Regular Meeting of the Sandy Springs City Council was held on Tuesday, May 18, 2010, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Reverend Ron Gilreath with Mt. Vernon Presbyterian Church offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:01 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence cell phones and pagers at this time. Additionally, those wishing to provide public comments during either a public hearing or the Public Comment section of this meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk before speaking.

City Clerk Casey called the roll.

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 McEnerny present.

PLEDGE OF ALLEGIANCE

Mayor Galambos lead the Pledge of Allegiance.

(Agenda Item No. 10-118)
APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for May 18, 2010. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 10-119)
1. Meeting Minutes:
   a) February 2, 2010 Regular Meeting
   (Michael Casey, City Clerk)

(Agenda Item No. 10-120)
2. IGA with Paulding County for Firearm Range Use
   (Terry Sult, Police Chief)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for May 18, 2010. Councilmember DeJulio seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Proclamation – Emergency Medical Services (EMS) Week, May 16-22, 2010

Mayor Eva Galambos presented a proclamation to the City of Sandy Springs Emergency Medical Services staff for their value, accomplishments, and service provided to the citizens of Sandy Springs. She proclaimed the week of May 16-22, 2010, as Emergency Medical Services Week.

2. Proclamation – Public Works Week, May 16-22, 2010

Mayor Eva Galambos presented a proclamation to the Public Works Department for their contributions to the citizens of Sandy Springs health, safety, comfort, and quality of life. She proclaimed the week of May 16–22, 2010, as National Public Works Week.

PUBLIC HEARINGS

City Clerk Michael Casey read the Zoning Rules for the Public Hearings Section of the meeting.

(Agenda Item No. 10-121)

1. 11351- Approval of Alcoholic Beverage License Application for Riviera Maya Bar & Grill at 350 Northridge Rd Suite 1A, Sandy Springs, GA 30350. Applicant is Irasema Moya de Roberts for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits.

Director of Operations Wayne Wright stated the application for Riviera Maya Bar & Grill is for a new owner at the currently licensed location for consumption on premises of wine, malt beverage and distilled spirits. The staff has reviewed the application and found all the administrative requirements have been met and it has been properly advertised for the public hearing. The staff recommends approval.

Mayor Eva Galambos called for public comments in support of or opposition to the application. There were no comments from the public.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-121, 11351- Approval of Alcoholic Beverage License Application for Riviera Maya Bar & Grill at 350 Northridge Rd Suite 1A, Sandy Springs, GA 30350. Applicant is Irasema Moya de Roberts for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Use Permit

(Agenda Item No. 10-122)

2. **U10-001/U10-002/CV10-003** - 6700 Riverside Drive, *Applicant: Catholic Society of Religious & Literary Education*, A Use Permit for expansion of the existing Retreat Facility, a Use Permit to establish a Cemetery (columbaria), and Concurrent Variance(s).

Assistant Director of Planning and Zoning Patrice Ruffin stated this is a use permit to allow for expansion of the existing retreat facility, the addition of two columbaria, and two concurrent variances. Staff is recommending approval conditional of the use permit and concurrent variances. The case was heard at the April 15th Planning Commission Hearing. The Commission recommended approval conditional of the request amended to allow placement of the allowed sidewalk on this property to be on the opposite side of the street, if there is sufficient right-of-way.

Ted Benning, 6700 Riverside Drive, stated he is the Chair of the Building Community of Ignatius House. Ignatius House was constructed in 1960 and for 50 years has offered individuals the opportunity to take spiritual and group retreats. The retreats consist of silent reflection, meditation, and prayer. The facility is used by people of all faiths who are sincerely seeking the discovery to live out God's will in their lives. The planned improvements presented to the City are consistent with the current use of the property and will help to enhance the experience of those that use the facilities. They have worked closely with staff to review the plans for the facility and agree with the recommendations made by the Planning Commission. The variances consist of construction of an administration building for relocation of a portion of the administrative activities into a separate building; to allow for handicap access, to renovate the existing retreat house to allow access and better flow for people who are coming to the retreats, enlarge the existing facility that serves the Jesuit Fathers that reside onsite, and to create two columbaria areas. The parking is also going to be increased to allow more sufficient parking for those that use the facility. He asked for Council's approval on the variance request.

Mayor Eva Galambos called for public comments in support of the application.

William & Elizabeth Oliver, 27 Wing Mill Road, stated they are in support of the application. They like the plan and have attended retreats at the Ignatius House. They may be one of the first to purchase a space in the columbaria.

Mayor Galambos called for public comments in opposition to this application. There were no comments from the public. The public hearing was closed.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 10-122, U10-001/U10-002/CV10-003 - 6700 Riverside Drive, *Applicant: Catholic Society of Religious & Literary Education*, A Use Permit for expansion of the existing Retreat Facility, a Use Permit to establish a Cemetery (columbaria), and Concurrent Variance(s). Councilmember Collins seconded the motion.

1. To the owner's agreement to restrict the use of the subject property as follows:

    a. To a Retreat Facility and accessory uses and structures at a maximum density of 2,190.52 square feet per acre or 37,874 gross square feet, whichever is less. (U10-001).

    b. The retreat house/residence shall be limited to no more than fifty-three (53) single occupancy lodging units.

    c. To two (2) Columbaria at a maximum height of no greater than three (3) feet. (U10-002).

    d. Limit the height of the buildings to no more than two (2) stories.

2. To the owner's agreement to abide by the following:

    a. To the site plan submitted to the Department of Community Development received February 2, 2010 (the "Site Plan"). Said Site Plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

    b. To garden style Columbaria with the prohibition of what would be considered a traditional type Cemetery having headstones and graveyard statuary as determined by the Director of Community Development.

3. To the owner's agreement to provide the following site development standards:

   a. No more than two (2) exit/entrances on Riverside Drive; one (1) entrance only and one (1) exit only Curb cut. Location and alignment are subject to the approval of the Director of Public Works.

   b. Provide a minimum 50 foot undisturbed natural buffer with an additional 10 foot improvement setback buffer adjacent to all peripheral property lines except along Riverside Drive.

   c. Variance from Section 19.4.28.B.9 of the Zoning Ordinance to permit 91 parking spaces where 189 are required. No offsite parking or street parking will be allowed. (CV10-003) (Variance #1).

   d. Variance from Section 11.11 of the Development Regulations to eliminate the required sidewalk construction. (CV10-003) (Variance #2).

   e. If the right-of-way is sufficient and regulations allow it, the owner shall install standard sidewalks opposite the subject property along the south and east side of Riverside Drive at a length that would have been required at the time of Land Disturbance Permit as determined by the Director of Public Works.

   f. The owner/developer shall dedicate forty (40) feet of right-of-way from centerline of Riverside Drive Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.

   g. The owner/developer shall Improve Riverside Drive along the entire property frontage, commencing from the southernmost curb-cut northward, 14.5 feet from the center of road to back of curb, or as may be approved by the Director of Public Works.

   h. The owner/developer shall provide a deceleration lane for each project entrance or as may be approved by the Director of Public Works.

   i. The owner/developer shall contact the City Arborist, prior to the application for a Land Disturbance Permit, to arrange an on-site evaluation of existing trees/stands, buffers, and tree protection zones within the property boundaries.

   j. The owner/developer shall maintain as a minimum, the tree density requirements as prescribed by the City of Sandy Springs Tree Conservation Ordinance, either through the retention of existing trees, or tree replacement, in perpetuity.

   k. To reduce the zoning regulations to the extent necessary for all the existing non-conforming (grandfathered) structure(s) to comply in accordance with the site plan received by the Department of Community Development on February 2, 2010.

   l. The owner/developer shall comply with all cemetery registration regulations as required by the Secretary of State of the State of Georgia before issuance of a Land Disturbance Permit.

Councilmember Karen Meinzen McEnerny asked if it is feasible to put a sidewalk on the other side of the street, since the dam at North Harbor is over capping.

Transportation Planner Mark Moore stated when the offer was made the Planning Commission requested that they consider that as the alternative. It is not something that staff would be able to require. The applicant said they are agreeable to it and staff would look into the right-of-way requirements for it. He has not done a full feasibility. It may be possible to go south/southwest or north/northeast from North Harbor for the same linear footage which would be their frontage in keeping the intent of the agreement. If it would not be feasible to go south in front of the dam, then staff could go northeast if the right-of-way was allowable. Staff did not oppose the variance because the topography is very extreme.

Councilmember Dianne Fries asked if the applicant is willing to move it to the other side and if they would construct the sidewalk.

Transportation Planner Moore answered yes; in lieu of doing it in their own frontage.

Councilmember Fries asked if it should be added as a condition.

Transportation Planner Moore stated it is already in the staff recommendations.

Councilmember Chip Collins asked if the location of the sidewalk could be a moving target. There is a major road project being done at Riverside and in connection with that, various options are being looked at for the dam.

Public Works Director Tom Black stated staff is going back to FEMA to try and get an approval on the diameter of the pipe to keep the water from flowing across the road and not take ownership of the dam. Staff is waiting on funds from FEMA to pay for the pipe, which will accommodate a sidewalk on that side. The bigger issue is the water coming around the corner from the opposite direction from North Harbor, which staff needs to collect into some sort of system. The engineering for that issue is not finished. The other side is not very feasible, because 100 feet down the bank would have to be cleared to get enough shoulder and the guard rail has already been put back three different times. It is not advisable to force a sidewalk on that side of the street.

Councilmember Collins asked if this is something the City could waive later if it is decided that it does not make sense.

Transportation Planner Moore answered yes.

Public Works Director Black stated as part of the zoning conditions the motion could include that the funding for the sidewalk be separate from the original bid for construction.

Transportation Planner Moore stated the wording on the staff's zoning conditions is fairly flexible and provides for an equivalent sidewalk accommodation on the other side of the street.

Councilmember Meinzen McEnerny asked if staff is asking for conditions that would coordinate with the installation of the sidewalk during the reconstruction of the culvert.

Public Works Director Black stated the zoning requirement is for them to construct the sidewalk on the other side of the street. There will be a line item in a bid for the sidewalk and maybe the applicant can fund that line item for that portion of the sidewalk.

Director of Community Development Nancy Leathers stated that condition is flexible enough to take funding or construction.

Vote on the Motion: The motion carried unanimously.

Zoning Modification

(Agenda Item No. 10-123)

3. **ZM10-005/CV10-004** - 6014 Sandy Springs Circle, *Applicant: First Allied Ohio Corporation*, To modify condition 2.a.of petition Z97-0080 to show the location of the existing freestanding signs, with concurrent variances.

Assistant Director of Planning and Zoning Patrice Ruffin stated this is a modification request for Fulton County Zoning case Z97-0080 to add the location of existing signs to the existing site plan. The applicant is also requesting four concurrent variances related to signage on the property. Staff is recommending approval conditional of the zoning modification and concurrent variances number one and two and denial of concurrent variances number three and four related to the third freestanding sign at the north end of the property. The application was heard at the April 13, 2010, Design Review Board meeting and the Board recommended approval of the modification and concurrent variances number one and two, and denial for concurrent variances number three and four.

Attorney Wendy Butler, Coleman Talley, LLP, 7000 Central Parkway, stated she represents the applicant. The subject property is approximately eight acres and it is developed as the Centre Court Shopping Center. The center was built prior to 1981 and in 1997 the entire parcel, including the bank parcel which was previously zoned O-I, was brought in for a rezoning to allow the entire the parcel to be considered one zoning parcel. That relates to some of the sign restrictions brought forth today. When First Allied acquired the property in 2002, all of the signs were existing and a letter was submitted as part of the record from Fulton County confirming there were no zoning violations. In the fall of 2009, the bank failed and was taken over by the FDIC and the Rite Aid Drug Store vacated the site. At that time, First Allied put up a sign for Kosher Deli and got cited for having an abandoned sign. The ordinance says an abandoned sign is any sign associated with a business that has ceased operations for sixty days. That is very broad language and an unfortunate circumstance in this instance, because there was a new tenant that was coming in. The fine was paid and the applicant came and met with the Planning Department to see what could be done. Under the new regulations there is a limit of one sign along the frontage. The applicant then applied for a zoning modification to allow for the existing signs to remain. In addition, feedback was received for sign number three, which the applicant agreed to turn it into a monument sign, should it be allowed to remain. The requests are to allow the three existing signs, one additional free standing sign and one additional monument sign, because sign number three would be turned into a monument sign. The variances would be for sign number three because the sign as it exists is 14 feet 6 inches high and the City has an 8 foot limit and the sign is 65 square feet instead of 64 square feet. There are two additional variances to allow the sign to remain, even if it is turned into a monument sign. Staff has recommended approval of the modification to allow the bank sign to remain, but recommended denial of the variances as they relate to sign number three. Some of the feedback heard was that no other businesses in Sandy Springs have this many signs, but no other business centers in Sandy Springs have no visibility for any of their tenants. The businesses in this center have severe visibility problems. Approaching the site there is no visibility 200 feet away and once you reach the top of the hill, the monument sign cannot be seen because of the vegetation. The businesses can't be seen until the access point in front of them and at that point a person has passed the entrance. The bank sign is the only visible sign for the bank parcel and it is an important component, because they don't want travelers to enter the site and have to drive through it to get to the bank parcel, as it creates a significant safety concerns for the people using the parking lot. When approaching the site from Sandy Springs Circle, there is a significant topographic change and nothing can be seen. She asked Council to approve the application as requested, including sign number three being turned into a monument sign. She believes the application meets the standards related to a hardship of impaired visibility due to the topography and vegetation of the site.

Mayor Eva Galambos called for public comments in support of or opposition to the application. There were no comments from the public. The public hearing was closed.

Motion and Second: Councilmember Collins moved to approve Agenda Item No. 10-123, ZM10-005/CV10-004 - 6014 Sandy Springs Circle, *Applicant: First Allied Ohio Corporation*, To modify condition 2.a.of petition Z97-0080 to show the location of the existing freestanding signs, with concurrent variances, staff recommendations, and with the condition that sign three be converted to a monument sign. Councilmember Paulson seconded the motion.

Councilmember Ashley Jenkins asked the size of sign number two.

Assistant Director of Planning and Zoning Ruffin stated the sign is 22.17 feet tall and 112 square feet of sign area.

Councilmember Dianne Fries asked if that is normal for this particular shopping center. If the application was brand new, what would be allowed?

Assistant Director of Planning and Zoning Ruffin stated they would be allowed an 8 foot tall sign.

Councilmember Jenkins stated she understands the landscaping and topography issues, but they own the site and can redo the landscaping. She is not in favor of the third sign. There is already an enormous sign that is grandfathered in that no one else in Sandy Springs would be allowed to have. She asked if the bank sign was being converted into a monument sign.

Assistant Director of Planning and Zoning Ruffin answered no, the bank sign is not, but the way it is located, the base would not be seen.

Councilmember Karen Meinzen McEnerny stated it would not be fair to the people across the street to allow the applicant 33% more signs along with the monument sign. She stated the applicant purchased the property and saw the limitations. She thinks the third sign is too much.

Councilmember Fries asked if there is a sign on Hammond Drive.

Assistant Director of Planning and Zoning Ruffin answered yes; there is a sign on Hammond.

Councilmember Chip Collins asked how long sign number three has been on the property.

Vice President of Operations for First Allied Alan Ripley stated the sign has been on the property since they took ownership of the property.

Councilmember Collins asked how long the applicant has owned the property.

VP of Operations for First Allied Ripley stated they owned the property since 2002.

Councilmember Collins stated maybe the sign has been there at least 15 years.

VP of Operations for First Allied Ripley stated it is probably closer to 25 years. The lease that Rite Aid had was a very long lease. They were a tenant around the time the Centre was built in 1981.

Councilmember Collins asked the applicant to explain the process they went through with Fulton County concerning the clean letter.

VP of Operations for First Allied Ripley stated First Allied owns shopping centers throughout the country and part of the typical due diligence is to make sure there are no outstanding issues with a property when acquired. They contact the different counties or municipalities that may be in charge at the time and ask them if there are any outstanding issues concerning zoning or anything else. There were no issues brought to their attention at that time. It caught them off guard this year when they were told there was an issue with the sign. They lost one tenant because the tenant didn't want to be on the multi-tenant sign; they wanted their own sign. They are struggling to retain tenants.

Councilmember John Paulson asked if they are proposing to take the existing sign with the blue base and turn it into a monument sign that looks like the other one.

VP of Operations for First Allied Ripley stated they are going to construct the brick base of the sign to come up to the existing sign.

Councilmember Fries stated she understands the difficulties with tenants. They do have four signs on this property and Council has tried for years to make the shopping centers more attractive. She does not agree with adding stone to a sign that is already twice the size it should be, plus having four signs in the shopping center. She would rather they come in and ask for a bigger sign above the building, because the signs on the building can be seen quicker than any of the monument signs.

Substitute Motion and Second: Councilmember Fries moved to approve Agenda Item No. 10-123, ZM10-005/CV10-004 - 6014 Sandy Springs Circle, *Applicant: First Allied Ohio Corporation*, To modify condition 2.a.of petition Z97-0080 to show the location of the existing freestanding signs, with concurrent variances and staff recommendations. Councilmember Jenkins seconded the motion.

1. To the owner's agreement to restrict the use of the subject property as follows:

    a. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 8,944.74 gross square feet per acre zoned or a total of 77,732 square feet, whichever is less, but excluding fast food restaurants, service stations, commercial amusements and billboards.

2. To the owner's agreement to abide by the following:

    a. To the site plan received by the ~~development Services~~ Department of Community Development on ~~June 10, 1997~~ August 4, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning ~~Resolution~~ Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

3. To the owner's agreement to the following site development considerations:

    e. Provide for the reduction of all landscape strips and buffers to the extent to allow existing structures to remain.

    f. No more than the existing exit/entrances on Hammond Drive. Curb cut location and alignment are subject to the approval of the ~~Fulton County~~ Sandy Springs Traffic Engineer.

    g. No more than the existing exit/entrances on Sandy Springs Circle. Curb cut location and alignment are subject to the approval of the ~~Fulton County~~ Sandy Springs Traffic Engineer.

4. To the owner's agreement to abide by the following requirements, dedication and improvements:

a. Reserve for the ~~Fulton County~~ City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a land disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation bisects the required landscape strip of buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

   45 feet from the centerline of Hammond Drive

b. Dedicate at no cost to ~~Fulton County~~ Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to ~~Fulton County~~ Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

   55 feet from the centerline of Sandy Springs Circle.

   30 feet from the centerline of Hammond Drive.

c. Improve roadways along the entire property frontage with curb and gutter per ~~Fulton County~~ Sandy Springs standards or as may be required by the Georgia Department of Transportation.

d. Provide a deceleration lane for each project entrance or as may be required by the ~~Fulton County~~ Sandy Springs Traffic Engineer.

e. Provide a left turn lane for each project entrance or as may be required by the ~~Fulton County~~ Sandy Springs Traffic Engineer.

5. To the owner's agreement to abide by the following:

   a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit ~~with the Development Services Department~~, to meet with the Fulton County Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.

   b. To contact the Director of ~~Public Works~~ Community Development, prior to the application for a Land Disturbance Permit ~~with the Development Services Department~~, to arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries with the Fulton ~~County~~ City Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.

   c. At the time of submittal for a Land Disturbance Permit and after the approval of the Preliminary Plat, the engineer/developer is required to provide written documentation verifying on-site evaluation and any other necessary downstream constraints.

d. Provide documentation (cross-section etc.) as to the existing conditions for all natural streams/creeks within the boundary of the project. Show, by documentation, the appropriate erosion protection of the stormwater conveyance system.

e. The developer/engineer is responsible to demonstrate to the ~~County~~ City by engineering analysis, that the developed land use (proposed development) stormwater runoff conditions are controlled at the maximum pre-developed land use level, so that downstream properties/conveyance systems are not impacted or aggravates existing flooding/drainage nor creates new drainage/flooding problems off-site.

f. Upon receiving zoning, rezoning or a special use approval from the ~~County~~ City and prior to submitting for a Land Disturbance Permit, the developer/engineer shall contact and submit to the ~~Stormwater Management Section of the Public Works Department~~ Department of Community Development a stormwater concept plan. The stormwater concept plan shall be a preliminary drawing describing the proposed location of storage facilities, discharge path of storage facilities, downstream and upstream constraints and other matters with potential stormwater implementations. The stormwater concept plan shall be submitted to the ~~County~~ City when the design engineer determines the preliminary location, type of stormwater facilities or at approximately 35% project completion.

g. To allow an additional free standing sign along the west side of Sandy Springs Circle frontage for building "A" as identified on the site plan dated received March 02, 2010 and located at the southeast corner of the parcel (Sign #1)(CV10-004-Part 1).

h. To allow a non monument sign not to exceed 29 square feet of sign area, eight (8) fee height for building "A" as identified on the site plan dated received March 02, 2010 and located at the southeast corner of the parcel (Sign #1)(CV10-004-Part 2).

Councilmember Collins asked if a smaller sign would be an option.

VP of Operations for First Allied Ripley answered yes it would. They are in favor of building signs, but the topography of the property doesn't allow the building signs to be seen either. It is unfortunate, but it happens to be true. He suggested in the short term (five years), that they be allowed to keep the third sign, because they are struggling to keep tenants.

Councilmember Collins stated his concern is that the sign isn't something new and Council would be taking away something that has been there a long time and hurt the applicant's ability to do business in times that are very difficult. There were no public comments against the application. He does not see a reason to deny the request.

Councilmember Meinzen McEnerny stated Council is very sensitive to the situation with leasing retail, which is over built in almost every major market in the country. Council does have the ability in the City's Ordinance to allow brokerage leasing signs in order to attract tenants. She encouraged the applicant to put up a leasing sign based on the rules of the City's Ordinance.

Vote on the Substitute Motion: The motion carried 4-2, with Councilmember Paulson and Councilmember Collins voting in opposition.

Councilmember Jenkins stated there are funds available for the streetscapes along Sandy Springs Circle, which should help with the applicant's visibility.

Ordinance

(Agenda Item No. 10-124)

4. An Ordinance to Adopt the CoSS Zoning Map

Assistant Director of Planning and Zoning Patrice Ruffin stated this item was heard at the work session and is the annual update of the zoning map to include all changes during the year of 2009. The item was heard at the April 15, 2010, Planning Commission hearing and the Commission recommended approval.

Motion and Vote: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 10-124, an Ordinance to Adopt the CoSS Zoning Map. Councilmember Fries seconded the motion. The motion carried unanimously.
Ordinance No. 2010-05-19

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

(Agenda Item No. 10-125)

1. Resolution Regarding City Services Contract

City Attorney Wendell Willard stated this item was a topic of discussion during the Council Retreat on March 19, 2010. It is a proposal for Council to move forward with the preparations of setting forth a request for a new proposal for the City Services as a structured matter of how the Council directs the City to proceed with this matter and to be sure that there is a protection to the Council to not become involved with particulars of the day to day request for proposal or deal with potential contractors. A time frame has been set for the proposal to become effective with the new contract for July 1, 2011, which will coordinate with the current fiscal year of the City.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 10-125, a Resolution Regarding City Services Contract. Councilmember Paulson seconded the motion.

Mayor Eva Galambos stated Council needs to start planning for the rebidding with an open and transparent process with as wide a competition as possible in order to attract as many bidders as possible to get the best deal for the City. However, she is not in favor of shortening what was originally a contract that would have gone to December 31, 2011. She does not feel the reason to make it congruent with the fiscal year is a valid reason, because the period of the contract can be adjusted. The real reason there is support in shortening the contract is the conjecture that the City will get a better price in the market when it is opened up for bidding and it can save the City money. That may be so and it may not be so. It is conjecture. The City is currently in negotiations with the current provider of service for the current year and progress is being made. She does not think it is wise to truncate the agreement that would ordinarily go six months beyond the date in this resolution. She agrees with everything else in the resolution.

Substitute Motion: Councilmember Fries moved to approve Agenda Item No. 10-125, a Resolution Regarding City Services Contract, amending the anticipated effective date from July 1, 2011, to December 31, 2011. The motion failed for lack of a second.

Councilmember Ashley Jenkins stated another valid concern Council had was scheduling a transition of all government services over Christmas. Leaving the date July 1, 2011 makes much more sense. The contract can be canceled at anytime.

Councilmember Tibby DeJulio stated Council is setting in motion a planning schedule, not a notification to terminate the current contract as to a particular date. Council is planning for the RFP and putting a timeframe in place. The contract calls for termination with a 180 day notice. The contract can be canceled at any time, or it could not get canceled at all.

Mayor Galambos stated it is a very wise move to put the plan in place, but the phrase says the anticipated effective date of the implementation of a new contract shall be July 1, 2011.

Councilmember DeJulio stated that is an anticipated date. It is not set in stone yet.

Councilmember Karen Meinzen McEnerny asked if it is the recommendation of the contract committee to prepare this resolution with the included language.

Mayor Galambos stated the committee did not have this before the Council, but the whole Council had the item before them at the retreat and it was the majority opinion at the retreat. She is just asking Council to reconsider.

Councilmember John Paulson stated if December 31, 2011, is the end date and any snags are met, then there is no time left in the contract for assistance. One of the advantages of having the anticipated date of July 1, 2011, is that it allows the City six months of flexibility. It is possible that this can slide back to December 31, 2011.

Councilmember Dianne Fries stated it appalls her to hear Council state they can cancel the contract at anytime because it is very unsettling to those that have jobs with the City. There are no complaints from the citizens concerning the staff, because they do a good job.

Substitute Motion: Councilmember Fries moved to approve Agenda Item No. 10-125, a Resolution Regarding City Services Contract, removing the anticipated effective date and leaving it open ended. The motion failed for lack of a second.

Councilmember DeJulio stated that would defeat it being an intended date and not a date set in stone.

Vote on the Motion: The motion carried 5-1, with Councilmember Fries voting in opposition.
Resolution No. 2010-05-38

REPORTS AND PRESENTATIONS

a) Mayor and Council Reports

Mayor Eva Galambos reported that City Attorney Wendell Willard was given an award from Common Cause of Georgia for Outstanding Service in the Legislature in terms of leadership and ethics.

b) Staff Reports

City Attorney Wendell Willard announced there is a lawsuit that has been pending in Fulton Superior Court dealing with the application for billboard signs by Granite State that was filed in 2006. Their applications were denied and they sued based upon the decision that came out of Fulton County on the same ordinance that the City had. The City was defended by an attorney through the GIRMA coverage

and on the 13th of May, the Superior Court judge issued an order granting the City's motion for summary judgment denying all of Granite's claims. The judgment was based upon the fact that the City has the Overlay District for the area where the signs were being requested, which the court recognized. Even though the ordinance of Fulton County may have been applicable, the City's Overlay District provisions addressing signage and the location was still applicable and was not challenged in the lawsuit.

City Manager John McDonough announced a report from Public Works Director Tom Black concerning the opportunity for the citizens to lock in flood insurance before for the flood insurance maps are updated.

Councilmember Ashley Jenkins asked about the Johnson Ferry Sidewalk Program that was to be on the agenda.

City Attorney Cecil McLendon stated that item was removed from the agenda, because staff is still working on the procurement and the bidding process.

Councilmember Jenkins asked if this was because of the bidding on the lights.

City Attorney McLendon stated there were some issues that needed to be addressed before it was ready for presentation.

Public Works Director Tom Black stated flood plain elevations have been reestablished throughout the City and the City has the most complete and comprehensive information available of anybody in the state. Staff is trying to get the information concerning the changes out to the citizens. There may be some homes showing in the flood plain that were not showing before. FEMA is evaluating the City's data and staff is expecting them to adopt the flood plain maps in the fall. Residents can buy flood insurance now in these areas before the maps are adopted and save money. The information is online or citizens can come to City Hall to obtain information.

Councilmember Karen Meinzen McEnerny asked if FEMA is encouraging the dissemination of the information.

Public Works Director Black stated this is a benefit the City is trying to get to the citizens. FEMA is in favor of it. The fact that the City has this information and the initial feedback from FEMA is excellent.

Councilmember Dianne Fries asked if the citizens would be grandfathered in for insurance renewals.

Public Works Director Black answered yes; plus they can get the insurance at a cheaper rate before the new maps are adopted.

Councilmember Tibby DeJulio asked if the difference in the rate is around three or four times.

Public Works Director Black answered he is not 100 percent sure, but it is between 40 and 50 percent savings.

Councilmember DeJulio asked if the price would go up a little bit, but not as much as if it was purchased new, and if the price would go up over a period of time.

Public Works Director Black answered the rate would go up, as all insurances do, but it would increase at a lower rate.

Councilmember DeJulio stated this information needs to be given to the homeowners associations. He asked if there was a press release.

City Manager McDonough stated one was sent out in the Mayor's Letter and staff will make sure it is sent to the HOA representatives.

Mayor Galambos stated she has a report on the Service Delivery Strategy agreement, which is the agreement between Fulton County and all the cities in Fulton County regarding who is supposed to provide what. It also includes the issue concerning the penalty water rates between Atlanta and Sandy Springs. There was a mediation session last week. The issue all the cities had was that Fulton County is still using the General Fund to pave the roads in the unincorporated area of South Fulton, which means all the people in the cities are paying for roads through their city taxes and then the county taxes that citizens pay are being used to do the roads in the unincorporated area of Fulton County. There was no meeting of the minds, so the item is being sent to Superior Court. She was very encouraged when the mediator asked the City Attorney Willard to meet with the Atlanta City Attorney regarding the water rates. She has no great expectations for the water rate issue and feels it will go to court.

City Attorney Willard stated there is a status conference tomorrow that deals with the extension of time that Atlanta is requesting and it may also deal with Senate Bill 308, which dealt with the reservoir issues, and that affects Atlanta.

Grant Administrator Eden Freeman stated the City submitted an application in late March to the Pioneer Institute under the Better Government Competition for 2010. The City of Sandy Springs was selected as one of four runners-up across the country. The grand prize winner was a Massachusetts project, which is to be expected, since they wanted to award projects in that state. The other three runners up were Apps for Democracy; The Governor's Commission for a New Georgia, and another program in Massachusetts. There will be an awards dinner in Boston on June 18, 2010, to recognize all of the runners up and winners for their work.

Mayor Galambos asked if the Georgia Commission was a result of City Attorney Willard's bill.

City Attorney Willard stated that Governor Perdue started a review of state programs and looking at cost savings by initiating public-private partnerships and a number of them have been implemented. He feared the governor's programs would vanish once the Governor leaves office, so he did introduce a bill this year to have a permanent organization at state level which will look at state potential partnerships with private industry, but will also encourage down to the local cities, counties, and school boards similar matters that they can look at as being programs for implementation. The bill did not get pass the House which is not unusual. Next year it will be filed again in hopes of having better success.

Mayor Galambos stated Grant Administrator Freeman must have written a very strong proposal, because the judges included people like the Kennedy School of Public Policy.

Councilmember DeJulio asked if the City received any money for the proposal.

Grant Administrator Freeman answered $1,000.

PUBLIC COMMENT

Mayor Eva Galambos called for public comments. There were no comments from the public.

EXECUTIVE SESSION

There was no Executive Session called.

(Agenda Item No. 10-126)
ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 7:12 p.m.

Date Approved: August 3, 2010

Eva Galambos, Mayor

Michael Casey, City Clerk