



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, August 17, 2010

Action Minutes

6:00 PM

A) INVOCATION – Rabbi Josh Heller, B’Nai Torah

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 Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnery present.

D) PLEDGE OF ALLEGIANCE – Mayor Eva Galambos

(Agenda Item No. 10-188)

E) APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda. Councilmember Jenkins seconded the motion. The motion carried unanimously.

F) CONSENT AGENDA

(Agenda Item No. 10-189)

1. Meeting Minutes:
 - a) July 13, 2010 Regular Meeting
 - b) July 13, 2010 Work Session
 - c) August 3, 2010 Regular Meeting
 - d) August 3, 2010 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 10-190)

2. **AM10-007** - 9365 Huntcliff Trace, *Applicant: Steve Askari*, To modify condition 4.d. of Z79-049 by reducing the required fifteen (15) foot minimum side yard setback to seven feet and six inches (7.5').

(Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-191)

3. **AM10-008** - 3802 Teesdale Court, *Applicant: John Wieland Homes and Neighborhoods*, To modify condition 3.a. of Z05-020 by reducing the required fifteen (15) foot minimum side yard setback to 13.94 feet (approximately 14 feet) along the southeast property line for the construction of a single-family home.

(Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-192)

4. **AM10-009** - 510 Mount Vernon Highway NE, *Applicant: Mount Vernon Presbyterian School*, To revise the right-of-way conditions related to the development pursuant to the requirements of the Public Works Department

(Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-193)

5. Intergovernmental Agreement for the Provision of Animal Control Services between Fulton County, Georgia and Sandy Springs, Georgia

(Wendell Willard, City Attorney)

Motion and Vote: Councilmember Jenkins moved to approve the Consent Agenda. Councilmember DeJulio seconded the motion. The motion carried unanimously.

G) PRESENTATIONS

1. Proclamation - Golden Ribbon Rhythmic Gymnastics Team
2. Five New Sergeants at the SSPD – presented by Chief Terry Sult
3. Returning Hero Plaque to Officer Mark Johnson – presented by Chief Terry Sult
4. North Fulton Comprehensive Transportation Plan – Public Works

H) PUBLIC HEARINGS**Millage Rate****(Agenda Item No. 10-194)**

1. To receive input as it relates to establishing a millage rate to be levied for the Fiscal Year 2011 as required by O.C.G.A. Section 48-5-32 et seq. *(Public Hearing)*

(Presented by Finance Director, Amy Davis)

(Invitation for Public Comment)

Alcoholic Beverage

(Agenda Item No. 10-195)

2. 1361- Approval of Alcoholic Beverage License Application for Walgreen's #06204 located at 7530 Roswell Rd, Sandy Springs, GA 30350. Applicant is Rubin Harper for Retail/Package of Wine & Malt Beverage
(Presented by Accounting Manager, Robert Logan)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-195, Approval of Alcoholic Beverage License Application for Walgreen's #06204 located at 7530 Roswell Rd, Sandy Springs, GA 30350. Applicant is Rubin Harper for Retail/Package of Wine & Malt Beverage. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-196)

3. 9001- Approval of Alcoholic Beverage License Application for Walgreen's #10265 located at 4535 Roswell Rd, Sandy Springs, GA 30342. Applicant is Mohammad Khan for Retail/Package of Wine & Malt Beverage
(Presented by Accounting Manager, Robert Logan)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-196, Approval of Alcoholic Beverage License Application for Walgreen's #10265 located at 4535 Roswell Rd, Sandy Springs, GA 30342. Applicant is Mohammad Khan for Retail/Package of Wine & Malt Beverage. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Rezoning**(Agenda Item No. 10-197)**

4. **RZ09-010/U09-009/CV09-019 - 5775 & 5795 Glenridge Drive, Applicant: City of Sandy Springs,** To rezone the subject property from O-I conditional to MIX to allow for 520 residential units, 8,000 square feet of freestanding restaurant space, 770,000 square feet of office space (400,000 new), and 42,000 square feet of retail space to be located within the existing and/or proposed office and residential buildings, with concurrent variances and a use permit to exceed the maximum district height
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember DeJulio moved to deny Agenda Item No. 10-197, RZ09-010/U09-009/CV09-019 - 5775 & 5795 Glenridge Drive, Applicant: City of Sandy Springs, To rezone the subject property from O-I conditional to MIX to allow for 520 residential units, 8,000 square feet of freestanding restaurant space, 770,000 square feet of office space (400,000 new), and 42,000 square feet of retail space to be located within the existing and/or proposed office and residential buildings, with concurrent variances and a use permit to exceed the maximum district height. Councilmember Jenkins seconded the motion. The motion carried 5-1 with Councilmember Fries voting in opposition.

Zoning Modifications

(Agenda Item No. 10-198)

5. **ZM10-006** - 8200 Roberts Drive, *Applicant: Choate Construction*, To modify condition 3.g. of Z87-0040 to allow a sign on the existing retaining wall facing GA-400
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-198, ZM10-006 - 8200 Roberts Drive, *Applicant: Choate Construction*, To modify condition 3.g. of Z87-0040 to allow a sign on the existing retaining wall facing GA-400. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Ordinance No. 2010-08-31**(Agenda Item No. 10-199)**

6. **ZM10-007/CV10-009** - 43 Westfair Court, *Applicant: Mary Alice Buetgen*, To modify condition 3.a. of Z93-0013 to reduce the required undisturbed buffer for an addition to the residence, with concurrent variances
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-199, ZM10-007/CV10-009 - 43 Westfair Court, *Applicant: Mary Alice Buetgen*, To modify condition 3.a. of Z93-0013 to reduce the required undisturbed buffer for an addition to the residence, with concurrent variances. Councilmember Paulson seconded the motion. The motion carried unanimously.

Ordinance No. 2010-08-32**Text Amendments****(Agenda Item No. 10-200)**

7. **TA10-005** - An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-200, TA10-005 - An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Ordinance No. 2010-88-33**(Agenda Item No. 10-201)**

8. **TA10-006** - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to defer Agenda Item No. 10-201, TA10-006 - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance, to the September 7, 2010, Council Meeting. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-202)

9. **TA10-007** - An Ordinance to Amend Article 18, Off-street Parking and Loading, of the Sandy Springs Zoning Ordinance
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-202, TA10-007 - An Ordinance to Amend Article 18, Off-street Parking and Loading, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Ordinance No. 2010-08-34

(Agenda Item No. 10-203)

10. **TA10-009** - An Ordinance to Amend Section 33.18, Prohibited Signs, 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 approved Agenda Item No. 10-203, TA10-009 - An Ordinance to Amend Section 33.18, Prohibited Signs, of the Sandy Springs Zoning Ordinance. Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance No. 2010-08-35

(Agenda Item No. 10-204)

11. A Resolution to Authorize the Transmittal of the Draft Annual Capital Improvement Element (CIE) to the Regional Development Center and State for Review and Comment
(Presented by Assistant Director Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

Motion and Vote: Councilmember Paulson moved to approved Agenda Item No. 10-204, A Resolution to Authorize the Transmittal of the Draft Annual Capital Improvement Element (CIE) to the Regional Development Center and State for Review and Comment. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2010-08-57

(Agenda Item No. 10-205)

12. Consideration of Approval of the Appropriation of the Property on Peachtree Dunwoody Road known as Lifestyle Family Group, LLC property (associated with the Wembley Hall Subdivision), through the Use of Eminent Domain
(Presented by Transportation Engineer, Greg Ramsey)

(Invitation for Public Comment)

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-205, Approval of the Appropriation of the Property on Peachtree Dunwoody Road known as Lifestyle Family Group, LLC property (associated with the Wembley Hall Subdivision), through the Use of Eminent Domain. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2010-08-58

I) UNFINISHED BUSINESS *(none)*

J) NEW BUSINESS**(Agenda Item No. 10-208)**

1. Approval of An Ordinance to amend Chapter 54, Article V, Section 54-127(d) of the Code of Ordinances of the City of Sandy Springs to clarify the provisions for review and hearing of disputes regarding occupational tax amounts and assessments
(Presented by City Attorney, Wendell Willard)

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 10-208, An Ordinance to amend Chapter 54, Article V, Section 54-127(d) of the Code of Ordinances of the City of Sandy Springs to clarify the provisions for review and hearing of disputes regarding occupational tax amounts and assessments. Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance No. 2010-08-36**(Agenda Item No. 10-209)**

2. Memorandum of Agreement Between Georgia Department of Natural Resources and City of Sandy Springs Regarding the Georgia Flood Mapping Assessment and Planning Program
(Presented by Manager of Stormwater Services, David Chastant)

Motion and Vote: Councilmember Meinzen McEnery moved to approved Agenda Item No. 10-209, Memorandum of Agreement Between Georgia Department of Natural Resources and City of Sandy Springs Regarding the Georgia Flood Mapping Assessment and Planning Program. 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. 10-210)****M) EXECUTIVE SESSION- Litigation**

Motion and Vote: Councilmember Fries moved to enter into Executive Session to discuss litigation with the Director of Community Development and City Attorney included. Councilmember Paulson 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 began at 8:31 p.m.

Motion and Vote: Councilmember Fries moved to adjourn Executive Session. Councilmember Meinzen McEnery 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 8:50 p.m.

(Agenda Item No. 10-211)**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 8:51 p.m.