



**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

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Tuesday, July 17, 2012

Summary Minutes

6:00 PM

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**A) INVOCATION** – Rabbi Mario Karpuj, Congregation Or-Hadash

**B) CALL TO ORDER** – Mayor Eva Galambos

Mayor Eva Galambos called the meeting to order at 6:02 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. 12-167)**

**E) APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Fries moved to approve the Meeting Agenda for July 17, 2012. Councilmember Sterling seconded the motion. The motion carried unanimously.

**F) CONSENT AGENDA**

**(Agenda Item No. 12-168)**

1. Meeting Minutes:
  - a) June 19, 2012 Regular Meeting
  - b) June 19, 2012 Work Session

*(Michael Casey, City Clerk)*

**(Agenda Item No. 12-169)**

2. Consideration of the Acceptance of the Permanent Drainage and Temporary Construction Easement (140 River North Drive)  
*(Kevin Walter, Director of Public Works)*

**Resolution No. 2012-07-43**

**(Agenda Item No. 12-170)**

3. Consideration of the Acceptance of an Easement for Construction and Maintenance of Pedestrian Plazas and Streetscape Improvements  
(Kevin Walter, Director of Public Works)  
**Resolution No. 2012-07-44**

**(Agenda Item No. 12-171)**

4. Consideration of the Acceptance of Four (4) Temporary Driveway Easements on the River Valley Road Sidewalk Infill Project  
(Kevin Walter, Director of Public Works)  
**Resolution No. 2012-07-45**

**Motion and Vote:** Councilmember DeJulio moved to approve the Consent Agenda for July 17, 2012. Councilmember Paulson seconded the motion. The motion carried unanimously.

**G) PRESENTATIONS**

1. Recognition of Sandy Springs Storm Youth Baseball Team - Mayor Galambos

**(Agenda Item No. 12-172)****H) EXECUTIVE SESSION – Litigation**

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss pending or potential litigation with Director of Community Development Angela Parker included. Councilmember Sterling 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 6:09 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 6:50 p.m.

**I) PUBLIC HEARINGS****Alcoholic Beverage License****(Agenda Item No. 12-173)**

1. Approval of Alcoholic Beverage License Application for Five Seasons Brewing at 5600 Roswell Rd Ste 21 Sandy Springs, Georgia 30342. Applicant is Casey Dryden for Retail/Package Wine & Malt Beverage  
(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember DeJulio moved to deny Agenda Item No. 12-173, Alcoholic Beverage License Application for Five Seasons Brewing at 5600 Roswell Rd, Ste 21, Sandy Springs, Georgia 30342, for Retail/Package Wine & Malt Beverage. Councilmember Meinzen McEnery seconded the motion. The motion carried 5-1, with Councilmember Sterling voting in opposition.

**(Agenda Item No. 12-174)**

2. Approval of Alcoholic Beverage License Application for Flavor Café Bakery at 236 Johnson Ferry Rd, Sandy Springs, Georgia 30328. Applicant is Fariba B. Teimori for Consumption on Premises Distilled Spirits  
(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-174, Alcoholic Beverage License Application for Flavor Café Bakery at 236 Johnson Ferry Rd, Sandy Springs, Georgia 30328, for Consumption on Premises Distilled Spirits. Councilmember Fries seconded the motion. The motion carried unanimously.

**(Agenda Item No. 12-175)**

3. Approval of Alcoholic Beverage License Application for Sultan Sultan Developments, LLC at 5866 Roswell Rd Sandy Springs, Georgia 30328. Applicant is Hussein Sultan 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. 12-175, Alcoholic Beverage License Application for Sultan Sultan Developments, LLC at 5866 Roswell Rd Sandy Springs, Georgia 30328, for Retail/Package Wine & Malt Beverage. Councilmember Fries seconded the motion. The motion carried unanimously.

**Litigation****(Agenda Item No. 12-176)**

4. **RZ09-001/CV09-003** - 5395 Roswell Road, *Applicant: Church of Scientology*, 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 City Attorney, Wendell Willard)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-176, RZ09-001/CV09-003 - 5395 Roswell Road, *Applicant: Church of Scientology*, Modification of the approved zoning conditions per the site plan dated received June 4, 2012 and the revised conditions of approval. Councilmember Fries seconded the motion. The motion carried 5-1, with Councilmember DeJulio voting in opposition.

**Ordinance No. 2012-07-22****(Agenda Item No. 12-177)**

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 City Attorney, Wendell Willard)

(Invitation for Public Comment)

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 12-177, RZ07-021/CV07-020/U07-008 - 5775 & 5795 Glenridge Drive, *Applicant: MGLP Lakeside, LLC*, For modification of the approved zoning conditions. Councilmember Paulson seconded the motion.

**Substitute Motion and Vote:** Councilmember DeJulio moved to defer Agenda Item No. 12-177, RZ07-021/CV07-020/U07-008 - 5775 & 5795 Glenridge Drive, *Applicant: MGLP Lakeside, LLC*, For modification of the approved zoning conditions, to the August 17<sup>th</sup> City Council meeting. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

## Rezoning

### (Agenda Item No. 12-178)

6. **RZ12-005/CV12-005** - 216 E. Belle Isle Road, *Applicant: Belle Isle Animal Clinic*, To rezone from C-2 (Commercial District) conditional to C-2 (Commercial District) conditional to allow an addition to the existing veterinary clinic building  
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-178, RZ12-005/CV12-005 - 216 E. Belle Isle Road, *Applicant: Belle Isle Animal Clinic*, To rezone from C-2 (Commercial District) conditional to C-2 (Commercial District) conditional to allow an addition to the existing veterinary clinic building. Councilmember Fries seconded the motion. The motion carried unanimously.

### Ordinance No. 2012-07-23

### (Agenda Item No. 12-179)

7. **RZ12-006/CV12-007** - 8610 Roswell Road, *Applicant: Christian Brothers Automotive*, To rezone a proposed outparcel from CUP (Community Unit Plan District) conditional to C-2 (Commercial District) with concurrent variances to allow for an automotive repair shop  
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 12-179, RZ12-006/CV12-007 - 8610 Roswell Road, *Applicant: Christian Brothers Automotive*, To rezone a proposed outparcel from CUP (Community Unit Plan District) conditional to C-2 (Commercial District) with concurrent variances to allow for an automotive repair shop. Councilmember Sterling seconded the motion. The motion carried unanimously.

### Ordinance No. 2012-07-24

## Zoning Modification

### (Agenda Item No. 12-180)

8. **ZM12-003/CV12-008** - 8610 Roswell Road, *Applicant: Christian Brothers Automotive*, To modify the site plan approved under Z65-0020 to allow creation of an outparcel, with concurrent variances  
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 12-180, ZM12-003/CV12-008 - 8610 Roswell Road, *Applicant: Christian Brothers Automotive*, To modify the site

plan approved under Z65-0020 to allow creation of an outparcel, with concurrent variances. Councilmember Sterling seconded the motion. The motion carried unanimously.

**Ordinance No. 2012-07-25**

**Millage Rate**

**(Agenda Item No. 12-181)**

9. An Ordinance of the Mayor and Council of the City of Sandy Springs, Georgia, to Fix the Ad Valorem Tax Rate of the City of Sandy Springs for Fiscal Year 2013; and for Other Purposes  
*(Presented by City Manager, John McDonough)*

(Invitation for Public Comment)

**Motion and Vote:** Councilmember DeJulio moved to approve Agenda Item No. 12-181, An Ordinance of the Mayor and Council of the City of Sandy Springs, Georgia, to Fix the Ad Valorem Tax Rate of the City of Sandy Springs for Fiscal Year 2013; and for Other Purposes. Councilmember Paulson seconded the motion. The motion carried unanimously.

**Ordinance No. 2012-07-26**

**Economic Development**

**(Agenda Item No. 12-182)**

10. Americold Incentives Request  
*(Presented by Director of Community Development, Angela Parker)*

(Invitation for Public Comment)

**Motion and Vote:** Councilmember DeJulio moved to approve Agenda Item No. 12-182, Americold Incentives Request. Councilmember Paulson seconded the motion. The motion carried unanimously.

**J) UNFINISHED BUSINESS** *(none)*

**K) NEW BUSINESS**

**(Agenda Item No. 12-183)**

1. Consideration of Approval of the GDOT Maintenance Reimbursement Contract  
*(Presented by Director of Public Works, Kevin Walter)*

**Motion and Vote:** Councilmember Collins moved to approve Agenda Item No. 12-183, Approval of the GDOT Maintenance Reimbursement Contract. Councilmember Fries seconded the motion. The motion carried unanimously.

**Resolution No. 2012-07-46**

**(Agenda Item No. 12-184)**

2. An Ordinance to Amend Chapter 6, Article I, Section 6-1(b) of the Sandy Springs Code of Ordinances so as to remove from the definition of the word “growler” the requirement that the growler bottle be made of glass  
*(Presented by City Attorney, Wendell Willard)*

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-184, An Ordinance to Amend Chapter 6, Article I, Section 6-1(b) of the Sandy Springs Code of Ordinances so as to remove from the definition of the word “growler” the requirement that the growler bottle be made of glass. Councilmember Fries seconded the motion. The motion carried unanimously.

**Ordinance No 2012-07-27**

**(Agenda Item No. 12-185)**

3. Approve Additional Design/Spec Services by Atkins Engineering for the Abernathy Greenway Project  
(Presented by Director of Recreation and Parks, Ronnie Young)

**Motion and Vote:** Councilmember DeJulio moved to approve Agenda Item No. 12-185, Additional Design/Spec Services by Atkins Engineering for the Abernathy Greenway Project. Councilmember Fries seconded the motion. The motion carried unanimously.

**(Agenda Item No. 12-186)**

4. Consideration of Approval and Authorization for the City Manager to Execute a Contract to Construct Phase IV of the Abernathy Greenway Project (T-0002) Subject to Validation and Approval by the Legal and Finance Departments and the Georgia Department of Transportation  
(Presented by Director of Recreation and Parks, Ronnie Young)

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-186, Approval and Authorization for the City Manager to Execute a Contract to Construct Phase IV of the Abernathy Greenway Project (T-0002) Subject to Validation and Approval by the Legal and Finance Departments and the Georgia Department of Transportation and to Award a Contract to Johnson Landscapes Inc. Councilmember Paulson seconded the motion. The motion carried unanimously.

**Resolution No. 2012-07-47****L) REPORTS AND PRESENTATIONS**

1. Mayor and Council Reports
2. Staff Reports

**M) PUBLIC COMMENT****(Agenda Item No. 12-187)****N) ADJOURNMENT**

**Motion and Vote:** Councilmember DeJulio moved to adjourn the meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 9:41 p.m.