

Regular Meeting of the Mayor and City Council of the City of Sandy Springs was held July 18, 2006 at 7:00 PM, Mayor Eva Galambos presiding.

Invocation

Dr. George Freeman; Sr. Minister, North Springs United Methodist 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 Jeanette 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 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 the Meeting Agenda

City Clerk Marchiafava stated that the next agenda item is the approval of the Meeting Agenda. Staff's recommendation is the approval of the Meeting Agenda adding Agenda Item No. 06-207, Second Reading of an Ordinance to Adopt the City of Sandy Springs Apartment Inspection Ordinance.

Mayor Galambos asked for any other changes to the Meeting Agenda. There were none.

Motion and Vote: Councilmember Fries moved to approve the meeting agenda adding one item, Agenda Item No. 06-207, Second Reading of an Ordinance to Adopt the City of Sandy Springs Apartment Inspection Ordinance. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Consent Agenda

1. Approval of the June 20, 2006 Regular Meeting minutes.
2. Approval of RFP-06-166, Revenue Enhancement Project.
3. Fulton Perimeter Community Improvement District Land Report – Parcels 5 and 16
 - a. An Agreement to Donate property rights located in Land Lot 16 of the 17th District for parcel 5 owned by the Medical Quarters of North Atlanta Condominium Association, Inc., in connection with the Fulton Perimeter Community Improvement District (PCID) Peachtree Dunwoody Road Medical District Streetscape Project.
 - b. An Agreement to Donate property rights located in Land Lot 16 of the 17th District for parcel 16 owned by Glenridge Creek, LLC, in connection with the Fulton Perimeter Community Improvement District (PCID) Peachtree Dunwoody Road Medical District Streetscape Project.
4. Approval of Georgia Department of Transportation (GDOT) Project Management Agreements (PMA) - Third Group

- a. PMA for the PCID Peachtree Dunwoody Road Pedestrian Improvements (North);
 - b. PMA for the PCID Peachtree Dunwoody Road Pedestrian Improvements (South); and
 - c. Livable Communities Initiative (LCI) Agreement for the PCID Peachtree Dunwoody Road Pedestrian Improvements (South).
5. Approval of a Resolution to Adopt and Approve the Street Name Sign Topper Guidelines for the City of Sandy Springs.
Resolution No. 2006-07-64
6. Approval of a Resolution to Adopt and Approve a Page Program for the City of Sandy Springs.
Resolution No. 2006-07-65

City Clerk Marchiafava read the above Consent Agenda items for the record.

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

Zoning Agenda

Zoning Modifications

ZM06-004 – 5173 and 5157 Northland Drive, Scott Mattison, Modification of condition 3.b under Z04-0036 to allow for a curb cut onto Northland Drive for a private drive.

(Second Reading)

Ordinance No. 2006-07-47

City Clerk Marchiafava stated that the next agenda item is ZM06-004 – 5173 and 5157 Northland Drive, Scott Mattison, Modification of condition 3.b under Z04-0036 to allow for a curb cut onto Northland Drive for a private drive.

City Clerk Marchiafava conducted a Second Reading of an Ordinance to modify conditions of a Resolution by the Fulton County Board of Commissioners approving petition Z06-0036 on May 5, 2004. Property located at 5173 and 5157 Northland Drive. This item will be present by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that the First Reading and Public Hearing were held on July 5, 2006. He explained that the City Council voted unanimously to approve the modification with staff's conditions.

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

Councilmember Meinzen McEnery questioned why a Second Reading was being held. Assistant Director of Planning and Zoning Zehner stated that the City Attorney determined that zoning modifications require two readings. He explained that Council has already held an advertised Public Hearing.

Councilmember Fries stated that she would like clarification and assurance that this matter is straightened out.

Councilmember Meinzen McEnery expressed concerns regarding the Council hearing these items prior to the Planning Commission hearing them.

Mayor Galambos questioned if Zoning Modifications go before the Planning Commission. Assistant Director of Planning and Zoning Zehner stated that they did not go before the Planning Commission. Mayor Galambos questioned if this is a Zoning Modification. Assistant Director of Planning and Zoning Zehner stated that it was. Mayor Galambos stated that this could be discussed at a later point in the meeting as it did not apply to Zoning Modifications.

Assistant Director of Planning and Zoning Zehner stated that staff recommends approval of the Zoning Modification.

Motion: Councilmember Fries moved to approve ZM06-004 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Single family detached dwellings and accessory uses and structures.
 - b. No more than 3 total dwelling units, at a maximum density of 1.58 dwelling units per acre, whichever is less based on the total acreage zoned. Approved lot/unit totals are not guaranteed. The developer is responsible through site engineering (at the time of application for a Land Disturbance Permit) to demonstrate that all lots/units within the approved development meet or exceed all the development standards of the City of Sandy Springs. The total lot yield of the subject site shall be determined by this final engineering.
 - c. The minimum heated floor area per dwelling unit shall be 3,750 square feet.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by Department of Community Development dated received April 26, 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.
 - b. To comply with the Subdivision Regulations of the City of Sandy Springs.
3. To the owner's agreement to the following site development considerations:
 - a. No more than one exit/entrance on Northland Drive. Curb cut location and alignment are subject to the approval of the City of Sandy Springs Traffic Engineer.
4. To the owner's agreement to abide by the following requirements, dedication and improvements:
 - a. Dedicate at no cost to the City of 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 the City of 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:

30 feet from centerline of Northland Drive.

From the centerline of GA 400 as may be required by the Georgia Department of Transportation.
 - b. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

From the centerline of GA 400 as may be required by the Georgia Department of Transportation.
 - c. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development to the City of Sandy Springs Traffic Engineer at the concept review phase.
5. To the owner's agreement to abide by the following:
 - a. Prior to submitting the application for a Land Disturbance Permit (LDP) with the Department of Community Development, arrange to meet with the City of 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. Prior to submitting the application for an LDP, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the City of Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP.
 - c. Prior to submitting the application for an LDP, the developer/engineer shall contact the Department of Community Development and arrange to meet on-site with an engineer, who is responsible for review of Storm Water Concept Plan submittals.
 - d. Prior to submitting the application for an LDP, the developer and/or engineer shall submit to the SWMP, through the Department of Community Development a project Storm Water Concept Plan. This concept plan shall indicate the preliminary location of the storm water management facilities intended to manage the quality and quantity of storm water. The concept plan shall specifically address the existing downstream off-site drainage conveyance system(s) that the proposed development surface runoff will impact, and the discharge path(s) from the outlet of the storm water management facilities to the off-site drainage system(s) and/or appropriate receiving waters. As part of the Storm Water Concept Plan submittal, a preliminary capacity analysis shall be performed by the engineer on the off-site drainage system(s) points of constraint. The capacity analysis shall determine the capacity of all existing constraint points, such as pipes, culverts, etc., the point in the stream channel where the 25 year storm peak flow is the greatest percentage of the channel capacity, and the hydraulic grade elevation at these points. The critical capacity points shall be selected based upon the engineer's field observation, professional judgment and limited field survey data. The analysis shall identify the downstream properties pre and post-development 100-year floodplain and for any post-development floodplain increase, the developer shall acquire the applicable offsite drainage easement to accommodate the 100-year storm flow through impacted properties.
 - e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, the discharge from the storm water management facility outlet shall mimic pre-development sheet flow conditions. A description of the method proposed to achieve post development sheet flow conditions shall be provided as part of the Storm Water Concept Plan. Should the method to achieve sheet flow be unsuccessful, the developer shall acquire an easement(s) from the point of discharge to a point down gradient at a live dry weather stream sufficient to contain the 25 year storm flow or other location as approved by the Director of Community Development or his/her designee.
 - f. A draft of the Inspection and Maintenance Agreement required by Fulton County Code, Section 26-278 shall be submitted to the Department of the Community Development with the Storm Water Concept Plan.
 - g. The Inspection and Maintenance Agreement shall provide that all storm water management/detention facility outlet control structures shall be inspected, photographed and cleaned on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that an annual operation and maintenance report for all storm water management/detention facilities be prepared by a licensed design professional and submitted to the SWMP. The annual report shall include monthly inspections, photographs, and documentation of the cleaning of storm water management/detention facilities outlet control structure(s) as well as an operational assessment of the facilities indicating that they do, or do not, function as intended/designed, and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended/designed.
 - h. The required Inspection and Maintenance Agreement shall be recorded with the Clerk of Superior Court prior to issuance of an LDP, Grading Permit or Building Permit associated with the development.
 - i. The engineer/developer is required to submit, along with the application for an LDP, signed documentation verifying approval of the Storm Water Concept Plan.
 - j. Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the storm water management facilities shall be designed to remove pollutants such as oil, grease and other automobile fluids that may leak from vehicles. A description of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan.

- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of all existing natural streams, creeks, or draws within the proposed development boundary and provide details on the Storm Water Management Plan of the post development channel bank protection measures.
- l. The developer/engineer shall demonstrate to the City of Sandy Springs by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff leaving the site is restricted to seventy-five percent (75%) of the pre-development conditions for the 1-year frequency storm event, up to and including the ten (10)-year frequency storm event.
- m. All drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. No release of unmanaged or untreated storm flows shall be permitted from any disturbed portion of the developed property. Bypass flows will not be permitted except for undisturbed areas within a buffer or other protected easement and final plans shall provide for collection, conveyance and treatment of all flows from all developed lots or parcels, individual residences or building structures.

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

ZM06-005 – 5270 Greenland Road, Southern Gentry Developments, LLC, Modification of conditions 1.b, 2.a., 3.b, 3.f, and 3.h under Z05-0024 to reduce the number of lots permitted, to amend the site plan to reduce required undisturbed common area buffers from 40 feet to 15 feet, to remove the required amenities area, and to remove the construction access requirement through Green Hill Place.

(Second Reading)

Ordinance No. 2007-07-50

City Clerk Marchiafava stated that the next agenda items is ZM06-005 – 5270 Greenland Road, Southern Gentry Developments, LLC, Modification of conditions 1.b, 2.a., 3.b, 3.f, and 3.h under Z05-0024 to reduce the number of lots permitted, to amend the site plan to reduce required undisturbed common area buffers from 40 feet to 15 feet, to remove the required amenities area, and to remove the construction access requirement through Green Hill Place.

City Clerk Marchiafava conducted a Second Reading of an Ordinance to modify conditions of a Resolution by the Fulton County Board of Commissioners approving petition Z05-0024 on September 7, 2005, property located at 5270 Greenland Road. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that a First Reading and Public Hearing was held on July 5, 2006. He stated that the Mayor and Council voted 4-2 to approve the modification with staff's conditions with the deletion of condition 3.h requiring construction access through Green Hill Place. He stated that Councilmember DeJulio and Councilmember Meinzen McEnery voted in opposition.

Motion and Second: Councilmember DeJulio moved to approve ZM06-005 and reinstating the second construction entrance so that there are two construction entrances to this property with the rest of staff's conditions. Councilmember Meinzen McEnery seconded the motion.

Discussion on the Motion: Councilmember Meinzen McEnery questioned if the public was adequately notified that they had the opportunity to be here tonight as stipulated on the agenda. Assistant Director of Planning and Zoning Zehner stated that the meeting was advertised for the July 5 Public Hearing. Councilmember Meinzen McEnery stated that the agenda provides time for public comment. She questioned if the opportunity for public comment was adequately noticed to the community. Assistant Director of Planning and Zoning Zehner deferred to the City Attorney.

City Attorney Willard explained that one public hearing is required, which was advertised to be a public hearing at the last meeting. He stated that what Council is doing at this meeting is inviting further public comment, but it is not a requirement to have a noticed hearing.

Councilmember Meinzen McEnery stated that Council is about to take a vote that might overturn the entire vote and those people could argue that there are issues with the process. She noted her objection for the record. She stated that she seconded the motion for discussion purposes and she is in favor of the second. She explained that she has a problem with the process of Council's ability to overturn a vote without the community being here to fight and share their viewpoints.

Councilmember Fries stated that she feels it is very unfair to burden a neighborhood that is not benefiting from the construction of this project to have all the construction trucks through their neighborhood.

Councilmember DeJulio stated that was because the other neighborhood did not present their case. He stated that staff's recommendation would have both neighborhoods sharing the burden of construction traffic. He stated that the Greenland neighborhood actually has more children in it than the other. He reminded everyone that the neighborhoods discussed this matter and made this negotiated settlement while this was under the Fulton County Commission.

Councilmember Jenkins stated that Green Hill was not consulted on this. It was put in after everyone had already left.

Councilmember Fries stated that it was also done when they thought both Green Hill and Greenland was going to be developed at the same time. That is why Fulton County put that in there. She would like to remove that requirement and let them negotiate this easement.

Call the Question: Councilmember DeJulio moved to Call the Question.

Councilmember Paul questioned why Council is even trying to tell them which way to go in since this is a public road. He stated that he did not like requiring them to go any particular way.

Councilmember Meinzen McEnery stated that the public was not notified of their opportunity for public comment.

City Attorney Wendell Willard explained that when there are zoning amendments, rezoning, text amendments, modifications, that is a change of an ordinance and State law says there shall be a public hearing. He stated that there was a advertising that stated the date of the public hearing which was July 5. Therefore, the public hearing has been held. Under the City's rules and procedures, it defines what will be a public hearing. It also defines the right of the Council to invite public comment. This is what you are doing here at the second reading. This is different than the statutory required public hearing.

Councilmember Meinzen McEnery questioned why the Council is voting twice. City Attorney Willard stated that it is not required to hold a vote on the first reading. He stated that if the ordinance had been denied at the first reading, a second reading would not be required

Mayor Galambos stated that she cannot think of any other topic in which there has been as much public comment so the fact that they are not here again does not mean that the Council is not aware of their concerns.

Councilmember DeJulio repeated his motion to approve ZM06-005 reinstating the second construction entrance so that there are two construction entrances to this property, one on Greenland and one on Green Hill, with the rest of staff's conditions.

Call the Question: Councilmember DeJulio moved to Call the Question. Councilmember Paul opposed stating that he wanted to be clear on the motion regarding the access easement.

Councilmember DeJulio requested that staff clarify this easement.

Assistant Director of Planning and Zoning Zehner stated that 3h reads "Provide construction access thru Green Hill Place via a private easement agreement. Restore area to original grade and replant with plantings equivalent to preconstruction condition or as approved by the City of Sandy Springs Arborist." He stated that it was the intent on the original approval in Fulton County that the construction access, with this condition, be provided both through that easement as well as Greenland.

Mayor Galambos questioned if the applicant was needed to clarify this issue. Councilmember Paul stated that he did not believe that was necessary, however, it is his intention to vote for two construction accesses without requiring them to use either one.

Councilmember Fries questioned if the easement requirement is removed, does that allow the applicant to work with the neighborhoods to determine the easement. Mr. Donner stated that is correct.

Vote: The motion failed 1-5, with Councilmember Greenspan, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, and Councilmember Meinzen McEnery voting in opposition.

Motion: Councilmember Fries moved to approve ZM06-005 with the following conditions except for the requirement of the construction easement going through Green Hill (this shall not be a requirement):

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

- a. Single family detached dwellings and accessory uses and structures.
- b. No more than 32 total dwelling units at a maximum density of 1.61 dwelling units per acre, whichever is less, based on the total acreage zoned. Approved lot/unit totals are not guaranteed. The developer is responsible through site engineering (at the time of application for a Land Disturbance Permit) to demonstrate that all lots/units within the approved development meet or exceed all the development standards of the City of Sandy Springs. The total lot/unit yield of the subject site shall be determined by this final engineering.
- c. Provide a minimum lot size of 10,000 square feet.
- d. The minimum heated floor area per dwelling unit shall be a minimum of 3,000 square feet for lots adjacent to the perimeter common area and a minimum of 2,800 square feet for the remainder.

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, the Development Standards therein, and these conditions prior to the approval of a Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, 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 the first Certificate of Occupancy.
- b. All areas which are not part of an individual lot and held in common shall be accessible via dedicated roadways, easements, sidewalks, etc. and shall be maintained by a mandatory homeowners association,

whose proposed documents of incorporation shall be submitted to the Director of Community Development for review and approval prior to the recording of the first final plat.

3. To the owner's agreement to the following site development considerations:

a. The minimum design standards are:

Minimum lot width at building line: 40 feet

Minimum front yard: 10 feet

Minimum side corner yard: 10 feet

Minimum rear yard: 15 feet (10 feet of which is to be an improvement setback for properties along the perimeter of the project)

Minimum side yard: 0 feet

Minimum Building Separation: 14 feet

b. Provide a natural buffer, common area which is not a part of any lot, undisturbed except for approved access and utility crossings, improvements, and replantings where sparsely vegetated and subject to the approval of the Fulton County Arborist, adjacent to the following property lines and in the widths shown:

25 feet wide along the entire length of the north, south, and west property lines with no improvement setback.

c. Provide a natural, undisturbed open space/common area on the east side of the property as shown on the site plan referenced in condition 2.a. Replant where sparsely vegetated subject to the approval of the City of Sandy Springs Arborist. Allow approved access and utility crossings, detention facilities, and nature paths in the common area.

d. No fencing is allowed in the common areas referenced in conditions 3.b., 3.c., or 3.d., except as required around detention facilities and swimming pool.

e. No more than one (1) exit/entrance on Greenland Road. Curb cut location and alignment are subject to the approval the City of Sandy Springs Traffic Engineer.

f. All garages shall be side entry only.

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

a. Dedicate at no cost to the City of 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 Fulton County 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:

25 feet from the centerline of Greenland Road.

b. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development to the City of Sandy Springs Traffic Engineer at the concept review phase.

5. To the owner's agreement to abide by the following:

a. Prior to submitting the application for a (LDP) with the Department of Environment and Community Development, Development Review Division, arrange to meet with the City of 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. Prior to submitting the application for an LDP, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the City of Sandy Springs Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for an LDP.

- c. Prior to submitting the application for an LDP, the developer/engineer shall contact the Department of Community Development and arrange to meet on-site with an engineer, who is responsible for review of Storm Water Concept Plan submittals.
- d. Prior to submitting the application for an LDP, the developer and/or engineer shall submit to the SWMP, through the Department of Community Development, a project Storm Water Concept Plan. This concept plan shall indicate the preliminary location of the storm water management facilities intended to manage the quality and quantity of storm water. The concept plan shall specifically address the existing downstream off-site drainage conveyance system(s) that the proposed development surface runoff will impact, and the discharge path(s) from the outlet of the storm water management facilities to the off-site drainage system(s) and/or appropriate receiving waters. As part of the Storm Water Concept Plan submittal, a preliminary capacity analysis shall be performed by the engineer on the off-site drainage system(s) points of constraint. The capacity analysis shall determine the capacity of all existing constraint points, such as pipes, culverts, etc. from the point of storm water discharge at the proposed development site boundary downstream to the confluence of the receiving drainage course at a point where the drainage area is at least ten times the proposed development site area and the next downstream drainage area having a drainage area of fifty acres or more. The critical capacity points shall be selected based upon the engineer's field observation, professional judgment, and limited field survey data. The analysis shall identify the downstream properties pre and post-development 100-year water surface elevations, and for any post-development water surface elevation increase exceeding 0.05 feet, the developer shall acquire the applicable offsite drainage easement to accommodate the 100-year storm flow through impacted properties. Where Fulton County has completed a model of the basin, it shall be used by the developer in the analyses.
- e. Where storm water currently drains by sheet flow and it is proposed to be collected to and/or discharged at a point, such that the discharge from the storm water management facility outlet crosses a property line, such discharge shall mimic pre-development sheet flow conditions. A description of the method proposed to achieve post-development sheet flow conditions shall be provided as part of the Storm Water Concept Plan. Should the method to achieve sheet flow across an external property line be unsuccessful, the developer shall acquire an easement(s) from the point of discharge to a point down gradient at a live dry weather stream sufficient to contain the 25 year storm flow or other location as approved by the Director of Community Development or his/her designee. This condition will not apply when the storm water management facility is designed and approved to discharge directly to a stream or watercourse.
- f. A draft of the Inspection and Maintenance Agreement required by Fulton County Code Section 26-278 shall be submitted to the Department of the Community Development with the Storm Water Concept Plan.
- g. The Inspection and Maintenance Agreement shall provide that all storm water management/detention facility outlet control structures shall be inspected, photographed, and cleaned, if necessary, on a monthly basis, by the owner. The Inspection and Maintenance Agreement shall require that the design engineer shall prepare an operation and maintenance guidance document, for use by the owner and/or any professionals retained by the owner, to plainly describe the basic operational function of the facility(ies), including a description of a permanent marker post(s) which shall indicate that the level of sediment which, if exceeded, requires sediment removal. The Inspection and Maintenance Agreement shall require an annual operation and maintenance report for all storm water management/detention facilities be prepared by a licensed design professional and submitted to the SWMP. The annual report shall include monthly inspections, photographs, and documentation of the cleaning of storm water management/detention facilities outlet control structure(s) as well as an operational assessment of the facilities indicating that they do, or do not, function as described in the design guidance document (described above), and if they do not, a description of the specific actions to be taken to allow the facilities to function as intended.
- h. The required Inspection and Maintenance Agreement shall be recorded with the Clerk of Superior Court prior to issuance of an LDP, Grading Permit, or Building Permit associated with the development.
- i. The engineer/developer is required to submit, along with the application for an LDP, signed documentation verifying approval of the Storm Water Concept Plan.
- j. Where paved parking areas (including access aisles) are proposed to exceed 5,000 square feet, the storm water management facilities shall be designed to reduce pollutants such as oil, grease and other automobile fluids

- that may leak from vehicles. A general description, or concept, of the storm water management facilities proposed to achieve the removal of such pollutants shall be submitted with the Storm Water Concept Plan. A detailed design of such facilities shall be included in applicable documents for a land disturbance permit.
- k. With the application for an LDP, provide documentation (such as channel cross-sections, centerline profile, etc.) describing the geometry of those existing natural streams, creeks, or draws within the proposed development boundary which in the design engineer's judgment are at risk of erosion due to increased flow, provide a description of the basis utilized in judging areas to be at risk, and provide details on the Storm Water Management Plan of the post-development channel bank protection measures.
 - l. The developer/engineer shall demonstrate to City of Sandy Springs by engineering analysis submitted with the LDP application, that the discharge rate and velocity of the storm water runoff resulting from the development is restricted to seventy-five percent (75%) of the pre-development conditions for the 1-year frequency storm event, up to and including the ten (10)-year frequency storm event.
 - m. Drainage from all disturbed areas shall be collected and conveyed to a storm water management facility provided as part of the development. The Storm Water Concept Plan shall identify any proposed areas with incidental and minor release of storm water not conveyed to such facilities, subject to the approval of the Director of Public Works. Plans for any land disturbance permit shall show all proposed drainage patterns for the proposed development after its completion. Any incidental release of unmanaged or untreated storm flows from any disturbed portion of the developed property shall be allowed only with the approval of the Director of Public Works. Other than minimal incidental flows shall be specifically approved by the Director of Public Works. Bypass flows will not be permitted except from undisturbed areas within a buffer or other protected easement. Final plans shall provide for collection, conveyance and treatment of all approved incidental flows from developed lots or parcels, individual residences or building structures.
 - n. Storm water management facility(ies) volumes shall be designed to achieve water quality treatment, channel protection, over bank flood protection and extreme flood protection, in accordance with the Georgia State Storm water Manual, except that the duration of release for water quality treatment shall be 48 hours.

Second: Councilmember Jenkins seconded the motion.

Friendly Amendment: Councilmember Meinzen McEnery offered a friendly amendment to allow the developer to enter into an agreement of his choice onto the public right-of-way. Councilmember Fries denied the friendly amendment expressing that she liked her motion the way it was.

Call the Question: Councilmember Fries moved to Call the Question. Councilmember Paul seconded the motion. The motion passed unanimously.

Vote: The motion passed 4-2, with Councilmember DeJulio and Councilmember Meinzen McEnery voting in opposition.

Rezoning

RZ06-16/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.

(First Reading)

City Clerk Marchiava stated that the next agenda item is RZ06-16/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.

City Clerk Marchiafava conducted a First Reading of an Ordinance to Rezone property for the O-I(Office and Institutional) District conditional to the O-I(Office and Institutional) District, property located at 70 Cliftwood Drive. This will be a Public Hearing with the Second Reading being held on August 1.

Assistant Director of Planning and Zoning Zehner stated that this will be heard by the Planning Commission on July 31.

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

Councilmember Paul stated that he received a phone call from an attorney representing the developer who stated that they are modifying the plan to develop a 4,000 square foot building. Assistant Director of Planning and Zoning Zehner stated that he believes they are working with staff on this issue, but it has not been in a most timely manner. He stated that they are working on recommendations from the Planning Commission. He explained that this was heard by the Planning Commission in June and they deferred it for thirty days.

RZ06-17 – 940 Dunwoody Club Drive, Dean D’Angelo, from AG-1 (Agricultural District) to R-3A (Single Family Dwelling District) for the development of three single family lots at a density of 2.52 units per acre. (First Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-17 – 940 Dunwoody Club Drive, Dean D’Angelo, from AG-1 (Agricultural District) to R-3A (Single Family Dwelling District) for the development of three single family lots at a density of 2.52 units per acre.

City Clerk Marchiafava conducted a First Reading of an Ordinance to Rezone property from the AG-1(Agricultural) District to the R-3A (Single Family Dwelling) District, property located at 940 Dunwoody Club Drive. She stated that there will be a Public Hearing and Second Reading on August 1. This will be presented by Assistant Director of Planning and Zoning Michael Zehner

Assistant Director of Planning and Zoning Zehner stated that the Planning Commission meeting on this item will be held on July 31. He stated that the applicant has revised their site plan it was originally submitted. He explained that they originally applied for three lots. Now the proposed plan is showing a yield of two lots with a density of 1.68 units per acre.

Mayor Galambos called for public comment.

Dara Nicholson, 115 Hemmingwood Way, Dunwoody, stated that this has been turned down numerous times by Fulton County. She stated that the current plan does not show the impact it has on the 15 residents on Hemmingwood Way. She expressed concerns regarding drainage and traffic. He requested that the Council deny this application.

Bill Grant, 2050 Old Dominion Road, stated that he owns the five lots next door. He stated that he is strongly opposed to this. It does not adhere to the Land Plan and this has been a nuisance for a long time. He stated that this should be turned down.

RZ06-018/CV06-018 – 208 Sandy Springs Place, Jennifer Blackburn, Troutman Sanders, LLP, from C-1 conditional to C-1 to remove the condition of the use of the property as veterinary clinic only with a concurrent variance for parking reduction. (First Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-018/CV06-018 – 208 Sandy Springs Place, Jennifer Blackburn, Troutman Sanders, LLP, from C-1 conditional to C-1 to remove the condition of the use of the property as veterinary clinic only with a concurrent variance for parking reduction.

City Clerk Marchiafava conducted a First Reading of an Ordinance to Rezone property from the C-1 conditional (Community Business) District to the C-1(Community Business) District, property located at 208 Sandy Springs Place. She stated that there will be a Public Hearing and Second Reading on August 1. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that the Planning Commission meeting on this item will be held on July 31.

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

**RZ06-019/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 acres with a concurrent variance for specimen tree removal.
(First Reading)**

City Clerk Marchiafava stated that the next agenda item is RZ06-019/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 acres with a concurrent variance for specimen tree removal.

City Clerk Marchiafava conducted a First Reading of an Ordinance to Rezone property from the R-2(Single Family Dwelling) District to the CUP(Community Unit Plan) District, property located on the east side of Ison Road (Pin 17 0025 LL042). She stated that there will be a Public Hearing and Second Reading on August 1. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that the Planning Commission meeting on this item will be held on July 31.

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

Councilmember Jenkins questioned why the City is using the CUP District if it is not on the Future Land Use Map. Assistant Director of Planning and Zoning Zehner explained that the Land Use Map and the Zoning Districts are different.

**RZ06-020 – 5965 Riverside Drive, Ebrahim Mahdavi, from R-1 to R-2 for the development of one (1) single family lot at a density of 0.90 units per acre.
(First Reading)**

City Clerk Marchiafava stated that the next agenda item is RZ06-020 – 5965 Riverside Drive, Ebrahim Mahdavi, from R-1 to R-2 for the development of one (1) single family lot at a density of 0.90 units per acre.

City Clerk Marchiafava conducted a First Reading of an Ordinance to Rezone property from the R-1(Single Family Dwelling) District to the R-2(Single Family Dwelling) District, property located at 5965 Riverside Drive. She stated that there will be a Public Hearing and Second Reading on August 1. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that the Planning Commission meeting on this item will be held on July 31.

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

RZ06-022/CV06-019 – 4969 Roswell Road (SR9), Bridget O’Donnell, from C-1 conditional to C-1 to allow for the development of a new 29,447 square foot retail building at the existing shopping center with two concurrent variances.

(First Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-022/CV06-019 – 4969 Roswell Road (SR9), Bridget O’Donnell, from C-1 conditional to C-1 to allow for the development of a new 29,447 square foot retail building at the existing shopping center with two concurrent variances.

City Clerk Marchiafava conducted at First Reading of an Ordinance to Rezone property from the C-1 conditional (Community Business) District to the C-1(Community Business) District, property located at 4969 Roswell Road. She stated that there will be a Public Hearing and Second Reading on August 1. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that the Planning Commission meeting on this item will be held on July 31.

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

RZ06-023 – 5229 Rowell Road (SR9), John Sanders, Permits Plus, from O-I conditional to O-I to allow for use of an events facility in the existing building

(First Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-023 – 5229 Rowell Road (SR9), John Sanders, Permits Plus, from O-I conditional to O-I to allow for use of an events facility in the existing building.

City Clerk Marchiafava conducted a First Reading of an Ordinance to Rezone property from the O-I conditional (Office and Institutional) District to the O-I(Office and Institutional) District, property located at 5229 Roswell Road. She stated that there will be a Public Hearing and Second Reading on August 1. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that the Planning Commission meeting on this item will be held on July 31.

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

RZ06-024/CV06-013/U06-003 – Peachtree-Dunwoody Road, Joseph Foltz, The Kessler Enterprise, Inc., from O-I conditional to C-1 for the development of a hotel and restaurant development at a density of 115,489.66 gross square feet per acre (296,000 gross square feet) with six concurrent variances.

(First Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-024/CV06-013/U06-003 – Peachtree-Dunwoody Road, Joseph Foltz, The Kessler Enterprise, Inc., from O-I conditional to C-1 for the development of a hotel and restaurant development at a density of 115,489.66 gross square feet per acre (296,000 gross square feet) with six concurrent variances.

City Clerk Marchiafava conducted a First Reading of an Ordinance to Rezone property from the O-I(Office and Institutional) District to the C-1(Community Business) District, property located on Peachtree-Dunwoody Road

(Pin 17 0019 LL059). She stated that there will be a Public Hearing and Second Reading on August 1. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that the Planning Commission meeting on this item will be held on July 31.

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

Text Amendments

RZ06-036 – Approval of an Ordinance to Amend the City of Sandy Springs Zoning Ordinance to Prohibit Flag Lots. (First Reading)

City Clerk Marchiafava stated that the next agenda item is RZ06-036 – Approval of an Ordinance to Amend the City of Sandy Springs Zoning Ordinance to Prohibit Flag Lots.

City Clerk Marchiafava conducted a First Reading of an Ordinance to amend the City of Sandy Springs Zoning Ordinance to prohibit flag lots. She stated that there will be a Public Hearing and Second Reading on August 1. This will be presented by Assistant Director of Planning and Zoning Michael Zehner.

Assistant Director of Planning and Zoning Zehner stated that this was discussed at the last work session. He stated that this would require the minimum lot width to be achieved within a distance from the front property line no greater than the combined sum of the minimum front yard and the minimum rear yard. He stated that this would eliminate the creation of flag lots.

Mayor Galambos called for public comments.

Marsha Holcomb, 4614 Meadow Valley Drive, Atlanta, stated that her neighbors are in agreement with this ordinance.

Assistant Director of Planning and Zoning Zehner stated that this will be heard by the Planning Commission on July 31.

Initiation of Rezoning

RZ06-034 – Approval of the Initiation of Rezoning for the Carroll Manor Subdivision. Resolution No. 2006-07-66

City Clerk Marchiafava stated that the next agenda item is RZ06-034 – Approval of the Initiation of Rezoning for the Carroll Manor Subdivision. This will be presented by Assistant Director of Planning and Zoning Zehner.

Assistant Director of Planning and Zoning Zehner stated that this is a request that was discussed last week at the work session. He explained that the property was rezoned to TR in 1980 under Z80-86, which limited the property by conditions to 64 townhomes and to a minimum lot size of 11,000 square feet. He stated that when the property was final platted in 1982, it was platted for a total of 65 lots, exceeding the limit on number of units. He stated that it was also platted for lots that exceeded 11,000 square feet. However, it was brought to staff's attention in May that one of the property owners who owns the sole lot that exceeds 11,000 square feet requirement brought a plat that showed that the properties have been divided, approved by Fulton County to be less than 11,000 square feet. He stated that staff is recommending rezoning the entire subdivision to allow for duplex units to be on their own lot of record, revising the square footage requirement per lot and also raising the condition on the number of lots from 64 to 65.

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

Motion and Vote: Councilmember Fries moved to approve RZ06-034, approval of the initiation of rezoning for 28.05 acre property currently known as Carroll Manor Subdivision located in LL367 District 6 at the intersection of Carroll Manor Drive and North River Parkway from TR(Townhouse Residential) District conditional to TR(Townhouse Residential) District. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

Unfinished Business

Approval of an Ordinance Amending the Capital Assets Policy of the Financial Management Program. (Second Reading)

Ordinance No. 2006-07-45

City Clerk Marchiafava stated that the next agenda item is the approval of an Ordinance Amending the Capital Assets Policy of the Financial Management Program.

City Clerk Marchiafava conducted a Second Reading of an Ordinance to amend a portion of the Financial Management Program Policies relating to Capital Assets for the City of Sandy Springs; to provide for guidance in administering such policies; and for other purposes. This will be presented by Deputy City Manager Aaron Bovos.

Deputy City Manager Bovos stated that this was presented at the July 5, 2006 meeting as a First Reading. He stated that there have been no changes since the first reading. He asked if there were any questions from Council.

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

Motion and Vote: Councilmember Meinzen McEnery moved to approve an Ordinance to amend a portion of the Financial Management Program Policies relating to Capital Assets for the City of Sandy Springs; to provide for guidance in administering such policies; and for other purposes. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

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.

(Second Reading)

City Clerk Marchiafava stated that the next agenda item is the 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.

City Clerk Marchiafava 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 explained that the purpose of this is to have in place a misdemeanor provision in City ordinances as a result of the State law not being in affect. He explained that the State will review this in January. Without this ordinance, there is nothing to set up community standards as a means of limiting the types of items, pornography, tapes, and movies that could be marketed by adult bookstores or any commercial establishments.

Councilmember Jenkins questioned if the City would be put in any danger without this ordinance. City Attorney Willard explained that there would be nothing in place as a means of limiting the types of videos or paraphernalia that could be sold that constitutes obscenity as a community standard. He explained that there could be more stores selling these types of items.

Mayor Galambos questioned if any other cities in Georgia have adopted this ordinance. City Attorney Willard stated that Cobb County has passed this.

Councilmember DeJulio questioned if this would provide more litigation. City Attorney Willard stated that the 11th Circuit recognized the wording that was in the State statute as far as the language of enforcement. He stated what they felt made it unconstitutional was the limitations on advertising. He stated that the Court had to declare the entire provision unconstitutional due to one section. He stated that they noted in their footnotes that the provisions for enforcement are acceptable and provided guidance for a means of correcting what they found to be unconstitutional.

Motion and Vote: Councilmember Paul moved that staff draft a resolution asking the Georgia Municipal Association to provide guidance to its members on how each should proceed in dealing with this vacuum created by the Court decision pending the decisions by the General Assembly in the next Legislative Session. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

Motion addition: Councilmember Paul added the deferral of this item until information is received from the Georgia Municipal Association. Council concurred with this addition.

(Clerk's Note: This action was taken following discussion regarding Sandy Springs Revitalization Inc. Memorandum of Understanding)

New Business

Approval of schedule for Construction Board of Appeals meeting time and dates.

Deputy Director of Community Development Tom Wilson explained that the Mayor and Council voted on June 6, 2006 to appoint five members the Sandy Springs Board of Appeals. He stated that the Construction Board of Appeals meet on an as needed basis to review appeals to the Building Code. He stated that these meetings are scheduled to be held on the third Thursday of each month at 9:00 a.m. at City Hall. He requested that the Council approve this schedule of meetings.

Motion and Vote: Councilmember Fries moved to approve the schedule for the Construction Board of Appeals meeting time and dates. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance Relating to Emergency Personnel and Emergency Vehicle Access to Gated Properties (First Reading)

City Clerk Marchiafava stated that the next agenda item is the approval of an Ordinance relating to Emergency Personnel and Emergency Vehicle Access to Gated Properties. She stated that this will be included in Chapter 15, Health and Public Safety upon codification.

City Clerk Marchiafava conducted a First Reading of an Ordinance relating to Emergency Personnel and Emergency Vehicle Access to Gated Properties. She stated that this will be included in Chapter 15, Health and Public Safety upon codification.

Councilmember Greenspan stated that he brought this forward because he felt there was an issue in the City with providing the Police, Fire, and EMS access into gated communities. He gave an example of this issue.

City Attorney Willard stated that they have discussed this with both Police Chief Wilson and Fire Chief McElfish who stated that this is a major issue. He stated that there are some devices on the market that use a siren or a code

from a radio signal that can open up these gates. He explained that this would be a mandate and the cost would be \$400-\$500 maximum.

Councilmember Fries requested more information on these devices prior to the second reading.

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

Approval of Georgia Department of Transportation (GDOT) Project Management Agreements (PMA) – Fourth Group

- a. **Memorandum of Understanding (MOU) for the Roswell Road Transit-Oriented Streetscape;**
- b. **PMA for the Hammond Drive/Sandy Springs Circle Pedestrian Improvements.**

Approval of the Sandy Springs Revitalization, Inc. (SSRI) and Sandy Springs Memorandum of Understanding (MOU).

City Clerk Marchiafava stated that staff has requested to here these items together. She stated that the first is the approval of Georgia Department of Transportation Project Management Agreements, fourth group. She stated that item a is the Memorandum of Understanding for the Roswell Road Transit-Oriented Streetscape and item b is the Project Management Agreement for the Hammond Drive/Sandy Springs Circle Pedestrian Improvements. The second is the approval of the Sandy Springs Revitalization, Inc. and Sandy Springs Memorandum of Understanding. This will be presented by City Manager John McDonough

City Manager John McDonough stated that Public Works Director Angelia Parham would like to discuss the second item first. He point out that staff needs direction on whether or not to proceed with these projects and will be pointing out some shortfalls associated with a number of these projects.

Public Works Director Angelia Parham stated that they would be reviewing each project and then Finance Director Rapson will provide information on the financial impacts of these projects.

Capital Improvement Project Manager Drysdale reviewed the following Sandy Springs Revitalization Inc. projects: Roswell Road and Johnson Ferry Pedestrian link; Roswell Road Transit-Oriented streetscape project; River Valley Road sidewalks; Sandy Springs Circle and Hammond Drive; and Mt. Vernon Parkway sidewalk project.

Finance Director Rapson reviewed the project analysis. He stated that the first project, Roswell Road and Johnson Ferry pedestrian link, is projected to be short \$325,000. He explained that this is primarily due to the redesign of this project and expired right-of-way options.

Councilmember DeJulio questioned what the \$569,000 had been spent on. Finance Director Rapson explained that it had been spent on design, utility relocations, and program management.

Mayor Galambos stated that one reason for the additional costs is because the project is so late getting started. She questioned why the deficit should come to the City when it was Sandy Springs Revitalization Inc.'s delays that caused this.

Finance Director Rapson stated that the second project is the Roswell Road streetscape and sidewalks. He stated that the allocation for this project is \$1.2 million. He stated that the project was carried over at \$1,456,000 and staff is recommending an additional \$50,000 for utility relocations and recertification of right-of-way easements. He stated that \$220,000 has already been spent leaving a shortfall of \$40,000.

Finance Director Rapson stated that the next project is the River Valley Road sidewalks. He stated that that \$150,000 was allocated in the FY2007 budget. He stated that this brings this project to \$1,259,000. He explained that the project was inherited at \$1,567,000 with an additional \$30,000 required for design because the design is

incomplete. He explained that Sandy Springs Revitalization Inc. has paid \$215,000 year to date leaving a shortfall of \$122,741.

Mayor Galambos questioned why the design is incomplete. Capital Improvement Project Manager Drysdale explained that it is due to overlooked drainage considerations. Mayor Galambos stated that Sandy Springs Revitalization Inc. spent \$120,000 for design and now the City is being asked to add an additional \$30,000. Finance Director Rapson explained that most of the shortfall is due to the \$230,000 allocated for specialized decorative lighting which was never a part of the funding for this project.

Finance Director Rapson stated that the next project is the Sandy Springs Circle/Hammond Drive pedestrian enhancements. He explained has \$1,519,000 as revenue sources. The project was inherited at \$1,965,000. He stated that staff recommends lowering that estimate for phase one by \$150,000. He explained that Sandy Springs Revitalization Inc. has spent \$193,000 leaving a shortfall of \$102,000, which is due to phase one construction costs going all the way through Hammond Drive.

Mayor Galambos explained how the streetscape projects work.

Finance Director Rapson stated that the last project is the Mt. Vernon Parkway sidewalk and calming. He stated that this project has \$413,000 allocated for it. The actual cost of the project is \$516,000 and staff is recommending an additional \$50,000 for construction and drainage improvements. He stated that \$108,000 has been spent.

Finance Director Rapson stated that, looking at all the projects, they are roughly \$633,507.

Councilmember Meinzen McEnery questioned the reason for the additional \$50,000 for the Mt. Vernon project. Capital Improvement Project Manager Drysdale explained that the drawings did not take into consideration the drainage at the southern end at Crest Valley therefore all the improvements and catch basins had to be redone with a hydrology report. Mayor Galambos stated that the sidewalk is not feasible if the drainage is not done.

Mayor Galambos questioned if Finance Director Rapson has had discussions with Sandy Springs Revitalization Inc. regarding sharing these shortfalls.

Finance Director Rapson stated that this has not been discussed specifically, but was mentioned to them during a recent meeting.

Finance Director Rapson reviewed the proposal from Councilmember Fries. He explained that step one would be to eliminate the \$230,000 for specialized decorative lighting in the River Valley Road Sidewalks project.

He stated that step two would be to assume the remaining funding available, less the projected shortfall for Sandy Springs Circle & Hammond Drive Pedestrian Enhancement project, is adequate funding for completion.

He state that step three would be the realignment of the approved Sandy Springs FY07 Capital Funding and reallocated it to correct projected shortfall in the Roswell Road Streetscape & Sidewalk and Mt. Vernon Parkway Sidewalk & Calming project with the residual balance given to the Roswell Road & Johnson Ferry Pedestrian Link project.

Finance Director Rapson explained the realignment of funds bringing the shortfall of \$301,000.

Councilmember DeJulio questioned if the other four projects can be done without the Roswell Road and Johnson Ferry Pedestrian link project. Finance Director Rapson stated that he believed they could. Mayor Galambos explained the result if that were to happen.

Mayor Galambos stated that the City needs to ask Sandy Springs Revitalization Inc. to help with the shortfall.

Councilmember Fries stated that if the Johnson Ferry project is not done, it frees up the fiscal year 2006 funding of \$50,000 which could be reallocated which could help on the conduit for the River Valley sidewalk project.

Mayor Galambos stated that the Roswell Road streetscape project is very important to the City's economic development. She explained that the Johnson Ferry portion of the project was a surprise when the funding was awarded. She stated that this project was the largest funding that Sandy Springs Revitalization Inc. has ever received. She stated that she was unsure if the Roswell Road portion could be separated from the Johnson Ferry portion.

Mayor Galambos stated that the financial statement provided by Sandy Springs Revitalization Inc. showed private funds which are funds raised during their Capital Campaign. She stated that she did not see any of these private funds being allocated for these projects except for one or two very minor items.

Councilmember DeJulio questioned if Mr. Rapson knew if Sandy Springs Revitalization Inc. had this money in the bank. Finance Director Rapson stated that when Sandy Springs Revitalization Inc. applied for non-profit, they had \$1.3 million in the bank but it was allocated toward other special projects. He stated that he did express to them that the City would be asking for some aid with the shortfall but he has not yet received an answer.

Donna Gathers, Sandy Springs Revitalization, explained that \$500,000 in the bank is for Sandy Springs Conservancy for the Great Park. She stated that the rest of the money is project money allocated for certain project. She stated that they put \$350,000 into projects. She stated that they are expecting more money, but it will not be \$350,000 and one of the funders stated that no more sidewalks were needed. She stated that she will go back to him and explain that some of the projects are under funded. She stated that the project management prior to her taking over was very good and there was no misuse of funds.

She stated that if Sandy Springs Revitalization has to pay the shortfall, they will probably suggest not doing the Johnson Ferry project. Mayor Galambos questioned if the project could be split. Ms. Gathers stated that she was unsure.

Councilmember Fries stated that she would not be ready to do the Mt. Vernon Parkway project until the infill is complete. She stated that with the funding for that project, along with \$100,000 from the lighting of River Valley Road would be \$370,000.

Councilmember Meinzen McEnery stated that the infill that is occurring on the west side will not affect the sidewalk project on the east side. Councilmember Fries stated that the reason she is suggesting deferral of this project is because it will be the least used project.

Finance Director Rapson explained that using these funds would eliminate the shortfall as well as the Mt. Vernon project and the River Valley Road project.

Mayor Galambos questioned what other sidewalk projects have been done that included lighting.

Donna Gathers, Sandy Springs Revitalization Inc., stated that the residents of River Valley Road knew it was going to be very difficult to get this lighting and they agreed to go ahead and lay the conduit for the lighting and go back and do the lights at another time. She stated that the neighborhood is very well aware that they are probably not going to get the lights.

Councilmember Fries questioned what the result would be if the \$220,000 and the \$230,000 for the lights was removed. Finance Director Rapson answered that the City would have to come up with \$301,000.

City Manager McDonough stated that staff would look at reallocating those funds.

Councilmember DeJulio apologized to Ms. Gathers if she felt the Council was holding her personally responsible for these issues. He explained that they are just trying to come up with the money for these projects.

Councilmember Paul expressed his concern for the cost increase for construction materials and explained what that does to the project costs.

Councilmember Meinzen McEnery stated that the Mt. Vernon Parkway sidewalk project does not just benefit the people on that street. She stated that it affects all the commuters that travel Powers Ferry. She also stated that it is the project that is the closest to bid and construction.

There was a consensus of the Council to defer this to a future work session.

(Added by amending the meeting agenda by motion and vote.)

RZ06-028 - An Ordinance to Adopt the City of Sandy Springs Apartment Inspection Ordinance

(Second Reading)

Ordinance No. 2006-07-48

City Attorney Willard stated that he was asked to put together an Ordinance dealing with the inspection of apartments using as a guide the ordinance that was adopted by Roswell. He stated that this calls for the inspection of all units the first year. This will be done by the end of this year. Each subsequent year, 20% of the units will be re-inspected so that there is a five year turn around on all apartments. He stated that they are setting up a formal certification of those individuals who would have the qualifications as a means of being a certified building inspector. They come from various recognized organizations and carry an industry approval. He stated that they require the apartment owner to file the inspections under a certification by the owner showing that this has been accomplished and where there is a deficiency that will be noted on a report. Any deficiencies will be required to be corrected within some period of time.

He stated that there have been some changes in the document Council was given. He stated that Councilmember Greenspan was concerned with the matter of heavier or more stringent enforcement. That goes to Section 4, which he has prepared. He stated that it relates to the owner who has knowingly participated in furnishing a code compliance certificate that contains a false certification as to one or more of the units. He stated that this calls for not only a monetary fine, but also criminal penalty of a misdemeanor and there could be imprisonment.

He stated that the second part is the certified building inspector who is doing the reports. If it contains false information, this would be a null certification and the inspector could also face the penalty of a misdemeanor carrying a fine of up to \$1,000, imprisonment up to 1 year or a combination of both.

Motion and Second: Councilmember Greenspan moved to approve the Ordinance to Adopt the Sandy Springs Apartment Inspection Ordinance. Councilmember DeJulio seconded the motion.

Discussion on the Motion: Councilmember Jenkins, referring to changes made to Section 2, stated that the owner is not the one inspecting. She stated that the person who is inspecting needs to certify it and be responsible for that and not the owner.

City Attorney Willard stated that it could be written that way; however, this uses the person who actually has the responsibility for the ownership/management. He stated that the inspector can only give his report to the owner.

Councilmember Jenkins questioned why the owner is involved. City Attorney Willard stated that the suggestion was to have the owner be the one who makes the certification. Councilmember Jenkins stated that the owner cannot certify it because he did not walk the property.

City Attorney Willard stated if there was something wrong with his house and someone comes to buy it, he is under an obligation to tell them what is wrong with his house. If he does not do so, he can be held liable civilly for selling the house with a latent defect. He stated that the person who has ownership and control of the property is the one who ultimately has the certification.

Councilmember Jenkins stated that it has now been made a criminal matter. She expressed concerns with Section 4 and stated that the City used Roswell's code which had no problems. She stated that now the City is adding additional penalties and making it a criminal matter. She stated that the ordinance worked in Roswell and the City had no evidence that it would not work in Sandy Springs. She expressed concerns with over regulating something that seems to be working where in is already implemented.

Councilmember Meinzen McEnery stated that she was on a committee several years ago that addressed the issue of the apartment inspection. She stated that the Atlanta Apartment Governmental representative was a panel member. One of the concerns that was expressed at that meeting was that allowing building management companies to certify their own maintenance men, they could then go an inspect their own apartments. She stated that the ordinance in front of them is a major concession if the Council approves this in that the City is not requiring third party, bona fide inspectors. She stated that the City is agreeing that the management company can use its own people. She stated that what Councilmember Greenspan has added is a provision that regulates through a process, the way that the City treats all of the contractors to do business in our community. She stated that she has been to every court session in the past seven months and she has never seen the judge put anyone in jail except for failure to appear.

She stated that the provisions for a tree contractor or a utility contractor, if they breach our ordinance, then they are cited and have an opportunity to appear before the court. She suggested that this is not over regulation in that the City has similar ordinance for all the contractors doing business in the City. She also suggested deleting the penalties for the owner because they did not walk the units. However, if a certified contractor was found to be inaccurate in their work, the penalty should apply for the inspector.

Councilmember Fries, referring to Section 4, stated that it reads "who knowingly participates in furnishing a Code Compliance Certificate to the City which contains false certification". She questioned if that was to protect the City.

City Attorney Willard stated that knowingly referred to willful conduct.

Councilmember Fries questioned if the word misdemeanor could be removed. City Attorney Willard explained the difference between the penalty and the potential criminal side. He explained that the penalty is the monetary side which can be done either criminally or civilly. If you are doing it criminally, you have to weigh in with the fact of criminal conduct and potential imprisonment. If you address it on the basis of a civil penalty, only a fine would be assessed.

Councilmember Fries questioned adding errors and omissions. She stated that most certified inspectors have to have something like that. City Attorney Willard stated that would only protect a party based upon the conduct and pay damages if they are proven to have been negligent.

Councilmember Greenspan stated that he brought this up because he has a concern with the internal control from an accounting perspective. He stated that the City would have employees of a management company inspecting its own apartments. The fact that someone may lose their certification does not seem like a big enough penalty for someone to commit a fraud against the City. He stated that there should be a stringent penalty for someone who knowingly violates this ordinance and presents a false report.

He stated that this penalty will not come into play if the City of Sandy Springs has the same constituency as Roswell but it does provide a penalty if they intentionally file a false report.

City Attorney Willard stated that it might be more effective to get a consensus of the Council regarding the penalty or misdemeanor conduct.

Councilmember Jenkins stated that one of the reasons Fulton County School Board has had no bidders on their project is because they are over regulating what the bidders can do. They are putting in too many fines, too many penalties, and the timelines are too stringent. She stated that she wants to make sure the City's apartments are inspected. She does not want them to be out there with no one to inspect them because the penalties are so strong.

Motion to Amend #1 and Second: Councilmember Jenkins moved to sever off Section 4, which is the penalties, and bring this section back at a later time with further review by the City Attorney. Councilmember Fries seconded the motion for discussion.

Discussion on Motion to Amend #1: Councilmember Fries questioned if this could be approve without the penalties section and bring that section back in two weeks. City Attorney Willard stated that could be done but would have to go through two readings.

Councilmember Meinzen McEnery questioned if the Council would consider including Section 4, but deleting the first paragraph as it applies to the owners. She stated that would put the certified building inspector in the same position as any other contractor doing business in the City.

Councilmember Paul recommended either tabling this ordinance or bringing it to a vote and not trying to write it on the fly. City Attorney Willard stated that if it is voted down, it must go through another two readings.

Motion to Table and vote: Councilmember Paul moved to table to the next meeting to allow these issues to be addressed. Councilmember DeJulio seconded the motion. The motion failed 3-4, with Councilmember Greenspan, Councilmember Fries, and Councilmember Meinzen McEnery voting in opposition. Mayor Galambos broke the tie vote voting in opposition.

Councilmember DeJulio stated that the amendment is well meant, but is without a knowledge of how business operates. He stated that the thing that motivates people who are landowners or businessmen is the fear of penalties. It is a common practice in business to certify things that you are not first hand privilege to. People hire others to do things and then they certify and take responsibility. He stated that he does this every day in business and part of the penalty for what he does is prison. He stated that the penalties should be left in. There needs to be some penalty.

Vote on Amendment #1: The motion failed 2-4, with Councilmember Greenspan, Councilmember Paul, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in opposition.

Mayor Galambos called for public comment.

Bradley Hix, 8601 Dunwoody Place, Sandy Springs, stated that the Atlanta Apartment Association supports the ordinance as it was drafted. He stated that they worked very hard with Roswell. He requested more time to work on the penalty phase. He stated that it may be difficult to find people to inspect these facilities with such high penalties.

Alvin Johnson, 607 Masons Creek Circle, questioned if the apartment owners would hire and pay these inspectors. He also questioned why the Code Enforcement of Sandy Springs be expanded to include apartment inspections. City Attorney Willard explained the limitations of the Code Enforcement Officers in regards to private property.

Councilmember Greenspan explained that the apartment owners would not certify their own inspectors. They would be sent to a third party to become certified. He stated that they would still be employed by the apartment owner.

Richard Weber, 200 Spalding Circle, Sandy Springs, questioned if there was a cut-off in the number of apartment units. City Attorney Willard explained that four units constitutes multi-units.

Councilmember Fries questioned if Section 4, Paragraph 2, second line, second word, "false" was changed to fraudulent would that make a difference. City Attorney Willard stated that adding the word "knowingly" also refers to willful conduct.

Councilmember Greenspan stated that it was not his intent to harm anyone who makes a mistake. He concurred with Councilmember Fries' recommendation to change the wording to fraudulent.

Councilmember DeJulio stated that the municipal court judge is going to have to make the determination anyway.

Councilmember Fries offered a friendly amendment to remove the word "false" and include "knowingly" so maintain consistency with the other paragraph. She stated that she would like to go ahead and pass this with Section 4 removed and placed on the next work session.

Motion to Reconsider and Vote: Councilmember Fries moved to reconsider the vote on the motion to amend #1. Councilmember Jenkins seconded the motion. The motion failed 2-4, with Councilmember Greenspan, Councilmember Paul, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in opposition.

Councilmember Jenkins stated that what Councilmember Fries is trying to say is that if a person knowingly and willfully participates in furnishing a code compliance. Councilmember Fries stated that she is trying to get the Certified Building Inspector to the same standard that the owner is held.

City Attorney Willard stated that it would then read "A Certified Building Inspector who furnishes an Inspection Report which knowingly contains fraudulent information..."

Councilmember Greenspan questioned if the first paragraph should read the same way. City Attorney Willard explained that it reads "An Owner, who knowingly participates in furnishing...". He explained that the owner would be held responsible for participation.

Friendly Amendment #1 and Vote: Councilmember Fries offered a friendly amendment that the second paragraph of Section 4, second line, add the word "knowingly" after the word "which" and change the word "false" to "fraudulent". Councilmember Meinzen McEnery seconded the friendly amendment. The friendly amendment passed unanimously.

Friendly Amendment #2: Councilmember Jenkins offered a friendly amendment that the criminal penalty be removed from both. City Attorney Willard stated that it would then read, beginning on the third line from the bottom, "...which the certification is shown to be false", striking "shall be guilty of a misdemeanor and", then picking up at "can be fined up to \$1,000," striking "or imprisoned for up to one year, or any combination of these," and continue with "by the Court for each violation. The amendment died for lack of a second.

Vote on Main Motion with Friendly Amendment #1: The motion passed 5-1 with Councilmember Jenkins voting in opposition.

Reports and Presentations

Mayor and Council Reports

Mayor Galambos reported on the planning of the City's capital facilities. She stated that there has been discussion regarding Court space and Police space. She stated that she has appointed a task force to do some long range planning and look at all of these needs in an organized manner to determine how much space is needed. She stated that the task force will be considering whether or not it would make sense to have separate facilities or combined. She stated that the task force will also be considering the possibilities of public/private partnerships. The task force is going to be headed by Rick Hirsekorn and John McDonough. They will be assisted by David Rubenstein who has already helped us a great deal, and by Van Westmoreland who has done space for Home Depot. She stated that they are going to do this in an orderly fashion and not look at piece meal proposals.

She stated that she is planning to attend a hearing that is being held by one the House of Representative Committees to do away with the motor vehicle property tax. She stated that would cost the City over \$1 million per year. She stated that they possibly have some other source of revenue in mind but until they know what it is, she is going to testify that Sandy Springs does not want to do away with this property tax.

Councilmember Fries questioned if there was a timeline for the capital facilities. Mayor Galambos stated that she was leaving that up to the task force. She stated that there are time constraints but she is not going to put a time limit on the task force as to when they should report back.

Councilmember Jenkins stated that she would like the Council to be involved so that they can throw back ideas. She stated that it is important that the Council express what their ideas might be. Mayor Galambos stated that the task force would first be dealing with management issues, not policy issues and until then, it will be left in their hands. When they are ready to come talk to the Council, they will have Council input.

Councilmember Meinzen McEnery stated that a task force is something that the Mayor's office can appoint and is not a citizens committee that would be approved by the Council. She stated that this is the Mayor's staff making recommendations to the Mayor to bring forward to the Council.

She further stated that Al Crace has extensive experience in building from the ground up. She stated that he should be included. She stated that the timeline is that within a short about of time, the City has to have a protected structure for the Police Department. She stated that has been the driving force behind getting a company that could make a presentation to the Council so that they can meet those timeframes. She stated that there is also an urgency because there is land available now. She requested that the Mayor bring back a timeframe to address those needs.

Mayor Galambos stated that the task force is encouraged to use all resources at its disposal and Mr. Crace is a wonderful resource to assist the task force. She has requested that the task force look into the seismic issues as well.

Councilmember Greenspan requested that the sign topper program and the page program move along as expeditiously as possible.

Councilmember Paul stated that the media reported this week that the City has an ordinance that governs the amount of space covered in windows. He expressed his concerns regarding this and requested that this be reviewed.

Councilmember Paul also expressed continued concerns regarding the permitting process. He stated that he is planning a town hall meeting regarding issues related to ordinances particularly in the permitting process. There should be some review of the City's ordinances in these areas.

Councilmember Fries requested that these types of issues be placed on the work session for discussion. Councilmember Jenkins stated that she did request that this be placed on the next work session and she was bumped by the Mayor until the quarterly ordinance change.

Mayor Galambos stated that she would like to see the Sign Ordinance reviewed in totality. City Manager McDonough stated that staff needs some direction.

Councilmember Paul stated that he is embarrassed by the set of rules passed along by Fulton County. He stated that staff is doing what they are supposed to do which is enforce the law. He stated that it is Council's responsibility to determine what the law should be however the Council needs more information to determine what needs to be done.

City Attorney Willard stated that the Sign Ordinance is under review and expressed that the most important area to be addressed at this time is billboards.

Councilmember Paul stated that he would like a schedule for addressing his issues and requested a time for community input.

Councilmember Meinzen McEnery echoed Councilmember Paul's request for community input. She suggested that the Council meet to establish priorities similar to the first retreat.

Mayor Galambos asked for thoughts on holding another Saturday Citizen's Input Session. Councilmember Paul stated that it was a great idea. Councilmember DeJulio stated that these sessions should be for specific issues.

City Manager McDonough stated that it is important that there is a consensus on the priorities of this Council.

Councilmember Fries stated that this is a new City and has growing pains, but staff has such an overload that it might not be possible to address every issue by the fall. Mayor Galambos concurred.

Mayor Galambos announced that there would be an Executive Session to discuss litigation matters.

Staff Reports

City Manager John McDonough stated that Roswell passed an intergovernmental agreement with the City of Sandy Springs for E-911 Services. There were some modifications and staff is reviewing this. Once this has been reviewed by staff, it will be brought forward for consideration at a special meeting prior to the August 1 Council Meeting.

Director of Operations Don Howell stated that an issue has been raised regarding off premises catering and alcoholic beverage licensing. There have been several requests and there are deficiencies in the current Alcoholic Beverage Ordinance.

One issue is the Sandy Springs Green Tour and SSRI would like to have a hospitality suite for a fund raiser during the event to be held on August 13. He stated that Council has approved the event and special event permits have been issued. The current Alcoholic Beverage Ordinance does not provide for off premise catering and alcoholic beverage sales. He stated that there is an ordinance in the City Attorney's office making its way toward the Council but it will not be completed in time for this event. He stated that Doc Cheys and Five Seasons are current Alcoholic Beverage Licensees in the City and will be providing beverages at the hospitality suite. They have received the Fulton County Board of Health approval to conduct this event for food and beverage sales. There are Ordinances in the metro area that have these guidelines and we are using them to draft our ordinance.

He stated that the ordinance will not be prepared in time for this and other summer events and requested that Council authorize staff to follow existing State and other area City's guidelines in this interim period for off premise catering and alcoholic beverage permits pending adoption of the ordinance amendment.

Motion and Vote: Councilmember Meizen McEnery moved to authorize staff to follow existing State and other area City's guidelines in this interim period for off premise catering and alcoholic beverage permits pending adoption of the ordinance amendment. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Public Comment

Jahnee Prince, 6500 Sugarloaf Parkway, Duluth, expressed her concerns regarding the way the flag lot ordinance is written and the complete elimination of flag lots. She stated that she understands the reasoning behind the ordinance but when there are difficult pieces of property, flag lots may be necessary. She volunteered her services to work with staff to come up with something that could work in all situations.

Councilmember Fries questioned if someone came forward with a difficult piece of property, they could request a variance. Assistant Director of Planning and Zoning Zehner stated that if the size, shape or topography causes undo hardship, they would have the ability to request a variance.

Michelle Swislow, 6627-B Roswell Road, Atlanta, expressed concerns regarding the ordinance dealing with signage in windows. She requested a variance from the sign ordinance. She stated that it is very difficult to accept what is going on with the sign ordinance.

Councilmember DeJulio requested that she explain her problems with the Sign Ordinance. She stated that she has been informed that she could only have 10% of her window covered with signage. She stated that the Code Enforcement Officer did not have a way to measure and tell her what 10% was. She stated that she was told that, if covered more than 10%, you cannot see inside and there could be unusual activity going on inside. She stated that there is no blockage with her signage and she did not understand.

Councilmember Meizen McEnery questioned what her lease says regarding signage. Ms. Swislow stated that she was told by the property manager there was no problem with putting signage in the window.

Mayor Galambos thanked Ms. Swislow for bringing this to the attention of the Council.

City Attorney Willard stated that the Council has the ability of suspending enforcement of that provision. Mayor Galambos stated that Council would need to consult with staff prior to doing anything like that.

Assistant Director of Planning and Zoning Zehner stated that an onsite meeting has been planned to discuss this issue with the property manager. Discussion followed regarding various businesses that may be in violation of the current ordinance.

Patty Berkovitz, 800 Crest Valley Drive, Sandy Springs, expressed concerns regarding the agenda with the Planning Commission and Council being one day apart. She stated that she has received calls from citizens who will not be able to be present for either meeting. She requested that the Council pass a resolution to prevent individuals who have been fined or cited in violation of the laws or ordinances of the City of Sandy Springs from being appointed to Boards or Advisories for the City.

She also suggested that the City appoint a Development Advisory Committee to review the Ordinances.

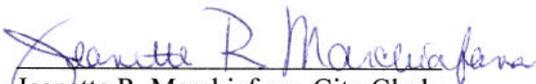
Councilmember DeJulio moved to adjourn into Executive Session for potential litigation purposes. Councilmember Paul seconded the motion. There was no Council discussion. Executive Session began at 9:56 PM.

Adjourn

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

After no further business, the meeting adjourned at 10:20 PM

Date Approved: August 15, 2006


Jeanette R. Marchiafava, City Clerk


Eva Galambos, Mayor

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

July 18, 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 18th day of July, 2006, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

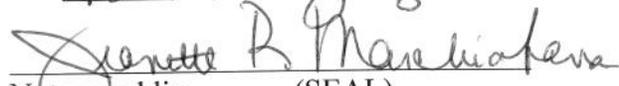
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any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

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



Eva Galambos, Mayor

Sworn to and subscribed before me,
this 18th day of July, 2006.



Notary public (SEAL)

JEANETTE R MARCHIAFAVA
Notary Public, Fulton Co., GA
My Commission Expires August 29, 2009