Motion and Vote: Councilmember Fries moved to approve the lease agreement for the Heards Road Fire Station for a one (1) year term and a six (6) month option to extend agreement. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Reports and Presentations:

Mayor Galambos urged City Council to fill out the survey form regarding the retreat and turn it in to the City Manager.

Public Comment

Mayor Galambos called for public comment. There were no public comments.

Adjournment

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously. The meeting adjourned at 7:35 p.m.

Date Approved: January 15, 2008



Eva Galambos, Mayor



Christina V. Rowland, City Clerk