



**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 McEnerny – District 6

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Tuesday, August 16, 2011

Action Minutes

6:00 PM

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A) **INVOCATION** – Dr. Kenneth Link, First Baptist Church of Sandy Springs

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

Mayor Eva Galambos called the meeting to order at 6:05 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 McEnerny present.

D) **PLEDGE OF ALLEGIANCE** – Mayor Eva Galambos

**(Agenda Item No. 11-169)**

E) **APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Fries moved to approve the Meeting Agenda for August 16, 2011. Councilmember Sterling seconded the motion. The motion carried unanimously.

F) **CONSENT AGENDA**

**(Agenda Item No. 11-170)**

1. Meeting Minutes:
  - a) August 2, 2011 Regular Meeting
  - b) August 2, 2011 Work Session

(Michael Casey, City Clerk)

**(Agenda Item No. 11-171)**

2. Requirements for Legal Advertising or Official Advertising for the City  
(Wendell Willard, City Attorney)
- Resolution No. 2011-08-68**

**(Agenda Item No. 11-172)**

3. Approval of Proposed 2012 Road Paving and Reconstruction Priority List  
(Kevin Walter, Public Works)

**(Agenda Item No. 11-173)**

4. Memorandum of Agreement with Gas South  
(John McDonough, City Manager)

**Motion and Vote:** Councilmember DeJulio moved to approve the Consent Agenda for August 16, 2011. Councilmember Sterling seconded the motion. The motion carried unanimously.

**G) PRESENTATIONS** (none)**H) PUBLIC HEARINGS****Alcohol Beverage License****(Agenda Item No. 11-174)**

1. Approval of Alcoholic Beverage License Application for Peter Cheng Cuisine at 6450 Powers Ferry Rd, Sandy Springs, GA 30339. Applicant is Dahe Yang for Consumption on Premises of Wine, Malt Beverage and Distilled Spirits  
(Presented by Revenue Supervisor, Brandon Branham)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 11-174, Alcoholic Beverage License Application for Peter Cheng Cuisine at 6450 Powers Ferry Rd, Sandy Springs, GA 30339. Applicant is Dahe Yang for Consumption on Premises of Wine, Malt Beverage and Distilled Spirits. Councilmember Fries seconded the motion. The motion carried unanimously.

**Rezoning****(Agenda Item No. 11-175)**

2. **RZ11-004** - 5525 Long Island Drive, *Applicant: Alan Herrick*, To rezone the subject property from R-1 (Single Family Dwelling District) to R-2 (Single Family Dwelling District)  
(Presented by Senior Planner, Doug Trettin)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 11-175, RZ11-004 - 5525 Long Island Drive, *Applicant: Alan Herrick*, To rezone the subject property from R-1 (Single Family Dwelling District) to R-2 (Single Family Dwelling District). Councilmember Fries seconded the motion. The motion carried unanimously.

**Ordinance No. 2011-08-09****Use Permit****(Agenda Item No. 11-176)**

3. **U11-001/CV11-003** - 8725 Dunwoody Place, *Applicant: Atlanta Country Day School*, Use permit to allow a private school at the existing office development, with concurrent variances  
(Presented by Senior Planner, Doug Trettin)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 11-176, U11-001/CV11-003 - 8725 Dunwoody Place, *Applicant: Atlanta Country Day School*, Use permit to allow a private school at the existing office development, with concurrent variances. Councilmember Collins seconded the motion. The motion carried unanimously.

**Ordinance No. 2011-08-10**

**Text Amendment**

**(Agenda Item No. 11-177)**

4. **TA11-001** - An Ordinance to Amend Section 10-6, Special permits; kennels, of the Code of the City of Sandy Springs  
*(Presented by Senior Planner, Doug Trettin)*

(Invitation for Public Comment)

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 11-177, TA11-001 - An Ordinance to Amend Section 10-6, Special permits; kennels, of the Code of the City of Sandy Springs, with the addition of the word “photograph” after the word gender in Sec. 10-6 (b) ii. Councilmember Fries seconded the motion. The motion carried 4-2, with Councilmember Sterling and Councilmember DeJulio voting in opposition.

**Ordinance No. 2011-08-11**

**D) UNFINISHED BUSINESS**

**(Agenda Item No. 11-178)**

1. Consider Requesting DeKalb County Defer Special Land Use Permit (SLUP) Hearings for Concorde Fire Soccer Fields (SLUP 11-17076)  
*(Presented by City Attorney, Wendell Willard)*

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 11-178, with the following two changes to the resolution: the deletion of subsection 1 and the insertion of the phrase “prior to taking official action” following the word “neighborhoods” in subsection 2, (which will now be subsection 1). Councilmember Fries seconded the motion. The motion carried unanimously.

**Resolution No. 2011-08-69**

**J) NEW BUSINESS**

**(Agenda Item No. 11-179)**

1. Resolution to Authorize the Transmittal of the Draft Annual Capital Improvements Element (CIE) Update to the Regional Development Center and State for Review and Comment  
*(Presented by Senior Planner, Doug Trettin)*

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 11-179, Resolution to Authorize the Transmittal of the Draft Annual Capital Improvements Element (CIE) Update to the Regional Development Center and State for Review and Comment. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

**Resolution No. 2011-08-67**

**(Agenda Item No. 11-180)**

2. Resolution to Approve a Contract with Tople Construction for Construction of Community Development Block Grant Sidewalks, T-0033, Phase 1 and Authorization for the City Manager to Execute the Contract  
(Presented by Project Engineer, Marty Martin)

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 11-180, Resolution to Approve a Contract with Tople Construction for Construction of Community Development Block Grant Sidewalks, T-0033, Phase 1 and Authorization for the City Manager to Execute the Contract. Councilmember Sterling seconded the motion. The motion carried unanimously.

**Resolution No. 2011-08-70****(Agenda Item No. 11-181)**

3. A Resolution authorizing a referendum to allow package sales on Sundays by retailers of package malt beverages, wine and distilled spirits  
(Presented by City Attorney, Wendell Willard)

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 11-181, version 2, of A Resolution Authorizing a Referendum to allow Package Sales on Sundays by Retailers of Package Malt Beverages, Wine and Distilled Spirits. Councilmember Fries seconded the motion. The motion carried unanimously.

**Resolution No. 2011-08-71****K) REPORTS AND PRESENTATIONS**

1. Mayor and Council Reports
2. Staff Reports
  - a) Upcoming Events – Community Information

Monday, August 15, 2011, 7:30 – 9am, Sandy Springs Perimeter Chamber's Bagels & Business, Westin Atlanta Perimeter North, 7 Concourse Parkway, Atlanta, Georgia 30328

Tuesday, August 16, 2011, 4pm, Charter Commission Mtg, City Hall, 7840 Roswell Rd, Bldg 500

Tuesday, August 16, 2011, 6pm, City Council Meeting and Work Session, City Hall, 7840 Roswell Road, Building 500

Wednesday, August 17, 2011, 5:30 – 8pm, Wind Down Wednesdays: Crash Davis, Heritage Green, 6110 Bluestone Road, Sandy Springs, GA

Thursday, August 18, 2011, 7pm, Planning Commission Mtg, City Hall, 7840 Roswell Rd, Bldg 500

Thursday, August 18, 2011, 7 – 8pm, Septic Tank Maintenance Workshop, Gwinnett Justice & Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, GA 30045

Saturday, August 20, 2011, 8am – 12pm, Community Emergency Response Team (CERT) - August Training - Class 3 of 4, Sandy Springs Fire Station 4, 4697 Wieuca Road, Sandy Springs, Georgia 30342

Saturday, August 20, 2011, 8:30am – 12pm, Sandy Springs Farmers Mkt, 235 Sandy Springs Cir NW

Tuesday, August 23, 2011, 9am, Design Review Board Meeting, City Hall, 7840 Roswell Road, Building 500

Tuesday, August 23, 2011, 4pm, Charter Commission Mtg, City Hall, 7840 Roswell Road, Bldg 500

Tuesday, August 23, 2011, 6 – 9pm, Davio's Northern Italian Steakhouse Atlanta Community Food Bank Fundraiser, Davio's Northern Italian Steakhouse, 3500 Peachtree Road NE, Atlanta, GA

Tuesday, August 23, 2011, 7pm, Community Zoning Information Meeting, City Hall, 7840 Roswell Road, Building 500

Wednesday, August 24, 2011, 6 – 8pm, Georgia Teens Ride With P.R.I.D.E., ChatComm, 859 Mt Vernon Hwy, Sandy Springs, GA 30328

Thursday, August 25, 2011, 11:15am – 1pm, Sandy Springs Perimeter Chamber’s Networking @ Noon, Food 101 - Sandy Springs, 4969 Roswell Road, Suite 200, Sandy Springs, GA 30342

Thursday, August 25, 2011, 4:00pm, Sandy Springs Hospitality & Tourism Board Meeting, Sandy Springs Welcome Center, Parkside Shopping Center, 5920 Roswell Road – Street level – Suite A-118, Sandy Springs, GA 30328

Thursday, August 25, 2011, 6pm, Community Developer/Resolution Meeting, City Hall, 7840 Roswell Road, Building 500

Saturday, August 27, 2011, 8am – 12pm, Community Emergency Response Team (CERT) - August Training - Class 4 of 4, Sandy Springs Fire Station 4, 4697 Wieuca Road, Sandy Springs, Georgia 30342

Saturday, August 27, 2011, 8:30am – 12pm, Sandy Springs Farmers Mkt, 235 Sandy Springs Cir NW

Thursday, September 1, 2011, 5:30 – 7pm, Sandy Springs Perimeter Chamber’s Business After Hours, Locations vary

Saturday, September 3, 2011, 8:30am – 12pm, Sandy Springs Farmers Mkt, 235 Sandy Sprgs Cir NW

Monday, September 5, 2011, City Hall Closed, 7840 Roswell Road, Building 500

Tuesday, September 6, 2011, 6pm, City Council Meeting and Work Session, City Hall, 7840 Roswell Road, Building 500

## L) PUBLIC COMMENT

(Agenda Item No. 11-182)

## M) EXECUTIVE SESSION

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss 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 7:03 p.m.

**Motion and Vote:** Councilmember DeJulio moved to adjourn Executive Session. 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 adjourned at 7:29 p.m.

(Agenda Item No. 11-183)

## N) ADJOURNMENT

**Motion and Vote:** Councilmember Sterling moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:30 p.m.