Special Called Meeting of the Sandy Springs City Council was held on Tuesday, January 3, 2012, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

There was no invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:02 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a public hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos present.

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

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance

(Agenda Item No. 12-001)
APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for January 3, 2012. Councilmember Sterling seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 12-002)

1. Meeting Minutes:
   a) December 20, 2011 Regular Meeting
   b) December 20, 2011 Work Session
   (Michael Casey, City Clerk)

(Agenda Item No. 12-003)

2. Approval of Revision to 2012 City Council Meeting Schedule
   (Michael Casey, City Clerk)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for January 3, 2012. Councilmember Sterling seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

There were no public hearings.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 12-004)

1. Consideration of a Modification of the Zoning Ordinance to Address Inconsistencies in the Main Street Node to Comply with the 2027 Future Land Use Plan

City Attorney Wendell Willard stated there have been recent inquiries to the City regarding a potential development in the Main Street area. The inquiries were about a large building type of development. Staff has reviewed the current zoning in the area as it relates to the future land use plan. Node 8 is the City center area that runs from Barfield Road to Cromwell Road. Staff's review identified inconsistences between the land use plan and what is currently in the City ordinance. This item is a resolution that addresses further review of the area to ensure zoning is compatible with what the City wants for development in that area. It will take up to ninety days for City staff to do a proper study, review the ordinance, and make any suggested changes for modification of zoning. The suggested changes will be advertised, presented to the Planning Commission, and come back to City Council. This is a resolution that deals with the implementation of a moratorium for a ninety day period to allow the study to be completed. The area being referenced is on the east side near Sandy Springs Circle and to the west of Boylston Drive.

City Attorney Willard read the following excerpt of the proposed resolution into the record: "Now, therefore, be it so resolved by this Council of the City of Sandy Springs, Georgia, and it is resolved by the authority of said Council that: Based upon desired development in the Town Center area as found in City planning documents, and the recent increase in inquiries from the development community, regarding development in the Town Center area inconsistent with planning initiatives of the City as set forth above including but not limited to the 2027 Comprehensive Plan policies, the City of Sandy Springs Mayor and City Council enact a temporary moratorium of ninety (90) days on the acceptance of land use petitions and development permit applications for commercial developments with single-use commercial spaces exceeding 30,000 square feet gross floor area for parcels located within the boundaries of Node 8, Town Center as identified in this resolution and in the attached map (Exhibit A). The following petitions and applications shall be excluded from said moratorium:

1. Petitions and applications for the renovation of existing tenant spaces that are less than 30,000 square feet, provided the applicant otherwise consents to comply with the following development policies found in the 2027 Comprehensive Plan:
    a. Maximum residential density: greater than 20 units per acre
    b. Maximum commercial density: greater than 25,000 square feet per acre
    c. Minimum open/green space (and shall not include parking lots): 15%

Council directs staff to review existing zoning and development standards of the City as applicable with the Main Street Overlay District, with the 2027 Future Land Use Plan, and where there exist inconsistencies, to prepare proposed changes and recommendations to Council which will go through the

regular review process of the City. In the event a revised ordinance is adopted less than 90 days from adoption of this Moratorium that addresses the concerns of this Moratorium, then the Moratorium shall be repealed by adoption of such ordinance; otherwise the Moratorium shall stand repealed 90 days from its date of adoption."

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 12-004, A Resolution Authorizing a Temporary Moratorium on the Acceptance of Land Use Petitions and Development Permit Applications to enable Modification of the Zoning Ordinance to Address Inconsistences for Parcels Identified on the 2027 Comprehensive Plan Future Land Use Map within the Area Designated as Node 8, Town Center. Councilmember Fries seconded the motion. The motion carried unanimously.
Resolution No. 2012-01-01

(Agenda Item No. 12-005)

2. Resolution Approving Nomination of Members to the Advisory Committee on Economic Development

Mayor Eva Galambos stated the City now has an Economic Development Manager, Jahnee Prince. In order to assist Ms. Prince, it is important she has the advice and counsel of individuals who are thoroughly knowledgeable in the areas in which the City wants economic development. The City would like to see redevelopment of the older apartment projects, the filling of downtown vacant spaces, improvement to the downtown area, and the filling up of vacancies in the PCID area. Council was asked for their input for nominations to the advisory committee and many good recommendations were received. A list was created of individuals who will constitute a huge resource as the City's ambassadors in terms of economic development. She listed the names of the committee members and their relevant economic development experience. Frank Bishop is involved in venture capital and was President of INVESCO Capital Management. He was recommended by Rusty Paul. Chris Burnett is employed by Cornerstone Bank, which has been active in attracting downtown development. Pat Chesser is employed by Ackerman & Company. Mr. Chesser is knowledgeable and involved in recruiting tenants for the PCID area. Jim Comerford is probably the most knowledgeable individual in terms of the entertainment industry and bringing that type of investment into the community. Eric De Groot is extremely active in international business. He represents the Netherlands and has brought business to the Atlanta area from Germany and Belgium. Alan Herrick is President and CEO of Sapient. Sapient is an international firm that provides marketing and technology services to governments and private industries. Graham McDonald is a lawyer who wants to be active in Sandy Springs. Kevin Moyer was recommended by Councilmember Meinzen McEnerny. Mr. Moyer works with an apartment and commercial real estate services group. Charles Roberts is deeply connected with REITs in apartment development and has a tremendous interest in helping Sandy Springs.

Councilmember Dianne Fries asked if a time frame will be placed on how long the committee is to remain active.

Mayor Galambos stated she has not considered that aspect.

City Attorney Wendell Willard stated there is no time limit requirement on how long the committee will be active. The committee members will be charged with the responsibility to serve in an advisory role to the Council. The Council can at any time dissolve or reconstitute the committee.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 12-005, Resolution Approving Nomination of Members to the Advisory Committee on Economic Development. Councilmember Fries seconded the motion.

Councilmember Karen Meinzen McEnerny asked if the committee is ad hoc.

City Attorney Willard stated it is an advisory committee, which will not have any statutory authority or responsibility.

Councilmember Meinzen McEnerny asked if this type of committee is addressed in the City Charter.

City Attorney Willard stated the Charter recognizes the appointment of boards, commissions, and committees, which are charged with specific responsibilities under the direction of the Council.

Councilmember Meinzen McEnerny stated she appreciates that the Mayor solicited and received Council's input on the committee member nominations.

Councilmember Gabriel Sterling stated the City's municipal code addresses these types of advisory boards. Removing members from the committee requires the acquiescence of the Mayor and Council.

Mayor Galambos stated the Planning Commission and the Board of Appeals are specified in the City Charter. This particular committee is not addressed in the Charter. She has given the committee the charge to find ways to upgrade the City's old apartment complexes, attract businesses into downtown Sandy Springs, and fill up the empty office spaces in the PCID area. This is not a committee to help the City to create an attractive downtown, but instead to bring in new businesses.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2012-01-02

(Agenda Item No. 12-006)
2. Additional Vehicle Parking at Hammond Park

Director of Recreation and Parks Ronnie Young stated this agenda item is a request to add sixty-eight additional parking spaces at Hammond Park. The additional parking will make the parking area safer. This item has been discussed at two Work Sessions and staff has looked into the environmental concerns.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 12-006, Additional Vehicle Parking at Hammond Park. Councilmember Sterling seconded the motion.

Councilmember Karen Meinzen McEnerny stated Director of Recreation and Parks Young and Deputy Director of Public Works Garrin Coleman have done good work finding the type of plan Council is looking for, including changing the parking to a pervious surface and the consideration of preserving existing trees on the site.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 12-007)
4. Allowing Patrons to Bring Bottles of Wine into Commercial Businesses for Consumption on Premises

City Attorney Wendell Willard stated Council received a slight modification to the original proposed ordinance. He read section 2. of the ordinance into the record which states: "This section shall not prohibit any person who is a patron of a retail establishment from bringing an unopened bottle of wine into the establishment where: (a) the owners or their agents have a policy permitting a patron to bring an unopened bottle of wine into the retail establishment for consumption on the premises by the patron; and (b) the retail establishment is licensed as required hereinafter." Also included in the ordinance is that the

people working in the establishment are required to be 18 years of age. Patrons are not allowed to leave the establishment with an open bottle, because that would constitute an open container in the car. The establishment may have the equipment to reseal the bottle and then the wine would be able to leave the establishment in that manner. The establishment will not be open past 10:00 p.m. This ordinance would allow the broadest use for retail businesses to allow patrons to bring a bottle of wine into the businesses. There is another item not listed on the agenda, which can be a separate resolution, of setting the fees recommended by the City Manager. The application/permit fee would be $25 and there would be a background check fee of $50 each for the manager and owner.

Councilmember Gabriel Sterling asked if the background check applies to just the owner of the establishment and not to all the employees.

City Attorney Willard responded yes.

Councilmember Fries asked about the pouring of the alcohol.

Police Chief Terry Sult stated if an establishment owner would like to pour the wine for the patron, then anyone pouring the wine will be required to have a pouring permit, including the establishment.

Councilmember Fries asked if the patrons bringing the wine to the establishment can pour the wine themselves.

Police Chief Sult responded yes.

Councilmember Fries asked about the provision restricting the establishments to operating no later than 10:00 p.m. She understands that the establishment should close at 10:00 p.m. and that the patrons should not be lingering for an extended period of time.

City Attorney Willard stated the retail establishment must cease to operate at 10:00 p.m. The patrons may still be in the establishment until fifteen minutes after closing time. If Council would like to change the cease to operate time to 10:30 p.m., that can be done.

Councilmember Tibby DeJulio asked if the language can be changed to state established hours no later than 10:00 p.m.

City Attorney Willard responded yes. The language can read the retail establishment shall have an established closing time no later than 10:00 p.m.

Councilmember John Paulson asked if language should be included stating anyone working at the establishment who pours the wine must have a pouring permit.

Mayor Galambos stated the pouring language will not be necessary to include in the ordinance, because the patrons will be doing their own pouring.

Councilmember Fries stated she would rather the ordinance state the patrons will be pouring their own wine, so there will be no confusion. If the owner or staff members will be pouring, then they must come in for a pouring license.

Councilmember Sterling stated the City already has a code that states if one pours alcohol, a permit is required.

Councilmember Karen Meinzen McEnerny asked that language stating only patrons will be exempt from the City's requirements on pouring licenses be included in the ordinance.

City Manager John McDonough stated all local ordinances governing alcohol and pouring will remain applicable. When an individual comes to the City to apply for a permit, they can be given a copy of the complete ordinance.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-007, the Ordinance before Council, Allowing Patrons to Bring Bottles of Wine into Commercial Businesses for Consumption on Premises, with the following changes:

- Further, no retail establishment so licensed shall have any employee under the age of 18 working in the establishment, and the retail establishment shall have an established closing time no later than 10:00 P.M.

- All applicable state laws and city ordinances which address the use and serving of alcoholic beverages shall apply to this section.

Councilmember Sterling seconded the motion. The motion carried unanimously.
Ordinance No. 2012-01-01

PUBLIC COMMENT

Sandra Lewis, 230 Hammond Drive, thanked the Mayor and Council for passing the ordinance allowing patrons to bring bottles of wine into commercial businesses for consumption on premises.

REPORTS AND PRESENTATIONS

1. Mayor and Council Reports

Mayor Eva Galambos stated the City Solicitor Bill Riley is active on the Fulton County Board of Elections. It was brought to his attention that the cities in North Fulton have dismal voter participation in elections. At the next City Council meeting on January 17th there will be a resolution for approval by the Council to support a voter registration initiative. The voter registration drive needs volunteers to register voters. On January 5th at 7:00 p.m. there will be training for volunteers to become eligible to conduct voter registration. She asked that anyone interested in volunteering see her after tonight's meeting. There is a time constraint of adding voters to the registered voters' list by February 6th in order for them to vote in the upcoming presidential preference primary.

Councilmember Gabriel Sterling stated there will be another voter registration cutoff date of July 2nd for the general primary and then October 8th for the general election.

2. Staff Reports

There were no staff reports.

City Attorney Wendell Willard stated the fees resolution for Agenda Item No. 12-007 needs to be approved as a separate action item. The costs will be $25 for the license permit and $50 for a background

check of the owner. If there is anyone who may be pouring the wine, they will have to comply with the ordinance requirements.

Motion and Vote: Councilmember Sterling moved to approve a resolution Establishing Fees for a Brownbagging License as Provided by Chapter 6, Alcoholic Beverages, Article I, Section 6-8 of the Code of Ordinances of the City of Sandy Springs. Councilmember Paulson seconded the motion. The motion carried unanimously.
Resolution No. 2012-01-03

(Agenda Item No. 12-008)
EXECUTIVE SESSION – Litigation

There was no Executive Session.

(Agenda Item No. 12-009)
ADJOURNMENT

Motion and Vote: Councilmember Sterling moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 6:36 p.m.

Date Approved: January 17, 2012

Eva Galambos, Mayor

Michael Casey, City Clerk