Regular Meeting of the Mayor and City Council of Sandy Springs was held December 5, 2006 at 7:00 PM, Mayor Eva Galambos presiding.

Invocation

Dr. Carol Strickland, Mt. Vernon Presbyterian, Associate Minister gave the invocation.

Call to Order

Mayor Galambos called the meeting to order at 7:00 p.m.

Roll Call and General Announcements

Mayor Galambos requested that the City Clerk call the Roll.

Acting 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.

Acting City Clerk Rowland called the roll.

Councilmembers Present: Councilmember Dianne Fries, Councilmember Karen Meinzen McEnerny, Councilmember Dave Greenspan, Councilmember Ashley Jenkins, Councilmember Rusty Paul, and Councilmember Tibby DeJulio.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance.

Approval of Meeting Agenda

Acting City Clerk Rowland stated the first agenda item is the approval of the Meeting Agenda

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda as presented. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

Consent Agenda

1. Approval of the November 16, 2006 Work Session Minutes.
2. Approval of the November 21, 2006 Regular Meeting Minutes
3. City Acceptance of bids for the purchase of vehicles for the Fire Department.

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda as presented. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

Presentations

CH2M Hill to Friends of Sandy Springs

Program Director Rick Hirsekorn stated on behalf of CH2M Hill, OMI in appreciation for the opportunity they have had, he presented the "Friends of Sandy Springs" with a $15,000 contribution. He expressed their gratitude and appreciation for the opportunity to work with the Mayor and City Council through the Public/Private Partnership and looks forward to many more years of this partnership.

Councilmember Jenkins announced that this effort has been widespread and she too has received several contributions. She stated that contributions have been received from David Baker, First Community and other individuals in Sandy Springs.

Councilmember Fries presented a contribution from the Dutson Family Foundation.

Mayor Galambos expressed her thanks to everyone for their contributions.

Public Hearings

Budget

Public Hearing to receive input regarding the Amended General and Emergency 911 Fund Budgets for Fiscal Year 2007 (July 1, 2006 through June 30, 2007)

Acting City Clerk Rowland stated the next agenda item is for a public hearing to receive input regarding the Amended General and Emergency 911 Fund Budgets for Fiscal Year 2007. This is the first reading of an Ordinance Amending Budgets for the Fiscal Year 2007 For General and E-911 Fund of the City of Sandy Springs, Georgia, pursuant to Article VI, Chapter 6 of the Charter of the City, Beginning July 1, 2006, and ending June 30, 2007, Appropriating the Amounts Shown in Each Budget as Expenditures, Adopting the Item of Anticipated Funding Sources, Prohibiting Expenditures to Exceed Appropriations, and Prohibiting Expenditures from Exceeding Actual fund Sources. This will be presented by Director of Finance Steve Rapson.

Director of Finance Rapson explained that this is a requirement of the State of Georgia to have the budget readopted and therefore adheres to the policy of the State of Georgia.

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

Alcoholic Beverage License Applications

SSGAL06-0216 - Approval of Alcoholic Beverage License Application for The Tasting Room/Sandy Springs, LLC, d/b/a Antica Posta Tasting Room located at 6010 Sandy Springs Circle, Sandy Springs, GA 30328. Applicant is Dr. Gerald Frank Jenkins for Consumption on the Premises for the Sale of Distilled Spirits, Wine and Malt Beverage License.

Acting City Clerk Rowland stated that the next agenda item is Approval of Alcoholic Beverage License Application for The Tasting Room/Sandy Springs, d/b/a Antica Posta Tasting Room located at 6010 Sandy Springs Circle, Sandy Springs, GA 30328. Applicant is Dr. Gerald Frank Jenkins for Consumption on the Premises for the Sale of Distilled Spirits, Wine and Malt Beverage License. This will be presented by City Manager John McDonough.

City Manager McDonough explained that staff is requesting more time to review each of the Alcoholic Beverage License Applications and is requesting deferral on all the Alcoholic Beverage applications until the December 19, 2006 meeting.

Mayor Galambos called for public comment. There was no public comment.

Motion and Vote: Councilmember Paul moved to defer consideration of Alcoholic Beverage License Application for The Tasting Room/Sandy Springs, LLC, d/b/a Antica Posta Tasting Room located at 6010 Sandy Springs Circle, Sandy Springs, GA 30328 for the sale of Distilled Spirits, wine and Malt Beverage License until the December 19, 2006 meeting. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

SSGAL06-0217- Approval of Alcoholic Beverage License Application for Atlantic Wine & Package/Sandy Springs, LLC d/b/a Atlantic Wine & Spirits located at 6010 Sandy Springs Cir Suite 2B Sandy Springs, GA 30328. Applicant is Dr. Gerald Frank Jenkins Retail/Package Sale of Wine, Beer and Distilled Spirits.

Acting City Clerk Rowland stated that the next agenda item is Approval of Alcoholic Beverage License Application for Atlantic Wine & Package/Sandy Springs; LLC d/b/a Atlantic Wine & Spirits located at 6010 Sandy Springs Cir Suite 2B Sandy Springs, GA 30328. Applicant is Dr. Gerald Frank Jenkins Retail/Package Sale of Wine, Beer and Distilled Spirits License. We only need public comment as this was an advertised public hearing. Staff is requesting deferral to the December 19, 2006 meeting.

Mayor Galambos called for public comment. There was no public comment.

Motion and Vote: Councilmember Fries moved to defer consideration of Alcoholic Beverage License Application for Atlantic Wine & Package/Sandy Springs, LLC d/b/a Atlantic Wine & Spirits located at 6010 Sandy Springs Cir Suite 2B Sandy Springs, GA 30328 for Retail/Package Sale of Wine, Beer and Distilled Spirits until the December 19, 2006 meeting. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

SSGAL06-0218 - Approval of Alcoholic Beverage License Application for Yong He Inc. d/b/a North Peking Chinese Restaurant located at 8540 Roswell Road Ste 400, Sandy Springs, GA 30350. Applicant is Shan He Zhang for Consumption on the Premises for the Sale of Wine and Malt Beverages.

Acting City Clerk Rowland stated that the next agenda item is Approval of Alcoholic Beverage License Application for Yong He Inc. d/b/a North Peking Chinese Restaurant located at 8540 Roswell Road Ste 400, Sandy Springs, GA 30350. Applicant is Shan He Zhang for Consumption on the Premises for the Sale of Wine and Malt Beverage License.

Mayor Galambos called for public comment. There was no public comment.

Motion and Vote: Councilmember Fries moved to defer consideration of Alcoholic Beverage License Application for Yong He Inc. d/b/a North Peking Chinese Restaurant located at 8540 Roswell Road Ste 400, Sandy Springs, GA 30350 for Consumption on the premises for sale of Wine and Malt Beverages until the December 19, 2006 meeting. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

SSGAL06-0220 – Approval of Alcoholic Beverage License Application for Big B Drugs, Inc., d/b/a CVS #4729 located at 6300 Powers Ferry Rd, Sandy Springs, GA 30339. Applicant is CVS Pharmacy #4729 for Retail/Package Sale of Wine and Malt Beverage License.

Acting City Clerk Rowland stated that the next agenda item is Approval of Alcoholic Beverage License Application for Big B Drugs, Inc., d/b/a CVS #4729 located at 6300 Powers Ferry Rd, Sandy Springs, GA 30339. Applicant is CVS Pharmacy #4729 for Retail/Package Sale of Wine and Malt Beverage License.

Mayor Galambos called for public comment. There was no public comment.

Motion and Vote: Councilmember Fries moved to defer consideration of Alcoholic Beverage License Application for Big B Drugs, Inc., d/b/a CVS #4729 located at 6300 Powers Ferry Rd, Sandy Springs, GA 30339 for Retail/Package Sale of Wine and Malt Beverage License until the December 19, 2006 meeting. Councilmember Paul seconded the motion. The motion carried unanimously.

Zoning Agenda

Rezonings

Acting City Clerk Rowland read the zoning rules into the record.

RZ06-046/CV06-032-4579 Roswell Road (SR 9), 261 Hedden Street, and Windsor Parkway (17 00940001020) Applicant: Slavic Evangelic Christian Church, from R-4 to C-1 to maintain the existing church structure and to convert the existing accessory building into an art/auction gallery, with six (6) concurrent variances. (First Reading)

Acting City Clerk Rowland stated that the next agenda item is the first reading of an Ordinance to Rezone Property from the R-4, Single Family Dwelling District to C-1, Community Business District, property located at 4579 Roswell Road (SR 9), 261 Hedden Street, and Windsor Parkway. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated the petitioner is Slavic Evangelic Christian Church represented by Pete Hendricks. The applicant is requesting to rezone property from R-4 to C-1. The application was originally heard by the Planning Commission on November 16, 2006 and is to be heard by the Mayor and City Council on December 19, 2006 meeting. The Planning Commission recommended denial of the rezoning and the concurrent variance request.

Pete Hendricks, 6085 Lake Forest Drive stated the application originally filed was for a 2.5 acre tract of land on the eastern side of Roswell Road. The church is to the front of the property and to the rear is a building that will be utilized for storage. The applicant is requesting the ability to continue to use the church and to use the building in the back as an Art Gallery facility. They would only be open one day a month and hours of operation would be from 11:00 a.m. to 6:00 or 7:00 p.m. City staff recommended the O-I zoning for the Art Gallery Auction activity they want to have on property. The concern is that they still review this as a retail use. What the owner would like to do is have retail use right off of Roswell Road and maybe have some residential use to the rear. The owner of the property is Paul Brown. They have modified and amended the application. They have deleted the rear portion of that property. The only thing Council will have in front of them next week is the church building. They are asking for approval of the existing structure. This piece of property would stay exactly the same as it is now. They still have to get the variances even though nothing is changing on the ground. Mr. Brown would use the existing structure, existing church building for his Art Gallery.

Paul Brown, 4577 Roswell Road explained that his property has gone through several compromises throughout the zoning process. His goal has always remained the same, he wants to make Sandy Springs a decorative and fine art destination. He feels he has the perfect location to do this and this could be something the community can be proud of. He is not proposing some intrusive development that will bother the neighborhood. His thought for this property is urban renewal; he is taking an old building and using it in a new and effective way. By Council approving his request this will allow him to draw tourist and art buyers into the city. He is offering a good upscale commerce for the community. He plans to designate a portion of his property to be rent free in order to develop an artist-in-residency program. He already has a local artist lined up to teach art lessons. He believes "Art" is the future for Sandy Springs.

Mr. Hendricks explained he will not be able to attend the December 19th meeting but, should Council need additional information, they will have it for them at next meeting.

Councilmember DeJulio suggested to Mr. Brown last week that he request a deferral and to try and work this out with the neighbors. Since that time he has received no less than 50 emails from neighbors in his district of people opposing it. Mr. Brown sent him an email last week stating there were a lot of people in favor of it. He asked Mr. Brown why he didn't feel he needed to go back and work this out with the neighbors. The neighbors are unanimously opposed to this concept.

Mr. Brown stated he has met with the neighbors many times and even offered to pay for sidewalks in their neighborhood.

Mr. Hendricks explained he met with Jane Kelly last Friday and they went through everything.

Mayor Galambos questioned if the neighbors were acquainted with the revised proposal.

Councilmember Meinzen McEnerny stated she had sent out an email to the team leaders with the revised proposal and that there was a tremendous amount of negative response to it. She believes the neighborhood needs more time to understand the concept the owner is proposing. She supports his proposal and believes that once the neighborhood realizes that if Council was to deny this then it would be good-bye to the historic church and trees. She encouraged the owner to make another opportunity to go before the community and express their plan. If they are more knowledgeable about it and see it is a way to preserve the historic structure and the trees that are there, she thinks they will be in support of it.

Councilmember Fries asked for confirmation on the zoning variances being requested.

Mr. Zehner stated that when you rezone property a variance is needed to maintain the existing conditions of the site.

Mayor Galambos explained that Council would not be voting tonight since this is a first reading. The message is loud and clear that they need to work with the neighborhood between now and the next meeting.

Mayor Galambos called for public comment.

Ed Hardy, 50 Osner Drive explained he has no objection to this Art Gallery and is in favor of this application.

RZ06-047/CV06-033-161 Mount Paran Road, Applicant: AJC International, from R-3 to O-I to allow the existing residence to be converted into an office, with four (4) concurrent variances. (First Reading)

Acting City Clerk Rowland stated that the next agenda item is RZ06-047/CV06-033-161 Mount Paran Road. This is the first reading of an Ordinance to Rezone Property from the R-3 Single Family Dwelling District to O-I, Office and Institutional District, Property located at 161 Mount Paran Road. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated the property is located at 161 Mount Paran Road and the petitioner is AJC International represented by Sandra Radar. The applicant is requesting to rezone the property from R-3 to O-I to convert the existing structure from a single family residence to an office. The application was heard by the Planning Commission on November 16, 2006. Planning Commission recommended approval of the rezoning and concurrent variances. The second reading will be held on December 19, 2006.

Mayor Galambos called for public comment. There was no public comment.

Unfinished Business
No Unfinished Business.

New Business

Approval of a Resolution to authorize the Mayor to sign a Local Government Project Agreement with the Georgia Department of Transportation and Cobb County for Priority Land Acquisition for Abernathy Greenspace Project from Johnson Ferry Road to Roswell Road.

Acting City Clerk Rowland stated that the next agenda item is to authorize the Mayor to sign the GDOT Local Government Project Agreement for Priority Land Acquisition for the Abernathy Greenway project, from Johnson Ferry Road to Roswell Road. This will be presented by City Manager John McDonough.

City Manager McDonough stated Council had approved a Resolution in support of the expenditure of up to $4,000,000 and that this money was coming from the state for the acquisitions of parcels for the Abernathy Greenway project. This is the finalized three party agreement that was sent to Cobb County. Cobb County has approved and signed the agreement. It has now gone back to GDOT and is being forwarded to Council for consideration. The agreement provides funding from the state in the amount of $4,000,000. There was also a $992,000 Federal Earmark added to that. The GDOT staff estimated that it would cost approximately $8,500,000 to acquire all of this property, which meant that $3,500,000 would need to be split between Cobb County and the City of Sandy Springs. In the 2006-2007 budgets we allocated a little over $600,000 which would leave the City of Sandy Springs going forward with an obligation of $1,100,000. Staff recommends approval of the agreement.

Motion and Vote: Councilmember Paul moved to approve a Resolution to authorize the Mayor to sign a Local Government Project Agreement with the Georgia Department of Transportation and Cobb County for Priority Land Acquisition for Abernathy Greenway Project from Johnson Ferry Road to Roswell Road. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

Approval of a Resolution to authorize and direct the execution and delivery of certain lease financing and related documents; to provide a statement by legislative findings and intent; to provide an effective date; and for other purposes.

Acting City Clerk Rowland stated that the next agenda item is for the Approval of a Resolution to authorize and direct the execution and delivery of certain lease financing and related documents; to provide a statement by legislative findings and intent; to provide an effective date; and for other purposes. This will be presented by Director of Finance, Steve Rapson.

Director of Finance Rapson explained that this is the funding for the $2,500,000 equipment that was embedded as part of the lease arrangement in the mid-year budget. We went with the bank that gave us the best rates of the financing of the competitive bid we put out three or four months ago. They are willing to extend that rate even though the rates have gone up for an additional $2,500,000 so this would be within budget and also in compliance with our city policy.

Motion and Vote: Councilmember Jenkins moved to approve a Resolution to authorize and direct the execution and delivery of certain lease financing and related documents; to provide a statement by legislative findings and intent; to provide an effective date; and for other purposes. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Approval of a Resolution authorizing the execution of an Agreement of Mutual Aid for Fire and Emergency Medical Services between Cobb County and the City of Sandy Springs.

Acting City Clerk Rowland stated that the next agenda item is for the Approval of a Resolution authorizing the execution of an Agreement of Mutual Aid for Fire and Emergency Medical Services between Cobb County and the City of Sandy Springs. This will be presented by City Manager John McDonough.

City Manager McDonough stated the Chief has been working hard on these agreements and this is a standard agreement for mutual aid. This would not obligate any expenditure of funds on either party's behalf. Staff recommends approval of this agreement.

Motion and Vote: Councilmember Fries moved to approve a Resolution authorizing the execution of an Agreement of Mutual Aid for Fire and Emergency Medical Services between Cobb County and the City of Sandy Springs. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

Reports and Presentations

Mayor and Council Reports

Mayor Galambos announced a vacancy on the Tree Committee. She nominated David Ellis who was recommended by the Atlanta Homebuilders and is the Executive Director of the Greater Atlanta Homebuilders. Mr. Ellis lives at 7505 South Spalding Lake Drive.

> **Motion and Vote:** Councilmember DeJulio moved to approve the appointment of David Ellis to the Tree Ordinance Advisory Committee. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

Staff Reports

City Manager McDonough reported on some transitional issues the city is experiencing. The fire plan review has now been transitioned over to the Sandy Springs Fire Department. There have been some issues with getting plans reviewed in a timely manner that is now a function that falls under the City of Sandy Springs. Fire inspections will take over the responsibility on or about December 11, 2006.

In Parks and Recreation, the city has not assumed ownership on any of the Park properties at this point. Staff and CH2M Hill have done a great job in trying to work out some of the issues before we accept ownership of these properties. There have been problems with the lighting at the Tennis Center. The city has already gone out and worked to have many of those lights repaired. The HVAC is about to go out and the heat went out a couple of weeks ago. Staff has gone out there to do everything they can to help to get heat and air in that facility. Once the city assumes ownership of these facilities an assessment will be done. We will then begin to include in the annual budget process funding to make improvements to these facilities.

He received a call from the press regarding some new; very large signage that has gone up out there. These signs went up without the knowledge of the staff, without anybody's approval from the City of Sandy Springs who essentially imposes rules on that property. We do not own that property and are not a party to any lease agreements at this point in time. He wanted to make City Council aware in the event that they receive complaints from people. Those are not our signs and we did not put those signs up there. The issues revolve around with people being told they cannot walk their pets out on the field and children cannot access football fields without a permit and those types of things. Once we do assume ownership of the properties, staff will be doing a complete review of all the rules and regulations of any and all existing lease agreements so we can get our hands around this issue. This is not something today that we are responsible for. In talking with Mr. Willard, hopefully next week we will close on the Parks property as well as the Fire facilities and then it will be our responsibility to deal with these issues. Until we own them it is difficult for us to make any of the decisions as it relates to some of the rules and regulations of these facilities.

Community Development Director Leathers stated her department has not seen any sign permits for those signs so we will need to inquire about that.

Councilmember Fries asked staff to check to see if they have permits.

City Manager McDonough reported to Council that he had received the assessment reports of the fire facilities so we are beginning to look through those. They are not as bad as we had anticipated. They range from poor to good condition and we will evaluate each of the facilities and get some associated cost with addressing priority items and will bring recommendations to Council over the next couple of weeks on these facilities.

Mayor Galambos asked that the new Parks Director be introduced to Council at the next meeting.

Councilmember DeJulio announced the garbage cans came in.

Mr. McDonough stated they would be meeting sometime next week with MARTA to talk about the bus stops and outdoor advertising. They will also discuss improving the bus route and maybe even eliminating some of them along Roswell Road. The garbage cans will be put in concrete so people cannot walk off with them. Installation of garbage cans will take place within the next two weeks.

Public Comment

Stewart Weinhoff, 5210 Northside Drive expressed his regret for his lack of judgment that cost a number of Council and City staff undeserved difficulties. He regrets the actions he took on November 24, 2006 and apologized for it. He is grateful to the Mayor and Council for letting him serve on the Tree Committee.

Adjourn

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously. The meeting adjourned at 7:55 p.m.

Date Approved: December 19, 2006

Christina V Rowland

Christina Rowland, Acting City Clerk

Eva Galambos

Eva Galambos, Mayor