

Regular Meeting of the City Council was held Tuesday, March 7, 2006, 7:00 PM, Mayor Eva Galambos presiding.

Call to Order

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

Invocation

The invocation was given by Dr. George Freeman, Sr. Minister of North Springs United Methodist Church.

Roll Call and General Announcements

City Clerk Marchiafava called the roll.

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

City Clerk Marchiafava announced that comment cards were available for those who wished to address the City Council.

Pledge of Allegiance

Mayor Galambos lead in the Pledge of Allegiance.

Approval of Meeting Agenda

There were no amendments to the meeting agenda.

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

Consent Agenda

Approval of Minutes:

1. Approval of the January 5, 2006 Work Session minutes
2. Approval of the January 12, 2006 Work Session minutes
3. Approval of the February 7, 2006 Regular meeting minutes

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

Zoning Agenda

Consideration of Zoning Modification Petition No. ZM-05-001, 4999 Peachtree Dunwoody Road – Ron L. Quigley

Mayor Galambos stated that this is the City's first Zoning Agenda. She then recognized Michael Zehner, Assistant Director of Planning and Zoning, and stated that he will present this item.

Assistant Director of Planning and Zoning Michael Zehner stated that everyone should have received a revised staff report at the beginning of the meeting. Mr. Zehner then presented Zoning Modification Petition No. ZM-05-001 to the Mayor and City Council. He stated that ZM-05-001 is a zoning modification request by Ron L. Quigley to modify the conditions of Fulton County zoning case Z97-0012 for property located at 4999 Peachtree Dunwoody Road. He stated that the subject property is located on the east side of Peachtree Dunwoody Road. The property is bounded on the north by property zoned CUP conditional and on the south by property zoned R-2. Mr. Zehner explained that the request is to amend Fulton County Zoning Case Z97-0012, specifically condition 3.c, which required a 30 foot setback along property zoned R-2. He stated that the request is to reduce that 30 foot setback to 28.08 feet for the purpose of constructing a 14' x 16' addition. The petition did go through the required public

participation and attended the January 24, 2006 Community Zoning Information Meeting in which representatives from the Evergreen Subdivision on the north and the single family residential property to the south attended the meeting. Mr. Zehner stated that a site visit by the development division was conducted and resulted in the revisions that were presented this evening. He stated that the visit by a City Engineer determined that there were issues with the outflow of the stormwater facility and that there were some deficiencies in that outflow.

Assistant Director of Planning and Zoning Zehner stated that staff recommends approval of the proposed modification of zoning condition 3.c., and recommends the addition of condition 5.f. The revised condition and added condition should read as follows:

3. To the owner's agreement to the following site development considerations:
 - c. Provide for a 40-foot building setback adjacent to all property zoned R-2 (Residential) with the exception of the reduction of a portion of the 40' setback to 28.08' only for improvements shown on the site plan received by the Department of Community Development December 30, 2005.

5. To the owner's agreement to abide by the following:
 - f. The owner/developer shall repair the pipe outflow and participate in modifying/extending the pipe outflow through the adjacent downstream properties to an existing drainage swale, or show significant progress in such, prior to the issuance of a building permit.

Mr. Zehner asked if there were any questions. Mayor Galambos questioned if the applicant was present and recognized the property owner.

Ron Quigley stated that he had nothing to add and that he accepted the conditions and that he had already made that agreement with the adjacent owner prior to coming here. Mr. Quigley stated that he agreed to staff's recommendations.

Bill Gannon, Sandy Springs Resident, stated that he is one of the people that wonder around in the floodplain and he represented Evergreen Forest Homeowners' Association. He stated that they had no objection to this application. He stated that numerically there are quite a few lots that are adjacent to this property on the north side but the Homeowners Association has no problems. Mayor Galambos thanked the applicant.

Councilmember Meinzen McEnerny stated that staff has indicated that the stormwater management facility is undersized for the subdivision. She questioned if the improvements recommended by staff would remedy the fact that the stormwater facility is undersized. Mr. Quigley stated that he had never heard that it is undersized as it was built to the County's specifications. He stated that the County approved it and it has not been filled in. Mr. Quigley stated that he thought the biggest issue is the discharge outlet. He stated that there are two problems with the discharge outlet. First being at the nozzle where the outflow of the pond connects with this pipe that flows out across the floodplain, the velocity increases. He stated that they have agreed that this needs to be a cement collar at the connection. Second, the disrepair did not come from his neglect but from horses stepping on the pipe and from trees falling. He stated that they came to him and question if it would be a good idea to bury it and he said yes.

Mr. Quigley stated that the answer to the question is yes, this would solve these problems. There are other flood plain issues out there but they have to do with what was done at Dunroven Farms when it was approved and they got into the conversation of the floodplain engineering. So there are problems out there like the chain link fence that should not be in the floodplain but that is not before you tonight.

Councilmember Paul stated that he understood this was for a dining room expansion. Mr. Quigley stated that it was.

Motion and Vote: Councilmember Paul moved to approve Zoning Modification Petition No. ZM-05-001, 4999 Peachtree Dunwoody Road, Ron L. Quigley. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Mr. Quigley stated that it was a wonderful experience dealing with the personnel in development for Sandy Spring. He stated that it is a new experience for us to have courteous and responsive, interested people to help out.

Reports and Presentations

City Manager John McDonough announced that a Special Called Work Session will be held on April 10, 2006 to discuss and establish a Code of Ethics for the City of Sandy Springs. He stated that representatives from UGA Carl Vinson Institute of Government and Georgia Municipal Association will be in attendance.

City Manager McDonough also announced that the City calendar will be posted on the City's website very soon.

He also clarified that no decisions had been made regarding benefits for City employees as of yet, but this would be forthcoming.

Councilmember Fries clarified the time for the Special Called Work Session to be 6:00 PM.

St. Patrick's Day Proclamation

Mayor Galambos read the Proclamation recognizing St. Patrick's Day on March 17, 2006.

New Business

Approve purchasing Motorola 800 MHz Mobile and Handheld Radios for Sandy Springs Police Department.

Mayor Galambos stated that this item is to approve purchasing Motorola 800 MHz mobile and handheld radios for the Police Department.

Lieutenant David Roskind came forward and explained the Police Department's request to purchase mobile and handheld radios.

Director of Operations Howell explained that the funding for this purchase would be done through a supplemental lease with GMA. He reminded everyone of the Master lease agreement and how the supplemental leases work.

Councilmember Fries thanked Lieutenant Roskind for his hard work to get the City such a good price on these radios.

Director of Operations Howell stated that this would be supplemental lease number two at a rate of 4.54% for 36 months. Councilmember Greenspan questioned if this was a lease/purchase. Director of Operations Howell stated that this is a lease/purchase or the City is financing the radios.

Councilmember Meinzen McEnerny questioned if there was a service agreement for these radios. Lieutenant Roskind stated that there was a year warranty on them and the programming and installation is also included.

Councilmember Fries questioned if other financing options were considered. Director of Operations Howell explained that this lease was actually at a better rate than the first one for the vehicles and stated that they had not considered other avenues for funding.

Motion and Vote: Councilmember Jenkins moved to approve purchasing Motorola 800 MHz Mobile and Handheld Radios for the Sandy Springs Police Department. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion passed unanimously.

Interim amendment to the Tree Preservation Ordinance to redefine recompense for specimen trees not removed from site, but potentially damaged. (First Reading)

Mayor Galambos stated that the next item is an interim amendment to the Tree Preservation Ordinance to redefine recompense for specimen trees not removed from site, but potentially damaged.

Deputy Director of Community Development Tom Wilson explained the proposed amendment to the Tree Preservation Ordinance. He stated that this interim amendment to the Tree Protection Ordinance provides a method of calculating the cost of recompense for activities which threaten the long-term survivability of specimen trees where the tree has not been removed from the site. This represents a modification to the current formula for recompense, which does not differentiate between the total and complete loss of a specimen tree and activities which affect the survivability of trees that have not been removed or destroyed.

He further stated that this formula provides for a lesser recompense if the tree survives the transgression for a two year period, yet includes a sizable and reasonable penalty for violating the ordinances adopted by the City.

Councilmember Meinzen McEnery questioned if the proposed recompense covered trees that, in the opinion of the City's arborist, have a 50% or greater chance of surviving. She clarified that the recompense is based on 100% of the current recompense and not doubling the current recompense per the ordinance. Deputy Director Wilson stated that was correct.

Councilmember DeJulio questioned how a tree was valued. Deputy Director Wilson explained that the amount was in the administrative guidelines of the Tree Ordinance. Councilmember DeJulio questioned where that number came from. Deputy Director Wilson stated that it was based on the size, quality, and replacement value of the tree.

Director of Community Development Nancy Leathers explained that the amount is based on a tree unit calculation which gives more quality to certain types of trees and to their period in life.

Councilmember DeJulio explained that a church in his district cut down a tree and a fine of \$6,800 was being considered. He questioned how this amount was set.

Mayor Galambos recommended that the Tree Preservation Ordinance be discussed at an upcoming Work Session.

Councilmember Meinzen McEnery stated that this provided an incentive to the development community to take proper care when removing trees.

Councilmember Greenspan questioned what an "interim" amendment meant. City Attorney Willard explained that this was an interim amendment because a full amendment was forthcoming.

Patty Berkovitz, Sandy Springs resident, stated that most homeowners rely on a hired company when removing trees to know the tree removal restrictions. She requested that the companies are also held accountable. Mayor Galambos stated that was an excellent point. Deputy Director Wilson stated that the City would notify all local companies of the City's regulations.

Mayor Galambos asked City Clerk Marchiafava to read the caption of the Ordinance for consideration.

City Clerk Marchiafava conducted the First Reading of An Ordinance to Amend the City of Sandy Springs Tree Protection Ordinance and Administrative Guidelines Regarding the Collection of Recompense.

Approval of a Resolution Modifying Resolution No. 2005-12-18, A Resolution Authorizing and Designating Signatories on Behalf of the City of Sandy Springs
Resolution No. 2006-03-28

Director of Operations Don Howell stated that this would amend the previous resolution by removing the City Clerk's signature and adding the City Manager's signature.

Councilmember Meinzen McEnery questioned if there was a dollar limit in which only one signature was required. He answered there was not.

Councilmember Greenspan asked if this still required a combination of elected and appointed officials' signatures. He answered that it did not. Councilmember Fries questioned if there was a reason for this. He explained that there were still controls in place such as, the Mayor must still sign an approval of all checks.

Motion and Vote: Councilmember Paul moved to approve a Resolution Modifying Resolution No. 2005-12-18, A Resolution Authorizing and Designating Signatories on Behalf of the City of Sandy Springs. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion passed unanimously.

Approval of a Resolution requesting that the Federal Government restore the Community Development Block Grant (CDBG) program to its current funding level

Resolution No. 2006-03-29

Mayor Galambos explained that this program provides approximately \$500,000 in funds to the City once eligible. This resolution would encourage State and Federal legislators to support this funding.

Motion and Second: Councilmember DeJulio moved to approve a Resolution requesting that the Federal Government restore the Community Development Block Grant (CDBG) program to its current funding level. Councilmember Fries seconded the motion.

Discussion on the Motion: Councilmember Paul stated that he would like to make an amendment to this resolution. He would like to add that the Mayor request a meeting with legislators to discuss this matter along with any Councilmembers who wish to participate.

Motion to Amend: Councilmember Paul moved to amend the motion to approve a Resolution requesting that the Federal Government restore the Community Development Block Grant (CDBG) program to its current funding level by adding the following paragraph:

Be it Further Resolved each member of the Council and Mayor of the City of Sandy Springs are encouraged to seek meetings, on behalf of the City, with our Congressman and U.S. Senators to request continuation of the Community Development Block Grant (CDBG) programs for the City of Sandy Springs. Councilmember DeJulio seconded the motion to amend.

Discussion on the Amended Motion: Councilmember Jenkins questioned if this funding is for housing. Councilmember Paul explained that it has been in the past, but the City decides what to use it for in low to moderate income communities. He stated that this is the backbone on any funding from the Federal government to municipalities.

Assistant City Manager Al Crace explained in reference to housing that it was for the infrastructure relating to housing such as sidewalks.

There was no further Council discussion.

Vote: The motion passed unanimously.

Public Comment

John Young, Sandy Springs resident, stated that his wife has owned the property located at 6696 Riverside Drive. He explained that there was a very hazardous area along this road because there is only one streetlight in the area near the curb. Mayor Galambos stated that this has been brought to the attention of the City Manager and this issue is being addressed by staff. Mr. Young stated that Mrs. Young has already lost 30 mailboxes. Mayor Galambos thanked Mr. Young for bringing this to the Council's attention.

Clint Roberts, Sandy Springs resident, expressed his concerns regarding the property located at 6663 Boylston. He stated that this is a blight littered with junk and commercial trucks. He also expressed concerns regarding property adjacent to his. He stated that this property was clear cut and is not being used industrially. Mr. Roberts stated that he is aware that these issues have been addressed in the Municipal Court.

City Solicitor Bill Riley came forward and updated the Mayor and Council on the disposition of these cases.

Adjournment

Motion and Vote: Councilmember Fries moved to adjourn into Executive Session to discuss litigation. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion passed unanimously.

Executive Session began at 8:03 PM.

Date Approved: March 21, 2006



Jeanette Marchiafava, City Clerk



Eva Galambos, Mayor

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

March 7, 2006

AFFIDAVIT FOR CLOSURE

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 7th day of March, 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).

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

Eva Galambos
Eva Galambos, Mayor

Sworn to and subscribed before me,

this 7th day of March, 2006.

Jeanette R Marchiafava
Notary public (SEAL)

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