



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, February 21, 2012

Action Minutes

6:00 PM

A) **INVOCATION** – Reverend Chris Lemley, Holy Innocents Episcopal Church

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. 12-043)

E) **APPROVAL OF MEETING AGENDA**

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

F) **CONSENT AGENDA**

(Agenda Item No. 12-044)

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

(Michael Casey, City Clerk)

(Agenda Item No. 12-045)

2. Consideration of Approval of Nonprofit Funding Awards
(Eden Freeman, Assistant City Manager)

(Agenda Item No. 12-046)

3. Request to Amend FY12 Budget
(John McDonough, City Manager)
Ordinance No. 2012-02-05

(Agenda Item No. 12-047)

4. Consideration of Issuance of Task Order for Additional Staff in Information Services
(John McDonough, City Manager)

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

G) PRESENTATIONS

1. Proclamation for Community Action Center – Mayor Eva Galambos
2. Buckled for Life plaques – Police Chief Terry Sult
3. MARCOM Award - 2011 Gold Winner to Sgt. Melanie Rowand for Writing "Signature Moments" – Police Chief Terry Sult
4. MARCOM Award - 2011 Gold Winner to Sgt. Melanie Rowand for Marketing & Promotion of "Signature Moments" – Police Chief Terry Sult

H) PUBLIC HEARINGS**Alcoholic Beverage License****(Agenda Item No. 12-048)**

1. Approval of Alcoholic Beverage License Application for Emidio's Restaurant at 8610 Roswell, Rd Suite 950, Sandy Springs, Georgia 30350. Applicant is Maria G. Sapeta for Consumption on Premises Wine, Malt Beverage & Distilled Spirits
(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-048, Alcoholic Beverage License Application for Emidio's Restaurant at 8610 Roswell, Rd Suite 950, Sandy Springs, Georgia 30350, for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits. Councilmember Paulson seconded the motion. The motion carried unanimously.

Use Permit**(Agenda Item No. 12-049)**

2. **U11-004** - 650 Mount Vernon Hwy., Applicant: Cumberland Academy of Georgia, A Use Permit to maintain a Private School
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Sterling moved to defer Agenda Item No. 12-049, U11-004 - 650 Mount Vernon Hwy., Applicant: Cumberland Academy of Georgia, A Use Permit to maintain a Private School, to the March 20, 2012, City Council Meeting. Councilmember Meinzen McEnery seconded the motion. The motion carried 4-2 with Councilmembers Fries and DeJulio voting in opposition.

Zoning Modifications

(Agenda Item No. 12-050)

3. **ZM11-004** - 20 Glenlake Parkway, *Applicant: Kaiser Foundation*, To modify condition 1 & condition 2.a. of application Z88-160/U88-118/U88-119/U11-120/U88-121
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember DeJulio moved to defer Agenda Item No. 12-050, ZM11-004 - 20 Glenlake Parkway, *Applicant: Kaiser Foundation*, To modify condition 1 & condition 2.a. of application Z88-160/U88-118/U88-119/U11-120/U88-121, to the April 3, 2012, City Council Meeting. Councilmember Sterling seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-051)

4. **ZM11-005/CV11-007** - 201 Mount Vernon Highway, *Applicant: Arlington Memorial Park*, To modify condition 2.a. of application Z93-030/U93-011/CV93-049 with a concurrent variance to the stream buffer ordinance
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 12-051, ZM11-005/CV11-007 - 201 Mount Vernon Highway, *Applicant: Arlington Memorial Park*, To modify condition 2.a. of application Z93-030/U93-011/CV93-049 with a concurrent variance to the stream buffer ordinance, including the condition to re-vegetate the buffer area where construction will occur. Councilmember DeJulio seconded the motion.

Substitute Motion and Vote: Councilmember Meinzen McEnery moved to defer Agenda Item No. 12-051, ZM11-005/CV11-007 - 201 Mount Vernon Highway, *Applicant: Arlington Memorial Park*, To modify condition 2.a. of application Z93-030/U93-011/CV93-049 with a concurrent variance to the stream buffer ordinance to the March 20, 2012, City Council Meeting. Councilmember Collins seconded the motion. The motion failed 2-4 with Councilmembers Paulson, Fries, Sterling, and DeJulio voting in opposition.

Vote on the Motion: The motion carried 4-2 with Councilmembers Collins and Meinzen McEnery voting in opposition.

Ordinance No. 2012-02-06

(Agenda Item No. 12-052)

5. **ZM11-006** - 5855 Riverside Drive, *Applicant: Tabula Rasa*, To modify conditions 1.b., 2.m., and 2.n. of application U09-001/U09-002/U09-007
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Second: Councilmember Meinzen McEnery moved to approve Agenda Item No. 12-052, ZM11-006 - 5855 Riverside Drive, *Applicant: Tabula Rasa*, To modify condition 1.b., and to modify conditions 2.m., and 2.n. of application U09-001/U09-002/U09-007. Councilmember DeJulio seconded the motion.

Substitute Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-052, ZM11-006 - 5855 Riverside Drive, *Applicant: Tabula Rasa*, To modify condition 1.b. of application U09-001/U09-002/U09-007 to read “grades K through 5” and to modify conditions 2.m. and 2.n. by extending the date to June 30, 2015. Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance No. 2012-02-07

Resolution

(Agenda Item No. 12-053)

6. Resolution to Support the Rehabilitation of Affordable Housing Units for Older Persons on Property Located at 144 Allen Road

(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-053, Resolution to Support the Rehabilitation of Affordable Housing Units for Older Persons on Property Located at 144 Allen Road. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2012-02-15

Public Hearing

(Agenda Item No. 12-054)

7. Potential Park Site at Fulton County Sewer Pump Site Located off of Old Riverside Drive

(Presented by Director of Recreation and Parks, Ronnie Young)

(Invitation for Public Comment)

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 12-054, with a Resolution in support of obtaining the land at the Fulton County Pump Site Located off of Old Riverside Drive for a park site. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2012-02-16

I) UNFINISHED BUSINESS *(none)*

J) NEW BUSINESS

(Agenda Item No. 12-055)

1. Intergovernmental Agreements (IGAs) with Schools

(Presented by Director of Recreation and Parks, Ronnie Young)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-055, the Intergovernmental Agreements (IGAs) with the Fulton County School District. Councilmember Sterling seconded the motion. The motion carried unanimously.

K) REPORTS AND PRESENTATIONS

1. Mayor and Council Reports
2. Staff Reports

L) PUBLIC COMMENT

Following Public Comment:

Motion and Vote: Councilmember DeJulio 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 9:32 p.m.

Motion and Vote: Councilmember DeJulio moved to end the recess and resume the regular meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The recess ended at 9:50 p.m.

(Agenda Item No. 12-056)

M) EXECUTIVE SESSION – Litigation

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss pending or potential litigation. Councilmember Fries 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 9:51 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Fries 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 10:03 p.m.

(Agenda Item No. 12-057)

N) ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 10:03 p.m.