

Regular Meeting of the Mayor and City Council of the City of Sandy Springs was held August 1, 2006 at 7:00 PM, Mayor Eva Galambos presiding.

Executive Session: 6:30 PM

1. To discuss litigation matters.
2. To discuss real estate matters.

Motion and Vote: Councilmember Jenkins moved to adjourn into Executive Session to discuss litigation and real estate matters. Councilmember Fries seconded the motion. The motion passed unanimously with Councilmember Tibby DeJulio, Councilmember Dianne Fries, Councilmember Karen Meinzen McEnery, Councilmember Dave Greenspan, Councilmember Ashley Jenkins, and Councilmember Rusty Paul voting in favor of the motion.

Invocation

Reverend Erin Reed Iobst, Sandy Springs Christian Church 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, Lauren Greenspan and Casey Rosner, both from Davis Academy.

City Clerk Marchiafava called the roll.

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

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance.

Approval of Meeting Agenda

Mayor Galambos questioned if there were any changes to the meeting agenda.

Motion and Vote: Councilmember Jenkins moved to add the approval of an agreement between the City and the Georgia Department of Transportation for Priority Land Acquisition Project at Abernathy Road from Johnson Ferry Road to Roswell Road to the Consent Agenda. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

Motion and Vote: Councilmember Jenkins moved to approve the meeting agenda as amended. Councilmember Paul seconded the motion. The motion passed unanimously.

Consent Agenda

DRAFT/UNAPPROVED

1. Approval of the July 11, 2006 Work Session Minutes
2. Approval of the July 18, 2006 Regular Meeting Minutes.
3. Approval of a Resolution to authorize the execution of a Memorandum of Understanding (MOU) between the City of Sandy Springs and the Housing Authority of Fulton County to assist the Housing Authority with annual environmental review responsibilities.
Resolution No. 2006-08-70
4. Approval of a Resolution to Amend the City of Sandy Springs Rezoning, Zoning Modification and Text Amendment Schedules.
Resolution No. 2006-08-71
5. Approval of a Resolution establishing a Right-of-Way policy.
Resolution No. 2006-08-72
6. Approval of a Resolution establishing a Traffic Study Process.
Resolution No. 2006-08-73
7. Approval of a Resolution approving an agreement between the City of Sandy Springs and Arthur E. Ferdinand, Tax Commissioner of Fulton County to collect property taxes for the City of Sandy Springs.
Resolution No. 2006-08-74
8. Adopt schedule for Construction Board of Appeals meeting time and dates.
9. Approval of an agreement between the City and the Georgia Department of Transportation for Priority Land Acquisition Project at Abernathy Road from Johnson Ferry Road to Roswell Road.
(Added my motion and vote)

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

Presentation

Certificates of Appreciation to Board Members of the Committee for Sandy Springs.

Certificates were presented to each member of the Committee for Sandy Springs. Mayor Galambos thanked everyone for their hard work and dedication. Chip Collins, Acting Chairman of the Committee for Sandy Springs, presented Mayor Galambos with an Award of Excellence for all her hard work and leadership.

Public Hearings

ALCOHOL BEVERAGE LICENSE APPLICATION

Temporary License No. AL06-0209

Approval of Alcoholic Beverage License Application for Chef Rob Caribbean Café, LLC located at 5920 Roswell Road, Sandy Springs, GA 30350. Applicant is Robert Gayle for Consumption on the Premises/Sale of Distilled Spirits, Wine and Malt Beverage License.

City Clerk Marchiafava stated that the next agenda item is a public hearing for Temporary License No. AL06-0209, Approval of Alcoholic Beverage License Application for Chef Rob Caribbean Café, LLC located at 5920 Roswell Road, Sandy Springs, GA 30350. Applicant is Robert Gayle for Consumption on the Premises/Sale of Distilled Spirits, Wine and Malt Beverage License. This will be presented by Director of Operations Don Howell.

Director of Operations Howell stated that the applicant has completed the required applications, has passed the background investigation, and staff recommends approval.

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

Motion and Vote: Councilmember Fries moved to approve the Alcoholic Beverage License Application for Chef Rob Caribbean Café, LLC located at 5920 Roswell Road, Sandy Springs, GA 30350 for Applicant is Robert Gayle for Consumption on the Premises/Sale of Distilled Spirits, Wine and Malt Beverage License. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

ZONING AGENDA

Rezoning

RZ-06-016/CV06-008 – 70 Cliftwood Drive, SM Services, Inc., from O-I conditional to O-I for the development of a 6,000 square foot office building at a density of 14,634.15 square feet per acre, with 4 concurrent variances. Deferred on August 1, 2006.

(Second Reading)

Ordinance No. 2006-08-57

City Clerk Marchiava stated that the next agenda item is RZ06-016/CV06-008 at 70 Cliftwood Drive. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that the applicant is requesting to rezone the property from O-I conditional to O-I for the development of a 4,100 square foot office building. This application was heard by the City Council on August 1, 2006 at which time it was deferred to tonight's meeting for the applicant to submit a revised elevation with the applicant has done. The new elevation shows the 4,100 square foot building and the driveway on the right side of the structure.

Councilmember Meinzen McEnery questioned the width of the driveway. Assistant Director of Planning and Zoning Zehner stated that it is shown at the 24-foot required width. The Planning Commission recommended that the driveway be limited to the minimum required by Code.

Councilmember Meinzen McEnery stated that it would look more residential at 20-feet. Assistant Director of Planning and Zoning Zehner stated that this is the minimum allowed by law and it would be reasonable for Council to direct staff to include this condition.

Councilmember Greenspan requested clarification regarding the verbiage in the staff findings. Assistant Director of Planning and Zoning Zehner explained the difference between staff's findings relating to the map and the policy. He explained that the proposal is in conformity with the land use map which designates live/work/neighborhood and the density is in line with the land use map. The proposal is not consistent with the Comprehensive Plan Policies that call for the protection of existing neighborhoods.

The last sentence deals with the addition of a fence and the scaling down of the project, but mostly the addition of the fence to protect the existing single family neighborhood to the south and to allow for consistency with the proposed school to the north.

Staff recommends approval with the proposed conditions.

Councilmember Jenkins stated that Parsons is telling the School Board that the City is requiring the school to get these properties so they can put in an entrance off Cliftwood. She questioned if the City has required this.

Assistant City Manager Crace stated that there are three issues. The first is to meet the minimum standard for the State Board of Education they have to assemble a certain size parcel. It was his understanding that they needed those parcels to meet that requirement.

The second issue is there is a small drainage area adjacent to Sandy Springs Circle they need to control. It is in their better interest that they have all of the land.

The third issue is that they have not presented a plan as to how they want to enter and leave the property. These are not standards the City imposes on them.

Councilmember Paul stated that he spoke with a School Board Member today who stated that this has not been discussed in the last two weeks. The School Board was given ample notice on this parcel of property. The City cannot hold this property owner hostage to the School Board's willingness or unwillingness to act in this situation.

Councilmember Jenkins expressed concern that the City is being played in the middle of a debate between the School Board and the property owner so that he can get more money. She does not want the City Council being put in a position where in the future individual land owners use City Council to their advantage on zoning matters to get a higher price.

Councilmember Paul stated that it was the opinion of the School Board Member he spoke to that this rezoning would not affect the value of the land as to make it outside the School Board's reach.

Councilmember Meinzen McEnery stated that this individual has utilized this property for many years as an office and has personal property rights. He has followed the procedures to get this rezoning. The City Council needs to take action.

Mayor Galambos recognized the applicant Keith Sirockman who thanked the Mayor and Council for their time and consideration.

Councilmember Greenspan stated that at the last meeting, he expressed concerns regarding this property and the impact it is going to have on the schools. His personal and Council opinions differ. Personally, he thinks this is not the right thing to do, but the applicant has followed every step the City has asked him to do. He agrees with Councilwoman Jenkins, and does not want to see this repeat itself with the next elementary school that is coming up. He hopes the applicant holds on to this property and does not use this Council as a launching pad to increase the property value of this parcel for the sole use of selling it.

Keith Sirockman, 5375 Cross Roads Manor, Atlanta, applicant, stated that he has no desire to sell it. He has run his business there for over 10 years and will continue to do so.

City Clerk Marchiafava conducted a Second Reading of an Ordinance to rezone property from O-I(Office and Institutional District) to the O-I(Office and Institutional District); the property is located at 70 Cliftwood Drive.

Motion: Councilmember Meinzen McEnery moved to approve RZ06-016/CV06-008 with the following staff conditions adding a condition that the driveway be reduced from 24-feet to 20 feet:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To a single building at a density of 10,000 gross square feet per acre or 4,100 gross square feet, whichever is less.

- b. To the uses permitted under the O-I (Office and Institutional District) zoning classification excluding the following uses: rooming house and boarding house; assembly halls; churches, temples or other places of worship; clinics; community center buildings; convalescent centers/nursing homes/hospices; funeral homes; group residences; gymnasiums; health clubs/spas; hospitals; hotels; institutions of higher learning, business colleges, music conservatories, and similar institutions; motels; parking lots; personal care homes; research laboratories; stadiums; and, thrift institutions.
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 28, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, 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 install a masonry wall, six (6) feet in height, along the east, west and north property lines beginning at the rear line of the structure and screening the rear of the property. The wall shall be located interior to the improvement setback, the type of which shall be subject to the approval of the Director of Community Development.
 - b. The light source of all external lighting in the development shall not be directly visible from adjoining residential properties.
 - c. The proposed structure shall have the appearance of a single family residence, subject to the approval of the Sandy Springs Design Review Board.
 - d. Parking areas shall not be visible from residentially zoned property.
 - e. Landscape areas adjacent to residentially zoned property shall be planted to buffer standards, subject to the approval of the Sandy Springs Design Review Board and the Sandy Springs Landscape Architect/Arborist.
 - f. There shall be no signs on the property identifying the business.
 - g. The property shall be limited to a maximum building height of two (2) stories.
 - h. No less than 5% of the site shall be maintained as open/green space.
 - i. To change the required twenty five (25) foot zoning buffer and ten (10) foot improvement setback adjacent to property zoned R-3 (Single Family Dwelling District) to a 10' landscape strip along the west property line (CV06-008).
 - j. To reduce the required fifty (50) foot buffer along the north property line to a twenty five (25) foot buffer and ten (10) foot improvement setback (Article 8.1.3, *Development Standards*) (CV06-008).
 - k. To reduce the required parking from 3 spaces per 1,000 gross square feet of building area (18 spaces) to 2 ½ spaces per 1,000 gross square feet of building area (15 spaces) (Article 18.2.1, *Basic Off-street Parking Requirements*) (CV06-008).

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

RZ06-029 – 355 Mt. Paran Road, Robert Klenberg, from R-2 to R-3 for the development of 1 single-family lot. (First Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-029 at 355 Mt. Paran Road. She conducted a First Reading of an Ordinance to rezone from property from R-2(Single Family Dwelling District) to the R-3(Single Family Dwelling District); property located at 355 Mt. Paran Road. The second reading will be held on September 5, 2006. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that this application will be considered by the Planning Commission on August 17 and the City Council of September 5.

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

RZ06-030/CV06-015 – 8475 Roswell Road (SR9), 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)

City Clerk Marchiafava stated that the next agenda item is RZ06-030/CV06-015 at 8475 Roswell Road (SR9). She conducted a First Reading of an Ordinance to rezone from property from C-2(Commercial District) to the C-2(Commercial District); property located at 8475 Roswell Road. The second reading will be held on September 5, 2006. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that this application will be considered by the Planning Commission on August 17 and the City Council of September 5.

Councilmember Fries questioned if soil samples had been taken. Assistant Director of Planning and Zoning Zehner stated that he was unaware of any at this time. The applicant may not be required to do that, but will have to do an environmental impact study.

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

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)

City Clerk Marchiafava stated that the next agenda item is RZ06-031/CV06-016 at 75 Cliftwood Drive. She conducted a First Reading of an Ordinance to rezone from property from R-3(Single Family Dwelling District) to the O-I(Office and Institutional District); property located at 75 Cliftwood Drive. The second reading will be held on September 5, 2006. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that this application will be considered by the Planning Commission on August 17 and the City Council of September 5.

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

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)

City Clerk Marchiafava stated that the next agenda item is RZ06-032/CV06-017 at 259 Windsor Parkway. She conducted a First Reading of an Ordinance to rezone from property from O-I(Office and Institutional District) to the O-I(Office and Institutional District); property located at 259 Windsor Parkway. The Second Reading will be held on September 5, 2006. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that this application will be considered by the Planning Commission on August 17 and the City Council of September 5.

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

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)

City Clerk Marchiafava stated that the next agenda item is RZ06-033 at 5845 Long Island Drive. She conducted a First Reading of an Ordinance to rezone from property from R-2(Single Family Dwelling District) to the R-4A(Single Family Dwelling District); property located at 5845 Long Island Drive. The Second Reading will be held on September 5, 2006. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that this application will be considered by the Planning Commission on August 17 and the City Council of September 5.

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

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)

City Clerk Marchiafava stated that the next agenda item is RZ06-034 property currently known as the Carroll Manor Subdivision. She conducted a First Reading of an Ordinance to rezone from property from TR(Townhouse Residential District) to the TR(Townhouse Residential District); property currently known as the Carroll Manor Subdivision. The Second Reading will be held on September 5, 2006. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that this application will be considered by the Planning Commission on August 17 and the City Council of September 5.

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

Zoning Modification

ZM06-006 – 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)

City Clerk Marchiafava stated that the next agenda item is ZM06-006 at 6400 Peachtree-Dunwoody Road, the Home Depot. She conducted a First Reading of an Ordinance to modify conditions of a Resolution by the Fulton County Board of Commissioners approving petition Z96-0032 on May 1, 1996; property located at 6400 Peachtree-Dunwoody Road. The Second Reading will be held on September 5, 2006. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that this is a Zoning Modification and is not considered by the Planning Commission but will come before the City Council of September 5.

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

Public Hearings Closed

Mayor Galambos closed the public hearings.

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. Deferred on July 18, 2006. (Second Reading)
Ordinance No. 2006-08-58

City Clerk Marchiafava stated that the next agenda item is 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. This item was deferred on July 18, 2006. She conducted a Second 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 Wendell Willard.

City Attorney Willard stated that the purpose of this Ordinance is to fill a void as a result of a Court decision when the 11th Circuit struck down the Georgia Statutory provision of the obscenity law. The General Assembly will take this up in January or February. In the meantime, the City is without enforcement powers as far as the criminal prosecution of obscenities.

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

Motion and Vote: Councilmember DeJulio 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 Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance to Authorize the City of Sandy Springs to Abandon a parcel of land; to offer to sell the parcel of land to the adjoining property owners; to specify the terms of any offer; and to authorize the Mayor to execute a Limited Warranty Deed approved by the City Attorney to complete any sale. (Second Reading)
Ordinance No. 2006-08-59

City Clerk Marchiafava stated that the next agenda item is an Ordinance to Authorize the City of Sandy Springs to Abandon a parcel of land; to offer to sell the parcel of land to the adjoining property owners; to specify the terms of any offer; and to authorize the Mayor to execute a Limited Warranty Deed approved by the City Attorney to complete any sale. She conducted a Second Reading Ordinance to Authorize the City of Sandy Springs to Abandon a parcel of land as approved by O.C.G.A. 36-37-6; to offer to sell the parcel of land

to the adjoining property owners; to specify the terms of any offer; and to authorize the Mayor to execute a Limited Warranty Deed approved by the City Attorney to complete any sale. This will be presented by City Attorney Wendell Willard.

City Attorney Willard explained that this Ordinance allows the City to transfer a small parcel of property that is a part of the MARTA tract at Barfield and Abernathy. The developer of the property is getting ready to close and have a desire to buy a small piece of property to assist in the development. The City will obtain \$68,292. This property is unusable for any other purpose.

Councilmember Meinzen McEnery questioned if this would meet the requirements of the Right-of-Way Policy just adopted. City Attorney Willard explained that it would.

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

Motion and Vote: Councilmember DeJulio moved to approve an Ordinance to Authorize the City of Sandy Springs to Abandon a parcel of land; to offer to sell the parcel of land to the adjoining property owners; to specify the terms of any offer; and to authorize the Mayor to execute a Limited Warranty Deed approved by the City Attorney to complete any sale. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

**Approval of an Ordinance to Amend the City of Sandy Springs Code of Ordinances, Chapter 11: Business Occupation, Tax, Licenses and Regulations, Article 11, Section 4. (Second Reading)
Ordinance No. 2006-08-60**

City Clerk Marchiafava stated that the next agenda item is the approval of an Ordinance to amend Chapter 11, Business Occupation Tax, Licenses and Regulations. She conducted a Second Reading of an Ordinance to Amend the City of Sandy Springs Code of Ordinances, Chapter 11: Business Occupation, Tax, Licenses and Regulations, Article 11, Section 4. This will be presented by Director of Operations Don Howell.

Director of Operations Howell stated that approval of this Ordinance will bring into line the City's fee structure to be consistent with other things that are established by Resolution of City Council. This regulates taxi cab fees.

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

Councilmember Fries stated that taxicabs must be five years old or newer. She questioned where this was stipulated in the ordinance. Director of Operations Howell stated that the City mirrored the regulations of Fulton County and they did this administratively. This will be included during the upcoming ordinance amendments. Staff is not enforcing this at this time.

Motion and Vote: Councilmember DeJulio moved to approve an Ordinance to Amend the City of Sandy Springs Code of Ordinances, Chapter 11: Business Occupation, Tax, Licenses and Regulations, Article 11, Section 4. Councilmember Meinzen McEnery seconded the motion. There was no further Council discussion. The motion passed unanimously.

**An Ordinance to Approve Amendments to the International Property Maintenance Code. (Second Reading)
Ordinance No. 2006-08-61**

City Clerk Marchiafava stated that the next agenda item is the approval of an Ordinance to approve amendments to the International Property Maintenance Code. She conducted a Second Reading of an

Ordinance deleting sections 106.2, 106.4, and 107.1 in their entirety and adopting new sections 106.2, 106.4, and 107.1 of the International Property Maintenance Code as adopted on 12/13/2005. This will be presented by Chief Enforcement Officer Marcus Kellum.

Chief Enforcement Officer Kellum stated that staff was requesting this amendment in an attempt to enhance the enforcement powers of the Code Enforcement Department.

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

Motion and Vote: Councilmember Meinzen McEnery moved to approve an Ordinance to amending the International Property Maintenance Code. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

New Business

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. (First Reading)

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 First 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 Leathers stated that this is a housekeeping matter to rename the Board and to provide more flexibility in terms of placing items on an agenda.

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

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)

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 First Reading of an Ordinance Amending the City of Sandy Springs Code of Ordinance Chapter 2, Administration, Article 5, City Boards, Section 1, Creation. This will be presented by Community Development Director Nancy Leathers.

Community Development Director Leathers stated that this is a housekeeping matter to rename the Board and to provide more flexibility in terms of placing items on an agenda.

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

Approval of an Ordinance to Amend Chapter 7, Alcoholic Beverages, Article 2, Section 2, Violations of Article, Misdemeanor. (First Reading)

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 First 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. They have submitted this for consideration. It would establish violations of this ordinance as a misdemeanor as well as imposing civil sanctions such as the removal of the license.

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

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. (First Reading)

City Clerk Marchiafava stated that the next agenda item is the approval of an Ordinance to Amend the Adult Entertainment Ordinance. She conducted a First 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. The Second Reading is scheduled for September 5, 2006. 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.

**Approval of a Resolution to Amend Section 2.14 of Article II 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.
Resolution No. 2006-08-75**

City Clerk Marchiafava stated that the next agenda item is the approval of a Resolution to Amend Section 2.14 of Article II 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 Wendell Willard.

City Attorney Willard stated that this will be done by Home Rule. The current Charter requires two readings of an ordinance prior to its enactment. There is no real reason for this. This resolution authorizes the process for the Home Rule change to begin.

Motion and Vote: Councilmember DeJulio moved to approve a Resolution to Amend Section 2.14 of Article II 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. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

Recognition of City Council Pages

Mayor Galambos thanked the Pages for all their help. She presented Lauren Greenspan and Casey Rosner with a Certificate of Appreciation.

Approval of a Resolution Accepting Local Assistance Grant funds from the State of Georgia in the amount of \$40,000 for fiscal year 2007 for the purpose of acquiring personal protection equipment ballistic vest for the Sandy Springs Police Department.

Resolution No. 2006-08-76

City Clerk Marchiava stated that the next agenda item is the approval of a Resolution Accepting Local Assistance Grant funds from the State of Georgia in the amount of \$40,000 for fiscal year 2007 for the purpose of acquiring personal protection equipment ballistic vest for the Sandy Springs Police Department. This will be presented by Deputy City Manager Aaron Bovos.

Deputy City Manager Bovos explained that both resolutions are for grants based upon the City's submission during the 2006 General Session. He explained that \$40,000 will go toward bullet proof vests, and \$25,000 for laser speed detection devices. The resolution allows the City to comply with internal grant policies as well as requirements of the State. He explained how the funds would be disbursed. This revenue and expense was not anticipated in the 2007 budget and will be included in the mid-year budget review.

Councilmember Greenspan clarified that the \$40,000 will be applied immediately toward the purchase.

Motion and Vote: Councilmember Fries moved to approve a Resolution Accepting Local Assistance Grant funds from the State of Georgia in the amount of \$40,000 for fiscal year 2007 for the purpose of acquiring personal protection equipment ballistic vest for the Sandy Springs Police Department. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution Accepting Local Assistance Grant funds from the State of Georgia in the amount of \$25,000 for fiscal year 2007 for the purpose of acquiring laser speed detection devices for the Sandy Springs Police Department.

Resolution No. 2006-08-77

Motion and Second: Councilmember Fries moved to approve a Resolution Accepting Local Assistance Grant funds from the State of Georgia in the amount of \$25,000 for fiscal year 2007 for the purpose of acquiring laser speed detection devices for the Sandy Springs Police Department. Councilmember Jenkins seconded the motion.

Discussion on the Motion: Mayor Galambos stated that Representative Geisinger was instrumental in acquiring these grants for the City. He will be presenting the checks at meeting in the near future.

Vote: There was no further Council discussion. The motion passed unanimously.

Approval of a Resolution Authorizing the Execution of any and all documents necessary to enter into a "Lease Line of Credit" with Bank of America Public Capital Corp for the lease/purchase financing of vehicles and equipment for the Sandy Springs Fire Department.
Resolution No. 2006-08-78

City Clerk Marchiafava stated that the next agenda item is the approval of a Resolution Authorizing the Execution of any and all documents necessary to enter into a "Lease Line of Credit" with Bank of America Public Capital Corp for the lease/purchase financing of vehicles and equipment for the Sandy Springs Fire Department. This will be presented by Director of Operations Don Howell.

Director of Operations Don Howell explained that this would authorize a master lease agreement with Bank of America for a line of credit up to \$5 million. Approximately \$4 million would be deposited with the City at closing. The remainder would be left to draw on for three year lease items. The \$4 million would be for the purchase of the major fire equipment and apparatus. The City received five proposals and Bank of America had the best interest rate as well as the best terms.

Motion and Vote: Councilmember Fries moved to approve Resolution Authorizing the Execution of any and all documents necessary to enter into a "Lease Line of Credit" with Bank of America Public Capital Corp for the lease/purchase financing of vehicles and equipment for the Sandy Springs Fire Department. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Reports and Presentations

Councilmember Greenspan commended the Police Department for recent arrests in his district.

Councilmember Paul stated that in his discussion with the School Board, they stated that they wanted to move forward with the Spaulding Elementary Park. Councilmember Greenspan explained that they have to make some policy changes prior to entering into intergovernmental agreements with the City.

Councilmember Jenkins stated that the Weber School has agreed to let the City use its soccer fields and baseball fields.

Public Comments

Don Sailor, Mt. Vernon Parkway Homeowners Association, stated that he has received good comments since the Mayor and Council has taken over, specifically the Police presence. He also addressed the street widening project in his area requesting that it move forward.

Mayor Galambos stated that there will be a Special Called meeting on August 29 to review all of the road projects.

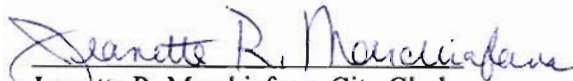
Lauren Greenspan and Casey Rosner thanked the Mayor and Council for allowing them to participate as Pages for this meeting.


Adjourn

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Meitzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

After no further discussion, the meeting adjourned at 8:21 PM.

Approved: September 5, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

August 15, 2006

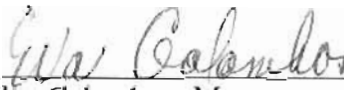
AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 15th day of August, 2006 in the city aforesaid, a meeting of the Council was closed to the public for the following reasons:

Future acquisition of real estate pursuant to O.C.G.A, 50-14-3(4);

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

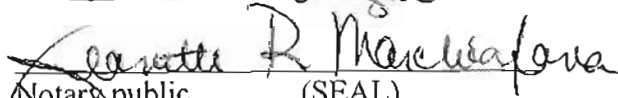
and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.



Eva Galambos, Mayor

Sworn to and subscribed before me,

this 15th day of August, 2006.


Notary public (SEAL)

JEANETTE R MARCHIAVA
Notary Public, Fulton Co., GA
My Commission Expires August 29, 2008