



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, August 21, 2012

Summary Minutes

6:00 PM

A) INVOCATION – Rabbi Josh Heller, B’Nai Torah

B) CALL TO ORDER – Mayor Eva Galambos

Mayor Eva Galambos called the meeting to order at 6:03 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

(Agenda Item No. 12-197)

E) APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for August 21, 2012, with the deletion of Agenda Item No. 12-215, Executive Session – Litigation. Councilmember Sterling seconded the motion. The motion carried unanimously.

F) CONSENT AGENDA

(Agenda Item No. 12-198)

1. Meeting Minutes:
 - a) August 7, 2012 Regular Meeting
 - b) August 7, 2012 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 12-199)

2. Consideration of a Donation for Lost Corner Park
(Cecil McLendon, Assistant City Attorney)

(Agenda Item No. 12-200)

3. Consideration of Approval and Authorization for the City Manager to Execute a Contract to Construct the Abernathy/Johnson Ferry Underground Detention Project Subject to Validation and Approval by the Legal and Finance Departments

(Kevin Walter, Director of Public Works)

Resolution No. 2012-08-53

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for August 21, 2012. Councilmember Paulson seconded the motion. The motion carried unanimously.

G) PRESENTATIONS

1. Recognition of Sandy Springs Youth Track and Field National Champ – Mayor Galambos
2. Proclamation for Sandy Springs Conservancy – Mayor Galambos
3. CALEA Accreditation for Sandy Springs Police Department - Chief Lou Dekmar, Chairman of the Commission on Accreditation of Law Enforcement Agencies (CALEA)

(Agenda Item No. 12-201)**H) EXECUTIVE SESSION – Litigation**

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss pending or potential litigation. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session began at 6:26 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 McEnery voting in favor of the motion. Executive session adjourned at 7:28 p.m.

I) PUBLIC HEARINGS**Alcoholic Beverage License****(Agenda Item No. 12-202)**

1. Approval of Alcoholic Beverage License Application for Aldi Inc (Georgia) at 6336 Roswell Rd Sandy Springs, Georgia 30328. Applicant is Adam Lynn for Retail/Package Wine and Malt Beverage

(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 12-202, Alcoholic Beverage License Application for Aldi Inc (Georgia) at 6336 Roswell Rd., for Retail/Package Wine and Malt Beverage. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-203)

2. Approval of Alcoholic Beverage License Application for Hammocks Trading Company at 7285 Roswell Rd Sandy Springs, Georgia 30328. Applicant is Jason Sheetz for Consumption on Premises Wine, Malt Beverage, and Distilled Spirits
(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-203, Alcoholic Beverage License Application for Hammocks Trading Company at 7285 Roswell Rd., for Consumption on Premises Wine, Malt Beverage, and Distilled Spirits. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-204)

3. Approval of Alcoholic Beverage License Application for Moondog Growlers, LLC at 6690 Roswell Rd, Suite 310 Sandy Springs, Georgia 30328. Applicant is Eleanor R. Benson for a Retail/Package Malt Beverage
(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-204, Alcoholic Beverage License Application for Moondog Growlers, LLC at 6690 Roswell Rd, Suite 310, for a Retail/Package Malt Beverage. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-205)

4. Approval of Alcoholic Beverage License Application for Wyndham Atlanta Perimeter - Galleria at 6345 Powers Ferry Rd Sandy Springs, Georgia 30339. Applicant is Bobby Clyde Bryant Jr. for Consumption on Premises Wine, Malt Beverage, and Distilled Spirits
(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-205, Alcoholic Beverage License Application for Wyndham Atlanta Perimeter - Galleria at 6345 Powers Ferry Rd., for Consumption on Premises Wine, Malt Beverage, and Distilled Spirits. Councilmember Sterling seconded the motion. The motion carried unanimously.

Community Development

(Agenda Item No. 12-206)

5. **RZ07-021/CV07-020/U07-008 - 5775 & 5795 Glenridge Drive, Applicant: MGLP Lakeside, LLC**, Pursuant to the direction of the Court and as required by state law a public hearing will be held regarding the zoning of the subject property
(Presented by Director of Community Development, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-206, RZ07-021/CV07-020/U07-008 - 5775 & 5795 Glenridge Drive, Applicant: MGLP Lakeside, LLC, with conditions. Councilmember Fries seconded the motion. The vote was split 3 -3 with Councilmember DeJulio, Councilmember Collins, and Councilmember Meinzen McEnery voting in opposition to the motion. Mayor Galambos voted in support of the motion to break the tie. The motion carried 4-3.

Ordinance No. 2012-08-28

(Agenda Item No. 12-207)

6. **RZ12-004/CV12-004** - 5975 Mitchell Road, *Applicant: St. James Anglican Church, Inc.*, Rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) with concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Sterling moved to defer Agenda Item No. 12-207, RZ12-004/CV12-004 - 5975 Mitchell Road, *Applicant: St. James Anglican Church, Inc.*, Rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) with concurrent variances, to the October 16, 2012, City Council meeting. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-208)

7. **RZ12-007/CV12-010** - 4579 Roswell Road, *Applicant: Community Funeral Service, LLC*, To rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional, with Concurrent Variances, to allow the location and operation of a funeral home in the former church building
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to defer Agenda Item No. 12-208, RZ12-007/CV12-010 - 4579 Roswell Road, *Applicant: Community Funeral Service, LLC*, To rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional, with Concurrent Variances, to allow the location and operation of a funeral home in the former church building, to the September 18, 2012, City Council meeting. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-209)

8. **ZM12-007** - 5995 Barfield Road, *Applicant: MidCity Real Estate Partners, Inc.*, To modify conditions 11 and 14 of Z80-0043 to allow redevelopment of the property
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-209, ZM12-007 - 5995 Barfield Road, *Applicant: MidCity Real Estate Partners, Inc.*, To modify conditions 11 and 14 of Z80-0043 to allow redevelopment of the property. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Ordinance No. 2012-08-29**J) UNFINISHED BUSINESS****(Agenda Item No. 12-210)**

1. Current Project Status for the MARTA Funded Projects Currently Programmed in the Transportation Improvement Plan (TIP) and a Resolution to Approve a Second Amendment to the IGA between the City of Sandy Springs and MARTA
(Presented by Director of Public Works, Kevin Walter)

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 12-210, A Resolution to Approve a Second Amendment to the IGA between the City of Sandy Springs and MARTA. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

Resolution No. 2012-08-54

(Agenda Item No. 12-211)

2. Consideration of the acceptance of a Limited Warranty Deed, Easement Agreement, and Governmental Encroachment Agreement for Fee Simple Property on property located in land lot 83 & 84 of the 17th District, Fulton County, City of Sandy Springs, Georgia
(Presented by Assistant City Attorney, Cecil McLendon)

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 12-211, Acceptance of a Limited Warranty Deed, Easement Agreement, and Governmental Encroachment Agreement for Fee Simple Property on property located in land lot 83 & 84 of the 17th District, Fulton County, City of Sandy Springs, Georgia, subject to legal and staff inquiry on the issue. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2012-08-55

K) NEW BUSINESS

(Agenda Item No. 12-212)

1. Consideration of a Resolution to Amend the Rules and Procedures for the City Council Meetings and Public Hearings
(Presented by City Clerk, Michael Casey)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-212, Resolution to Amend the Rules and Procedures for the City Council Meetings and Public Hearings, with language in Section 14 (d) to state “and published on the City website”. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

Resolution No. 2012-08-56

(Agenda Item No. 12-213)

2. Economic Development Plan
(Presented by Director of Community Development, Angela Parker)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-213, Economic Development Plan. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-214)

3. Authorization to Acquire Property Under Grant HMGP 1858-0006
(Presented by Assistant City Manager, Eden Freeman)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-214, Authorization to Acquire Property Under Grant HMGP 1858-0006. Councilmember DeJulio seconded the motion. The motion carried unanimously.

L) REPORTS AND PRESENTATIONS

1. Mayor and Council Reports
 - a) Appointment to Stormwater Advisory Team

Motion and Vote: Councilmember Fries moved to approve the appointment of Lee Duncan to the Stormwater Advisory Team. Councilmember DeJulio seconded the motion. The motion carried unanimously.

2. Staff Reports

M) PUBLIC COMMENT

(Agenda Item No. 12-215)

N) EXECUTIVE SESSION – Litigation

There was no Executive Session.

(Agenda Item No. 12-216)

O) ADJOURNMENT

Motion and Vote: Councilmember Sterling moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 9:26 p.m.