



## 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

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Tuesday, June 15, 2010

Action Minutes

6:00 PM

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A) **INVOCATION** – Rabbi Ari Lorge, Temple Sinai

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

Mayor Eva Galambos called the meeting to order at 6:07 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. 10-137)**

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. 10-138)**

1. **AM09-008** - 5430 Glenridge Drive, *Applicant: Joseph Boveri*, To delete conditions 3.h. and 3.i., regarding signage  
(*Nancy Leathers, Director of Community Development*)

**(Agenda Item No. 10-139)**

2. **AM10-001** - 6520 Roswell Road (SR 9), *Applicant: Cynthia A. Carson*, To modify the Z67-161 conditions of approval as recommended by the Fulton County Planning Board, specifically conditions #2 and #3 regarding letters of intent related to perimeter fencing  
(*Nancy Leathers, Director of Community Development*)

**(Agenda Item No. 10-140)**

3. **AM10-003** - 515 Redding View Court, *Applicant: Phil and Debbie Rubin*, To modify the condition 3.a. of Z96-120 by reducing the required thirty (30) foot minimum rear yard setback for the construction of an addition to a single-family home  
(*Nancy Leathers, Director of Community Development*)

**(Agenda Item No. 10-141)**

4. **AM10-004** - 90 Johnson Ferry Road, *Applicant: Maria D. Powell*, To delete condition 4.d. of Z86-0090 restricting signage on the property  
(*Nancy Leathers, Director of Community Development*)

**(Agenda Item No. 10-142)**

5. **AM10-005** - 6450 Barfield Road, *Applicant: The Church of Jesus Christ of Latter-Day Saints*, To delete condition 2, the overall concept plan in the original letter of intent of U80-0063 and M87-0020 by reference to the new site plan submitted to the Department of Community Development on May 10, 2010 to allow for the relocation of the residential building one hundred thirty (130) feet to the south  
(*Nancy Leathers, Director of Community Development*)

**(Agenda Item No. 10-143)**

6. **AM10-006** - 3880 Spalding Drive, *Applicant: Justin McKinney*, To modify the condition 1.f. of Z82-146 by reducing the required fifty (50) foot minimum setback from the right-of-way of Spalding Drive for a storage shed  
(*Nancy Leathers, Director of Community Development*)

**(Agenda Item No. 10-144)**

7. To amend Chapter 103, Article IV - Definitions, Section 103-16 to define "Permit" and also to amend Chapter 103, Article VI - Permits Required for Development or Construction, Section 103-26, to amend the current language to clearly state the requirements for posting a permit and construction noise ordinance requirements, and also to amend Chapter 103, Article VI, Section 103-27.  
(*Nancy Leathers, Director of Community Development*)

**(Agenda Item No. 10-145)**

8. An Ordinance to create and adopt a new Article VIII on Limousines in Chapter 26 of the Code of Ordinances of the City of Sandy Springs  
(*Wendell Willard, City Attorney*)

**Ordinance No. 2010-06-22****(Agenda Item No. 10-146)**

9. An Ordinance to amend Chapter 6, Article I, Section 6-8 so as to exempt those retail establishments licensed to sell wine for consumption on the premises where the establishment chooses to adopt a policy which allows any person dining at the establishment to bring an unopened bottle of wine into the establishment for consumption  
(*Wendell Willard, City Attorney*)

**Ordinance No. 2010-06-23****(Agenda Item No. 10-147)**

10. An Ordinance to strike existing Article VII on Taxicabs, Chapter 26 of the Code of Ordinances of the City of Sandy Springs and replace with a revised Article VII on Taxicabs  
(*Wendell Willard, City Attorney*)

**Ordinance No. 2010-06-24**

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

## G) PRESENTATIONS

1. ASCE 2010 Outstanding Civil Engineering Achievement Award – by David Chastant
2. Second Original Painting for Sandy Springs Cycling Challenge “Race to the Arts” – by Robert Amato
3. Recognition of John Abrera and Alecia Hurge for setting up the Information Technology (IT) network for the Anne Frank Exhibit – by Mayor Galambos

## H) PUBLIC HEARINGS

### Budget

#### (Agenda Item No. 10-148)

1. To receive public comment pertaining to the Fiscal Year 2011 budget.

(Invitation for Public Comment)

- a. Consideration of approval of an ordinance adopting a budget for the Fiscal Year 2011 for each fund of the City of Sandy Springs, Georgia, pursuant to Article V, Chapter 5 of the Charter of the City, beginning July 1, 2010, and ending June 30, 2011, appropriating the amounts shown in each budget as expenditures, adopting the item of anticipated funding sources, prohibiting expenditures to exceed appropriations, and prohibiting expenditures from exceeding actual funding sources  
(Presented by City Manager, John McDonough)

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve agenda item no. 10-148, Consideration of approval of an ordinance adopting a budget for the Fiscal Year 2011 for each fund of the City of Sandy Springs, Georgia, pursuant to Article V, Chapter 5 of the Charter of the City, beginning July 1, 2010, and ending June 30, 2011, appropriating the amounts shown in each budget as expenditures, adopting the item of anticipated funding sources, prohibiting expenditures to exceed appropriations, and prohibiting expenditures from exceeding actual funding sources. Councilmember Jenkins seconded the motion. The motion carried unanimously.

### Ordinance No. 2010-06-25

### Rezoning

#### (Agenda Item No. 10-149)

2. **RZ09-013/CV09-021** - 216 East Belle Isle Road, *Applicant: Ted Schobert, DVM*, To rezone the subject property from C-2 (Commercial District) conditional to C-2 (Commercial District) conditional, with concurrent variance(s), to continue the Veterinary Clinic use and to allow additional uses under C-2 that would require 12 parking spaces or less  
(Presented by Assistant Director of Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember DeJulio moved to approve agenda item no. 10-149, RZ09-013/CV09-021 - 216 East Belle Isle Road, *Applicant: Ted Schobert, DVM*, To rezone the subject

property from C-2 (Commercial District) conditional to C-2 (Commercial District) conditional, with concurrent variance(s), to continue the Veterinary Clinic use and to allow additional uses under C-2 that would require 12 parking spaces or less. Councilmember Fries seconded the motion. The motion carried unanimously.

**(Agenda Item No. 10-150)**

3. **RZ10-003** - 465, 475, 485, 490, 500 Tanacrest Drive, *Applicant: City of Sandy Springs*, To rezone the subject properties from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District)  
(Presented by Assistant Director of Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember Collins moved to approve agenda item no. 10-150, RZ10-003 - 465, 475, 485, 490, 500 Tanacrest Drive, *Applicant: City of Sandy Springs*, To rezone the subject properties from R-2 & R-3 (Single-family Dwelling Districts) to R-3 (Single-family Dwelling District). Councilmember Fries seconded the motion. The motion carried unanimously.

**Zoning Modification**

**(Agenda Item No. 10-151)**

4. **ZM10-004/CV10-005** - 7000 & 9000 Central Parkway, *Applicant: JMC-IV Real Estate Company*, To modify the conditions of petition Z88-032/U88-020/U88-021/U88-022/U88-023, including the approved site plan, with concurrent variances  
(Presented by Assistant Director of Planning and Zoning, Patrice Ruffin)

(Invitation for Public Comment)

**Motion and Vote:** Councilmember Fries moved to approve agenda item no. 10-151, ZM10-004/CV10-005 - 7000 & 9000 Central Parkway, *Applicant: JMC-IV Real Estate Company*, To modify the conditions of petition Z88-032/U88-020/U88-021/U88-022/U88-023, including the approved site plan, with concurrent variances. Councilmember Jenkins seconded the motion. The motion carried unanimously.

**D) UNFINISHED BUSINESS**

There was no Unfinished Business.

**J) NEW BUSINESS**

**(Agenda Item No. 10-152)**

1. Budget Amendment for 2010 Budget  
(Presented by Finance Director, Amy Davis)

**Motion and Vote:** Councilmember Jenkins moved to approve agenda item no. 10-152, a Budget Amendment for 2010 Budget. Councilmember Fries seconded the motion. The motion carried unanimously.

**(Agenda Item No. 10-153)**

2. Amendment to Services Agreement between City of Sandy Springs and CH2M HILL, Inc.  
(Presented by City Attorney, Wendell Willard)

**Motion and Vote:** Councilmember Jenkins moved to approve agenda item no. 10-153, an Amendment to the Services Agreement between City of Sandy Springs and CH2M HILL, Inc. Councilmember Fries seconded the motion. The motion carried unanimously.

**(Agenda Item No. 10-154)**

3. Consideration of Approval of a contract to construct the Johnson Ferry Road Streetscapes Project (T-0009) Subject to Validation and Approval by the Legal and Finance Departments  
*(Presented by Capital Program Director, William "Marty" Martin)*

**Motion and Vote:** Councilmember Collins moved to approve agenda item no. 10-154, Consideration of Approval of a contract to construct the Johnson Ferry Road Streetscapes Project (T-0009) Subject to Validation and Approval by the Legal and Finance Departments. Councilmember Paulson seconded the motion. The motion carried unanimously.

**Resolution No. 2010-06-43**

**K) REPORTS AND PRESENTATIONS**

- a) Mayor and Council Reports
- b) Staff Reports

**L) PUBLIC COMMENT**

**(Agenda Item No. 10-155)**

**M) EXECUTIVE SESSION – Litigation**

**Motion and Vote:** Councilmember DeJulio moved to enter 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 began at 7:00 p.m.

**Motion and Vote:** Councilmember DeJulio moved to Adjourn Executive Session. Councilmember Jenkins 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 7:10 p.m.

**Motion and Vote:** Councilmember DeJulio moved to approve the proposed consent agreement regarding pending litigation with Holy Innocents Church including approval of the variances pursuant to the requirements of the Zoning Ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.

**(Agenda Item No. 10-156)**

**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 7:12 p.m.