



CITY COUNCIL

Eva Galambos, Mayor

John Paulson – District 1

Dianne Fries – District 2

Chip Collins – District 3

Gabriel Sterling – District 4

Tibby DeJulio – District 5

Karen Meinzen McEnery – District 6

Tuesday, November 6, 2012

Summary Minutes

6:00 PM

A) INVOCATION – Rabbi Michael Shulman, Temple Sinai

B) CALL TO ORDER – Mayor Eva Galambos

Mayor Eva Galambos called the meeting to order at 6:00 p.m.

C) ROLL CALL AND GENERAL ANNOUNCEMENTS

Mayor: Mayor Eva Galambos present

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery present.

D) PLEDGE OF ALLEGIANCE – Mayor Eva Galambos

E) PUBLIC COMMENT

(Agenda Item No. 12-264)

F) APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Regular Meeting agenda for November 6, 2012. Councilmember Paulson seconded the motion. The motion carried unanimously.

G) CONSENT AGENDA

(Agenda Item No. 12-265)

1. Meeting Minutes:
 - a) October 16, 2012 Regular Meeting
 - b) October 16, 2012 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 12-266)

2. Amendment to Chapter 42, Article II, Section 42-41 of the City of Sandy Springs Code of Ordinances (“Code”) relating to firearms in public parks
(Wendell Willard, City Attorney)
Ordinance No. 2012-11-32

(Agenda Item No. 12-267)

3. Consideration of Approval of the Georgia Department of Transportation (GDOT) Lighting Agreement for Interchange Reconstruction – SR 400/US 19 @ CR145/Northridge Road (CIP T0037)
(Garrin Coleman, Interim Director of Public Works)
Resolution No. 2012-11-69

(Agenda Item No. 12-268)

4. Authorize the Mayor to Sign a Memorandum of Understanding (MOU) for the Northridge Road Interchange Improvement Project (CIP T-0037), P. I. Number 751580, as well as, SR 400 at Abernathy Road – Northbound Ramp Extension (CIP T-0038), P.I. Number 0010311
(Garrin Coleman, Interim Director of Public Works)
Resolution No. 2012-11-70

(Agenda Item No. 12-269)

5. Consideration of the Acceptance of the Agreement to Purchase Right of Way – 1180 Hightower Trail
(Garrin Coleman, Interim Director of Public Works)
Resolution No. 2012-11-71

(Agenda Item No. 12-270)

6. Consideration of the Acceptance of the dedication of a Right of Way Deed as part of the zoning requirements – 4818 Peachtree Dunwoody Road
(Garrin Coleman, Interim Director of Public Works)
Resolution No. 2012-11-72

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for November 6, 2012. Councilmember Sterling seconded the motion. The motion carried unanimously.

H) PRESENTATIONS

1. Proclamation for Duke Doubleday – Mayor Galambos

I) PUBLIC HEARINGS**Alcoholic Beverage License****(Agenda Item No. 12-271)**

1. Approval of Alcoholic Beverage License Application for Kwick Food Mart at 5700 Roswell Rd Sandy Springs, Georgia 30342. Applicant is Raju Daredia for Retail/Package Wine & Malt Beverage.
(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-271, Alcoholic Beverage License Application for Kwick Food Mart at 5700 Roswell Rd., for Retail/Package Wine & Malt Beverage. Councilmember Paulson seconded the motion. The motion carried unanimously

(Agenda Item No. 12-272)

2. Approval of Alcoholic Beverage License Application for Roswell Exxon at 6180 Roswell Rd Sandy Springs, Georgia 30328. Applicant is Naaim Rahman for Retail/Package Wine & Malt Beverage
(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-272, Alcoholic Beverage License Application for Roswell Exxon at 6180 Roswell Rd., for Retail/Package Wine & Malt Beverage. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-273)

3. Approval of Alcoholic Beverage License Application for Sonesta ES Suites Atlanta at 760 Mount Vernon Hwy Sandy Springs, Georgia 30328. Applicant is Tamara Griggs-Worley for Consumption on Premise Wine & Malt Beverage
(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-273, Alcoholic Beverage License Application for Sonesta ES Suites Atlanta at 760 Mount Vernon Hwy, for Consumption on Premise Wine & Malt Beverage. Councilmember Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-274)

4. Approval of Alcoholic Beverage License Application for Sonesta ES Suites Atlanta at 760 Mount Vernon Hwy Sandy Springs, Georgia 30328. Applicant is Tamara Griggs-Worley for Retail/Package Wine & Malt Beverage
(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-274, Alcoholic Beverage License Application for Sonesta ES Suites Atlanta at 760 Mount Vernon Hwy, for Retail/Package Wine & Malt Beverage. Councilmember Sterling seconded the motion. The motion carried unanimously.

Zoning Modification**(Agenda Item No. 12-275)**

1. **201201735** - 915 Crestline Parkway, Applicant: Perimeter Atlanta Hotel Group, LLC, To modify conditions 2.a., 3.c., and 3.d. of RZ08-006 for the hotel development, with concurrent variances
(Presented by Director of Community Development, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-275, **201201735** - 915 Crestline Parkway, Applicant: Perimeter Atlanta Hotel Group, LLC, To modify conditions 2.a., 3.c., and 3.d. of RZ08-006 for the hotel development, with concurrent variances. Councilmember Collins seconded the motion. The motion carried unanimously.

Ordinance No. 2012-11-33

J) UNFINISHED BUSINESS**(Agenda Item No. 12-276)**

1. A Resolution Approving the Creation of “Sandy Springs Foundation, Inc.”; Approving the Foundation's Name; and Appointing and Approving Board Members
(Presented by Assistant City Manager, Eden Freeman)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-276, A Resolution Approving the Creation of “Sandy Springs Foundation, Inc.”; Approving the Foundation's Name; and Appointing and Approving Board Members. Councilmember Sterling seconded the motion. The motion carried unanimously.

Resolution No. 2012-11-73**(Agenda Item No. 12-277)**

2. Amendment to Chapter 58 of the City of Sandy Springs Code of Ordinances (“Code”) to create a new Article IV, regulating vehicle immobilization services and operators operating within the City of Sandy Springs (the “City”); and resolution setting fees for vehicle immobilization services and operators
(Presented by City Attorney, Wendell Willard)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-277, Amendment to Chapter 58 of the City of Sandy Springs Code of Ordinances (“Code”) to create a new Article IV, regulating vehicle immobilization services and operators operating within the City of Sandy Springs (the “City”); and resolution setting fees for vehicle immobilization services and operators. Councilmember Sterling seconded the motion. The motion carried unanimously.

Ordinance No. 2012-11-34; Resolution No. 2012-11-74**K) NEW BUSINESS****(Agenda Item No. 12-278)**

1. Approval for Public Works to submit an application to the Atlanta Regional Commission (ARC) for LCI FY2013 New Study funding to complete a LCI for the Powers Ferry Node
(Presented by Interim Director of Public Works, Garrin Coleman)

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 12-278, Approval for Public Works to submit an application to the Atlanta Regional Commission (ARC) for LCI FY2013 New Study funding to complete a LCI for the Powers Ferry Node, with Council reviewing the map before the application is submitted. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

Resolution No. 2012-11-75**(Agenda Item No. 12-279)**

2. Amendment to Chapter 18 of the City of Sandy Springs Code of Ordinances (“Code”) to replace the current false alarm ordinance at Article II, Division 2; and resolution setting forth fees for violations of the proposed false alarm ordinance
(Presented by City Attorney, Wendell Willard)

Motion and Second: Councilmember Sterling moved to adopt Agenda Item No. 12-279, Amendment to Chapter 18 of the City of Sandy Springs Code of Ordinances (“Code”) to replace the current false alarm ordinance at Article II, Division 2 including an amendment eliminating the language under Section 18-36 “There may be a charge in an amount established by resolution of City Council for the Alarm Permit.” Councilmember Fries seconded the motion.

First Amendment to Motion and second: Councilmember Sterling moved to amend his original motion to include eliminating Section 18-38 Inspection, Testing and Maintenance; and renumber the ordinance accordingly. Councilmember Collins seconded the motion.

Second Amendment to Motion, Second and Vote on Motion: Councilmember Sterling moved to further amend his original motion to include approval of the resolution setting fees after first eliminating the language that states “WHEREAS, the Ordinance provides that an Alarm User may be charged a fee to obtain an Alarm Permit in an amount established by resolution of City Council; and” and eliminating the language “1. Fee to obtain Alarm Permit: No Charge”; and renumbering accordingly. Councilmember Collins seconded the motion. The motion for approval of Agenda Item No. 12-279, as amended, carried unanimously.

Ordinance No. 2012-11-35; Resolution No. 2012-11-76

(Agenda Item No. 12-280)

3. Consideration of Approval of Selection of the Tennis Center Services Provider
(Presented by Assistant City Manager, Bryant Poole)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-280, Approval of Selection of the Tennis Center Services Provider with the recommendation of staff. Councilmember Sterling seconded the motion. The motion carried unanimously.

Resolution No. 2012-11-77

(Agenda Item No. 12-281)

4. A Resolution Re-Adopting the Five Ethics Principles for Re-Certification as a Georgia Certified City of Ethics
(Presented by City Clerk, Michael Casey)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-281, A Resolution Re-Adopting the Five Ethics Principles for Re-Certification as a Georgia Certified City of Ethics. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2012-11-78

(Agenda Item No. 12-282)

5. Resolution to Reappoint Directors to Board of Directors of the Joint Public Safety and Judicial Facilities Authority for the Cities of Sandy Springs, Georgia and Johns Creek, Georgia (“CHATCOMM”), Pursuant to O.C.G.A. § 36-75-5
(Presented by City Manager, John McDonough)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-282, Resolution to Reappoint Directors to Board of Directors of the Joint Public Safety and Judicial Facilities Authority for the Cities of Sandy Springs, Georgia and Johns Creek, Georgia (“CHATCOMM”), Pursuant to O.C.G.A. § 36-75-5. Councilmember Collins seconded the motion. The motion carried unanimously.

Resolution No. 2012-11-79

(Agenda Item No. 12-283)

6. A Resolution appointing and authorizing Special Counsel to represent the City to obtain a Local Option Sales Tax (“LOST”) distribution certification as required under the laws of the State of Georgia; to authorize said counsel to assist in the preparation, presentation and litigation of the City’s case; repeal inconsistent provisions; and for other purposes
(Presented by City Attorney, Wendell Willard)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-283, A Resolution appointing and authorizing Special Counsel to represent the City to obtain a Local Option

Sales Tax (“LOST”) distribution certification as required under the laws of the State of Georgia; to authorize said counsel to assist in the preparation, presentation and litigation of the City’s case; repeal inconsistent provisions; and for other purposes. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2012-11-80

Motion and Vote: Councilmember Fries moved to recess the regular meeting for a short break and to hear one of the Work Session Agenda Items. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting recessed at 7:02 p.m.

Motion and Vote: Councilmember DeJulio moved to end the recess and resume the regular meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The recess ended at 8:12 p.m.

L) PUBLIC COMMENT

(Agenda Item No. 12-284)

M) EXECUTIVE SESSION – Litigation

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss potential or pending litigation. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive Session began at 8:13 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session adjourned at 8:31p.m.

N) REPORTS

1. Mayor and Council Reports
2. Staff Reports
 - a) September Financial Report – Finance Director
 - b) Cemetery/Burial Ground Boundary Report – Community Development Director

(Agenda Item No. 12-285)

O) ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 8:37 p.m.