

**Regular Meeting of the Mayor and City Council of the City of Sandy Springs was held May 16, 2006 at 7:00 PM
Mayor Eva Galambos presiding.**

Invocation

Rabbi Mario Karpuj; Rabbi, Or Hadash Congregation gave the invocation.

Call to Order

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

Roll Call and General Announcements

Mayor Galambos requested that the City Clerk call the roll.

City Clerk Marchiafava reminded everyone to silence their cell phone and pagers at this time. Additionally, those wishing to provide public comment, either during a public hearing or at the conclusion of the meeting, are required to complete a public comment card. They are located at the back counter.

City Clerk Marchiafava called the roll.

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

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance.

Approval of Meeting Agenda

Mayor Galambos asked if there were any changes to the agenda.

Motion and Vote: Councilmember DeJulio moved to add the initiation of the rezoning of property located at 1455 & 1465 South Johnson Ferry Road to the agenda. Councilmember Paul seconded the motion. The motion passed unanimously.

City Manager John McDonough requested that a Resolution to apply for a H.E.A.T. grant through the Governor's Office of Highway Safety be added to the agenda for approval. Councilmember Jenkins requested that this item be placed on the Consent Agenda.

Motion and Vote: Councilmember Jenkins moved to add the approval of a Resolution authorizing the Police Department to apply for a H.E.A.T. grant through the Governor's Office of Highway Safety to the consent agenda. Councilmember Fries seconded the motion. The motion passed unanimously.

Consent Agenda

1. Approval of the April 25, 2006 Work Session Minutes.
2. Approval of (89) 2006 City of Sandy Springs Alcoholic Beverage Applications.
3. Approval of a Resolution authorizing the submittal of a H.E.A.T. Grant Application for the Police Department for the fiscal year 2007-2008 for the City of Sandy Springs. (Added by motion and vote)

Resolution No. 2006-05-48

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

Presentations

Proclamations

- 1) A proclamation honoring Dr. Farrell Braziel upon being named Psychiatrist of the Year by the Georgia Psychiatric Physicians Association.
Mayor Galambos read the Proclamation honoring Dr. Farrell Braziel. Dr. Braziel was present to accept the Proclamation and thanked the Mayor and City Council for this honor.

- 2) A proclamation for National Garden Week.
Mayor Galambos read the Proclamation for Nation Garden Week and presented it to Kathryn Moomaw.

- 3) A proclamation for Children's Wish Foundation International Day.
Mayor Galambos read the Proclamation for Children's Wish Foundation International Day and presented the proclamation to Marc Parham, Director of Development, and members of the Board of Directors, Linda Dozoretz, Executive Director, Arthur Stein, President, and Christy Andrews, Vice President of Operations and Communications.

- 4) A proclamation for Kids Day America/International.
Mayor Galambos read the Proclamation for Kids Day America/International and presented it to Dr. Atlee and Rebecca Wampler. Dr. Wampler thanked the Mayor and Council for their support.

Zoning Agenda

City Attorney Wendell Willard reminded the Council and audience that the public hearing for these zoning items was held two weeks ago. In the future, the public hearing will be held at the second reading.

RZ05-002 - 5009 Roswell Road – A-1c/C-1 to C-1 - 2-story office building. (Second Reading) Ordinance No. 2006-05-22

Assistant Director of Planning and Zoning Michael Zehner stated this is a request to rezone property located at 5009 Roswell Road from A-1c/C-1 to C-1 for the purpose of building a story office building over one story of parking.

Motion: Councilmember DeJulio moved to approve RZ05-002 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and institutional uses and associated accessory uses.
 - b. No more than 36,000 gross square feet of the restricted uses at a density of 19,437.40 gross square feet per acre.

2. To the owner's agreement to abide by the following:
 - a. To the revised site plan and Letter of Intent received by the Department of Community Development on May 10, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:
 - a. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the properties to the north and south. Should the owner/developer not come to an agreement on interparcel access

at this time with the property owner's to the north and south, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained, permanent easements shall be recorded allowing for future inter-parcel access to the properties immediately adjacent to the north and south of the property, prior to the issuance of an LDP.

- b. The owner/developer shall install a six (6) foot masonry wall or wooden privacy fence along the north property line abutting residentially zoned properties. The wall or fence shall be located interior to the improvement setback or within the improvement setback, the type and location of which shall be subject to the approval of the Director of Community Development.
- c. External lighting in the development shall not have the light source directly visible from adjoining residential properties.
- d. Dumpster service shall not occur between the hours of 7:00 p.m. and 7:00 a.m.
- e. All dumpsters shall be located thirty five (35) feet or greater from residential property lines.
- f. A 40 foot landscape strip along the west property along the entire frontage of Roswell Road (State Route 9).
- g. To remove two (2) specimen trees as shown on the site plan dated received May 10, 2006 (CV05-001).

and the High Point Civic Association Agreement, and amending the square footage from 12,000 to 19,437.4.

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

Councilmember Meinzen McEnery requested that the planning staff provide the previous vote count. Assistant Director of Planning & Zoning Zehner stated they would have that in the future.

**RZ06-001 - St. Joseph's Hospital (Johnson Ferry Road at Old Johnson Ferry Road) -R-2 to O-I - Consolidation of existing property with abutting 1.143 acre property. (Second Reading)
Ordinance No. 2006-05-23**

Assistant Director of Planning and Zoning Michael Zehner stated is a request to rezone property currently zoning O-I and R-2 to O-I for the purpose of consolidating the properties into the larger St. Joseph's Hospital parcel. City Attorney Willard stated that the previous vote was 6-0 for approval.

Motion: Councilmember DeJulio moved to approve RZ06-001 with the following staff conditions:

- 1) To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and institutional uses and associated accessory uses, limited to the use of the existing 1,955 gross square foot structure at a density of 483.91 gross square feet per acre.
- 2) To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated received March 2, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
- 3) To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall file a combination plat incorporating the rezoned property into the larger St. Joseph's Hospital of Atlanta tract.
 - b. The owner/developer shall complete all roadway improvements shown under Land Disturbance Permit LDP06-010003.

- c. The owner/developer shall complete the abandonment of right-of-way for the realigned section of Old Johnson Ferry Road and dedication of new right-of-way, as shown under Land Disturbance Permit LDP06-010003.
- d. Based on the subject property's combination with the larger St. Joseph's Hospital of Atlanta tract, the subject property shall be limited to a single free standing sign, monument in design, having a total structure size of ten (10) feet in height and seven (7) feet in width, and limited to maximum sign area of thirty-two (32) square feet.

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

RZ06-002/CV06-001 - 270 Summit Street – R-4 to R-5 - Development of 6 single family lots.(Second Reading)

Ordinance No. 2006-05-24

Assistant Director of Planning and Zoning Michael Zehner stated that this is a request to rezone property from R-4 to R-5 for the development of 6 single family lots. Council voted unanimously to deny this request.

Motion and Vote: Councilmember Fries moved to deny RZ06-002/CV06-001. Councilmember Meinzen McEnergy seconded the motion. There was no Council discussion. The motion passed unanimously.

RZ06-003 - 4 Old Virginia Chase – R-2Ac to R-2A - Sale of a portion of a lot required to maintain a total lot area of 1 acre. (Second Reading)

Ordinance No. 2006-05-25

Assistant Director of Planning and Zoning Michael Zehner stated that this is a request to rezone from R-2Ac to R-2A for the sale of a portion of a lot required to maintain a total area of one acre. Council voted to approve unanimously.

Motion: Councilmember Meinzen McEnergy moved to approve RZ06-003 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. The owner developer shall be allowed to divide the subject property. A 3,746 square foot portion of the subject lot shall be conveyed to the property on the north located at 18 Leighton Court, and the remaining 39,941 square foot lot shall be allowed to maintain a single residence at a density of 1.09 units per acre.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on February 2, 2006.
3. To the owner's agreement to provide the following site development standards:
 - a. The exterior of all concrete blocks will be coated with an architectural treatment (i.e. epoxy, stucco, brick veneer, etc.) or an alternate solution that may be approved by the Director of Community Development.

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

RZ06-006 - 461 & 435 Johnson Ferry Road – R-3 to R-4A - Development of 6 single family lots. (Second Reading)

Assistant Director of Planning and Zoning Michael Zehner stated that this is a request to rezone property from R-3 to R-4A for the development of 6 single family lots.

Ordinance No. 2006-05-26

Motion: Councilmember Jenkins moved to approve RZ06-006 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Five (5) single family residential lots at a density of 3.04 units per acre.
 - b. The minimum lot size shall be 11,500 square feet.
 - c. The minimum house size shall be 1,600 square feet.
2. To the owner's agreement to abide by the following:
 - a. To the revised site plan received by the Department of Community Development dated received March 31, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to meet the following site development standards:
 - a. The minimum side yard shall be 10'.
 - b. The minimum lot width shall be a minimum of 72' along the entire length of the lot.
 - c. To a 35' building line adjacent to the south property line.
 - d. There shall be a minimum 10' building setback adjacent to all other properties zoned R-3 (Single Family Residential District).
 - e. To provide shared driveways that will provide access to a maximum of two residences.
 - f. No driveway shall be located less than 10' from properties zoned R-3 (Single Family Dwelling District).
 - g. No garage doors shall face Johnson Ferry Road. Garages shall be no more than 1 ½ stories in height.
 - h. To use brick and/or other masonry material on the walls of the detention pond facing properties zoned R-3 (Single Family Dwelling District), subject to the approval of the Design Review Board.
 - i. To provide sewer laterals to neighboring properties where the sewer extends in front of existing residences.
 - j. All air conditioner compressors shall be installed on the sides of the new residences and not in the rear.
 - k. The proposed homes abutting properties zoned R-3 shall be 1 ½ story in height and the three interior homes shall be a maximum of 2 stories.
 - l. The detention facility will be decked instead of fenced and will be landscaped.

Second and Vote: Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed 5-0. Councilmember Greenspan recused himself due to a possible conflict of interest.

**RZ06-007/CV06-003 - 4724 East Conway Drive – R-3 to R-4A - Development of a single family residence.
(Second Reading)**

Ordinance No. 2006-05-27

Assistant Director of Planning and Zoning Michael Zehner stated that this request is to rezone property from R-3 to R-4A for the development of a single family residence. Council voted unanimously to approve the application.

City Attorney Willard questioned if the conditions addressed at the last meeting have been addressed prior to these votes. Director of Planning and Zoning Zehner stated that staff has amended their report to reflect what was previously voted on.

Motion: Councilmember Meinzen McEnery moved to approve RZ06-007/CV06-003 with the following staff conditions:

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

- a. One single family dwelling and associated accessory structures and uses.
2. To the owner's agreement to meet the following site development standards:
 - a. To a minimum lot width of seventy (70) feet. (CV06-003)

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

RZ06-008/CV06-002 8701 Winding River Drive & 100 N. River Parkway – Ac to A Conversion of rental townhouse use to condominium use. (Second Reading)

Ordinance No. 2006-05-28

Assistant Director of Planning and Zoning Michael Zehner stated that this request is to rezone from Ac to A for the conversion of these apartment units to rental townhouses to be used as condominiums. Council approved the application.

Motion: Councilmember Fries moved to approve RZ06-008/CV06-002 with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Multi-family residential uses and associated accessory uses.
 - b. To a maximum of 133 units, or a density of 9.11 units per acre, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on February 7, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. The approval of the concurrent variance to allow the existing fence/wall to be located in the public right-of-way shall be subject to the approval and issuance of an indemnification agreement, as approved by the Sandy Springs Department of Transportation (CV06-002).
 - b. Prior to issuance of a Certificate of Occupancy on any converted unit, the owner/developer shall have received an indemnification agreement allowing the location of the existing fence/wall in the public right-of-way or shall have removed said improvements from the public right-of-way (CV06-002).
 - c. To allow an existing fence to be located closer to the right-of-way than three (3) feet (CV06-002).
 - d. To allow an existing fence to be located in a required three (3) foot landscape strip (CV06-002).
 - e. To allow an existing sign to project into the right-of-way (CV06-002).
 - f. To allow an existing structure to have a side setback of 24.9 feet where 25' is required (CV06-002).
 - g. To restrict the amount of leased units in the development to a maximum of 25% of the units that have been converted up to 25% of the 133 total number of units with the purpose being to only require the 25% of the units that had already been converted so they could continue to rent the apartments until the total conversion had taken place.
 - h. The owner/developer shall provide two (2) sprinkler heads in the kitchen of each unit, to be supplied from by the domestic water line.

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

ZM06-001 - 135 Foxridge Road – Request for a modification of the zoning conditions of Z72-096 restricting garages from facing the street to allow a detached garage addition to be constructed facing the street. (Second Reading)

Ordinance No. 2006-05-29

Assistant Director of Planning and Zoning Michael Zehner stated that this is a request to modify the conditions of zoning under Z72-096, restricting garages from facing the street. Council voted to approve the application.

Motion: Councilmember Fries moved to approve ZM06-001 with the following staff conditions:

1. The petitioner's Letter of Intent received by the Zoning Department May, 24, 1979, with the exception that the language prohibiting garages from facing the street shall not apply to the property considered under the subject application.
2. The subject property shall be limited to the site plan received by the Department of Community Development dated received March 7, 2006. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. The owner/developer shall provide landscape planting along the rear property line to screen and buffer the detached guest house addition from adjoining properties, to be approved by the City of Sandy Springs Arborist and Landscape Architect.
4. To the owner's agreement to provide the following site development standards:
 - a. To allow a proposed garage to be setback 30' from the front property line where a 60' setback is required (CV06-005).
 - b. To allow a proposed detached guest house addition to be setback 20' from the rear property line where a 40' setback is required (CV06-005).

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

ZM06-003 - 7275 Roswell Road – Request for a zoning modification to delete the site plan dated received September 27, 2005 which proposes 300 units pursuant to ZM05-0075 and replace it with the site plan dated received April 12, 2006 which proposes 377 units. (Second Reading)

Ordinance No. 2006-05-30

Assistant Director of Planning and Zoning Michael Zehner stated that this is a request for a zoning modification to delete the site plan dated received September 27, 2005, which proposed 300 units pursuant to ZM05-0075 and replace it with a site plan dated received April 12, 2006 which proposes a total of 377 units. Council voted to approve the application.

Motion: Councilmember Jenkins moved to approve ZM06-003 with the following staff conditions:

1. To the owner's agreement to abide by the following:
 - a. All references to the site plan referenced in the applicant's original Letter of Intent received by Fulton County on July 31, 1963, and the site plan dated September 27, 2005 approved under ZM05-0075, pertaining to the subject site shall be deleted. The subject property shall hereby be conditioned to the site plan received by the Department of Community Development dated received April 28, 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

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- Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
- b. The developer shall market the project for sale to owners who will occupy the proposed condominium units. Marketing materials shall not target investor owners.
 - c. The percentage of total units allowed to be leased at any point in time shall not exceed 10 percent. This limitation shall not apply to the Developer, Builder or Declarant.
2. To the owner's agreement to provide the following site development standards:
- a. To remove ten (10) specimen trees as shown on the site plan dated received April 28, 2006 (CV06-007, Part 1).
 - b. To reduce the required 100' swimming pool and associated equipment setback to 15' feet as depicted on the site plan dated received April 28, 2006 (CV06-007, Part 2).
 - c. A 5-foot high aluminum fence shall be installed along the property line adjoining the Spalding Woods subdivision. A staggered row of magnolias and hollies shall be planted 15 feet on center between the fence and the condominium units in this portion of the development.
 - d. Developer shall plant interior street trees at least 4" DBH at the time of planting.
 - e. The development shall have private streets and may be gated at Developer's election.

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

RZ6-010/CV0-004 – 4745 E. Conway Drive, Teresa and Bill Bassett (First Reading)

Assistant Director of Planning and Zoning Michael Zehner stated that this is a request to rezone the subject property from R-3 to R-4A at a density of 3.12 units per acre. In addition, the applicant is requesting a concurrent variance to reduce the minimum lot width from 85 feet to 67 feet. This is the First Reading.

RZ06-011/CV-06-007 – 400 Carpenter Drive, Masoud Zahedi (First Reading)

Mayor Galambos stated that this is also a First Reading and therefore there will be no public hearing today. The public hearing will be on June 6, 2006. City Attorney Willard stated that the public hearing is advertised for the next regular council meeting.

Mayor Galambos asked for the next agenda item.

RZ06-013 – 35 Brookside Place, Mike McQuary (First Reading)

Assistant Director of Planning and Zoning Michael Zehner stated that this is a request to rezone property from NUP to R-2 for the purpose of combining the parcel with two other R-2 parcels to make a single parcel. This is the First Reading.

RZ06-014 – 5881 Glenridge Drive, CEP Plaza Partners, LLC (First Reading)

Assistant Director of Planning and Zoning Michael Zehner stated that this is a request to rezone the subject property from O-Ic to O-I to allow for the development of an additional office/parking building creating a site having a net leasable floor area of 194,871 total square feet.

Mayor Galambos stated that this is a First Reading.

Unfinished Business

Approval of an Ordinance to Amend Chapter 7, Alcoholic Beverages, Article 2, Section 5, (b) and (f) 4, Hours, and Article 3, Section 3, Hours, Article 9, Section 1, Excise Taxes, of the Code of Ordinances for the City of Sandy Springs. (Second Reading)
Ordinance No. 2006-05-12

Mayor Galambos stated that the first item on the unfinished business agenda is the amendment to the Alcoholic Beverage Ordinance. We will allow 20 minutes for each side during the public hearing. We will hear from the proponents of the change first.

Councilmember Greenspan questioned if the lobbyist rules regarding compensation had been determined. Councilmember Jenkins stated that we had a discussion at the Work Session regarding lobbyists. City Attorney Willard stated that had not been determined as of yet.

City Clerk Marchiafava stated that this has been added to the comment card. Mayor Galambos requested that anyone speaking who is being compensated to state that for the record.

Richard Hahn began to speak and was interrupted by the next speaker.

Alan Begner (did not announce himself for the record) moved to enforce the five minute per person rule. He stated that if the Council is going to put hundreds of people out of business and ruin their lives, they should hear all of them. He would like to submit his comment as evidence.

Mayor Galambos stated that all these people here deserve to go home at a decent hour. We are going to speak for 20 minutes for each side.

An unidentified woman asked what order the names would be called in. Mayor Galambos stated that they would be called in the order they were received. The woman asked if we are sure of what order they were turned in. Mayor Galambos stated that she could depend on our clerk to be as fair as possible. (Clerk's Note: This speaker was later identified as Cheri Dixon)

Richard Hon, Sandy Springs resident, expressed that he is in favor of the proposed ordinance stating that the peace and security of residents in Sandy Springs is more important than a business earning a buck.

Elliot Harris, Sandy Springs resident, spoke to protestors and was told that Sandy Springs is going to roll back the pouring hours to 2:00 a.m. and that was going to affect the minority businesses in Sandy Springs. He has known the Mayor and City Council for many years and never has he heard any member of the Council make a statement in reference to racism or any view of racism. He is support of rolling back the pouring hours. If the State of California can stop pouring at 2:00 a.m., so can the City of Sandy Springs.

Barney Barreto, Winding River Village Condo Association, expressed his support for the initiative to pull back the closing times of establishments to 2:00 a.m. The safety and welfare of the City is the issue here and the City Council knows what is in the best interest of the City.

Mark Thomas, Sandy Springs Hospitality Association, stated that he is being compensated to speak. We have worked very hard with the Alcohol Beverage Committee. This ordinance does nothing to address the issues at hand.

Mayor Galambos stated that this time is for proponents of the ordinance amendment. Mr. Thomas stated that he is in favor of the amendment. We had a consensus in the Committee until issues of public safety were raised. Public comments by the Councilmembers and the Chief of Police would like us to believe that late night crime is directly associated with late night operations and the only way to control it is to shut the operations down two hours earlier. This logic is flawed and faulty.

Mayor Galambos stated that this does not sound like this is a statement in favor of the amendment. She suggested that he come back and speak during the opposition's time.

Bob Beard, Mt. Vernon Woods Homeowners Association, stated that he is not being compensated. The cornerstone issue is always the expansion of the folks in the Police Department on residential neighborhoods. A lot of crime happens about 4:00 a.m. This is evident in e-mails in his neighborhood. These establishments divert the attention of the police from the neighborhoods. This ordinance is nothing more than squaring campaign promises with reality.

Gabriel Sterling, Sandy Springs resident, stated that he discussed with the neighborhoods what was going to happen when we became a city. The Police Chief has submitted information that there are a high number of calls in the 2:00 a.m. to 4:00 a.m. time slot. He believes that we are the only jurisdiction in this area that closes at 4:00 a.m. We do not need to be a magnet for people coming out late at night.

Richard Weber, Sandy Springs resident, stated that he supports the Council in any decision made. He does not believe that these people are going to lose money. If this is good enough for Buckhead, Roswell, and Alpharetta, it is good enough for Sandy Springs.

Joseph Ruberte, Holy Spirit Catholic Church, stated that he is in favor of the change. He held four funerals last year, two of which were caused by drunk driving. If this could save a life, he believes it is worth the financial losses.

Don Hodges stated there was a discourtesy to Reverend Bush and a deception of the African-American community. He is neutral on this subject.

Mayor Galambos stated that time would be allotted for those who are in the middle. City Attorney Willard stated that if he submitted a comment card, his name would be called.

Richard Carroll, Sandy Springs resident, expressed that he is in favor of the 2:00 a.m. closing. Everyone else closes at 2:00 a.m. and we do not need those drunks coming to Sandy Springs.

Frank Farrell, Sandy Springs Council of Neighborhoods, stated that they are in support of the 2:00 a.m. closing. They have spoken to member neighborhoods and there are also in favor. The Police Chief brought up the subject that it is not a problem with what happens at the bars, but what happens after the bars close.

Bruce Alterman, Brickery Grill and Bar owner, stated that he was part of the process and it is important to acknowledge and congratulate the process. He felt that it would be protocol to get to a known result and it was anything but that. There was sincere effort to be fair. There was a painstaking effort for everyone to understand the facts and come up with a proper result. There was never anything but an honorable intention. He was very impressed with this Council's approach to a sensitive issue.

Bill Griffith, Sandy Springs resident, stated that he has no idea how many car accidents have occurred directly in front of his house with alcohol involved in every one of those wrecks. If this ordinance is passed, he will applaud the Council.

Alan Berk, Northgreen Drive Neighbors, stated that they appreciate what Council is doing and they would also appreciate it if the hours were changed from 4:00 a.m. to 2:00 a.m.

Richard Tyre, Sandy Springs resident, stated that he was not a member of the Committee, but he participated and the Committee listened to his comments. His concern is for businesses, but especially their employees. He knows that this is a tough issue. The only thing he asks is that the Council thinks about businesses and employees.

Thomas Dixon, South Beach Bistro and Bar, asked that his time be taken by his attorney.

Cory Begner, Attorney for La Rumba, Carnival, Kos, South Beach and Insomnia, Sandy Springs resident, stated that she received recordings of the Alcoholic Beverage Committee meetings, but has not have time to

review it. At the first Committee on February 23, the Committee was asked to evaluate and study the economic impact of any change in the hours of operation on this community. Eleven businesses were listed as staying open until 4:00 a.m. At that time, Mark Thomas agreed to collect information from the businesses. At the next meeting on March 1, Mr. Thomas reported that some businesses that were staying open until 4:00 a.m. would lose approximately 25% of their annual income if they were forced to close at 2:00 a.m. At the next meeting on March 22, Mr. Thomas suggested the creation of special use permits allowing businesses to purchase such a permit in order to stay open between the hours of 2:00 a.m. and 4:00 a.m. The Committee, as she understands it, then directed the City Attorney to draft an ordinance to create such a permit. At the meeting on April 20, Chief Wilson withdrew his support for such a permit based on the cost of police presence and allegedly relevant Fulton County Police call statistics. She is here to tell you that from the evidence they have seen, these statistics are absolutely menial. Most of the addresses on this grid that shows the result of those statistics are for full blocks containing lots of businesses. The grid is a sample report over two years. She asked who decided which incidents, dates, locations and so on would make up that grid. It is manifestly unreasonable and misleading to the public to rely on the so called statistics in this grid for enacting your hours of operation ordinance. There is no reasonable basis for selecting 14 businesses on that grid. There is no reasonable basis for how the data was collected. There is no reasonable basis for the dates chosen and it is unreasonable to have no control data whatsoever. It is also unreasonable not to account for the number of businesses located at the different locations shown and the various characteristics of those businesses shown. It is unreasonable not to consider the times of day that the calls were made and it is unreasonable not to include the other businesses selling alcohol that close at 4:00 a.m. It is unreasonable not to include in this sampling, other businesses selling alcohol that close at 2:00 a.m. It is extremely unreasonable that the grid shows that 5920 Roswell Road has three clubs when there are at least six businesses at that address that sell alcohol.

According to the grid, 5920 Roswell Road accounts for 54% of the police calls. There must be two dozen businesses at that address including a multiplex theater. Not to mention many other businesses without alcohol licenses. Most of these police calls are obviously unrelated to alcohol sales. It cannot be shown that alcohol was involved. There were 119 thefts, 7 credit card frauds, 10 wanted persons located, 10 open door false alarms, 9 lost or mislaid property, 3 missing persons located, 6 stolen vehicles recovered, 22 burglaries, 8 forgeries and counterfeiting, in addition to sick person, child neglect, structure fire, harassing phone calls, no driver's licenses, property found, illegal dumping, manufacture of methamphetamines, and a bomb threat. Alcohol related problems will not stop with a 2:00 a.m. closing. She asked why don't you just refuse to issue alcohol licenses at all if you want to solve all the problems that are alcohol related. It is clear that some of the Councilmembers participated in crafting this hours of operation ordinance for the aim of ridding Sandy Springs of particular businesses. It is clear, from the little that she has heard, of their Alcohol Beverage Committee meetings. Insomnia in particular, and she heard this. She is here to tell you this is improper, it's wrong, it's unreasonable, it's discriminatory, and it's no way to run a city. You need to address the problems themselves, not the individual businesses. We urge the Council to enact an ordinance offering a special use permit for businesses wanting to serve alcohol between 2:00 a.m. and 4:00 a.m. She stated that this Council will have the funds to police those establishments that pay for the permit. No one will be forced to give up a quarter of their income. You'll be able to suspend or revoke the permits of those who violate the law and you won't face the challenge of having enacted an unreasonable and discriminatory ordinance.

Giovanni Mojica, Sandy Springs business owner, stated that he does benefit from the beauty of your City. This situation that is going on is sad. It would be in the City's best interest to just avoid serving alcohol. Many of us just come here looking for a place to call home.

Ismail Sirdah, Sandy Springs business owner, stated that he understood the concern for public safety. Rolling the hours back to 2:00 a.m. is not going to help.

Charles Wiesco, Insomnia Night Club, stated that he was licensed by Fulton County to operate as a late night club. For that reason, most of their business is between 2:00 a.m. and 4:00 a.m. If this change is made, more than 35% of their revenue will be lost. Lives will be affected. They cater to local celebrities.

Cheri Dixon, South Beach Bistro Bar, gave her time to Thomas Dixon.

Thomas Dixon, South Beach Bistro and Bar, stated that he has a better understanding now of the issues. He has operated nightclubs in six states. He has operated in states that close at 2:00 a.m. and has operated in states that close at 4:00 a.m. What this Council is going to do is dump these people into the streets at the height of their party. These people are not there because they have been there since 6:00 p.m. They got there at 11:30 p.m. or 12:00 a.m. We have never had a police call at South Beach in which an officer had to use there gun. We are self policing. They will pay what needs to be paid for and so will the other bar owners that are up and open, serving their clientele until 4:00 a.m. He left California because of the violence because they dump everybody at one time.

Don Hodges stated that he just spoke to Reverend Bush and he said that he had spoken with Councilmember Fries about two or three weeks ago and she was not supposed to put his name out because it gives an illusion that he was supposed to be here. As a representative of the church and the community, he thinks that the City needs to understand that you have black folks here, you have white folks here, you have Orientals, and we all have to work together for this. But the illusion that Reverend Bush was supposed to be here is not a good thing.

Councilmember Fries stated that she spoke to Pastor Bush before the last hearing and we had a discussion. Mr. Hodges interrupted and Mayor Galambos asked that Councilmember Fries be allowed to finish her comment.

Don Hodges stated that he was charged with going out into the community to let everybody know that everyone is equal here. Thirty two years ago, you had a dream and the dream is now come true and the reality is that this is an ethnic community. Three o'clock is a good closing time.

Cheri Dixon, South Beach Bistro and Bar, stated that they provide high quality ambiance, late night dining, and entertainment for thousands of loyal customers. In 2003, when they designed the concept for South Beach, their objective was to provide a much needed venue that would feature contemporary cuisine with a Caribbean and Cajun flair. The website has 100,000 hits per week. South Beach is a success story. They entered into a long term lease in this state primarily because of the business climate in this community. South Beach's revenue will be cut 20% if this change is made, as well as jeopardizing the long term viability of this business. Consider grandfathering these businesses until the natural end of there business cycle. She presented documents for South Beach into the record.

Alvin Johnson, Sandy Springs resident, expressed concerns regarding the manner in which these discussions have taken place and how the rules have changed.

Mark Thomas, Sandy Springs Hospitality Association, stated that the Sandy Springs Council of Neighborhoods did not contact the Spaulding Lakes Homeowners Association. What we are asking is that we go back to the original consensus of the Committee. We want more officers on the street. A special use permit and the appointment of two new officers paid for by the businesses that would address the problems. (Enter email into record.)

Richard Parker, Sandy Springs resident, stated that Fulton County Police did not provide enough coverage and the new Police Department will have better coverage. He suggests tabling this issue for six months and let the Sandy Springs Police Department start functioning.

Yusef Poole, South Beach Bistro and Bar, stated that this is a full service restaurant featuring prime time late night dining and entertainment in the Sandy Springs area. He is a businessman and in the business to be successful. The Sandy Springs City Council is considering changing the ordinance so that businesses must close at 2:00 a.m. If this happens, many businesses will see a great financial loss or go out of business. This kind of ordinance can cost at least 500 jobs.

Councilmember Fries stated that she has had an opportunity to work on two projects that she is very proud of. One was the Martin Luther King, Jr. project and the other was the Northwoods Festival. She contacted two wonderful

leaders of the community as men of the cloth for support of our 2:00 a.m. closing proposal. One was Deacon Joe and one was Pastor Bush. She did not get in touch with him personally for this meeting. She does not want to say what direction he was going but they did have a very good conversation.

Police Chief Gene Wilson stated that he was also on the Committee and everyone worked very hard. He was leaning toward the special use permit, but had to make decisions based on the records in hand. He certainly does not want to be the person that recommends a task that puts people out of work, but when he looked at the number of calls between 4:00 a.m. and 6:00 a.m., it is a large number around the clubs that sell alcohol that stay open until 4:00 a.m. We have tried to hammer this out in so many ways. He has been asked to provide his best advice and that is closing the establishments at 2:00 a.m.

City Clerk Marchiafava conducted the Second Reading of an Ordinance to Amend Chapter 7, Alcoholic Beverages, Article 2, Section 5, subsections (b) and (f) 4, Hours, and Article 3, Section 3, Hours and Days of Sale subsections (a), (b), (c), (d), (e), (f) and (g); and replacing Article 9, Sections 1-13 with Article 9, Sections 1-7, Excise Taxes, of the Code of Ordinances for the City of Sandy Springs.

City Attorney Willard stated that if there is to be a change in the hours, there should be an effective date. The Committee talked about July 1. The rest of the changes can be effective upon approval by Council.

Motion and Second: Councilmember DeJulio moved to approve an Ordinance to Amend Chapter 7, Alcoholic Beverages, Article 2, Section 5, (b) and (f) 4, Hours, and Article 3, Section 3, Hours, Article 9, Section 1, Excise Taxes, of the Code of Ordinances for the City of Sandy Springs with the stipulation that the 2:00 a.m. closing be effective July 1, 2006, that the businesses be notified about June 1 upon receipt of new licenses and the remainder of the ordinance go into effect immediately. Councilmember Greenspan seconded the motion.

Motion to Amend No. 1 and Second: Councilmember Jenkins moved to amend the proposed ordinance by deleting Chapter 7, Article 2, Section 5, subparagraph (f)1, Licensed businesses shall be opened for at least five days a week. That is also seen in Chapter 7, Article 3, Section 3, subparagraph (f)1. Councilmember Greenspan seconded the motion.

Motion to Amend No. 2 and Second: Councilmember Fries moved to amend the main motion to state that the entire ordinance becomes effective on July 1, 2006. Councilmember DeJulio accepted this as a friendly amendment to the main motion. Councilmember Greenspan also accepted this friendly amendment.

There was no further discussion.

Vote on Amendment No. 1: The motion passed unanimously.

Vote on Main Motion: The motion passed unanimously.

Councilmember Paul recognized the presence of Dr. John Galambos in our City Council meeting tonight.

Approval of an Ordinance Amending Chapter 2 Administration, Article 7, Purchasing, and approval of the related purchasing policy. (Second Reading)

Ordinance No. 2006-05-16

Mayor Galambos stated that the next item on the agenda is the approval of an Ordinance amending Chapter 2, Administration, Article 7, Purchasing, and approval of the related purchasing policy. This is a second reading and will be presented by Finance Director Steve Rapson.

Finance Director Steve Rapson stated that this is the Second Reading to adopt this ordinance and purchasing policy.

City Clerk Marchiafava conducted the Second Reading of an Ordinance Amending Chapter 2 Administration, Article 7, Purchasing, Section 1, definitions, sub-section a-n; Section 3, General Procurement, Subsection d, n and Section 6, Emergency Purchases, subsection (c); Section 7, Informal Purchases, subsection (a); Section 8, Formal Purchases; Section 9, Competitive Bidding, subsection (b), sealed bid procedures (v) and subsection (c); Section 10, Competitive Sealed Proposals, subsection (b), Procedures for Sealed Proposals (iii) and (v); Section 11, Multi-step Competitive Sealed Procurement of the Code of Ordinances of the City of Sandy Springs, Georgia.

Mayor Galambos asked if there were any comments from the public. There was no public comment.

Motion and Vote: Councilmember Jenkins moved to approve an Ordinance Amending Chapter 2 Administration, Article 7, Purchasing, and approval of the related purchasing policy. Councilmember Greenspan seconded the motion. The motion passed unanimously.

Approval of an Ordinance Approving a franchise agreement with BellSouth Telecommunications, Inc. (Second Reading)

Ordinance No. 2006-05-31

Mayor Galambos stated that the next agenda item is the approval of an ordinance approving a franchise agreement with BellSouth Telecommunications, Inc. and will be presented by Director of Operations Don Howell.

Director of Operations Don Howell stated that there was only one minor change since the first reading. There was a typographical error in Section 4.

City Clerk Marchiafava conducted the Second Reading of an Ordinance approving a franchise agreement with BellSouth Telecommunications, Inc. by the City of Sandy Springs, Georgia.

Mayor Galambos asked if there were any comments from the public. There was no public comment.

Motion and Vote: Councilmember DeJulio moved to approve an Ordinance approving a franchise agreement with Bellsouth Telecommunications, Inc. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance Approving a franchise agreement with TWTC of Georgia, LP (Time Warner) (Second Reading)

Ordinance No. 2006-05-32

Mayor Galambos stated that the next item is the Second Reading of an ordinance approving a franchise agreement with TWTC of Georgia, LP and will be presented by Director of Operations Don Howell.

Director of Operations Don Howell stated that there were also some typographical errors amended and one change in Section 1. We have defined revenues to be more broad than was previously defined.

City Clerk Marchiafava conducted a Second Reading of an ordinance approving a franchise agreement with TWTC of Georgia, LP (Time Warner) by the City of Sandy Springs.

Mayor Galambos asked if there were any comments from the public. There was no public comment.

Motion and Vote: Councilmember Paul moved to approve an Ordinance approving a franchise agreement with TWTC of Georgia, LP (Time Warner). Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance Approving a franchise agreement with Comcast of Georgia, Inc. (Second Reading)

Ordinance No. 2006-05-33

Mayor Galambos stated that the next agenda item is the approval of a franchise agreement with Comcast of Georgia, Inc. and will be presented by City Attorney Willard.

City Attorney Willard stated that this agreement will expire at the end of the year. They are working on a long-term agreement. We will be receiving a 5% franchise fee.

City Clerk Marchiava conducted a Second Reading of an ordinance approving a franchise agreement with Comcast of Georgia, Inc.

Mayor Galambos asked if there were any comments from the public. There was no public comment.

Motion and Vote: Councilmember Jenkins moved to approve an Ordinance approving a franchise agreement with Comcast of Georgia, Inc. Councilmember Fries seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Ordinance Adopting a Utility Permits Policy. (Second Reading)
Ordinance No. 2006-05-34

Mayor Galambos stated that the next agenda item is the Second Reading of the ordinance to adopt a Utility Permits Policy and will be presented by Utility Coordinator Andrew Thompson.

Utility Coordinator Andrew Thompson stated that this is the Second Reading of an ordinance for a Utility Permits Policy for utility installation in the right-of-way. The changes made since the last reading include additional language regarding the indemnity to the City and the utilities will be responsible to any damage they cause to the right-of-way.

City Clerk Marchiava conducted the Second Reading of an Ordinance adopting a Utility Permits Policy for the City of Sandy Springs to provide guidance and administering such policy and for other purposes.

Mayor Galambos asked if there were any comments from the public. There was no public comment.

Motion and Vote: Councilmember Fries moved to approve an Ordinance adopting a Utility Permits Policy. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Director of Operations Don Howell stated that all the major utility providers have been franchised. There are a dozen fiber optic conduit providers using the right-of-way. This policy adopted will govern the permitting of those entities, but not grant them the right to occupy the right-of-way. Staff would like to explore the best way to do that and it will take some time. In the interim, there are some fiber optic companies waiting to get permits and staff would like permission to issue them "conditional permits". There was a consensus that conditional permits would be allowed.

Second Public Hearing

Approval of a resolution adopting the City of Sandy Springs Hotel Motel Fund budget for the fiscal year to begin on December 1st and ending on June 30th; and direct the City Manager to implement the budget for fiscal year 2006.

Resolution No. 2006-05-50

Mayor Galambos opened the public hearing for the Hotel/Motel Fund budget for fiscal year 2006 and stated that this will be presented by Finance Director Steve Rapson.

Finance Director Steve Rapson stated that this is the second public hearing and explained that this is a house-keeping measure to put the Hotel/Motel budget in place.

Mayor Galambos asked if there were any comments from the public.

There was no public comment.

City Attorney Willard added that he emailed the Georgia World Congress Center agreement to everyone.

City Clerk Marchiafava read the Resolution adopting a budget for the Fiscal Year 2005-2006 Hotel Motel Fund budget for the City of Sandy Springs, Georgia, pursuant to HB 37, Section 5 of the Charter of the City and Financial Management program established by ordinance beginning on December 1, 2005 and ending on June 30, 2006, appropriating the amounts shown in each budget as expenditures, adopting the item of anticipate funding sources, prohibiting expenditures to exceed appropriations, and prohibiting expenditure from exceeding actual funding sources. This is the second public hearing.

Motion and Vote: Councilmember Paul moved to approve a resolution adopting the City of Sandy Springs Hotel Motel Fund budget for the fiscal year to begin on December 1st and ending on June 30th; and direct the City Manager to implement the budget for fiscal year 2006. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

New Business

Public Hearings

Public Hearing – River Corridor Review

RC06-02SS – Powers Ferry Mixed Use Project – Powers Ferry Landing West Associates, LLC c/o Dennis Decker – Hughes, Good O’Leary & Ryan

Mayor Galambos opened the public hearing for River Corridor Review and stated that Deputy Director of Community Development Tom Wilson will present this item.

Deputy Director Tom Wilson stated that this is a River Corridor application reviewed by the Atlanta Regional Commission and was found to be consistent with the Metropolitan River Protection Act. Staff recommends approval.

Mayor Galambos asked if there were any comments from the public. There was no public comment.

Motion and Vote: Councilmember Fries moved to approve RC06-02SS – Powers Ferry Mixed Use Project – Powers Ferry Landing West Associates, LLC c/o Dennis Decker – Hughes, Good O’Leary & Ryan. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

Alcoholic Beverage License Applications

City Clerk Marchiafava called the public hearing for the following Alcohol Beverage License Applications and read each into the record.

AL06-0017

Approval of Alcoholic Beverage License Application for K.A. Restaurant Group, LLC dba Bridgetown Grill located at 7285 Roswell Road, Sandy Springs, GA 30328, applicant is Robert Aultman for Consumption on the Premises Sale of Distilled Spirits, Wine and Malt Beverage License.

AL06-0065

Approval of Alcoholic Beverage License Application for MCD221, LLC dab Locos Deli & Pub located at 7537 Roswell Road, Sandy Springs, GA 30328, applicant is Lane Martin for Consumption on the Premises Sale of Distilled Spirits, Wine and Malt Beverage License.

AL06-0071

Approval of Alcoholic Beverage License Application for Casablanca, Inc., dba Mellow Mushroom located at 6218 Roswell Road, Sandy Springs, GA 30328, applicant is Michel Panos for Consumption on the Premises Sale of Malt Beverage License.

AL06-0074

Approval of Alcoholic Beverage License Application for Morgan Falls Billiards located at 7875 Roswell Road, Sandy Springs, GA 30350, applicant is Young Jin Shim for Consumption on the Premises Sale of Distilled Spirits, Wine and Malt Beverage License.

AL06-0134

Approval of Alcoholic Beverage License Application for El Indio, Inc., dba El Azteca Mexican Restaurant No. 6 located at 5925 Roswell Road, Sandy Springs, GA 30328, applicant is Javier Macias for Consumption on the Premises Sale of Distilled Spirits, Wine & Malt Beverage License.

AL06-0204

Approval of Alcoholic Beverage License Application for Casa De Quesadilla located at 8757 Dunwoody Place, Sandy Springs, GA, 30350, applicant is Damon Sauer for Consumption on the Premises Sale of Malt Beverage License.

City Clerk Marchiafava, after reading these applications for the record, stated that Director of Operations Howell will present this item.

Director of Operations Don Howell explained that the applicants were present for questions if necessary. The applications have completed all requirements. They have passed all background investigations and advertisings were accomplished in two publications as required. Staff recommends approval.

Recognition of Staff – Alcohol Beverage Applications

Director of Operations Don Howell recognized staff members Tracy Tye and Cindy Moseley for all their hard work and efforts getting these licenses through the process. He also recognized Police Officer Lawrence Joe who worked on this project as well.

Mayor Galambos thanked these staff members for their efficiency and hard work.

Mayor Galambos requested public comment. There was no public comment.

Action – Alcohol Beverage Applications

Approval of Alcohol Beverage Applications Nos. AL06-0017, AL06-0065, AL06-0071, AL06-0074, AL06-0134, AL06-0204

Motion and Vote: Councilmember Fries moved to approve Alcohol Beverage Applications Nos. AL06-0017, AL06-0065, AL06-0071, AL06-0074, AL06-0134, AL06-0204. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution of Intent to participate in the National Flood Insurance Program (NFIP).

Resolution No. 2006-05-40

Mayor Galambos stated that the next agenda item is a resolution of intent to participate in the National Flood Insurance Program and will be presented by Engineer Ray Wilke.

Engineer Ray Wilke stated that this was brought to us by the Department of Natural Resources. This is our commitment to all the guidelines and not promoting growth in areas specified.

Motion and Vote: Councilmember DeJulio moved to approve a Resolution of Intent to participate in the National Flood Insurance Program (NFIP). Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of an Intergovernmental Agreement (IGA) with Georgia World Congress Authority addressing payment of the Hotel-Motel tax due the authority.

Mayor Galambos stated that the next agenda item is the approval of an intergovernmental agreement with the Georgia World Congress Authority for payment of the Hotel/Motel tax and will be presented by City Attorney Wendell Willard.

City Attorney Wendell Willard stated that this is the draft that Council received this afternoon. The agreement provides for a contract that will run until 2020 and provides for the payment due the Authority under the statute. This payment is 39.3% of the total of the Hotel/Motel funds collected. This is to retire the bonds and for the operation of the World Congress Center. The date set is because this is when the bonds run through. This will obligate the City to pay the money.

Councilmember Jenkins asked if there was any way to get around this payment. City Attorney Willard stated that it is a part of the Hotel/Motel taxes and must be paid if the City collects these taxes. We are holding these funds in escrow for payment at this point.

Councilmember Meinzen McEnery questioned if the City had any oversight in how the funds are spent. City Attorney Willard stated that there is no provision for oversight by the City.

Motion and Vote: Councilmember Jenkins moved to approve an Intergovernmental Agreement (IGA) with Georgia World Congress Authority addressing payment of the Hotel-Motel tax due the authority. Councilmember Paul seconded the motion. There was no further Council discussion. The motion passed unanimously.

Approval of Intergovernmental Agreements (IGAs) with Fulton County for Fire and EMS Services, 911 Emergency Communications Services and 800MHz system access.

City Manager John McDonough stated that there are three Intergovernmental Agreements before the Council for consideration. The Fire agreement has been worked out between City and County staff. There is an addition of the County's indirect cost of 13%.

The 911 agreement has not changed and states that the County will provide this service until January 1, 2007 or until the City takes over the services or enters into an intergovernmental agreement with another governmental entity.

The 800MHz agreement is for a 10 year term and provides for 300 units which covers anticipated growth over the 10 year period. The cost is \$400,000, which is the purchase of this equipment. Some provisions have been made that if the County gets out of this business, the equipment is purchased with this \$400,000 and can be transferred to another location for the City. There is a pro-rata share of the maintenance cost for the actual units in service.

There is also a resolution before the Council that you do not have to act on. This is being presented to the County and is for the transfer of three fire stations to the City at a cost of \$5,000 each for stations No. 2 and No. 6. Station No. 22 at Hears Road was purchased with revenue issued under a Certificate of Participation. The County Attorney and County Manager will present this to the Fulton County Facilities Corporation to be considered to make the transfer to the City. The cost will be approximately \$283,000 per year for the remainder of the term which is 19-20 years. At that time, the City will own the station and the property it sits on.

Councilmember Jenkins questioned if the County recognizes that these stations were paid for by the citizens of the City of Sandy Springs and asked why are they charging us \$5,000. City Manager McDonough stated that the County Attorney stated there must be some monetary consideration. Councilmember Jenkins questioned why not \$1. Mayor Galambos stated there is no need to quibble over \$10,000.

Councilmember Jenkins stated that the staff of the Fire Department has not been able to take their sick or vacation time under this contract. She asked will the City be required to cover if someone calls in sick under this contract. City Manager McDonough stated that we would have to cover these positions.

Councilmember Meinzen McEnery questioned why Fulton County cannot assign their position on this lease with the City of Atlanta to the City of Sandy Springs. City Attorney Willard stated that there is no right of assignment in the agreement. Mayor Galambos stated that she did not anticipate any problem negotiating with the City of Atlanta.

Councilmember Greenspan questioned if the County Manager is going to recommend approval of these agreements and this resolution to the Board of Commissioners. City Manager McDonough replied that he will be recommending approval of these documents.

Councilmember Greenspan questioned if the number of Firefighters per truck had been addressed. City Manager McDonough stated that issue has been resolved.

Councilmember Paul congratulated staff on a great job and stated that he is definitely in favor of these agreements.

Mayor Galambos questioned if these need to be voted on individually. City Manager McDonough recommended that they be voted on individually.

Motion and Vote: Councilmember Fries moved to approve the Intergovernmental Agreement with Fulton County for Fire and EMS Services. Councilmember Paul seconded the motion. There was no further Council discussion. The motion passed unanimously.

City Manager McDonough stated that that agreement is for a six month period and requires a 60-day notification of any changes in the term.

Motion and Vote: Councilmember Fries moved to approve the Intergovernmental Agreement with Fulton County for 911 Emergency Communication Services. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

Motion and Vote: Councilmember Fries moved to approve the Intergovernmental Agreement with Fulton County for the provision of 800 MHz system access. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution Amending the real estate sign permit fees.

Resolution No. 2006-05-51

Mayor Galambos stated that the next agenda item is a Resolution regarding real estate sign permit fees and will be presented by Councilmember Fries.

Councilmember Fries stated that this was for the real estate open house signs. The change would be that there would be no fee for the issuance of a permit for these signs. They would still be required to get a permit for these signs but there would be no fee. This does not affect the caravan signs because this must be addressed with a zoning ordinance change and that is another process.

Motion and Second: Councilmember Fries moved to approve a resolution amending the fee schedule regarding Weekend Directional Signs. Councilmember Jenkins seconded the motion.

Discussion on Motion: Councilmember DeJulio questioned if we currently charge for these permits and do other municipalities charge for these.

Deputy Director of Community Development Tom Wilson stated that we currently charge for this. Fulton County has one on the books, but does not enforce it and Roswell does not charge a fee. Councilmember DeJulio clarified which signs this is for. Councilmember Fries explained which signs and the length of time they may be placed.

There was no further Council discussion.

Vote: The motion passed unanimously.

Approval of a Resolution appointing members to City of Sandy Springs Hospitality Board.

Resolution No. 2006-05-52

Mayor Galambos stated that the next agenda item is a Resolution appointing members to the Hospitality Board.

Mayor Galambos stated that this Board will be charged with dispensing the part of the Hotel/Motel taxes, approximately 32%, that comes to the City. She nominated the Hospitality Board members as follows: Mayor, City Manager or his designee, Councilmember Dianne Fries, Art Schultz, and Gabe Sterling. There were no other nominations.

Motion and Vote: Councilmember Jenkins moved to approve a Resolution appointing members to City of Sandy Springs Hospitality Board. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Nominations to the City of Sandy Springs Ethics Committee.

Mayor Galambos stated that the next agenda item is nominations to the Ethics Committee. This is an ad-hoc committee. She requested that the City Clerk read the names of the nominees.

City Clerk Marchiafava stated the nominees are Jim Langlais, Charles Maddrey, Nancy McCord, Al Reddick, and Pete Courtney.

Motion and Vote: Councilmember Greenspan moved to confirm the Mayor's nominations to the City of Sandy Springs Ethics Committee. Councilmember Paul seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval to reschedule the Mayor and City Council Regular Meeting on Tuesday, July 4, 2006 to Wednesday, July 5, 2006.

Mayor Galambos stated that the next agenda item is rescheduling the July 4 Council meeting to July 5 due to the holiday.

Motion and Vote: Councilmember Fries moved to approve the rescheduling of the Mayor and City Council Regular Meeting on Tuesday, July 4, 2006 to Wednesday, July 5, 2006. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval to initiate the rezoning of property located at 1455 & 1465 South Johnson Ferry Road. (Added to agenda by motion and vote).

Mayor Galambos stated that the last agenda item is the initiation of rezoning of property at 1455 and 1465 South Johnson Ferry Road and will be presented by Director of Community Development Nancy Leathers.

Director of Community Development Nancy Leathers stated that this property was rezoned by Fulton County for more than is permitted in this zoning district.

Motion and Vote: Councilmember DeJulio moved to approve the initiation of rezoning of property located at 1455 and 1465 South Johnson Ferry Road. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Public Comment

Charles Perry, 576 Hammond Drive, expressed concerns regarding families of those killed in the war.

District 1, Town Hall Meeting – Councilmember Dave Greenspan

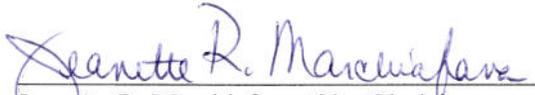
Councilmember Greenspan stated that he will have a Town Hall meeting a week from tomorrow.

Adjournment

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

After no further discussion, the meeting adjourned at 9:36 p.m.

Date Approved: June 6, 2006



Jeanette R. Marchiafava, City Clerk



Eva Galambos, Mayor