

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

Invocation

Rabbi Mario Karpuj, Or Hadash Congregation gave the invocation.

Call to Order

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

Roll Call and General Announcements

Mayor Galambos requested that the City Clerk call the Roll.

City Clerk Marchiafava 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.

City Clerk Marchiafava introduced and welcomed the first two City of Sandy Springs Pages, Sean Shapiro and Brandon Turner, both from Brandon Hall School.

City Clerk Marchiafava called the roll.

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

Councilmember Tibby DeJulio was absent, excused.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance.

Approval of Meeting Agenda

City Clerk Marchiafava stated that 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 Meinzen McEnergy seconded the motion. The motion passed unanimously.

Consent Agenda

1. Approval of the August 1, 2006 Regular Meeting Minutes.
2. Approval of the August 8, 2006 Work Session Minutes.
3. Approval of the August 15, 2006 Regular Meeting Minutes.
4. A Resolution approving the 2007 LARP Contracts, and authorizing the Mayor to execute the necessary documents.

Resolution No. 2006-09-85

City Clerk Marchiafava stated that the next agenda item is the approval of the Consent Agenda.

Motion and Vote: Councilmember Paul moved to approve the Consent Agenda. Councilmember Jenkins seconded the motion. The motion passed unanimously.

Presentations

Presentation of Local Assistance Grant Funds by Representative Harry Geisinger.

State Representative Harry Geisinger presented Mayor Galambos with a check from the Local Assistance Grant Funds in the amount of \$40,000 for the purchase of vests for the Police Department. Mayor Galambos stated that this is the city's first grant. He also presented the Mayor with a check from the Local Assistance Grant Funds in the amount of \$25,000 for the purchase of radar equipment software.

Presentation by Harry L. Nolan, Jr. - Airline Without a Pilot, Lessons in Leadership.

Councilmember Jenkins introduced Mr. Harry Nolan who wrote Airline Without a Pilot. She explained that this is about Delta.

Mr. Nolan presented Mayor Galambos a copy of the book for the City Library as well as a copy for the Mayor.

Proclamation for Constitution Week

Mayor Galambos read the Proclamation for Constitution Week and presented it to the Piedmont Chapter of the Sons of the American Revolution and the Fort Peachtree Chapter of the National Society of the Daughters of the American Revolution.

Proclamation for National Assisted Living Week.

Mayor Galambos read the Proclamation for National Assisted Living Week and presented it to Deborah Ben-Dor, Community Manager of Belmont Village.

Public Hearings

ALCOHOL BEVERAGE LICENSE APPLICATIONS

SSGAL06-0211

Approval of Alcoholic Beverage License Application for Said of Georgia, LLC, d/b/a Food Mart #541 located at 5700 Roswell Road, Sandy Springs, GA 30342. Applicant is Said Abdulaziz for Retail/Package Sale of Wine and Malt Beverage License.

City Clerk Marchiafava stated that the next agenda item is Approval of Alcoholic Beverage License Application for Said of Georgia, LLC, d/b/a Food Mart #541 located at 5700 Roswell Road, Sandy Springs, GA 30342. Applicant is Said Abdulaziz for Retail/Package Sale of Wine and Malt Beverage License. This will be presented by Director of Operations Don Howell.

Director of Operations Howell stated that there are four applications on the agenda. He stated that all four applicants have complete applications. They have met all requirements if the Ordinances. They have passed the background investigation. This public hearing was properly advertised on August 24 and 31. Staff recommends approval of all four applications.

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

Motion and Vote: Councilmember Fries moved to approve the Alcoholic Beverage License Application for Said of Georgia, LLC, d/b/a Food Mart #541 located at 5700 Roswell Road, Sandy Springs, GA 30342. Applicant is Said Abdulaziz for Retail/Package Sale of Wine and Malt Beverage License. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

SSGAL06-0212

Approval of Alcoholic Beverage License Application for LSAA, Inc., d/b/a Sam's Mart #521 located at 5640 Northside Drive, Sandy Springs, GA 30328. Applicant is Sami Ismael Nafisi 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 Paul moved to approve the Alcoholic Beverage License Application for LSAA, Inc., d/b/a Sam's Mart #521 located at 5640 Northside Drive, Sandy Springs, GA 30328. Applicant is Sami Ismael Nafisi for Retail/Package Sale of Wine and Malt Beverage License. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

SSGAL06-0213

Approval of Alcoholic Beverage License Application for LSAA, Inc., d/b/a Sam's Mart #516 located at 7800 Holcomb Bridge Road, Sandy Springs, GA 30092. Applicant is Sami Ismael Nafisi for Retail/Package Sale of Distilled Spirits, Wine and Malt Beverage License.

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

Motion and Vote: Councilmember Fries moved to approve the Alcoholic Beverage License Application for LSAA, Inc., d/b/a Sam's Mart #516 located at 7800 Holcomb Bridge Road, Sandy Springs, GA 30092. Applicant is Sami Ismael Nafisi for Retail/Package Sale of Distilled Spirits, Wine and Malt Beverage License. Councilmember Paul seconded the motion. The motion passed unanimously.

SSGAL060210

Approval of Alcoholic Beverage License Application for Paul Roswell Package, Inc., located at 6401 Roswell Road, Sandy Springs, GA 30328. Applicant is Ahmed Merchant 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 approve the Alcoholic Beverage License Application for Paul Roswell Package, Inc., located at 6401 Roswell Road, Sandy Springs, GA 30328. Applicant is Ahmed Merchant for Retail/Package Sale of Wine and Malt Beverage License. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion passed unanimously.

Zoning Agenda

Rezoning

RZ-06-019/CV06-011 – Ison Road, Nathan V. Hendricks, III, from R-2 conditional to CUP for the development of 54 single family lots at a density of 2.25 units per acre with a concurrent variance for specimen tree removal. First Reading on July 18, 2006.

(Second Reading)

Ordinance No. 2006-09-62

City Clerk Marchiafava read the zoning rules and stated that the next agenda item is RZ-06-019/CV06-011. Property located on Ison Road, Nathan V. Hendricks, III, from R-2 conditional to CUP for the development of 54 single family lots at a density of 2.25 units per acre with a concurrent variance for specimen tree removal. The First Reading was held on July 18, 2006. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that this application was heard by the Planning Commission of July 31 and August 17. This application is for property located on Ison Road. The petitioner is Dan Green with Summerall Development Company represented by Pete Hendricks.

The applicant is requesting to rezone the property from R-2 conditional to CUP for the development of 48 single family lots at a density of 2 units per acre. The applicant is also requesting one concurrent variance to remove 9 specimen trees on the site. The Planning Commission recommended approval of the application and the

concurrent variance with staff conditions. Staff is recommending approval of the application and the concurrent variance conditioned to 48 single family units at 2 units per acre and other conditions submitted to the Mayor and Council.

Pete Hendricks, 6085 Lake Forrest Drive, stated that this involves a 24.03 acre tract on the northwest corner of Ison and Roswell Roads. They are requesting to rezone from the R-2 classification to a CUP classification for 48 lots. He stated that 44 of those lots would be cluster and 4 would be estate lots. He explained that the applicant is requesting to remove 9 specimen trees.

He stated that community representatives are here as well as Mr. Donnie Chapman who has been acting on behalf of the applicant to enter into a private agreement with the community for this application. He introduced Mr. Donnie Chapman.

Donnie Chapman, 1235 Hightower Trail, Sandy Springs, explained that the applicant has entered into an agreement with the community. In the final agreement, there are a couple of discrepancies with the staff conditions.

In regards to item 3a, the Minimum building separation will be 20 feet for lots backing up to Ison Road and 15 feet for all other lots. To item 3i, to a fifty (50) foot undisturbed buffer and a ten (10) foot improvement setback along Ison Road for lots 35 through 47 and a forty (40) foot undisturbed buffer and a ten (10) foot improvement setback for Lot 1. Said buffer and improvement setback shall be maintained in common and shall not be part of any single family lot. To item 3j, to a twenty-five (25) foot landscape strip along the south property line adjacent to property zoned O-I (Office and Institutional District). Said landscape strip shall be maintained in common and shall not be part of any single family lot. To item 3l, the owner/developer shall install a six (6) foot opaque privacy fence along the Roswell Road frontage. The fence shall be located interior to the improvement setback referenced in condition 3.k. Said fence is subject to the approval of the Director of Community Development.

Councilmember Fries requested that condition 3g specify that the garages be enclosed. She also requested that the mandatory homeowners association have a specified percentage for rentals. Mr. Hendricks stated that there was a percentage for rentals.

Councilmember Fries questioned the access to the greenspace located between lots 30 and 31. Mr. Hendricks stated that there will be access to the greenspace.

Jim Ramseur, 8275 Ison Road, stated that he has worked with this group to develop what they believe is the best plan for this site. He stated that the developer is going to do site specific grading instead of mass grading. They are comfortable with the access to the greenspace and request approval.

Gary Alexander, 8235 Grogan's Ferry Road, stated that he is representing Grogan's Bluff Homeowners' Association stated that they are in support on this application.

City Clerk Marchiafava conducted a Second Reading of an Ordinance to rezone property from R-2(single family dwelling)district to CUP(Community Unit Plan) district, property located on the east side of Ison Road.

Councilmember Meinzen McEnemy thanked the applicant for working with the neighborhood. She questioned if the other 20 specimen trees would be impacted. Mr. Hendricks stated that they have hopefully anticipated all specimen tree removals.

She also requested that there be plenty of recreational areas for the children.

Assistant Director of Planning and Zoning Zehner requested that the private agreement between the developer and the Grogan's Bluff Homeowners' Association be made a part of the minutes.

City Attorney Willard clarified that this agreement is not a condition of the rezoning.

Motion: Councilmember Fries moved to approve RZ06-019/CV06-011 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Forty-eight (48) single family residential units developed at a density of 2 units per acre.
 - b. All residences along Ison Road shall be designed with front door presentations facing Ison Road.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated August 10, 2006. Said site plan would be 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. The applicant shall be required to complete the concept review procedure prior to application for 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 minimum design standards are:

Lots 1-44 (Cluster Lots)
Minimum lot size: 6,900 square feet
Minimum lot width: 60 feet
Minimum front yard: 20 feet
Minimum side yard: 0 feet
Minimum rear yard: 25 feet
Minimum building separation: 20 feet for lots backing up to Ison Road and 15 feet for all other lots
Minimum heated floor area: 2,700 square feet

Lots 45-48 (Estate Lots)
Minimum lot size: 30,000 square feet
Minimum lot width: 90 feet
Minimum front yard: 100 feet, except for Lot 48 which shall be 40 feet
Minimum side yard: 0 feet
Minimum rear yard: 25 feet
Minimum building separation: 15 feet
Minimum heated floor area: 3,700 square feet
 - b. To the removal of 9 specimen trees on the site as shown on the site plan received by the Department of Community Development dated August 10, 2006 (CV06-011).
 - c. The owner/developer shall restrict designed stormwater discharge rates from the development to 75% of the pre-developed natural stormwater runoff rates for the 1 through 10 year storm events.
 - d. There shall be no direct access to Roswell Road (SR 9).
 - e. The owner/developer shall provide a 10' no access easement along Roswell Road (SR 9) and along Ison Road except for approved points of access.
 - f. The owner/developer shall dedicate 30' of right-of-way to the City of Sandy Springs along entire property frontage along Ison Road.
 - g. Each unit shall be required to have a minimum two-car garage. All garages shall be enclosed.

- h. All utilities shall be located underground.
- i. To a fifty (50) foot undisturbed buffer and a ten (10) foot improvement setback along Ison Road for lots 35 through 47 and a forty (40) foot undisturbed buffer and a ten (10) foot improvement setback for Lot 1. Said buffer and improvement setback shall be maintained in common and shall not be part of any single family lot.
- j. To a twenty-five (25) foot landscape strip along the south property line adjacent to property zoned O-I (Office and Institutional District). Said landscape strip shall be maintained in common and shall not be part of any single family lot.
- k. To a twenty-five (25) foot undisturbed buffer and a ten (10) foot improvement setback along Roswell Road (SR 9). Said buffer and improvement setback shall be maintained in common and shall not be part of any single family lot.
- l. The owner/developer shall install a six (6) foot opaque privacy fence along the Roswell Road frontage. The fence shall be located interior to the improvement setback referenced in condition 3.k. Said fence is subject to the approval of the Director of Community Development.
- m. The owner/developer shall provide and maintain off-street parking on the site throughout construction. No construction or other vehicles may be parked in the public right-of-way.
- n. To the establishment of a mandatory homeowners association, which shall be responsible for the maintenance of all common areas, including the required undisturbed buffers.
- o. Prior to the issuance of building permits on the site the removal of trees shall be limited to only those necessary for the installation of streets and other infrastructure improvements as identified on the Land Disturbance Permit and/or Clearing and Grading Permit.
- p. The owner/developer shall provide clearly marked access between lots 30 and 31 to the open space/common area of the subdivision as shown on the site plan received by the Department of Community Development dated August 10, 2006.

In addition, the private agreement between the developer and the Grogan's Bluff Homeowners' Association is acknowledged.

Second: Councilmember Paul seconded the motion.

Discussion on the Motion: Councilmember Jenkins expressed her concern regarding the impact this development will have on the surrounding schools.

Vote: The motion passed unanimously.

RZ06-029 – 355 Mt. Paran Road, Robert Klenberg, from R-2 to R-3 for the development of 1 single-family lot. First Reading on August 15, 2006. (Second Reading)
Ordinance No. 2006-09-63

City Clerk Marchiafava stated that the next agenda item is RZ06-029 at 355 Mt. Paran Road. She conducted a Second Reading of an Ordinance to rezone property from R-2 (single family dwelling) district to R-3 (single family dwelling) district for the development of 1 single-family lot. The property is located at 355 Mt. Paran Road. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Robert Klenberg represented by Mr. Steven Henry. The applicant is requesting R-2 to R-3 for the development of 1 single-family lot at a density of 1.66 units per acre. The Planning Commission recommended approval with one amendment to staff's

recommendations. They recommended that the property be limited to a 40 foot rear building setback abutting properties zoned R-2.

Staff is recommending denial of the application. However, if the Mayor and Council decide to approve the application, staff recommends this be conditioned to one single family residence at a density of 1.66 units per acre and limiting to the site plan as submitted to staff.

Steven Henry, 355 Mt. Paran Road, stated that he purchased the property from Mr. Klenberg and is now the applicant. He explained that he purchased the property with the plan to demolish the existing home and rebuild a new home. He then found out that the property would need to be rezoned in order to do this.

He explained that the property on both sides of his property is zone R-3. The property across the street is R-3 except the property zoned NUP. The property to the rear is zoned R-2. He stated that he is willing to stipulate to the Planning Commission's recommendations and staff's conditions.

Councilmember Fries expressed her concern regarding a minimum square footage with no maximum square footage set out. The applicant agreed to a maximum of 5,500 square feet.

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

Motion: Councilmember Fries moved to approve RZ06-029 with the following staff conditions and the amendment to conditions 1.b to include a maximum heated square footage of 5,500 square feet:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. One (1) single family residential lots at a density of 1.66 units per acre.
 - b. The minimum heated floor area per dwelling unit shall be 4,000 square feet and maximum heated floor area per dwelling unit shall be 5,500 square feet.
2. To the owner's agreement to abide by the following:
 - a. To a revised site plan to be received by the Department of Community Development. 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. The applicant shall be required to complete the concept review procedure prior to application for 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. To a 40' rear building setback abutting property zoned R-2 (Single Family Dwelling District).
 - b. The owner/developer shall dedicate 30' of right-of-way to the City of Sandy Springs from the centerline of the road along entire property frontage along Mount Paran Road.
 - c. The owner/developer shall install sidewalks along the entire property frontage along Mount Paran Road.

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

RZ06-030/CV06-015 – 8475 Roswell Road (State Route 9), Joe Ballato for 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 a restaurant. Three concurrent variances are requested. First Reading on August 15, 2006. (Second Reading)

City Clerk Marchiafava stated that the next agenda is RZ06-030/CV06-015 at 8475 Roswell Road (State Route 9). She conducted a Second Reading of an Ordinance to rezone property from C-2 (commercial) district to C-2 (commercial) district. This property is located at 8475 Roswell Road. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Popeye's Corporation, represented by Joe Ballato. The applicant is requesting to rezone the property 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 a 2,300 square foot Popeye's restaurant at a density of 3,225.81 square feet per acre. The applicant is also requesting one concurrent variance to allow an identification monument on the property which is less than 40,000 square feet in land are.

The Planning Commission heard the application and recommended approval subject to staff's conditions with a directive to staff to work with the applicant on a solution to the number of curb cuts and location. Staff recommends approval of the application and the concurrent variance to the density stated; to the site plan submitted on June 6, 2006; to the building elevation submitted on June 6, 2006; location of one curb cut and dedication of right-of-way; and installation of a 6 foot tall, 32 square foot identification monument.

Joe Ballato, FRA Engineering, representing Popeye's and the land owner stated that he would like to request a deferral at this time. He only just learned that staff wanted to revisit the entrance issue.

Councilmember Fries questioned if the applicant would be willing to upscale the building such as all brick. Mr. Ballato stated that this had been discussed with the Design Review Board and the applicant has agreed to brick the lower portion of the building.

Councilmember Meinzen McEnemy concurred and stated that it needed to have a Sandy Springs look.

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

Motion and Vote: Councilmember Fries moved to defer this petition for 30 days. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Councilmember Greenspan requested that design standards be placed on the next work session.

Mayor Galambos recognized the Council Pages at this time and presented them with Certificates of Appreciation.

RZ06-031/CV06-016 – 75 Cliftwood Drive, Pete Hendricks for Igor & Danuta Kopmar, From R-3 to O-I to convert the existing structure from a single family residence to an office. Four concurrent variances are requested. First Reading on August 15, 2006. (Second Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-031/CV06-016 at 75 Cliftwood Drive. She conducted a Second Reading of an Ordinance to rezone property from R-3(single family dwelling) district to O-I(Office and Institutional) district. The property is located at 75 Cliftwood Drive. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated the petitioners are Igor and Danuta Kopmar represented by Pete Hendricks. 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 applicant is also requesting four concurrent variances to reduce the required setbacks and buffers to accommodate the existing structure.

The Planning Commission recommended denial of the application. Staff is recommending approval of the application with conditions limiting the property to office uses in the existing 1,968 square foot structure. To the site plan submitted on August 14. The parking shall be in the rear. In addition to the other conditions listed.

Pete Hendricks, 6085 Lake Forrest Drive, stated that this is a request to rezone from R-3 to O-I for the office use of the existing structure. He explained that the applicant currently owns property zoned O-I and uses this property as a travel agency. He provided a pictorial display of the subject property and the surrounding properties. He explained that the applicant is proposing to remove the carport and the metal building on the property line. He has agreed to have the six parking spaces in the rear of the property. This will be a pervious surface. In addition, the applicant has agreed to a 10 foot landscape strip separating his property from the residential property to the west. There will be a six foot wood or masonry wall on this buffer and the buffer to the rear. The variances to be considered are a result of the existing structure.

Igor Kopmar, 80 Cliftwood Drive, explained his background. He explained that he is only requesting to move across the street and continue his business. He stated that he is agreeable to staff's recommendations.

Watson Bryant, 3127 Maple Drive, stated that he has a letter from Brock and Clay which requests a meeting to discuss the sale of Mr. Kopmar's property to the School Board. He explained that the School Board does want Mr. Kopmar's property and it will be taken. Mr. Kopmar simply wants to move across the street.

Joseph Turner, 580 Cliftwood Ct, Sandy Springs, President of the Sandy Springs Cove Homeowners Association stated that the homeowners association voted unanimously to oppose this application. This will destroy the residential character. He requested a stop to the degradation to the character of the surrounding area. He stated that the School Board has stated that they do not need this property.

Christeen Sheehan, 29 Cliftwood Drive, stated that the sidewalks enhance the community. Her father uses the sidewalks regularly and businesses cause traffic that will endanger him.

Susanne Goldstein, 37 Cliftwood Drive, speaking for neighbor David Lewis, stated that he is opposed to this application. Stated that they want to keep their neighborhood intact.

Howard Goldstein, 37 Cliftwood Drive, stated that the opposition is unanimous. He stated that the applicant has a right to apply for the rezoning but he does not have a right to receive the rezoning. He stated that those speaking in favor of this application are those that are the lone holdouts for the school property.

Yvonne Jacobs, 33 Cliftwood Drive, stated that she is in opposition for the same reasons as everyone else.

Ron Jacobs, 33 Cliftwood Drive, stated that this is not personal. The Fulton County Board of Education is already going to change their neighborhood.

Trisha Thompson, 145 River North Drive, stated that this is not a good transition to single family homes.

Pete Hendricks, 6085 Lake Forrest Drive, stated that one of the speakers in opposition previously stated that he was in opposition to another case because it was a tear down and not like the travel agency which was compatible with the neighborhood. This is a matter of public record. He stated this property have O-I surrounding it. He stated that this is a very quite use and is an appropriate use of this property. It complies with the land plan.

Assistant Director of Planning and Zoning Zehner stated that any addition to or removal of the existing structure would have to come before the Council.

Councilmember Meinzen McEnery questioned the viability of this property as a residential property. Assistant Director of Planning and Zoning Zehner stated that it probably could not be developed as R-5 like the surrounding residential properties.

Councilmember Fries stated that Sandy Springs Cove has destroyed any redevelopment of this lot.

Motion and Second: Councilmember Paul moved to deny RZ06-031/CV06-016. Councilmember Jenkins seconded the motion.

Discussion on the Motion: Councilmember Paul stated that he feels this neighborhood is under assault. He stated that the protection of the older single family homes is very important. He complimented Mr. Kopmar on his endeavors.

Councilmember Fries stated that this development was put in after the homes were converted. This is the best buffer.

Councilmember Jenkins stated that a live/work designation is to encourage living and working. The idea is not to get rid of all the single family. Then it is all working.

Councilmember Meinzen McEnery stated that this property should have been included in the Cove property. She stated that this would be a wonderful use of this property. It conforms to the Land Use Plan. She will be supporting this application.

Councilmember Greenspan clarified that if this property remains residential, it could be redeveloped as a single family residence.

Councilmember Paul stated that leaving this residential would allow for assemblage and leave the overall character of the neighborhood.

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

RZ06-032/CV06-017 – 259 Windsor Parkway, Pete Hendricks for Reel Time, LLC, from O-I conditional to O-I to allow for a 1,597 square foot addition to the existing 2,117 square foot structure. Four concurrent variances are requested. First Reading on August 15, 2006.

(Second Reading)

Ordinance No. 2006-09-64

City Clerk Marchiafava stated that the next agenda item is RZ06-032/CV06-017 at 259 Windsor Parkway. She conducted at Second Reading of an Ordinance to rezone property from O-I (office and institutional) district to O-I (office and institutional) district. The property is located at 259 Windsor Parkway. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Reel Time, LLC represented by Pete Hendricks. The applicant is requesting to rezone the property from O-I conditional to O-I to allow for a 1,597 square foot addition to the existing structure. In addition, the applicant is requesting three concurrent variances to reduce the required buffer to the extent necessary to allow for the existing structure to remain. To reduce the required number of parking spaces from 12 to 7.

The Planning Commission recommended approval with the following amended conditions: No parking shall be located in the front of the property. Buffers shall be replanted to buffer standards as necessary to screen parked vehicles.

The applicant has submitted a revised site plan which staff has conditioned the application to. Staff has recommended approval of the applicant and concurrent variance request limiting the property to a density of 8,456.62 square feet per acre, to office and accessory uses only, to the site plan submitted on August 29 as well as those conditions reducing the buffer as well as other submitted to the Mayor and Council.

Pete Hendricks, 6085 Lake Forrest Drive, stated that this request is for the purpose of adding an addition to the existing residence for the operation of his insurance business. He explained that the Design Review Board wanted the parking in the front and the High Point community wanted in the rear. The site plan submitted shows the parking in the rear.

He requested that condition 3.b read "to maintain the existing fence within the referenced buffer along the south, east, and west property line". He also requested that condition 3.e. read "to reduce the required number of parking spaces from 12 to no less than 7" The site plan shows 9 parking spaces.

Councilmember Greenspan questioned the height of the existing fence.

Pete Lunati, 285 Tamer Lane, stated that the fence is approximately six feet high in some areas and eight feet in other areas.

Councilmember Jenkins stated that she has received email stated that this property is poorly maintained. Mr. Lunati stated that he has a lawn service and his property is maintained by them. The plywood in the windows due to the addition of some workspace cabinetry and they did not want to put the brick up until they had acquired a permit.

Councilmember Fries clarified that if the applicant made changes to the exterior of the building, they would have to go before the Design Review Board.

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

Councilmember Greenspan requested that the fence be maintained at 7 or 8 feet to provide privacy to the residential neighbors. The applicant agreed to this recommendation.

Motion: Councilmember Fries moved to approved RZ06-032/CV06-017 with the following staff conditions with an amendment to condition 3.b. to maintain the existing fence within the referenced buffer along the south, east, and west property lines and 3.e. to reduce the required number of parking spaces from 12 to no less than 7:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To a density of 8,456.62 square feet per acre or 3,704 gross square feet, whichever is less.
 - b. To office and accessory uses only.
2. To the owner's agreement to abide by the following:
 - a. To the site plan dated received by the Department of Community Development August 29, 2006. 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. The applicant shall be required to complete the concept review procedure prior to application for 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. To reduce the required 50' buffer along the south property line to the extent necessary for existing structure to remain and to allow for the construction of the proposed addition as shown on the site plan dated received by the Department of Community Development August 30, 2006 (CV06-017).
 - b. To maintain the existing fence within the referenced buffer along the south property line as shown on the site plan dated received by the Department of Community Development August 30, 2006 (CV06-017).
 - c. To reduce the required 25' buffer along the east property line to the extent necessary for existing structure to remain and to allow for the construction of the proposed addition as shown on the site plan dated received by the Department of Community Development August 30, 2006 (CV06-017).
 - d. To reduce the required 20' side yard setback along the south, east, and west property line to the extent necessary for existing structure to remain and to allow for the construction of the proposed addition,

driveway, and parking area as shown on the site plan dated received by the Department of Community Development August 30, 2006 (CV06-017).

- e. To reduce the required number of parking spaces from 12 to no less than 7 (CV06-017).
- f. The owner/developer shall dedicate 30' of right-of-way to the City of Sandy Springs from the centerline of the road along entire property frontage along Windsor Parkway.
- g. There shall be no gated access permitted on the site.
- h. No external light sources shall be visible from adjacent residential properties.
- i. All landscape areas shall be replanted to buffer standards, subject to the approval of the Sandy Springs Arborist.

Second and Vote: Councilmember Jenkins seconded the motion. The motion passed unanimously.

RZ06-033 - 5845 Long Island Drive, Mansour Maghari, from R-2 conditional to R-4A for the development of 2 single family residential lots at a density of 1.94 units per acre. First Reading on August 15, 2006. (Second Reading)
Ordinance No. 2006-09-65

City Clerk Marchiafava stated that the next agenda item is RZ06-033 at 5845 Long Island Drive. She conducted a Second Reading of an Ordinance to rezone property from R-2 (single family dwelling) district to R-4A (single family dwelling) district. The property is located at 5845 Long Island Drive. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Mansour Maghari. The applicant is requesting to rezone the property from R-2 to R-4A for the development of two single family residential lots at a density of 1.94 units per acre.

The Planning Commission recommended approval subject to amended staff conditions as follows: the minimum heated floor area shall be 4,200 square feet. Staff had recommended a minimum of 4,500 square feet.

Staff recommends approval subject to two single family lots at a density of 1.94 units per acre; the site plan submitted on June 6, 2006; dedication of right-of-way; access for lot limited to Mitchell Road; the installation of a six foot privacy fence along the east property line.

Mansour Maghari, 5845 Long Island Drive, stated that his application is consistent with the requirements of the City of Sandy Springs. He is agreeable to a fence between his property and his neighbor's property. He is agreeable to staff's conditions.

Councilmember Fries stated that there is no maximum square footage. She questioned what the applicant would be agreeable to. Mr. Maghari stated that he did not have a plan yet but estimated about 6,000 square feet.

Nina Cramer, 5280 Long Island Drive, expressed support for this application by the Long Island Coalition. She stated that it is consistent with the Land Use Plan. She did express concern regarding the specimen trees.

Mr. Maghari stated that he requested to reduce the minimum square footage so that he can build around the specimen trees. Councilmember Meizen McEnemy stated that she supported his desire to save the specimen trees.

Motion: Councilmember Fries moved to approve RZ06-033 with the following staff conditions and the addition of a condition that the minimum square footage be 4,200 square feet and the maximum square footage be 6,000 square feet:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Two (2) single family residential lots at a density of 1.94 units per acre.
 - b. The minimum heated floor area per dwelling unit shall be 4,200 square feet and the maximum heated floor area per dwelling unit shall be 6,000 square feet.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated June 6, 2006. 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. The applicant shall be required to complete the concept review procedure prior to application for 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 30' of right-of-way to the City of Sandy Springs from the centerline of the road along entire property frontage along Long Island Drive.
 - b. The owner/developer shall dedicate 25' of right-of-way to the City of Sandy Springs from the centerline of the road along entire property frontage along Mitchell Road.
 - c. Lot 2 must be accessed from Mitchell Road.
 - d. The owner/developer shall install a six (6) foot privacy fence along the east property line abutting property zoned R-2 (Single Family Dwelling District). The owner developer shall provide landscaping along the entire length of the fence between the property line and the fence.

Second and Vote: Councilmember Meinzen McEnery seconded the motion. The motion passed unanimously.

**RZ06-034 – Carroll Manor Subdivision, City of Sandy Springs for Carroll Manor Subdivision, from TR conditional to TR to clarify current rezoning conditions and to bring the site into compliance with regard to the minimum lot size permitted. First Reading on August 15, 2006. (Second Reading)
Ordinance No. 2006-09-66**

City Clerk Marchiafava stated that the next agenda item is RZ06-034, Carroll Manor Subdivision. She conducted a Second Reading of an Ordinance to rezone the property from the TR (townhouse residential) district to the TR (townhouse residential) district. The property is 28.05 acres currently known as Carroll Manor Subdivision located in LL367, District 6 at the intersection of Carroll Manor Drive and North River Parkway. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is the City of Sandy Springs represented by the Department of Community Development. The Department of Community Development is requesting to rezone the property from TR conditional to TR. When the property was rezoned in 1980, the property was limited to 64 townhouse units. In addition, lot size minimum was 11,000 square feet. When the property was platted, it was platted for 65 lots. Since that time, the majority of the lots were approved by Fulton County to go below the 11,000 square foot minimum. Staff recommends approval at the current density and to the site plan submitted and carrying forth the conditions approved under the 1980 rezoning application.

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

Motion: Councilmember Greenspan moved to approve RZ06-34 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To a density of 4.63 units per acre or 130 units, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. The exterior of all concrete blocks will be coated with an architectural treatment (i.e. epoxy, stucco, brick veneer, etc.) or alternate solution that may be approved by the Director of Community Development.
3. To the owner's agreement to provide the following site development standards:
 - a. To provide a minimum 25' wide natural, undisturbed buffer, replanted where sparsely vegetated, adjacent to the north property line.
 - b. To provide a 40' buffer adjacent to the Georgia 400 right-of-way.
 - c. To connect to metropolitan water and public sanitary sewer available to the site.

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

Zoning Modification

**ZM06-006/CV06-020 – 6400 Peachtree-Dunwoody Road, the Home Depot, to modify condition 2.a. to sell 0.31 acre tract to Dunwoody Storage. Concurrent Variance to delete the required 5' landscape strip adjacent to C-1 at NW corner. First Reading on August 15, 2006. (Second Reading)
Ordinance No. 2006-09-67**

City Clerk Marchiafava stated that the next agenda item is ZM06-006 at 6400 Peachtree-Dunwoody Road. She conducted a Second Reading of an Ordinance to modify conditions of a Resolution by the Fulton County Board of Commissioners approving Petition No. Z96-0032 on May 1, 1996. The property is located at 6400 Peachtree-Dunwoody Road. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the petitioner is Dunwoody Storage, LLC represented by Pete Hendricks. The applicant is requesting to modify condition 2.a. which conditions the subject property to a site plan received by the Fulton County Department of Environment and Community Development on May 23, 2005 in order to sell a 0.31 acre tract of the subject property to the Dunwoody Storage parcel located at 6450 Peachtree-Dunwoody Road. The applicant is also requesting a concurrent variance to delete the required 5 foot landscape strip adjacent to property zoned C-1 along the north and west property lines.

Staff is recommending approval of the subject application and has indicated the revised site plan. Staff also revised the remaining conditions to convert them to Sandy Springs conditions from Fulton County. In doing so, staff neglected to add a condition that was placed on the property in 1998. This was forwarded to the Mayor and Council and added to the conditions.

Pete Hendricks, 6085 Lake Forrest Drive, stated that the purpose of this is to get rid of a 5 foot landscape strip. There is an existing retaining wall in this area. This property is to the rear of the storage facility.

Trisha Thompson, 145 River North Drive, expressed support of this project.

Motion: Councilmember Paul moved to approve ZM06-006 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:

- a. Office and/or financial establishments and accessory uses at a maximum density of 23,796 square feet of gross floor area per acre zoned for office use or a total gross floor area of 390,250 square feet, whichever is less.
 - b. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 9,438 gross square feet per acre zoned for commercial use or a total of 265,200 square feet, whichever is less, but excluding fast food restaurants, service stations, commercial amusements and billboards.
 - c. One 3-story, 101-room hotel.
 - d. One 6-story, 152-room hotel.
 - e. Limit the height of the buildings to no more than 10 stories (96U-017 NFC).
 - f. Limit the height of parking decks to no more than 7 levels above grade (96U-017 NFC).
2. To the owner's agreement to abide by the following:
 - a. To the revised site plan received by the Department of Community Development on June 30, 2006. 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 the first Certificate of Occupancy.
 3. To the owner's agreement to the following site development considerations:
 - a. Provide a natural buffer, undisturbed except for approved access and utility crossings, improvements, and replantings where sparsely vegetated and subject to the approval of the Sandy Springs Arborist, adjacent to the following property lines and in the widths shown:

35 feet wide along the north property line adjacent to property zoned for single family residential uses, with a 25-foot landscape strip interior to the buffer. A drive along the north end of the Garden Center shall encroach into the 25 foot landscape strip as shown on the site plan pursuant to ZM98-0033 NFC. Said plantings and specifications shall be subject to the approval of the Sandy Springs Arborist.

25 feet wide along the south property line.
 - b. Provide a landscape strip, planted to buffer standards, interior to the required 25-foot natural, undisturbed buffer along the south property line in the widths as specified below. Said plantings and specifications shall be subject to the approval of the Sandy Springs Arborist.

25 feet wide along the south property line for approximately 1,040 feet extending from the southeast corner of the property westwardly, as depicted on the site plan referenced in Recommended Condition 2.a. Service drive and turning movement area permitted (M88-087 NFC) in that portion of the landscape strip, as depicted on the applicant's site plan referenced in Condition 2.a., shall remain.

75 feet wide along the remaining south property line, as depicted on the site plan referenced in Recommended Condition 2.a.
 - c. Provide a 40-foot wide landscape strip outside the new dedicated right-of-way of Mt. Vernon Highway. Said landscape strip shall be planted with shrubs, a minimum size of 3 gallons upon installation, planted at a maximum spacing of 3 feet on center, and trees, a minimum 3 inch caliper upon installation, planted at a maximum spacing of 30 feet on center. Plantings and specifications shall be subject to the approval of the Sandy Springs Arborist.

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- d. Provide a 2.5 foot high berm within a 25-foot wide landscape strip outside the new dedicated right-of-way of Peachtree-Dunwoody Road. Said landscape strip shall be planted with shrubs, a minimum size of 3 gallons upon installation, planted at a maximum spacing of 3 feet on center, and trees, a minimum 3 inch caliper upon installation, planted at a maximum spacing of 30 feet on center. Plantings and specifications shall be subject to the approval of the Sandy Springs Arborist.
 - e. Provide adjacent to the following property lines in the widths shown, a landscape strip, planted with shrubs, a minimum size of 3 gallons upon installation, planted at a maximum spacing of 3 feet on center, and trees, a minimum 3 inch caliper upon installation, planted at a maximum spacing of 30 feet on center. Said plantings and specifications shall be subject to the approval of the Sandy Springs Arborist:

10 feet wide on the west property line.

- f. No more than 2 exit/entrances on Peachtree-Dunwoody Road. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer. The northern curb cut to be limited to right-in/right-out movements only and to be shared with the outparcel at the southwest corner of Mt. Vernon Highway and Peachtree-Dunwoody Road. Said right-in/right-out access may be re-evaluated at a later date per the Sandy Springs Traffic Engineer for full access.
- g. Number, location and alignment of curb cuts on Crestline Parkway subject to the approval of the Sandy Springs Traffic Engineer.
- h. No access shall be allowed from Mt. Vernon Highway.
- i. No access shall be allowed from Georgia 400.
- j. To delete the required 5' landscape strip adjacent to property zoned C-1 (Community Business District) along the north and west property lines (CV06-020).

4. To the owner's agreement to abide by the following requirements, dedication and improvements:

- a. Reserve for Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan, as well as to design all building setback lines, landscape strips, buffers, and/or fences and signs based on this reservation:

Peachtree-Dunwoody Road, as required by the Georgia Department of Transportation and the Sandy Springs Traffic Engineer; Mt. Vernon Highway, as required by the Georgia Department of Transportation and the Sandy Springs Traffic Engineer.

- b. Dedicate at no cost to Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved.

55 feet from centerline of Peachtree-Dunwoody Road;

55 feet from centerline of Mt. Vernon Highway.

- c. Improve roadways along the entire property frontage with curb and gutter per Sandy Springs standards or as may be required by the Georgia Department of Transportation.
- d. Provide a deceleration lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.

- e. Provide a left turn lane for each project entrance or as may be required by the Sandy Springs Traffic Engineer.
- f. Pay the total cost of traffic signalization at the intersection of Mt. Vernon Highway and Crestline Parkway or as may be required by the Sandy Springs Traffic Engineer.
- g. Provide shuttle service to the nearest MARTA station.
- 5. To the owner's agreement to abide by the following:
 - a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit with the Department of Community Development, to meet with the Sandy Springs Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - b. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit with the Department of Community Development, to arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.
 - c. To maintain as a minimum, the tree density requirements as prescribed by the Sandy Springs Tree Preservation Ordinance Administrative Guidelines, either through the retention of existing trees, or tree replacement, in perpetuity.
 - d. At the time of submittal for a Land Disturbance Permit and after the approval of the Preliminary Plat, the engineer/developer is required to provide written documentation verifying on-site evaluation and any other necessary downstream constraints.
 - e. Provide documentation (cross-section, profile, etc.) as to the existing conditions for all natural streams/creeks within the boundary of the project. Show, by documentation, the appropriate erosion protection of the stormwater conveyance system.
 - f. The developer/engineer is responsible to demonstrate to the City by engineering analysis, that the developed land use (proposed development) stormwater runoff conditions are controlled at the maximum pre-developed land use level, so that downstream properties/conveyance systems are not impacted or aggravates existing flooding/drainage nor creates new drainage/flooding problems off-site.
 - g. Upon receiving zoning, rezoning or a special use approval from the City and prior to submitting for a Land Disturbance Permit, the developer/engineer shall contact and submit to the Development Division of the Department of Community Development a stormwater concept plan. The stormwater concept plan shall be a preliminary drawing describing the proposed location of storage facilities, discharge path of storage facilities, downstream and upstream constraints and other matters with potential stormwater implementations. The stormwater concept plan shall be submitted to the City when the design engineer determines the preliminary location, type of stormwater facilities or at approximately 35% project completion.

Second and Vote: Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion passed unanimously.

Unfinished Business

Approval of an Amendment to Chapter 12, Offenses and Violations, Article 1: General Prohibitions, Section 2, Offenses against public morals, by adding subsection (g) Obscenity and Related Offenses. First Reading on June 6, 2006, Second Reading on August 15, 2006. (Additional Reading)
Ordinance No. 2006-08-58

City Clerk Marchiafava stated that the next agenda item is approval of an amendment to Chapter 12. She conducted an Additional Reading of an Ordinance to amend Chapter 12, Offenses and Violations, Article 1: General Prohibitions, Section 2, Offenses against public morals, by adding subsection (g) Obscenity and Related Offenses. This will be presented by City Attorney Willard.

City Attorney Willard stated that staff in the Clerk's office recognized the fact that there had been more than 60 days between the previous readings. Therefore an additional reading is needed.

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

Motion and Vote: Councilmember Jenkins moved to approve an Ordinance amending Chapter 12, Offenses and Violations, Article 1: General Prohibitions, Section 2, Offenses against public morals, by adding subsection (g) Obscenity and Related Offenses. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance Amending the City of Sandy Springs Code of Ordinance Chapter 9, Article 2, Section 9: Construction Board of Adjustment and Appeals - Revise the name of the Construction Board of Adjustment and Appeals to Construction Board of Appeals. Section 9 (e) i and Section 5, Building Department, (d), (e), Revise the deadline for meetings to be called from 30 calendar days after notice of appeal has been received to 60 days. First Reading on August 15, 2006. (Second Reading)
Ordinance No. 2006-09-68

City Clerk Marchiafava stated that the next agenda item is Approval of an Ordinance Amending the City of Sandy Springs Code of Ordinance Chapter 9, Section 9: Construction Board of Adjustment and Appeals - Revise the name of the Construction Board of Adjustment and Appeals to Construction Board of Appeals. Section 9 (e) i - Revise the deadline for meetings to be called from 30 calendar days after notice of appeal has been received to 60 days.

She conducted a Second Reading of an Ordinance amending Chapter 9, Building Code, Article II, Administrative Procedures for Enforcement of Adopted Codes, Section 5, Building Department, (d), (e), Section 9, Construction Board of Appeals, (a), (c), (d), i, ii, Renaming the Construction Board of Adjustments and Appeals to the Construction Board of Appeals as attached hereto and incorporated herein to the Code of Ordinances of the City of Sandy Springs, Georgia. This will be presented by Community Development Director Nancy Leathers.

Community Development Director Nancy Leathers stated that both of these changes are due to a conflict in the name of the Board of Construction Appeals. Staff is also requesting to revise the advertising period.

Mayor Galambos stated that these are housekeeping changes.

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

Motion and Vote: Councilmember Jenkins moved to approve an Ordinance Amending the City of Sandy Springs Code of Ordinance Chapter 9, Article 2, Section 9: Construction Board of Adjustment and Appeals - Revise the name of the Construction Board of Adjustment and Appeals to Construction Board of Appeals. Section 9 (e) i and Section 5, Building Department, (d), (e), Revise the deadline for meetings to be called from 30 calendar days after notice of appeal has been received to 60 days. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance Amending the City of Sandy Springs Code of Ordinance Chapter 2, Administration, Article 5, City Boards, Section 1, Creation - Revise the name of the Construction Board of

**Adjustment and Appeals to Construction Board of Appeals. First Reading on August 15, 2006.
(Second Reading)
Ordinance No. 2006-09-69**

City Clerk Marchiafava stated that the next agenda item is the approval an Ordinance amending the City of Sandy Springs Code of Ordinances, Chapter 2, Administration, Article 5, City Boards, Section 1, Creation in regards to renaming the Construction Board of Appeals.

She conducted a Second Reading of an Ordinance Amending the City of Sandy Springs Code of Ordinance Chapter 2, Administration, Article 5, City Boards, Section 1, Creation.

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

Motion and Vote: Councilmember Jenkins moved to approve an Ordinance Amending the City of Sandy Springs Code of Ordinance Chapter 2, Administration, Article 5, City Boards, Section 1, Creation - Revise the name of the Construction Board of Adjustment and Appeals to Construction Board of Appeals. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

**Approval of an Ordinance to Amend Chapter 7, Alcoholic Beverages, Article 2, Section 2, Violations of Article, Misdemeanor. First Reading on August 15, 2006. (Second Reading)
Ordinance No. 2006-09-70**

City Clerk Marchiafava stated that the next agenda item is an Ordinance to Amend Chapter 7, Alcoholic Beverages, Article 2, Section 2, Violations of Article, Misdemeanor. She conducted a Second Reading of an Ordinance to Amend Chapter 7, Alcoholic Beverages, Article 2, Section 2, Violations of Article, Misdemeanor of the Code of Ordinances of the City of Sandy Springs, Georgia. This will be presented by City Attorney Wendell Willard.

City Attorney Willard stated that this comes as a result of reviews by the attorneys who deal with litigation matters. He explained that there has been a minimal change under section 4 amending section. He explained that this is an amendment to Section 18, the suspension or revocation of license. Previously it stated "the city manager shall impose a suspension". Now it reads "the city manager may impose a suspension or revocation". It then lists the basis for suspension or revocation. If it is appealed, it comes before the Council who may hold a hearing and render a decision by the next meeting.

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

Motion and Vote: Councilmember Jenkins moved to approve an Ordinance to Amend Chapter 7, Alcoholic Beverages, Article 2, Section 2, Violations of Article, Misdemeanor. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

**Approval of an Ordinance to Amend the Adult Entertainment Ordinance Amending and Striking Article 1, Section 1(n) with a new Section 1(n) and renumbering all remaining paragraphs of Article 1, Section 1 consecutively, amending Section 9, Penalty for Violation, amending Section 12(a)(2) by adding subparagraph (d), and amending Section 12(c), Suspension and Revocation Procedure. (Second Reading)
Ordinance No. 2006-09-71**

City Clerk Marchiafava stated that the next agenda item is the approval of an Ordinance to Amend the Adult Entertainment Ordinance. She conducted a Second Reading of an Ordinance to Amend the Adult Entertainment Ordinance Amending and Striking Article 1, Section 1(n) with a new Section 1(n) and renumbering all remaining paragraphs of Article 1, Section 1 consecutively, amending Section 9, Penalty for Violation, amending Section 12(a)(2) by adding subparagraph (d), and amending Section 12(c), Suspension and Revocation Procedure. This will be presented by City Attorney Wendell Willard.

City Attorney Willard stated that this is to clarify some provisions to ensure the City has a due process procedure regarding violations, how the person will be notified, and the time in which to respond.

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

Motion and Vote: Councilmember Paul moved to approve an Ordinance to Amend the Adult Entertainment Ordinance Amending and Striking Article 1, Section 1(n) with a new Section 1(n) and renumbering all remaining paragraphs of Article 1, Section 1 consecutively, amending Section 9, Penalty for Violation, amending Section 12(a)(2) by adding subparagraph (d), and amending Section 12(c), Suspension and Revocation Procedure. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

New Business

Approval of an Ordinance to Amend Chapter 11, Article 3 Pawnbrokers and Pawnshops; Secondhand Dealers, Section 1 through 11 of the Code of Ordinances for the City of Sandy Springs. (First Reading)

City Clerk Marchiafava stated that the next agenda item is the approval of an Ordinance to amend Chapter 11, Article 3 Pawnbrokers and Pawnshops. She conducted a Second Reading of an Ordinance to amend Chapter 11, Article 3 Pawnbrokers and Pawnshops; Secondhand Dealers, Section 1 through 11 of the Code of Ordinances for the City of Sandy Springs. This will be presented by City Attorney Willard.

City Attorney Willard stated that the present ordinance is loosely put together therefore staff has done a complete revision. The Police Department needs a means of controlling and patrolling what is done in pawnshops and by second hand dealers.

Police Chief Wilson explained that changes were made to strengthen the ordinance. Currently, there are nine businesses identified as pawnshops. Included in the proposed amendment, is the requirement for the business to take photographs of the individuals who pawn items in their stores. This is due to fraudulent identification provided by those pawning items.

Councilmember Jenkins questioned why City Solicitor Riley was not consulted. City Attorney Willard stated that this would be done prior to the second reading of the ordinance.

Mayor Galambos questioned if this ordinance addressed the fees to be paid. Director of Operations Howell stated staff is reviewing the fees of other jurisdictions and will be bringing that back before the Council. This will be done prior to the second reading.

Councilmember Meinzen McEnemy questioned what other areas surrounding Sandy Springs have stronger ordinances. Police Chief Wilson stated that this ordinance will put Sandy Springs in line with the surrounding jurisdictions.

Police Chief Wilson explained how the process will work for pawnbrokers and what must be submitted to the City.

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

Approval of an Ordinance Amending Section 2.14 of Article 2 of the Charter of the City of Sandy Springs so as to allow for the Approval and Passage of a Resolution or Ordinance by the City Council after the title is read at the time the resolution or ordinance is offered. (First Reading)

City Clerk Marchiafava stated that the next agenda item is the approval of an ordinance amending 2.14 of Article 2 of the City Charter. She conducted a First Reading of an Ordinance to amend Section 2.14 of Article 2 of the Charter of the City of Sandy Springs so as to allow for the Approval and Passage of a Resolution or Ordinance by

the City Council after the title is read at the time the resolution or ordinance is offered. This will be presented by City Attorney Willard.

City Attorney Willard stated that a resolution was passed supporting this change. This will amend the City Charter to permit an ordinance to be passed upon one reading. This is being done under the home rule provision of the State Constitution and statutes. This will be the first reading of this ordinance.

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

Approval of an Ordinance Amending Article IV of the Charter of the City of Sandy Springs Relating to the Municipal Court. (First Reading)

City Clerk Marchiafava stated that the next agenda item is the approval of an ordinance amending Article IV of the City Charter. She conducted a First Reading of an Ordinance Amending Article IV of the Charter of the City of Sandy Springs Relating to the Municipal Court so as to increase the age for serving as a judge; clarify the position and duties of a judge; establish the position of the Clerk of the Court; specify the Clerk's duties; establish a procedure for adopting rules and regulations for the Court and authorize the Council to defray the cost of operations with reasonable fees. This will be presented by City Attorney Willard.

City Attorney Willard explained that there has been some review of the Municipal Court. The court is receiving over 100 tickets per day. It is necessary to enhance the system in place for court. This is identifying the full time position of the Court Clerk who will serve as the administrator of the court. Staff anticipates a need for at least four judges serving on a part time basis. Therefore, all judges would be referred to as judges. The clerk will set up the calendars and prepare the dockets. The clerk will oversee the day to day operations of the court. This Charter change will be done under the home rule provision of the State Constitution.

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

Reports and Presentations

Mayor Galambos announced that the Sandy Springs Baptist Church will be holding a special service to commemorate 9/11 on Sunday at 10:30 a.m.

City Manager McDonough announced that the permit office will be closed on Friday, September 15 and half the day on Monday, September 18 so that they can begin packing for the move to City Hall.

City Manager McDonough thanked Deputy City Manager Bovos for his support and everything he has meant to the start up of this City. He carried a big load early on and did a great job. We will all miss him.

Deputy City Manager Bovos stated that as he reflects on the last eleven months, the thing that is most prevalent in his mind is not only the business relationships gained, but also the personal relationships as well. He wished everyone the best of luck.

Councilmember Greenspan stated that on Sunday at 5:00 p.m. there will be a Crime Watch rally at Spalding Lake club house.

Public Comment

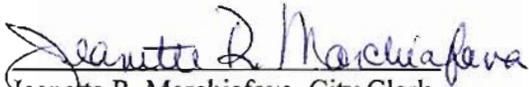
There were no public comments.

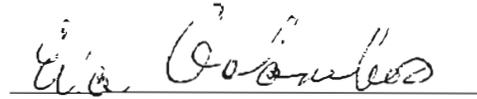
Adjourn

Motion and Vote: Councilmember Paul moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion passed unanimously.

After no further discussion, the meeting adjourned at 9:55 PM.

Date Approved: October 17, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor