



CITY COUNCIL

Eva Galambos, Mayor

John Paulson – District 1

Dianne Fries – District 2

Chip Collins – District 3

Ashley Jenkins – District 4

Tibby DeJulio – District 5

Karen Meinzen McEnery – District 6

Tuesday, December 21, 2010

Action Minutes

6:00 PM

A) **INVOCATION** – Reverend Ron Gilreath, Mt. Vernon Presbyterian 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 Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnery present.

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

(Agenda Item No. 10-313)

E) **APPROVAL OF MEETING AGENDA**

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for December 21, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

F) **CONSENT AGENDA**

(Agenda Item No. 10-314)

1. Meeting Minutes:
 - a) February 2, 2010 Work Session
 - b) December 7, 2010 Regular Meeting
 - c) December 7, 2010 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 10-315)

2. Background Check Fee for Fulton County Firearm Permit
(Terry Sult, Chief of Police)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for December 21, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

G) PRESENTATIONS

1. Presentation of the "Patriot Award" to the City of Sandy Springs by Sergeant Mark Johnson

H) PUBLIC HEARINGS

Rezoning

(Agenda Item No. 10-316)

1. **RZ10-008** - 220 Sandy Springs Circle, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District)
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Collins moved to defer Agenda Item No. 10-316, RZ10-008 - 220 Sandy Springs Circle, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) to the February 15, 2011, City Council Meeting. Councilmember Paulson seconded the vote. The motion carried unanimously.

(Agenda Item No. 10-317)

2. **RZ10-009** - 200 Morgan Falls Road, *Applicant: City of Sandy Springs*, To rezone the subject property from M-2 (Heavy Industrial District) conditional to R-2 (Single Family Dwelling District)
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-317, RZ10-009 - 200 Morgan Falls Road, *Applicant: City of Sandy Springs*, To rezone the subject property from M-2 (Heavy Industrial District) conditional to R-2 (Single Family Dwelling District). Councilmember Jenkins seconded the motion. The motion carried unanimously.

Ordinance No. 2010-12-53

(Agenda Item No. 10-318)

3. **RZ10-010** - 7700 Spalding Drive, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District)
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Paulson moved to defer Agenda Item No. 10-318, RZ10-010 - 7700 Spalding Drive, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) to the February 15, 2011, City Council Meeting. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Zoning Modification**(Agenda Item No. 10-319)**

4. **ZM10-009/CV10-012** - 315 Towergate Place, *Applicant: Miriam R*, To modify condition 3.a. of petition Z82-122 to allow a deck in a buffer and setback, with concurrent variances
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to deny Agenda Item No. 10-319, ZM10-009/CV10-012 - 315 Towergate Place, *Applicant: Miriam Rinkavage*, To modify condition 3.a. of petition Z82-122 to allow a deck in a buffer and setback, with concurrent variances. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Text Amendments**(Agenda Item No. 10-320)**

5. **TA10-019** - An Ordinance to Amend Section 33.12.A., Sign Variance Limitations, of the Sandy Springs Zoning Ordinance.
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Meinzen McEnery moved to approve Agenda Item No. 10-320, TA10-019 - An Ordinance to Amend Section 33.12.A., Sign Variance Limitations, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Ordinance No. 2010-12-54**(Agenda Item No. 10-321)**

6. **TA10-020** - An Ordinance to Amend Section 28.4.2, Land Use Petition Requirements, and Section 12A.3.1, Approval of Alterations or New Construction, of the Sandy Springs Zoning Ordinance
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-321, TA10-020 - An Ordinance to Amend Section 28.4.2, Land Use Petition Requirements, and Section 12A.3.1, Approval of Alterations or New Construction, of the Sandy Springs Zoning Ordinance. Councilmember Paulson seconded the motion. The motion carried unanimously.

Ordinance No. 2010-12-55**(Agenda Item No. 10-322)**

7. **RC10-05SS** - 535 Rivercrest Ct., River Corridor Review for Construction of Addition to Existing Residence
(Presented by Director of Community Development, Blake Dettwiler)

(Invitation for Public Comment)

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 10-322, RC10-05SS - 535 Rivercrest Ct., River Corridor Review for Construction of Addition to Existing Residence. Councilmember Jenkins seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-323)

8. An Ordinance Amending Chapter 110 of the City of Sandy Springs (“City”) Code of Ordinances (“Code”) by Adding Water Usage Restrictions as Required by State Law
(Presented by City Attorney, Wendell Willard)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-323, An Ordinance Amending Chapter 110 of the City of Sandy Springs (“City”) Code of Ordinances (“Code”) by Adding Water Usage Restrictions as Required by State Law. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Ordinance No. 2010-12-57

I) UNFINISHED BUSINESS *(none)*

J) NEW BUSINESS

(Agenda Item No. 10-324)

1. Software Selection Recommendation
(Presented by Finance Director, Amy Davis)

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-324, Software Selection Recommendation of Munis Software from Tyler Technologies. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2010-12-103

(Agenda Item No. 10-325)

2. Consideration of the First Amendment to the Intergovernmental Agreement for the Activation of ChatComm
(Presented by City Attorney, Wendell Willard)

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-325, Consideration of the First Amendment to the Intergovernmental Agreement for the Activation of ChatComm. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2010-12-104

(Agenda Item No. 10-326)

3. Police Department Facilities Lease
(Presented by City Manager, John McDonough)

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-326, Police Department Facilities Lease. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2010-12-105

(Agenda Item No. 10-327)**4. Modifications to the Business Occupation Tax**
(Presented by City Manager, John McDonough)

- a) A Resolution Directing the City to Calculate Occupation Tax Gross Receipts for Services Based Upon the Location of the Customer

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-327(a), A Resolution Directing the City to Calculate Occupation Tax Gross Receipts for Services Based Upon the Location of the Customer. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Resolution No. 2010-12-106

- b) A Resolution Directing the City to Calculate Occupation Tax Gross Receipts for Franchise Fees Based Upon the Location of the Franchisee

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-327(b), A Resolution Directing the City to Calculate Occupation Tax Gross Receipts for Franchise Fees Based Upon the Location of the Franchisee. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Resolution No. 2010-12-107

- c) An Ordinance to Amend Chapter 54, Article V, Sec. 54-117(c) of the Sandy Springs Code of Ordinances Directing the City to Implement a Cap on the Maximum Occupation Tax Which Can Be Paid for Any One Taxable Year

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-327(c), An Ordinance to Amend Chapter 54, Article V, Sec. 54-117(c) of the Sandy Springs Code of Ordinances Directing the City to Implement a Cap of \$75,000 on the Maximum Occupation Tax which Can Be Paid for Any One Taxable Year. Councilmember Meinzen McEnery seconded the motion. The motion carried 5 -1with Councilmember Paulson voting in opposition.

Ordinance No. 2010-12-57

Motion and Vote to Reconsider: Councilmember Jenkins moved to amend Agenda Item No. 10-327 c), An Ordinance to Amend Chapter 54, Article V, Sec. 54-117(c) of the Sandy Springs Code of Ordinances Directing the City to Implement a Cap of \$75,000 on the Maximum Occupation Tax which Can Be Paid for Any One Taxable Year, by adding the following language “The amount of the maximum occupation tax will be adjusted automatically on an annual basis, January 1 of each year, based upon any increase or decrease of the U.S. Department of Labor adjustment of the cost of living in the Atlanta, GA statistical area.” Councilmember Fries seconded the motion. The motion carried unanimously.

- d) An Ordinance to Create Chapter 54, Article V, Sec. 54-117(d) of the Sandy Springs Code of Ordinances Reducing the Rate of Occupation Tax Assessments

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-327(d), An Ordinance to Create Chapter 54, Article V, Sec. 54-117(d) of the Sandy Springs Code of Ordinances Reducing the Rate of Occupation Tax Assessments to 8%. Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance No. 2010-12-58

- e) An Ordinance to Create Chapter 54, Article V, Sec. 54-117(e) of the Sandy Springs Code of Ordinances Reducing the Rate of the First \$1,000.00 of Occupation Tax Assessments

No action was taken on this agenda item.

(Agenda Item No. 10-328)

5. Charter Commission Appointment
(Presented by City Attorney, Wendell Willard)

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-328, Charter Commission Appointment, with the Mayor nominating Carolyn Axt and the City Council nominating Rusty Paul to the Commission. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2010-12-108

K) REPORTS AND PRESENTATIONS

1. Mayor and Council Reports
 - a) "Shoot Sandy Springs" Film Permit – Councilmember Fries

Motion and Vote: Councilmember Fries moved to approve a \$100 per day permit fee for film, television and movie permits. Councilmember Jenkins seconded the motion. The motion carried 5 -1 with Councilmember Meinzen McEnery voting in opposition.

2. Staff Reports

L) PUBLIC COMMENT

(Agenda Item No. 10-329)

M) EXECUTIVE SESSION – Real Estate

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss potential acquisition of real estate with Charlie Roberts and Director of Community Development Blake Dettwiler included. Councilmember Fries seconded the motion. The motion carried 4-2 with Councilmember Paulson, Councilmember Fries, Councilmember Collins, and Councilmember DeJulio voting in favor of the motion. Councilmember Jenkins and Councilmember Meinzen McEnery voted in opposition. The Executive Session began at 8:05 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 Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 8:26 p.m.

(Agenda Item No. 10-330)

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 8:26 p.m.