



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, October 18, 2011

Action Minutes

6:00 PM

A) **INVOCATION** – Pastor Nate Bednar, Metropolitan Baptist Church

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

Mayor Eva Galambos called the meeting to order at 6:04 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. 11-220)

E) **APPROVAL OF MEETING AGENDA**

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for October 18, 2011. Councilmember Paulson seconded the motion. The motion carried unanimously.

F) **CONSENT AGENDA**

(Agenda Item No. 11-221)

1. Meeting Minutes:
 - a) October 4, 2011 Regular Meeting
 - b) October 4, 2011 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 11-222)

2. Consideration of approval of a contract modification to provide construction field support services for the Community Development Block Grant (CDBG) Sidewalks, Phase 1 Construction Project (T-0033)
(Kevin Walter, Director of Public Works)

Resolution No. 2011-10-87**(Agenda Item No. 11-223)**

3. Consideration of Acceptance of the Right-of-Way Agreement dedication as part of the zoning requirements
(Kevin Walter, Director of Public Works)

Resolution No. 2011-10-88

Motion and Vote: Councilmember DeJulio moved to approve the Consent Agenda for October 18, 2011. Councilmember Sterling seconded the motion. The motion carried unanimously.

G) PRESENTATIONS (none)**H) PUBLIC HEARINGS****(Agenda Item No. 11-224)**

1. Approval of Alcoholic Beverage License Application for Applebee's Neighborhood Grill & Bar #84 at 6649 Roswell Rd Sandy Springs, GA 30328. Applicant is Kevin Champion 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. 11-224, Alcoholic Beverage License Application for Applebee's Neighborhood Grill & Bar #84 at 6649 Roswell Rd Sandy Springs, GA 30328. Applicant is Kevin Champion for Consumption on Premises Wine, Malt Beverage and Distilled Spirits. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-225)

2. **RC11-02SS** – 240 Quiet Water Lane (Chris Wujcik / Neptune Pools Inc.) River Corridor
(Presented by Chief Environmental Compliance Officer, Michael Barnett)

(Invitation for Public Comment)

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-225, RC11-02SS – 240 Quiet Water Lane (Chris Wujcik / Neptune Pools Inc.) River Corridor. Councilmember Sterling seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-226)

3. **RC11-03SS** – 250 Quiet Water Lane (Gilbert Quinones / Q-B Engineering, Inc.) River Corridor
(Presented by Chief Environmental Compliance Officer, Michael Barnett)

(Invitation for Public Comment)

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-226, RC11-03SS – 250 Quiet Water Lane (Gilbert Quinones / Q-B Engineering, Inc.) River Corridor. Councilmember Sterling seconded the motion. The motion carried unanimously.

I) UNFINISHED BUSINESS *(none)***J) NEW BUSINESS****(Agenda Item No. 11-227)**

1. Approval for Purchase of Police Replacement Vehicles
(Presented by Chief of Police, Terry Sult)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-227, Purchase of Police Replacement Vehicles. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-228)

2. Consideration of Approval of the FY 2012 Capital Paving Contract
(Presented by Director of Public Works, Kevin Walter)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 11-228, Approval FY 2012 Capital Paving Contract. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-89**(Agenda Item No. 11-229)**

3. Consideration of Approval of the FY 2012 Capital Reconstruction Contract
(Presented by Director of Public Works, Kevin Walter)

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-229, Approval of the FY 2012 Capital Reconstruction Contract. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-90**(Agenda Item No. 11-230)**

4. Consideration of the Acceptance of the Conveyance of Right-of-Way Agreement as part of the zoning requirements
(Presented by Director of Public Works, Kevin Walter)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 11-230, Acceptance of the Conveyance of Right-of-Way Agreement as part of the zoning requirements. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-91**(Agenda Item No. 11-231)**

5. Consideration of Approval for the Mayor to sign the Local Maintenance and Improvement Grant Contract between the City of Sandy Springs and the Georgia Department of Transportation
(Presented by Director of Public Works, Kevin Walter)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-231, Approval for the Mayor to sign the Local Maintenance and Improvement Grant Contract between the City of Sandy Springs and the Georgia Department of Transportation. Councilmember Sterling seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-92

(Agenda Item No. 11-232)

6. Acceptance of an Agreement to Purchase Right-of-Way for the City of Sandy Springs T-6010-9 Glenridge Drive Sidewalk Project from Mt. Vernon Hwy. to Abernathy Road; Parcel 7- Donna D. Glenn
(Presented by Director of Public Works, Kevin Walter)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 11-232, Agreement to Purchase Right-of-Way for the City of Sandy Springs T-6010-9 Glenridge Drive Sidewalk Project from Mt. Vernon Hwy. to Abernathy Road; Parcel 7- Donna D. Glenn. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-93**(Agenda Item No. 11-233)**

7. A Resolution to Support the submittal of the 2011 10-year Livable Centers Initiative (LCI) update for the Perimeter Community Improvement Districts (PCIDs) to the Atlanta Regional Commission (ARC)
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-233, A Resolution to Support the submittal of the 2011 10-year Livable Centers Initiative (LCI) update for the Perimeter Community Improvement Districts (PCIDs) to the Atlanta Regional Commission (ARC). Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-94**(Agenda Item No. 11-234)**

8. A Resolution for the Adoption of the Annual Capital Improvement Element (CIE) Update
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 11-234, A Resolution for the Adoption of the Annual Capital Improvement Element (CIE) Update. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-95**(Agenda Item No. 11-235)**

9. Consideration of the Extension of the Atlanta Grand Bohemian Hotel Land Disturbance Permit under Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-235, Extension of the Atlanta Grand Bohemian Hotel Land Disturbance Permit under Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs. Councilmember Sterling seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-236)

10. A Resolution to clarify the Resolution adopted by City Council on August 16, 2011, authorizing a referendum to allow package sales on Sundays by retailers of package malt beverages, wine and distilled spirits and an Ordinance to amend the City's Code of Ordinances to allow for Sunday package sales of malt beverages, wine and distilled spirits; to provide for adoption and an effective date; and to provide for other lawful purposes
(Presented by City Attorney, Wendell Willard)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 11-236, A Resolution to clarify the Resolution adopted by City Council on August 16, 2011, authorizing a referendum to allow package sales on Sundays by retailers of package malt beverages, wine and

distilled spirits. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Resolution No. 2011-10-96

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 11-236, An Ordinance to amend the City's Code of Ordinances to allow for Sunday package sales of malt beverages, wine and distilled spirits; to provide for adoption and an effective date; and to provide for other lawful purposes. Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance No. 2011-10-17

(Agenda Item No. 11-237)

11. Consideration of Revised Non-Profit Policy
(Presented by City Manager, John McDonough)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-237, Consideration of Revised Non-Profit Policy to include authorizing the City Manager to enter into a MOU with the Community Action Center in the amount of \$100,000. Councilmember Sterling seconded the motion. The motion carried 5-1, with Councilmember Meinzen McEnery voting in opposition.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-237, Consideration of Revised Non-Profit Policy, increasing the nonprofit allocation for FY12 from \$120,000 to \$150,000 by transferring \$30,000 from the transition contingency fund. Councilmember Sterling seconded the motion. The motion carried 5-1, with Councilmember Meinzen McEnery voting in opposition.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 11-237, Consideration of Revised Non-Profit Policy, replacing the language that states "most recently completed annual audit" with the language "most recently completed financial statement"; and changing the application due date to December 2, 2011. Councilmember DeJulio seconded the motion.

Substitute Motion and Vote: Councilmember Meinzen McEnery moved to Agenda Item No. 11-237, Consideration of Revised Non-Profit Policy, with the deletion of the sentence "Is the target population to be served underserved, homeless or indigent?", changing the remaining scoring criteria ratios to 66.6% and 33.3%; replacing the language that states "most recently completed annual audit" with the language "most recently completed financial statement"; and changing the application due date to December 2, 2011. Councilmember Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-238)

12. U.S. Postal Service Zip Code Address Changes
(Presented by Mayor, Eva Galambos)

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-238, U.S. Postal Service Zip Code Address Changes, and to authorize the Mayor to sign a letter confirming the City's agreement and commitment to the conditions specified by the USPS. Councilmember Fries seconded the motion. The motion carried unanimously.

K) REPORTS AND PRESENTATIONS

1. Mayor and Council Reports
2. Staff Reports

L) PUBLIC COMMENT

(Agenda Item No. 11-239)

M) EXECUTIVE SESSION – Litigation

There was no Executive Session.

(Agenda Item No. 11-240)

N) ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:25 p.m.