

### **Invocation**

Rabbi Scott Saulson, a Sandy Springs community rabbi offered the invocation.

### **Call to Order**

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

### **Roll Call**

**City Clerk Rowland** reminded everyone to silence their cell phones and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or at the conclusion of the meeting under the public comment section, are required to complete a public comment card. They are located at the back counter and need to be turned in to the Clerk. She introduced the council pages Alester Capel, Sandy Springs Middle School, and Hannah Miller, Riverwood High School.

**City Clerk Rowland** called the roll.

**Councilmembers Present:** Councilmember Greenspan, Councilmember Fries, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery.

### **Pledge of Allegiance**

Council Pages Alester Capel and Hannah Miller led the Pledge of Allegiance.

### **Approval of the Meeting Agenda**

**Motion and Vote:** Councilmember Jenkins moved to remove Agenda Item No. 07-165 from the Consent Agenda for discussion. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

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

### **Consent Agenda**

1. Approval of Minutes:
  - a. May 8, 2007 Work Session Minutes
  - b. June 12, 2007 Work Session Minutes
  - c. June 19, 2007 Special Called Meeting Minutes
  - d. June 19, 2007 Regular Meeting Minutes
2. Approval of a Resolution changing the name of the North Fulton Tennis Center to the Sandy Springs Tennis Center.
3. Approval of a management contract with Ivo Barbic for the operation of the Sandy Springs Tennis Center.
4. Approval of a Resolution Accepting the Permanent Construction and Maintenance Easements along Peachtree Dunwoody Road from Saint Joseph's Hospital of Atlanta, Inc.
5. Approval of a Resolution Accepting the Permanent Construction and Maintenance Easements along Peachtree Dunwoody Road from the Hospital Authority of Fulton County.

6. Approval of a Master Agreement with the Fulton Perimeter Community Improvement District (CID) for the Execution of Transportation Improvement Projects.
7. Approval of a Memorandum of Understanding between the City of Sandy Springs and Sandy Springs Revitalization, Inc.
8. Approval of a Contract to Construct Mount Vernon Parkway Sidewalks and Traffic Calming Project T-0007.
9. Approval of the Citywide Resurfacing Contract No. LAU07-S010-00 (456)C1 for Local Assistance Road Program (LARP) projects.
10. **AM07-005** - 6590 Powers Ferry Road - Applicant: Corporate Property Advisors  
To modify condition 3.a. to allow the existing structure at 6590 Powers Ferry Road to remain permanently, and to remove the structure at 6720 Powers Ferry Road instead.
11. **AM07-006** - 5975 Roswell Road (SR 9) - Applicant: *The Simpson Organization*  
To modify the conditions of Z82-0007 to delete the references to the adjacent 3.954-acre property to the west with regard to the use and overall density of the development now known as the Hammond Springs shopping center.
12. **AM07-007** - 5750 Long Island Drive - Applicant: *City of Sandy Springs Public Works Department for First Montessori School of Atlanta* To delete condition 4.c. of U05-0017/CV05-0171, which requires a crosswalk across Long Island Drive at the northern access of the subject site and restriping of the existing deceleration lane.

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

### **Organizational Items**

Judge Carter administered the Oath of Office to Monsignor Donald Kierna who will serve as one of the Chaplains for the Police Department.

### **Presentations**

**City Manager John McDonough** presented the Mayor and City Council with a plaque in recognition of the Cities designation by the Georgia Municipal Association as a Certified City of Ethics. He recognized City Attorney Wendell Willard, City Clerk Kristi Rowland, Board of Ethics members Jim Langlais, Charles Maddrey, Nancy McCord, Al Reddick, Glenn Moffett, Andrew Heyward, and Richard Isenberg.

### **Public Hearings**

#### **Consideration of approval of a Resolution authorizing the abandonment of an undeveloped portion of Green Pine Drive.**

**Public Works Director Parham** stated that this request was made by Mr. David Lawler for the abandonment of a portion of Green Pine Drive being 0.20 acre. She displayed photos of the property.

Mayor Galambos called for public comments.

**Steve Kessler, 75 West Battery Place, Atlanta,** stated that he lives close to this location and uses this access point to the park. He spoke in opposition of this abandonment.

Councilmember Fries clarified that Mr. Kessler uses this as an access point to the park.

**Stephen Block, 220 Morgan Farm Dr.,** stated that he abuts this right of way and members of the public have always used this access to the park. This is the safest entrance into the park. He stated that this right of way has a very valuable use for the citizens of this area.

**Leo Wiener, 5056 Green Pine Drive, Atlanta,** stated that his property abuts this property. He stated that there is a public interest in this property as a public access to the park. He stated that there is a sewer line running through this property.

**David Lawler, 305 River Knoll Drive,** stated that he is the applicant. He stated that he was not aware of these issues. He would like to work with everyone and requested that this be deferred for thirty days.

Mayor Galambos closed the public hearing.

Councilmember DeJulio stated that this property is one of the few viable entrances to the park. He stated that with the consideration of the addition of a dog park, this access is needed.

**Motion and Vote:** Councilmember DeJulio moved to deny the authorization of the abandonment of an undeveloped portion of Green Pine Drive. Councilmember Fries seconded the motion. There was no further Council discussion. The motion carried unanimously.

**Consideration of Approval of a Resolution authorizing the abandonment of a section of the municipal street system known as Forestwood Lane from its intersection with Lake Forrest Drive and running easterly to its termination at a cul-de-sac; Woodgreen Drive from its intersection with Forestwood Lane, and running northerly to its termination at the property now, or formerly, owned by Reddington Townhome Association, Inc.**

**City Attorney Willard** explained that this is the roadways that are internal to a subdivision which has been purchased by the Fulton County School Board for the purpose of building the Forestwood Elementary School. As part of an intergovernmental agreement, upon certification of the purchase of the properties, the City would proceed with the abandonment of that area so that they can construct the school. Included in the intergovernmental agreement, there is the sell of a parcel of land being lot number 14. The City acquired this parcel as a part of right of way acceptance. This is being sold to Fulton County for approximately \$400,000. The City will retain a drainage easement on that parcel.

Mr. Willard stated that there was some question as to the status of the contracts with the School Board for the use of park areas. He stated that Assistant City Attorney Cecil McLendon has been in communication with the School Board regarding this matter. Mr. McLendon has presented a draft of the agreement. This will take at least two weeks to review prior to consideration by both parties.

Mayor Galambos called for public comment. There were no public comments. Mayor Galambos closed the public hearing.

**Motion and Second:** Councilmember Greenspan moved to defer this item to the August 14, 2007 meeting. Councilmember Jenkins seconded the motion.

**Discussion on the Motion:** Councilmember Greenspan explained that this was to allow time to complete the agreements on the parks. If at that meeting, there is not an agreement, he will again defer this item. He explained that the City has been requesting this for 18 months and several seasons have been missed.

Councilmember Fries stated that she is concerned with this and explained that this school needs to be built for these children. She suggested that he withdraw his motion.

Councilmember Jenkins questioned if this would delay any construction. Community Development Director Leathers stated that it could potentially delay the issuance of a Land Disturbance Permit. She stated that Public Works has received the material they need to proceed.

**City Manager McDonough** suggested that staff provide Council with an update on the timeline on this project and the outstanding issues.

Councilmember Meinzen McEnery stated that she concurs with Councilmember Fries. She stated that there is a better way to do this.

Mayor Galambos stated that communications have improved between their attorney and the City's. City Attorney Willard stated that he would take an active role and provide updates of the progress that is being made by the School Board. He explained that there is a contractual obligation that the City is involved in under the intergovernmental agreement. He stated that he would go directly to the School Board President and have her follow through to get this done.

Councilmember DeJulio suggested that the next project be used as leverage.

Councilmember Greenspan stated that his issue is not with the School Board but the School Board Administration. He stated that they are slow in response. They have lost contracts that the City drafted.

**Public Works Director Parham** gave the following update:

Date	Subject	Highlights
2/28/06	Letter from staff	<ul style="list-style-type: none"> <li>• Requested additional information regarding preliminary traffic study</li> </ul>
3/29/06	E-mail from School rep (Bob Leon)	<ul style="list-style-type: none"> <li>• Questions regarding property acquisition</li> <li>• Asking what permits were required</li> <li>• No concept plans submitted</li> </ul>
12/06/06	Written comments from staff provided as part of LDP Process	<ul style="list-style-type: none"> <li>• Comments provided on transportation issues</li> </ul>

Several CORE meetings with the Fulton County School Board, Parsons (Program Manager for the School Board), Community Development staff, and Public Works staff

3/20/07	CORE Meeting with School Board, Community Development and Public Works staff	<ul style="list-style-type: none"> <li>• Staff requested information regarding traffic plans for school site</li> </ul>
3/20/07	E-mail from staff	<ul style="list-style-type: none"> <li>• Staff requested meeting with Traffic Engineer</li> </ul>
3/28/07	Met with architects and traffic engineer	<ul style="list-style-type: none"> <li>• First meeting with traffic engineer</li> </ul>
4/20/07	CORE Meeting	<ul style="list-style-type: none"> <li>• Engineer did not bring requested information</li> <li>• Traffic engineer did not attend as requested to address traffic concerns</li> </ul>
4/23/07	E-mail from school	<ul style="list-style-type: none"> <li>• Parsons requested the additional information we needed for a traffic review</li> </ul>
4/25/07	Phone message from staff	<ul style="list-style-type: none"> <li>• Left message for traffic engineer with additional information needed</li> </ul>

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| 4/26/07 | E-mail from staff  | <ul style="list-style-type: none"> <li>• E-mail to School Board architect regarding additional information needed</li> </ul>   |
| 4/27/07 | E-mail from staff  | <ul style="list-style-type: none"> <li>• Offered meeting dates for 4/30 and 5/1</li> </ul>   |
| 4/27/07 | E-mail from School rep   | <ul style="list-style-type: none"> <li>• Offered meeting dates on 5/2 and 5/3</li> <li>• Parties agreed to meeting on 5/4/07</li> </ul>  |
| 5/4/07  | Meeting with Parsons and Traffic Engineer  | <ul style="list-style-type: none"> <li>• Discussed specific requirements and requested traffic engineer to look at alternatives</li> <li>• Scheduled follow-up meeting for 5/10</li> </ul>   |
| 5/9/07  | Meeting with Parsons and Traffic Engineer  | <ul style="list-style-type: none"> <li>• Presented 3 alternatives</li> <li>• Parsons, Traffic Engineer, and City staff agreed on a hybrid of one of the alternatives presented</li> </ul>  |
| 5/18/07 | CORE Meeting   | <ul style="list-style-type: none"> <li>• Mike Russell stated that the School Board is pursuing condemnation of the 3 remaining residential parcels on the site</li> <li>• Parsons stated that the School Board did not agree with the alternative agreed upon on in the May 9 meeting</li> <li>• Mike Russell stated that the School Board did not know what they wanted to do with the design on the entrances due to the pending condemnations</li> <li>• Angelia asked that this delay on behalf of the School Board be noted in the meeting meetings, as the City's staff has accommodated every request for meetings and made every effort to move this project forward.</li> </ul> |
| 6/12/07 | Met with Parsons and Traffic Engineer  | <ul style="list-style-type: none"> <li>• Accommodated request from Parsons to meet that day regarding traffic issues</li> <li>• Program Manager misstated information from previous meetings, stating that City staff had insisted on full access on Sandy Springs Circle. This is not the case.</li> <li>• Parsons brought back additional alternatives. Parsons and staff made recommendations and created another alternative. This was not the City's preferred option but was reasonable.</li> <li>• City staff requested traffic simulation data from the school's traffic engineer.</li> </ul>  |
| 6/20/07 | City staff received requested traffic simulation information   |  |
| 6/27/07 | Nancy Leathers met with Parsons  |  |
| 7/5/07  | Staff provided comments regarding traffic information  |  |
| 7/5/07  | Traffic engineer requested traffic signal timing information and could have obtained from traffic signals directly |  |
| 7/10/07 | Staff offered to meet traffic engineer in field  |  |
| 7/16/07 | Staff downloaded data and sent to traffic engineer   |  |

She stated that Public Works has provided comments and Community Development issued interim grading and erosion permit. Currently they are awaiting a revised site plan. The transportation and traffic issues are still not resolved regarding the entrances. The building plans have not been submitted.

**Community Development Director Leathers** stated that once the road improvement issues have been addressed, the Land Disturbance Permit can be issued. Discussion followed regarding the property to be condemned by the School Board.

Councilmember Jenkins clarified that staff is waiting on the School Board.

**Assistant City Manager Crace** stated that the criteria from staff was provided to the School Board at the May meeting. The School Board stated that they could perfect that within 10 days and file all their documents for review and permitting. That submission has never been made.

Councilmember Greenspan stated that there is no one present from the School Board. They are not interested in this matter.

**Vote:** The motion carried 3-2 with Councilmember Fries and Councilmember Meinzen McEnery voting in opposition.

### **Rezoning**

**City Clerk Rowland** read the zoning rules.

**RZ06-030/CV06-015 - 8475 Roswell Road (SR9) - Applicant: Popeye's Corporation From C-2 conditional to C-2 to remove the restriction of the use of the property as a gas station only and to allow for the development of restaurant, with concurrent variances.**

**Assistant Director of Planning and Zoning Zehner** stated that the applicant is requesting a deferral of the application for three months. Staff recommends approval of the application with conditions and the concurrent variance with conditions. Staff would request a withdrawal of the application. The application has been in the office since May of 2006 and staff feels it should go back through the process.

Mr. Zehner stated that the applicant is working with the owner to conduct environmental studies due to the underground storage tanks.

Councilmember Fries stated that she would prefer not to withdraw this but to defer.

**Motion and Second:** Councilmember Fries moved to defer consideration of RZ06-030/CV06-015 to the October 16, 2007 Council meeting. Councilmember Greenspan seconded the motion.

**Discussion on the Motion:** Councilmember Meinzen McEnery stated that she has had a lot of experience with environmental studies. For the continuity for the public, Council should withdraw this application.

Councilmember Fries stated that there has never been any public here to discuss this matter.

**City Attorney Willard** stated that the only action Council could take is on the application or to defer. Only the applicant can request a withdrawal.

**Vote:** The motion carried unanimously.

**RZ06-045 - 6526 Cherry Tree Lane (rear), Roswell Road (SR 9) [17 00880006005], Vernon Woods Drive (17 00880006010) Applicant: Sandy Springs Toyota - To rezone from R-3 to C-1 to allow for the development of an employee parking lot for Sandy Springs Toyota.**

**Assistant Director of Planning and Zoning Zehner** stated that this petition is represented by Mike Jackson. The request is to rezone the property from R-3 to C-1 to allow Sandy Springs Toyota to develop an employee parking lot. The applicant has requested withdrawal of the application. The Planning Commission recommended denial of the application. Staff also recommends denial of the application.

**Mike Jackson, 6526 Cherry Tree Lane**, stated that Sandy Springs Toyota requested a withdrawal of the application for rezoning. After the May 31 Community/Developer Resolution Meeting, they realized that using this design was going to be unacceptable. On June 5, he delivered a letter to the City requesting a withdrawal. Later they were told that staff had published the notice for the hearing. The notice was not published in the nine days after the letter was delivered. He stated that he had not planned for the neighbors of Mt. Vernon Woods to have to come to the Planning Commission meeting or to the Council meeting.

He stated that it is very important that this be withdrawn. A new plan will not include the rear of a residence. He understands that is unacceptable. There are 3 acres of undeveloped land behind Sandy Springs Toyota. Two acres are zoned commercial and one is zoned residential. However, there is no access to it.

He explained that they are planning to rebuild the new showroom. When this is done, City standards require a tree be planted every 6 parking spaces. This means they will need a bigger parking lot. He stated that he does not have an acceptable design right now. He is in negotiations with surrounding property owners.

**Steve Vantil, 6532 Cherry Tree Lane**, stated that they have expressed their concerns that they do not want the application withdrawn at this time. They are requesting that the application be denied. He explained that they have been through this process several times.

**Christy Malko, 6542 Cherry Tree Lane**, stated that they strongly disagree with this application and requested that this be denied.

**Janice Roberts, 450 Bridges Creek Trail**, stated that they just moved in and thought it was a protected neighborhood. She explained that there is a threat of encroachment by the business area.

**Barbara Ann Dean, 6430 Vernon Woods Drive**, stated that she sees no benefit in additional parking spaces.

**Mike Jackson, 6526 Cherry Tree Lane**, stated that they do not have any loudspeakers and have only had one application.

Discussion followed regarding what portion of the Sandy Springs Toyota property is currently zoned Commercial.

**Assistant Director of Planning and Zoning Zehner** stated that a denial of a zoning application runs with the land. He also stated that the applicant is not rezoning Sandy Springs Toyota. This is a portion of property that is currently undeveloped. He stated that he also met with Mr. Jackson's development team on their Land Disturbance Permit and Building Permit and recognize that there are issues in providing for the parking lot tree islands. The Ordinance allows them to submit a modified plan and there is not one tree per six spaces. He stated that they are planting the same number of trees on the site.

Councilmember Jenkins stated that this has been going on for a while. She stated that Commercial is on Roswell Road. She suggested that he purchase land along Roswell Road.

Councilmember Meinzen McEnery questioned if this is a protected neighborhood in the Land Use Plan. Mr. Zehner stated that there were no protected neighborhoods in the current Land Use Plan. Councilmember Meinzen McEnery stated that it was protected in the proposed Land Use Plan.

Mayor Galambos closed the public hearing.

Councilmember Fries stated that Council could not rule on something using the proposed Land Use Plan.

Councilmember Meinzen McEnery questioned if the applicant has subdivided the area on Cherry Tree Lane. Mr. Zehner stated that they may have by deed but not through the City. Councilmember Meinzen McEnery stated

that perhaps if this is deferred for no longer than six months and requested that the applicant come back in six months with a plan that would subdivide this area so that there will still be a buffer.

**Motion:** Councilmember Jenkins moved to deny RZ06-045. The motion failed for lack of a second.

**Motion:** Councilmember Meinzen McEnery moved to defer RZ06-045 until the January 15, 2008 Council meeting. The motion failed for lack of a second.

Mayor Galambos questioned if the denial of this application would hinder an application for a Land Disturbance Permit on property that is zoned Commercial on Roswell Road. City Attorney Willard stated that this application only applies to property listed in the application. Other properties the applicant may own would not be affected by this decision.

**Motion and Second:** Councilmember Jenkins moved to deny RZ06-045. Councilmember Fries seconded the motion.

**Discussion on the motion:** Councilmember Jenkins stated that this only applies to this parcel on Cherry Tree and the parcel north on Cherry Tree. This does not prevent the Jackson family from doing anything else.

Councilmember Meinzen McEnery suggested that this be withdrawn or deferred and the applicant be allowed to subdivide the property in the gray area so that part of it becomes C-1. She stated that this will allow them some parking to facilitate his structure.

Councilmember Fries questioned if this property was subdivided, would there be enough land to construct parking

Mayor Galambos stated that the Council can not determine the best way to develop this property. They can only consider the application before them.

**Vote:** The motion carried 3-2 with Councilmember DeJulio and Councilmember Meinzen McEnery voting in opposition.

**RZ07-007 - 6058, 6068, 6078 Harleston Road - Applicant: Southland Development Group, LLC To rezone from R-3 to R-5 for the development of five single family lots.**

**Assistant Director of Planning and Zoning Zehner** stated that the petitioner is Southland Development Group, LLC represented by Jon Gallinaro. The applicant is requesting to rezone from R-3 to R-5 for the development of five single family lots at a density of 2.81 units per acre. The Planning Commission has recommended approval of the rezoning request. Staff recommends approval of the request to R-4 for four single-family residential lots at a density of 2.25 units per acre with conditions listed in the staff report. The Design Review Board recommended denial.

**Pete Hendricks, 6085 Lake Forrest Drive,** stated that this application has had discussion around it regarding a deferral. He stated that the applicant is agreeable to a deferral. He stated that this property a 1.78 acre tract of land on the westerly side of Harleston and is contiguous on the west to property that has frontage on Boylston. The Land Plan recommends two to three units per acre for residential development. The applicant is requesting a density of 2.81 units per acre which complies with the recommendation of the Land Plan. On the Land Plan, the property contiguous, to the west, facing on Boylston, technically is listed under live work community. The Citizen's Advisory Committee has recommended a change to Residential 5-8 units per acre.

He stated that this did not go to the R-5 designation due to density or minimum lot size purposes. He stated that many of the properties on Harleston are rental properties. The applicant is proposing a redevelopment that in size and scale will not be out of line with the existing homes. The proposed homes would be minimum heated floor

areas in the 2,400 to 3,000 square feet range. He stated that they submitted approximately 16 letters of support for this application as presented.

**Jon Gallinaro, Southland Development Group**, stated that this was originally a seven-lot assemblage. This was an opportunity for revitalization in Sandy Springs. He stated that the housing market is not that strong and they do not want to be in a position where they are building this size product and do not feel that the character fits. In the meetings with the surround homeowners, some of the concerns were that they would develop the lots then sell to a builder. He stated that they have some conceptual designs and are committed to do the development and build the homes. He stated that this project would also bring utilities to the site. This would also benefit the remainder of the street as well. He stated that a meeting was held in which the applicant stated that they would like to buy all the properties. After that meeting, they bought a couple more lots. They needed a continuous assemblage in order to make density work. There are other lots on the street they are looking to purchase.

Mayor Galambos called for public comments.

**Martha Mersereau, 5890 Pinebrook Road, Atlanta**, stated that she is opposed to the proposed rezoning on Harleston Road. They have been promised that the interior of the neighborhood would remain at the current zoning which includes a minimum requirement for setbacks. If approved, this would set precedence where developers could create small assemblages on any neighborhood street by requesting zoning and setback changes. She stated that this would create destabilization of their neighborhood. She requested denial of this petition.

**Christine Schroeder, 5880 Pinebrook Road, Atlanta**, stated that this developer came into the area, bought a lot, tore down the house, and built a mansion. Now he is coming back because the market has changed. This is a protected neighborhood. It will not stop on this street. They would not be opposed to one single family home.

**Doug Falciglia, 5925 Brookgreen Road**, stated that the City of Sandy Springs zoning standards shows that areas in land use planning density of two to three units per acre zoned R-3 or R-3a have a minimum lot width requirement of 100 feet. Approving this application would be corrupting the City's zoning standards. He requested that Council deny this application and recommended that the applicant replace the homes on a one-for-one basis.

**Patty Berkovitz, 800 Crest Valley Drive**, stated that the Sandy Springs Council of Neighborhoods supports the neighbors' position on this and look for a denial. She stated that the Citizen's Advisory Committee did not recommend a change in density to this area.

**Ellen Collins, 593 Lorell Terrace**, stated that Harleston is on the interior of this neighborhood and Council pledged to protect these areas. The developer could begin encroaching onto Hilderbrand and the next street. They agree with the improvement of the property. They disagree with the setbacks and while it is not higher density, it has the feel and look of higher density. She requested that this be deferred because Councilmember Paul is absent and this is in District 3.

**Peter Hendricks, 6085 Lake Forrest Drive**, stated that the property adjacent and contiguous is currently live work community. It has been recommended to be changed to Residential 5-8. The designation in this area has not changed. It has been and continues to be Residential 2-3. The request before Council is for 2.81 units per acre which complies with the Residential 2-3 designation. Over 80% of the homes along Harleston are rental properties. This would be a stabilization of this street. They feel the proposal before Council is in basic keeping with the relative scale of the homes in the area. Approximately half of the support letters received are from homeowners in the immediate area. Most of the comments heard tonight are from homeowners not in the immediate area. He requested approval of the petition and stated that the application is agreeable to a deferral if necessary.

Mayor Galambos asked for any further public comments. There were none. She closed the public hearing.

Councilmember Fries stated that she understands the need to protect the neighborhood. However, Harleston and Boylston have been a detriment to the neighborhood. This is hurting the property values. There is a possibility of doing some great things on Harleston.

**Motion and Second:** Councilmember Fries moved to approve RZ07-007 with the stipulation that the property remain zoned R-3 for the development of four (4) single family lots; the front lot width be a minimum of 75 feet; the front setback to be 50 feet; the side setback to be 10 feet; the rear setback to be 25 feet; the owner/developer shall dedicate 25 feet of right of way from centerline of Harleston, along the entire property frontage or 10 ½ feet from the back of the curb; frontage improvements including curb, gutter and sidewalk must be installed prior to issuance of any building permits for any lot in this development. Councilmember Jenkins seconded the motion.

**Discussion on the motion:** Councilmember DeJulio stated that this developer has stated that he is in negotiation on the rest of the property on both sides of Harleston depending on the outcome of this petition. He stated that this could be an increase from 18 homes to 24 homes. He stated that they have pledged to protect neighborhoods. This would be protecting a developer. The barrier of this neighborhood is the perimeter. This could cause homeowners to let their homes deteriorate in order to get higher density. He stated that Mr. Gallanaro told him that he paid too much for the lots. On his bad business judgment, the applicant is requesting to build more homes because he was not a good businessman. The Council is here to protect the residents. The City has committed to protecting the neighborhoods.

Councilmember Meinzen McEnery questioned how many people present live on Harleston. One person raised their hand. She questioned if this would be granting a variance. City Attorney Willard stated that this would be setting down conditions for the manner in which the property is to be developed.

Councilmember Meinzen McEnery stated that she is troubled by the fact that 80% of the homes on this street are rentals. She stated that the City has an obligation to cheer blight in areas. She stated that reducing the density from 5 to 4 is a reasonable accommodation.

Councilmember Greenspan stated that he is likely to increase the density on the exterior of the neighborhood but reserve the interior. He stated that this is the interior of the neighborhood and should be protected.

Councilmember Jenkins stated that this is a good solution. It does not decimate the neighborhood.

Councilmember Fries stated that the density of R-3 is 2.42 units per acre and the applicant has requested 2.29 units per acre.

**Vote:** The motion failed 2-3 with Councilmember Greenspan, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in opposition.

**Motion and Vote:** Councilmember DeJulio moved to defer RZ07-007 to the August 21, 2007 Council meeting. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried 3-2 with Councilmember Greenspan and Councilmember Fries voting in opposition.

**RZ07-013 - Birkenhead Drive (17 0031LL063, 17 0031LL0028) Applicant: Sewell Appliance To rezone from C-2 conditional to C-2 for the development of an 18,450 square foot retail appliance store.**

**Assistant Director of Planning and Zoning Zehner** stated that the applicant, Sewell Appliance, is represented by Pete Hendricks. The applicant is requesting to rezone the subject property from C-2 conditional to C-2 for the development of an 18,450 square foot retail appliance store. There are no concurrent variances as part of this request. The Planning Commission recommended approval and would like to inform Council that they were impressed that this is one of the first applications to come forward not asking for any concurrent variances from regulations of the Ordinance. Staff recommends approval with conditions listed in the staff report.

**Pete Hendricks, 6085 Lake Forrest Drive**, stated that the request is to rezone from C-2 to C-2. The property is currently used as a parking lot. He stated that Sewell Appliances has been a long time member of the Sandy Springs community. He stated that the surrounding zoning is compatible with the zoning request before Council. He stated that they had the unanimous support of the Planning Commission for the approval of the application as requested. He requested approval of the application as conditioned by the staff.

**Assistant Director of Planning and Zoning Zehner** stated that staff is requesting to add a condition 3.f. that all vehicular access be derived from Birkenhead Drive. There would be no direct access onto Trowbridge.

Councilmember Jenkins clarified that they would still have a Trowbridge address.

Mr. Hendricks requested that this be left up to the permitting stage.

Councilmember Jenkins stated that curve has limited sight distance.

**Andy Sewell, 6125 Roswell Road**, stated that he agrees with Mr. Hendricks. He stated that they do not want to cause a safety issue. However, he would like to have the input of professional when it gets to that point.

**Assistant Director of Planning and Zoning Zehner** stated that the request for this condition to be added came from the City's transportation department and staff is requesting that it be conditioned as such.

Mayor Galambos stated that Sewell Appliance may be the longest continuous business in Sandy Springs.

Mayor Galambos opened the public hearing and called for public comments. There were none.

Mayor Galambos closed the public hearing.

Councilmember Meinen McEnery questioned if the stream on the southern end of this property is piped.

Mr. Sewell stated that he is not aware of a stream. However, there is a large detention pond on the property. Assistant Director of Planning and Zoning Zehner stated that there is not a stream on this property.

**Motion:** Councilmember Jenkins moved to approve RZ07-013 rezoning property located on Birkenhead Drive from C-2 conditional to C-2 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Commercial and associated accessory uses at a density of 3,397.79 square feet per acre or 18,450 square feet, whichever is less. The following uses permitted under the C-2 (Commercial District) zoning classification are prohibited: Amusements, Indoor; Apartments, Above or Behind Commercial and Office uses in the Same Building; Assembly Halls; Automotive Specialty Shops; Convalescent Center/Nursing/Hospice; Group Residences; Gymnasiums; Hotels; Health Club/Spa; Millinery or Similar Trade whenever products are sold retail, exclusively on the site where produced; Motels; Personal Care Homes; Restaurants; Service Stations; Stadiums; Theaters; Recycling Centers, Collecting; Automobile & Light Truck Sales/Leasing; Batting Cage, Outdoor; Car Wash; Check Cashing Establishment; Drive-in Theater; Laundry and/or Dry Cleaning Plant Distribution Center. Including processing, fabrication or manufacturing; Pawn Shop; Tinsmithing Shop associated with retail sales.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated April 3, 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 twenty-five (25) feet of right-of-way from centerline of Birkenhead 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. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Trowbridge 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.
  - c. To a maximum illuminance level of 0.5 footcandles along all property lines abutting residentially zoned property.
  - d. The light source of all external lighting in the development shall be screened and shall not be directly visible from adjoining residential properties.
  - e. At the time of application for a Land Disturbance Permit, the owner/developer shall be required to submit a photometric study detailing the illuminance level as outlined in condition 3.d. and illustrating the proposed lighting fixtures.
  - f. All vehicular access must derive from Birkenhead Drive.

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

#### **Use Permit**

**U07-004/CV07-013 - 4934 Peachtree-Dunwoody Road - Applicant: Mini Mensa Prep A use permit to allow for the development of a 12,077 square foot private school, with concurrent variances.**

**Assistant Director of Planning and Zoning Zehner** stated that the petitioner is Mini Mensa Prep, represented by Karen Schneider. The applicant is requesting a use permit to allow for the development of a 12,077 square foot private school with a day care. The proposed school will serve a maximum of 180 students in 9 classrooms. In addition, there are 9 concurrent variances. The Planning Commission recommended denial of this application. Staff recommends denial of the application. The applicant, prior to the Planning Commission meeting, indicated that they would like to withdraw the application. The property owner is present to discuss the withdrawal.

**Danna Aiken, 4934 Peachtree Dunwoody Road, Atlanta,** stated that she and her husband own the property in question. She respectfully requests the withdrawal of this application as the buyer, who was the applicant for the use permit, terminated the contract on June 1.

Mayor Galambos opened the public hearing and called for public comments.

**Harriett Mills, 975 W. Kingston Drive, Ridgeview Neighborhood Civic Association,** stated that she has been working with the neighbors along Peachtree Dunwoody Road. She stated that many people did not return tonight because they thought the issue was dead because the Planning Commission recommended denial. This is still a concern with the residents and they request denial of the application.

**Ms. Aiken's real estate agent,** stated that when the contract was negotiated, it was stated that if the City was going to deny the request, the applicant would withdraw the request.

Mayor Galambos stated that the City has a process in place regardless of the contract between other parties.

**Assistant Director of Planning and Zoning Zehner** explained that once an application for rezoning or a use permit or modification has been advertised, the City must hear the application.

Councilmember Jenkins questioned if a denial would harm this property. Mr. Zehner stated that this is different than a rezoning request.

**Jamie Bardin, 1040 Balmoral Road**, stated that many of his neighbors are opposed to this application and requested that this be denied.

**Susan Fisher, 1083 Dunroven Drive, Atlanta**, stated that her subdivision is opposed to this.

**Danna Aiken**, stated that she is concerned that a denial would harm the residential sale of this property.

**Assistant Director of Planning and Zoning Zehner** stated that a denial of this request would not encumber this property from filing a variance application.

**Danna Aiken**, stated that she did not understand why there had to be a denial of this application when there was no contract.

Mayor Galambos stated that the existence of a contract did not govern action taken by the Council.

**Motion and Vote:** Councilmember DeJulio moved to deny U07-004/CV07-013. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried unanimously.

**U07-005 - 5855 Riverside Drive - Applicant: St. Andrews Presbyterian Church A use permit to allow for 10,000 square feet of the existing 25,000 square foot church building to be used for a special foreign language school with a preschool/kindergarten component.**

**Assistant Director of Planning and Zoning Zehner** stated that the petitioner is Tabula Rasa Academy, represented by Besa Tarazhi. The applicant is requesting a use permit to allow for 10,000 square feet of the existing 25,000 square foot church building to be used for a foreign language school with a preschool/kindergarten component. The proposed school will serve a maximum of 60 students from the six existing classrooms. There are no concurrent variances as a part of this request. The Planning Commission recommended approval with an amendment to condition 1.c allowing for the hours of operation to be extended from 8:00 a.m. to 5:00 p.m. Staff recommends approval of the use permit with those conditions as listed in the staff report allowing for the proposed use to operate in the manner consistent with the proposal of the applicant.

**Besa Tarazhi, school principal**, stated that they have been in existence since 2001. They have been teaching classes for adults and children in the metro area. They teach foreign languages to Americans. They are requesting to begin a preschool/kindergarten program at the Church of St. Andrews. The existing classrooms are currently used for Sunday School. They are requesting to use them during the week. The program will be from 9:00 a.m. to 1:00 p.m. and 1:30 p.m. to 4:30 p.m. The program will offer Spanish and French.

Mayor Galambos opened the public hearing and called for public comment.

**Ed May, 280 Riverhill Drive**, stated that he is a member at the Church of St. Andrew. They embrace the recommendations here and think this is an added asset to the community and the church.

**Matt Eads, 5790 Riverside Drive**, stated that he is not opposed to the school but would like some additional things prior to approval. He stated that this is a serious bottle-neck problem. He explained the traffic congestion in the area. He requested that this be addressed. He also stated that section 19.4.40 of the City's

Zoning Ordinance requires an applicant to submit a noise study pursuant to section 28.4.6. He stated that this was not submitted. He also stated that this is setting precedence.

**Besa Tarazhi**, stated that traffic is an issue but is not due to the school. They have suggested a gate be placed at the entrance to the church to prevent cars from turning around. This would only cause the cars to go into the neighborhood. They are not planning to install a gate.

Mayor Galambos closed the public hearing.

Councilmember Meinzen McEnery questioned if the school would go away if the church went away. Mr. Zehner explained that the use permit runs with the land and therefore the use would not be removed. She clarified that if the church went away, the school could continue to operate. Mr. Zehner stated that there is a set square footage, per the conditions, that can be used for the school.

Councilmember Meinzen McEnery questioned if the traffic problems would be addressed during the permitting process. Mr. Zehner stated that they are not requesting any site changes and do not require a Land Disturbance Permit.

Councilmember Meinzen McEnery stated that creating a use with the church is not precedence setting.

Councilmember Fries requested clarification of the noise study. Mr. Zehner stated that there is a requirement for a noise study report if it is found to be applicable. He explained that this requirement is not to determine the level of noise that the proposed use is producing. He explained that it is to determine how a proposed use might be encumbered by noise produced from surrounding properties. This is referring to ambient noises caused by airports, trains, or traffic that may encumber or limit the viability of a project.

Councilmember Greenspan questioned who decides if a noise study is applicable. Mr. Zehner stated that he and Community Development Director Leathers makes the decision. Councilmember Greenspan questioned if a study was required for this property. Mr. Zehner stated that this is an existing building and there would be no benefit to requiring the applicant to conduct a noise study.

**Motion:** Councilmember Meinzen McEnery moved to approve U07-005 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. A foreign language school with a preschool/kindergarten component at a maximum density of 985.92 square feet per acre or 10,000 square feet, whichever is less.
  - b. To a maximum of 60 students.
  - c. The hours of operation shall be limited to 8:00 a.m. to 5:00 p.m.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated April 3, 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 owner/developer shall submit an approved state operating license to the Department of Community Development prior to the issuance of a Certificate of Occupancy for the preschool use.
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 Riverside 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. The light source of all external lighting in the development shall be screened and shall not be directly visible from adjoining residential properties.

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

### **Zoning Modification**

**ZM07-004/CV07-015 - 5416 & 5424 Glenridge Drive - Applicant: ALPHA 7, LLC To modify conditions 2.a., 3.a., and 3.d. of Z89-0023 to substitute the existing site plan and to allow for the installation of decked parking, with concurrent variances.**

**Assistant Director of Planning and Zoning Zehner** stated that the petitioner is ALPHA 7, LLC, represented by Pete Hendricks. The applicant is requesting a zoning modification to modify conditions 2.a., 3.a., and 3.d. of Z89-0023 and ZM02-0011 and three concurrent variances. This is for the construction of an above-ground parking structure. Staff has provided conditions if Council approves this request. The applicant has filed a rezoning request. Staff is recommending a deferral of this until the rezoning request is considered.

**Pete Hendricks, 6085 Lake Forrest Drive**, stated that the applicant is agreeable to a deferral. He stated that the applicant purchased this for their U.S. headquarters. It was later determined that this would be their world headquarters and therefore, the adjacent property was purchased. He explained where the parking structure was planned to be located. He stated that there has been discussion regarding taking down the two residences and creating an open park. The applicant was willing to do this including the maintenance, up-keep and security. The community was then worried about safety issues with a park. The prevailing comments were to maintain these residences.

**Marco Rebuffi, 5424 Glenridge Drive, President of ALPHA**, explained the need for parking. He stated that he will do what needs to be done to ensure the community gets what it wants so that he can get a parking lot.

Mayor Galambos called for public comments.

**Raul Trujillo, 358 Tall Oaks Drive**, explained that the neighborhood is opposed to this parking deck. This is a protected neighborhood. They have had several meetings with the applicant and do not agree with any of his ideas.

**Pattie Sullivan, 5530 Benton Woods Drive, High Point Civic Association Board Member**, stated that they have not entered into an agreement with Mr. Rebuffi on his changes suggested. She stated that a petition has been signed by 49 residents in opposition of this parking deck.

**Christy Aylies, 338 Tall Oaks Drive**, stated that this sets a bad precedence. She stated that the buffer will not help the residents.

**Doron Lubinsky, 318 Tall Oaks Drive, Atlanta**, stated that he is completely opposed to this parking deck. He stated that they can buy space on Glenridge Drive for this parking deck.

**Elaine Reiner, 327 Tall Oaks Drive**, stated that she is afraid that they will lose the integrity of the neighborhood. It is quiet and the thought of a parking deck is scary. She stated that there is a stream that runs through her property.

**Elaine Escher, 436 Tall Oaks Drive**, stated she has done over \$100,000 in renovations to her home and is concerned with a parking deck on their street. This is a transitional neighborhood. She expressed concern regarding the resale value of the homes.

**T. J. Houghton, 388 Tall Oaks Drive**, stated that the applicants intended use includes the construction of a training center on the property.

**John Richmond, 388 Tall Oaks Drive**, stated that they do not want a parking deck in that location.

**Jennifer Knight, 5571 Benton Woods Drive, Atlanta**, stated that she is opposed to ZM07-004/CV07-015. This is a single-family residential neighborhood and expect to remain as such. They have no desire for a parking deck or a park.

**Pete Hendricks, 6085 Lake Forrest Drive**, stated that they will be requesting a rezoning on the rectangle property on the rear of the residential lot. It makes sense to have as many alternatives as possible. The applicant has agreed that this property will be encumbered as residential use. There will be no effort to rezone either one of the properties. The applicant attempted to purchase property zoned O-I to the west. They received no response to this attempt. He requested a deferral of this application until the zoning request comes forward.

Mayor Galambos closed the public hearing.

**Motion and Second:** Councilmember Fries moved to defer ZM07-004/CV07-015 to the November 20, 2007 Council meeting. Councilmember Greenspan seconded the motion.

**Discussion on the motion:** Councilmember Meinzen McEnery stated that she would not support a deferral. The applicant has already submitted a rezoning request. She is going to vote to deny the motion and deny this request. Councilmember DeJulio stated that there is a four story parking deck behind his house. He suggested that a plan be developed to completely screen this parking deck from Tall Oaks.

Councilmember Jenkins stated that she would not support the deferral of this request.

**Vote:** The motion carried 3-2 with Councilmember Jenkins and Councilmember Meinzen McEnery voting in opposition.

Mayor Galambos requested that they applicant bring elevations.

### **Alcoholic Beverage Licenses**

**Consideration of approval of an Alcoholic Beverage License for Tony's Sports Bar and Grill at 8610 Roswell Road, Suite 450 Sandy Springs, Georgia 30350. Applicant is Nader Mahroum for Consumption on premise Wine, Malt Beverage, and Distilled Spirits.**

**Assistant City Manager Crace** stated that the applicant has addressed all previous issues and staff recommends approval.

Councilmember Fries stated that she is happy they are in her neighborhood.

Mayor Galambos called for public comments.

**Rachel Humphrey, Attorney for Applicant**, stated that Mr. Mahroum takes the comments made at the last meeting seriously and he has been counseled regarding the repercussions of violating any City of Sandy Springs Ordinances.

Mayor Galambos closed the public hearing.

**Motion and Vote:** Councilmember Fries moved to approve the Alcoholic Beverage License for Tony's Sports Bar and Grill at 8610 Roswell Road, Suite 450 Sandy Springs, Georgia 30350. Applicant is Nader Mahroum for Consumption on premise Wine, Malt Beverage, and Distilled Spirits. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of an Alcoholic Beverage License for La Rumba at 6317 Roswell Road, Sandy Springs, Georgia 30328. Applicant is John S. Woo for Consumption on premise Wine, Malt Beverage, and Distilled Spirits.**

**Assistant City Manager Crace** stated that all administrative issues have been dealt with and staff recommends approval. Staff has prepared additional information requested. City Attorney Willard stated that the requested police reports can not be considered as a part of an alcoholic beverage license application.

Mayor Galambos stated that Council has received complaints regarding the noise. She requested that this be kept to a minimum.

**Motion and Vote:** Councilmember Meinzen McEnerny moved to approve the Alcoholic Beverage License for La Rumba at 6317 Roswell Road, Sandy Springs, Georgia 30328. Applicant is John S. Woo for Consumption on premise Wine, Malt Beverage, and Distilled Spirits. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of Alcoholic Beverage License Application (006689) for Mellow Mushroom at 6100 Roswell Road, Sandy Springs, GA 30328. Applicant is Michel Nicolaos Panos for Consumption on Premise Wine and Malt Beverage.**

**Assistant City Manager Crace** stated that this license application has been reviewed and staff recommends approval.

Mayor Galambos called for public comments. There were none.

**Motion and Vote:** Councilmember Fries moved to approve the Alcoholic Beverage License Application (006689) for Mellow Mushroom at 6100 Roswell Road, Sandy Springs, GA 30328. Applicant is Michel Nicolaos Panos for Consumption on Premise Wine and Malt Beverage. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of Alcoholic Beverage License Application (006624) for Sultan Restaurant at 5920 Roswell Road, Sandy Springs, GA 30328. Applicant is Nasser Samad for Consumption on Premise Wine and Malt Beverage.**

**Assistant City Manager Crace** stated that this has been reviewed and staff recommends approval.

Mayor Galambos called for public comments. There were none.

**Motion and Vote:** Councilmember Jenkins moved to approve the Alcoholic Beverage License Application (006624) for Sultan Restaurant at 5920 Roswell Road, Sandy Springs, GA 30328. Applicant is Nasser Samad for Consumption on Premise Wine and Malt Beverage. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of Alcoholic Beverage License Application (004340) The Bookhaus & Company at 227 Sandy Springs Place, Ste. 304-306, Sandy Springs, GA 30328. Applicant is Kandaria Thomasene Brown for Consumption on Premise Wine and Malt Beverage.**

**Assistant City Manager Crace** stated that this has been reviewed and staff recommends approval.

Mayor Galambos called for public comments. There were none.

**Motion and Vote:** Councilmember Fries moved to approve the Alcoholic Beverage License Application (004340) The Bookhaus & Company at 227 Sandy Springs Place, Ste. 304-306, Sandy Springs, GA 30328. Applicant is Kandaria Thomasene Brown for Consumption on Premise Wine and Malt Beverage. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of Alcoholic Beverage License Application (000528) for Nothing But Noodles at 6080 Roswell Road, Sandy Springs, GA 30328. Applicant is Kang In Sook for Consumption on the Premise Wine and Malt Beverage.**

**Assistant City Manager Crace** stated that this has been reviewed and staff recommends approval.

Mayor Galambos called for public comments. There were none.

**Motion and Vote:** Councilmember Fries moved to approve the Alcoholic Beverage License Application (000528) for Nothing But Noodles at 6080 Roswell Road, Sandy Springs, GA 30328. Applicant is Kang In Sook for Consumption on the Premise Wine and Malt Beverage. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion carried unanimously.

### **New Business**

**Consideration of approval of a Resolution approving the name change of West Nancy Creek Drive to Curry Drive.**

**Assistant Director of Planning and Zoning Zehner** stated that staff has added some background to the Resolution. He read the following excerpt from the Resolution:

**WHEREAS**, the name Curry Drive is derived from longtime residents and owners of property along the street, Ronald William Curry and family.

**WHEREAS**, Ronald William Curry was a local businessman and owner of a commercial real estate appraisal firm, Curry & Associates, later Curry-Carter & Associates; and

**WHEREAS**, Ronald William Curry, an avid fisherman, drag and stock car racer, overcame the adversity of being wheelchair bound later in life due to paralysis from spinal degeneration caused from a drag car racing injury, and continued to excel and expand his business interests; and

**WHEREAS**, based on Mr. Curry's ability to succeed in the face of overwhelming adversity, the Georgia State Athletic Association named an award in his honor, the Ron Curry Determination Award, awarded each year to two athletes who have overcome adversity;

**NOW, THEREFORE**, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt the following Resolution:

The Mayor and City Council of the City of Sandy Springs do hereby approve the street name change of West Nancy Creek Drive to Curry Drive.

**Motion and Vote:** Councilmember DeJulio moved to approve a Resolution approving the name change of West Nancy Creek Drive to Curry Drive. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of Approval of an Ordinance amending Chapter 8, Recreation and Parks, Article 4, Parks and Park Facilities Commercial Use Policy establishing a commercial use policy for the City's Parks and Park Facilities.**

**Assistant City Manager Crace** stated that this was explained at the work session.

Mayor Galambos called for public comments. There were none.

**Motion and Vote:** Councilmember Fries moved to approve an Ordinance amending Chapter 8, Recreation and Parks, Article 4, Parks and Park Facilities Commercial Use Policy establishing a commercial use policy for the City's Parks and Park Facilities. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of Approval of an Ordinance amending Chapter 13, Traffic and Public Roadways, Appendix A and Authorize the Mayor to sign the modified List of Roadways for submittal to the Georgia Department of Transportation.**

**Public Works Director Parham** stated that this was discussed at the work session.

Mayor Galambos called for public comments. There were none.

Councilmember Fries questioned if the name change for Huntcliff had been made. Ms. Parham stated that it would be made in next year's update.

**Motion and Vote:** Councilmember Fries moved to approve an Ordinance amending Chapter 13 of the City of Sandy Springs Code of Ordinances to approve the modified list of roadways and maximum posted speed limits on said roadways of the road system of the City of Sandy Springs. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of Approval of an Ordinance amending Chapter 9, Building Code, Article 2, Administrative Procedures for Enforcement of Adopted Codes, Section 7, Permits, (h), Inspections, (v) to ensure the posting of a permit and posting of work hours.**

**Assistant Director of Building and Development White** stated that this was discussed at the work session.

Councilmember DeJulio questioned if the signs would be printed in both English and Spanish. Mr. White stated that they would.

Mayor Galambos called for public comments. There were none.

**Motion and Vote:** Councilmember Jenkins moved to approve an Ordinance amending Chapter 9, Building Code, Article 2, Administrative Procedures for Enforcement of Adopted Codes, Section 7, Permits, (h), Inspections, (v) to ensure the posting of a permit and posting of work hours. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of Approval of an Ordinance to amend the International Property Maintenance Code to adopt regulations regarding the discharge of swimming pools.**

**Assistant Director of Planning and Zoning Zehner** stated that this provides major and minor discharge rules for the discharge of swimming pools. Councilmember Fries clarified that this applied to hot tubs as well.

**Assistant Director of Planning and Zoning Zehner** stated that this also allowed staff to work with people putting in new pools to determine the best location for the discharge.

Councilmember Fries questioned if you have to get a permit to empty a hot tub. Mr. Zehner stated that you only have to notify the City.

Mayor Galambos called for public comments. There were none.

**Motion and Vote:** Councilmember DeJulio moved to approve an Ordinance to amend the International Property Maintenance Code to adopt regulations regarding the discharge of swimming pools. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval to allocate resources from the Tree Fund for Allen Road Park Stream Revegetation Project.**

**Community Development Director Leathers** stated that this is the proposal to purchase trees and use the community service program to repair the stream bank at Allen Road Park. This could be pursued in other parks as well.

Councilmember Meinzen McEnery questioned how much money is in the tree fund. Assistant City Manager Rapson stated that there is approximately \$101,000. She questioned if the Police Department would be patrolling this park to ensure vandals do not harm the trees.

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve the allocation of resources from the Tree Fund for Allen Road Park Stream Revegetation Project. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of a Retainer contract for City Attorney.**

**City Manager McDonough** stated that staff promised to bring this forward in the month of July. He apologized for not having it at the work session. He recommended that this be deferred until the August work session.

**Motion and Vote:** Councilmember Jenkins moved to defer consideration of this item to the August 14, 2007 Work Session. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Consideration of approval of a Resolution authorizing Volunteer Firemen, Certified Volunteer Policemen and elected officials of the City of Sandy Springs to be covered under Workers' Compensation.**

**Assistant City Manager Rapson** explained that GIRMA requires this Resolution in order for Volunteer Policemen and Firemen, as well as elected officials, to be covered under Workers' Compensation.

**Motion and Vote:** Councilmember DeJulio moved to approve a Resolution authorizing Volunteer Firemen, Certified Volunteer Policemen and elected officials of the City of Sandy Springs to be covered under Workers' Compensation. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Approval of the Citywide Resurfacing Contract No. LAU07-S010-00 (456)C1 for Local Assistance Road Program (LARP) projects.**

**Public Works Director Parham** stated that staff would like to amend this project by replacing Dalrymple with a replacement street of similar pavement condition. She stated that they are suggesting Glenridge Drive from Abernathy to Glenridge.

**Motion and Vote:** Councilmember Jenkins moved to approve the Citywide Resurfacing Contract No. LAU07-S010-00 (456)C1 for Local Assistance Road Program (LARP) projects replacing Dalrymple with a street of similar

condition and length. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

**Public Comment**

**Mike Michel, 5243 Glendridge Drive**, complemented the Mayor and Council on their great job. He requested that the City contact the postmaster of the Glenridge Post Office regarding their lawn. He stated that it is overgrown. Councilmember DeJulio stated that he would contact Congressman Lewis' office regarding this matter.

**Executive Session-litigation**

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss litigation. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Greenspan, Councilmember Fries, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session began at 9:50 p.m.

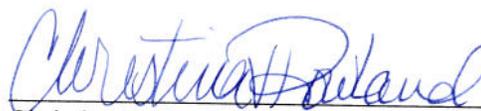
**Motion and Vote:** Councilmember Fries moved to adjourn Executive Session. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Greenspan, Councilmember Fries, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 9:55 p.m.

**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 10:00 p.m.

Date Approved: **August 21, 2007**

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

  
\_\_\_\_\_  
Christina V. Rowland, City Clerk

**CITY OF SANDY SPRINGS, GA**

STATE OF GEORGIA  
FULTON COUNTY

July 17, 2007

**AFFIDAVIT FOR EXECUTIVE SESSION**

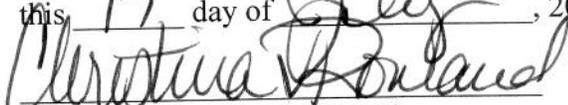
Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 17<sup>th</sup> day of July, 2007, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.

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

Sworn to and subscribed before me,  
this 17 day of July, 2007.

  
\_\_\_\_\_  
Notary public (SEAL)

CHRISTINA V. ROWLAND  
Notary Public, Fulton County, GA  
My Commission Expires Oct 30, 2010