

Regular Meeting of the Sandy Springs City Council was held on Tuesday, December 2, 2014, at 6:00 p.m., Mayor Rusty Paul presiding.

INVOCATION

Bishop Paul Abamonte, Church of Jesus Christ of Latter-Day Saints, offered the invocation.

CALL TO ORDER

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

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the 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.

City Clerk Casey called the roll.

Mayor: Mayor Paul present

Councilmembers: Councilman John Paulson, Councilman Ken Dishman, Councilman Graham McDonald, Councilman Gabriel Sterling, Councilman Tibby DeJulio, and Councilman Andy Bauman were present.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance

PUBLIC COMMENT

Masoud Zahedi, 5801 Roswell Road, commented on a zoning modification item on the December 16th City Council meeting agenda regarding a case on Carpenter Drive. He asked that Council favorably consider this item.

Mayor Rusty Paul stated Mr. Zahedi can work with staff on that item.

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilman DeJulio moved to approve the Regular Meeting Agenda for December 2, 2014. Councilman Dishman seconded the motion. The motion carried unanimously.

CONSENT AGENDA

- (Agenda Item No. 14-277)
1. Meeting Minutes:
 - a) November 18, 2014 Regular Meeting
 - b) November 18, 2014 Work Session

(Michael Casey, City Clerk)

 - (Agenda Item No. 14-278)
 2. Acceptance of the Agreement to Purchase a Permanent Drainage and Temporary Construction Easement on the Glenforest Drive Stormwater Improvement Project (595 Glenforest Drive)

(Garrin Coleman, Director of Public Works)

Resolution No. 2014-12-112

(Agenda Item No. 14-279)

3. Consideration of the Acceptance of the Dedication of a Permanent Drainage Easement as Part of the Zoning Requirements (1684 Huntingdon Trail)

(Garrin Coleman, Director of Public Works)

Resolution No. 2014-12-113

(Agenda Item No. 14-280)

4. Consideration of the Acceptance of the Dedication of Right of Way as Part of the Zoning Requirements (4535 Lake Forrest Drive)

(Garrin Coleman, Director of Public Works)

Resolution No. 2014-12-114

Motion and Vote: Councilman Sterling moved to approve the Consent Agenda for December 2, 2014. Councilman Paulson seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

City Clerk Michael Casey read the rules for the Public Hearings segment of the meeting.

Alcoholic Beverage License

(Agenda Item No. 14-281)

1. Approval of Alcoholic Beverage License Application for Moksha Restaurant 5975 Roswell Rd Bldg D Suite 245 Sandy Springs, GA 30328. Applicant is Kanta Patel for Consumption Wine, Distilled Spirits and Malt Beverage

Finance Director Karen Ellis stated this is a new application for consumption on the premises of wine, malt beverage, and distilled spirits for Moksha Restaurant. The applicant has met all of the requirements and staff recommends approval.

Mayor Rusty Paul called for public comments in support of or in opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-281, Alcoholic Beverage License Application for Moksha Restaurant 5975 Roswell Rd Bldg D Suite 245, for Consumption of Wine, Distilled Spirits and Malt Beverage. Councilman DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

(Agenda Item No. 14-282)

2. Approval of Alcoholic Beverage License Application for Perimeter Pointe Stadium 10 at 1155 Mt. Vernon Hwy, Sandy Springs, GA 30338. Applicant is Samuel J. Pressley for Consumption on Premises of Wine and Malt Beverage

Finance Director Karen Ellis stated this is a new application for consumption on the premises of wine, and malt beverage at the Perimeter Pointe Stadium 10 theatre. The applicant has met all of the requirements and staff recommends approval.

Mayor Rusty Paul called for public comments in support of or in opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-282, Alcoholic Beverage License Application for Perimeter Pointe Stadium 10 at 1155 Mt. Vernon Hwy, for Consumption on Premises of Wine and Malt Beverage. Councilman Paulson seconded the motion. There was no Council discussion. The motion carried unanimously

(Agenda Item No. 14-283)

3. Resolution to authorize the use of eminent domain to acquire property located at 237 Johnson Ferry Road (also known as 221 Johnson Ferry Road) (Parcel ID: 17-0089-LL-111-4) in Sandy Springs ("Property") for public use

City Attorney Wendell Willard stated this parcel is within the City Center project. The property is owned by Flambeau Realty, Inc. and Straus Irma Realty Corporation. Staff has been in negotiation with the owners. The tenant of the property is the Goodwill store. The City needs to move forward with acquisition of the property for the City Center project. Staff will continue negotiations, but is requesting Council to approve a resolution for condemnation. The process takes at least sixty days from adoption of the resolution before a special master hearing can be held. The City offered \$3,900,000 for the property based upon the fair market appraisal.

Mayor Rusty Paul called for public comments in support of or in opposition to the agenda item. There were no public comments. Mayor Paul closed the public hearing.

Motion and Second: Councilman Paulson moved to approve Agenda Item No. 14-283, a resolution to authorize the use of eminent domain to acquire property located at 237 Johnson Ferry Road (also known as 221 Johnson Ferry Road) (Parcel ID: 17-0089-LL-111-4) in Sandy Springs ("Property") for public use. Councilman McDonald seconded the motion.

Councilman John Paulson asked if staff is in good communication with the property owners.

City Attorney Willard responded yes. The property owners have attorneys that represent them and staff has been in communication with the attorneys for several years.

Councilman Gabriel Sterling asked how many acres is the property.

City Attorney Willard stated the property is 3.8 acres.

Councilman Andy Bauman stated there is a lease involved and two parties will be subject to the condemnation.

City Attorney Willard stated the parties are the original lessee to the property, which is the A.P. Superstores, and that lease was acquired by Kroger. Kroger is the lessee to the property and Goodwill is a sublessee.

Councilman Bauman asked how much time remains on Goodwill's lease.

City Attorney Willard stated the lease is renewed in five year increments and expires sometime around 2020.

Councilman Tibby DeJulio stated Goodwill is opening another facility on the corner of Abernathy and Roswell Road. He asked if Goodwill is moving in anticipation of the condemnation.

City Attorney Willard stated he was not aware of Goodwill opening another store in Sandy Springs.

Councilman DeJulio stated Goodwill also has another location in Sandy Springs next to R.E.I.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2014-12-115

(Agenda Item No. 14-284)

4. Resolution to authorize the use of eminent domain to acquire property located at 6201 Roswell Road (Parcel ID: 17-008900070365), 6215 Roswell Road (Parcel ID: 17-008900070373), 6219 Roswell Road (Parcel ID: 17-008900070324), and 260 Mount Vernon Highway (Parcel ID: 17-008900070423) in Sandy Springs (together, "Property") for public use

City Attorney Wendell Willard stated this is the property known as the triangle located at Roswell Road and Mount Vernon Highway. The property is owned by W. B. Holdings Triangle for whom Adam Orkin is the registered agent. Tenants on the property are Eddie's Automotive, Ruby Vapor L.L.C., and the Mattress U.S.A. There is also a CVS outdoor advertising sign on the property. Notice has been given to all the parties and staff has been in negotiations with the owner. Due to the continuing leasing of the property, which is part of the City Center project, this item is before Council for condemnation. An offer was made on the property for \$3,407,000 based upon the fair market value appraisal. The owner made a counter offer and staff wants to continue negotiations.

Mayor Rusty Paul called for public comments in support of the application. There were no public comments. Mayor Paul called for public comments in opposition to the application.

Christopher Galanek, representative of W.B. Holdings Triangle LLC, stated he is opposed to the resolution seeking the use of eminent domain. Many members of Council are familiar with the principal, Adam Orkin. Mr. Orkin was raised in Sandy Springs and is a local developer. Mr. Orkin has already redeveloped a number of parcels along Roswell Road. He desires to continue maintaining this parcel and to use it for redevelopment. Mr. Orkin was involved with the development of the City's Land Use Policy. It is his understanding, that the City plans on taking that property use as a park. This is a property that its highest and best use is not for a public park. The parcel is slightly over one acre that forms a triangle along the three busiest intersections in Sandy Springs. This will be a greenspace park that will not be pedestrian or family friendly. No one will cross Roswell Road to access the park. The City's own appraisal indicates the value of the parcel is \$3.407 million. The City is going to use taxpayer funds to acquire a one acre parcel at the busiest intersection on Roswell Road. This is a situation where the City already has twelve parks in place, including the new Abernathy Park. Spending in excess of \$3.5 million for a one acre park is disserving. Mr. Orkin has owned the property for a long time and there are plans to redevelop the property consistent with the City Master plan with high end retail and a mix of residential, entertainment, and restaurants. When W.B. Holdings redevelops the property, it will add to the tax base of the City as opposed to having the tax base further depleted as a result of the acquisition of one of the most expensive parcels of property on Roswell Road. The appraiser valued the property at \$55.37 per square foot, which resulted in \$3,407,000. That cost was based on an inaccurate square footage of the lot. The estimate was based on acreage of 1.193 while the survey indicates the parcel is 1.3794 acres. The amount set forth in the resolution is incorrect and will increase to \$3,842,000. W.B. Holdings will fight any valuation less than \$5 million through the superior court system. The City will bear the brunt of the cost between \$3.5 and \$5 million for a one acre park. The park will not be used, because no one wants to cross with their children or dogs to play in a park on a property bounded by some of the busiest traffic. He has lived in Sandy Springs for eighteen years. He is aghast that the City would be willing to spend this amount of money for a one acre park in a situation where other cities in North Fulton have decided to use far more reasonable purchases of land for public use. This City made the decision to acquire the most expensive parcels of property on Roswell Road to build public buildings and a park when that money

could be used for other services or to reduce the burden on the taxpayers. He asked that Council carefully consider if condemnation would be appropriate, especially when the developer is ready, willing, and able to develop the property. The developer would add amenities to the City Center project at the developer's cost which will increase the tax base. The property owner opposes the use of eminent domain and the use of City tax funds to acquire property for a one acre park.

Michael Willis, 1786 Brittany Chase, Kennesaw, GA, stated he is the son-in-law of the late owner of Eddie's Automotive, Eddie Mobley. Eddie's Automotive is a landmark in Sandy Springs. Over the last forty years Eddie's Automotive has provided the necessary service for three generations of families, City Hall vehicles, Sandy Springs Police Department vehicles, Sandy Springs Fire Department, Sewell Appliances, Style Taxi, Enterprise Rental Cars, and a floral shop, along with many more. Eddie's dedication to Sandy Springs over the past forty years has been second to none. Getting rid of the old and bringing in the new may not always be the best thing for the community. There is something to be said for the honesty, permanence, reliability, and trustworthiness of an institution like Eddie's Automotive. As a registered landscape architect in the State of Georgia, he has to believe there is an alternative solution to the Sandy Springs Master Plan. Families not only depend on Eddie's Automotive for car service, but also for an income.

Mayor Paul closed the public hearing.

Motion and Second: Councilman Dishman moved to approve Agenda Item No. 14-284, a resolution to authorize the use of eminent domain to acquire property located at 6201 Roswell Road (Parcel ID: 17-008900070365), 6215 Roswell Road (Parcel ID: 17-008900070373), 6219 Roswell Road (Parcel ID: 17-008900070324), and 260 Mount Vernon Highway (Parcel ID: 17-008900070423) in Sandy Springs (together, "Property") for public use. Councilman Paulson seconded the motion.

Councilman John Paulson asked if it is unclear on how large this piece of property is.

City Attorney Willard stated as part of this process staff will acquire the exact square footage, metes and bounds of the property before moving forward for the special master hearing. The resolution information was based on the title description that was found on record.

Councilman Gabriel Sterling stated the City does not have a current survey, so the information is based on a title record search.

City Attorney Willard stated through the process of eminent domain the City can obtain entry to the property for the purpose of doing a survey for the next two months. The City will move forward in good faith negotiations with the owner. There currently are leases being made on the property. Staff felt direction from Council was needed in order to put all on notice that this property is being acquired by the City.

Councilman Sterling stated according to what he just heard from public comment, if the City chooses eminent domain that will result in Eddie's Automotive being closed. If Mr. Orkin remains the owner of the property, Eddie's Automotive will still be closed down or moved due to redevelopment of the property. There are three existing small businesses on the parcel. He loathes eminent domain, but did approve the previous agenda item, because Goodwill has plenty of locations in Sandy Springs. He has a slightly more difficult problem regarding this item. The attorney's presentation made him question whether he should vote in favor of eminent domain the way it was presented to Council. He would like to hear more debate among his colleagues. The City made it very clear when the Master Plan was passed that this property would be part of the project.

City Attorney Willard stated the City has the responsibility to assist the businesses located on the property in finding new locations and helping to pay the cost of that relocation. There has been a recent loss of the owner of Eddie's Automotive and the City respects that.

Councilman Sterling stated the City's main street overlay does not allow automotive uses. If Eddie's Automotive wants to be located in a similar area, can that be done?

City Attorney Willard stated the business would have to be located outside the overlay area, unless the City's ordinance is changed.

Councilman Tibby DeJulio asked if staff is aware of what leases are on the property.

City Attorney Willard stated he requested copies of the leases, but has not been given any. The City entered into an agreement with the prior attorney representing the owners to have a nondisclosure to hold that information confidential and the City still has not received the documents.

Councilman DeJulio asked if the attorney can be asked about the lease information and length of lease terms.

Mayor Paul stated that is something that should be left up to the attorneys to discuss.

Councilman DeJulio stated the reason he is asking is because the attorney discussed redevelopment of the property and he knows that the owner signed a lease with a mattress firm. That type of business is not a restaurant or high end retail.

Mr. Galanek stated he will be happy to work with Mr. Willard, but he will not make public comments about leases with tenants who are not in attendance this evening to assert their confidentiality with respect to the leases.

Councilman Sterling asked when Mr. Willard requested the leases.

City Attorney Willard stated he requested the leases about two months ago.

Councilman Ken Dishman stated when talking about people's businesses and their livelihood, he has concern about exercising eminent domain. The City has a plan that has been communicated for years. The valuation of \$3.5 million or more for one acre of land is directly impacted by the City Center project. The question is, is the owner receiving just compensation for the public good. He believes the owner is and he is inclined to support this item.

City Attorney Willard stated the City is responsible for property value increases in that area.

Councilman Andy Bauman stated this is a tough item to consider. If Council approves this item tonight, will further information be presented to Council in order to proceed with the condemnation?

City Attorney Willard stated if the resolution is approved to authorize eminent domain, the staff attorneys will continue negotiations in preparation of seeking court direction. Staff will file a condemnation proceeding not earlier than the next thirty days. The law requires the waiting period of thirty days.

Councilman Bauman asked if Council authorizes the condemnation, would the City be bound by the price that the court offers as reasonable.

City Attorney Willard responded yes.

Councilman Bauman stated he has is reluctant to support this item, because it is a large amount of money to begin with. There is a risk of the number increasing as high as what Mr. Galanek referred to. This piece of property is on the plan and is something the City wants to do, but there are other things that need to be done first and priorities may change. He is reluctant to enter into a legal process that may bind the City at a certain price when he does not know what that amount will be. He is also reluctant to lend his support to an open ended price tag for this property. The public comment that was made is troubling

because there was discussion of redevelopment, but leases are still being signed. He is willing to discount that because this is part of the real estate game to achieve the highest price. He is reluctant to approve an open ended price when negotiations can continue in good faith. The City at the same time can be given guidance on what the property will be used for, how much it will cost, and how it will fit in with the City's budget.

Mayor Paul asked, if this item goes to Superior Court and the price is not something the Council believes is worth the price, is the City bound to continue forward with the acquisition of the property.

City Attorney Willard stated once the City goes through the hearing process, an award will be made at a special master hearing that will make the process irrevocable as far as stopping the condemnation. Up until the special master hearing, the condemnation proceedings can be aborted. There will be qualified evidence of the amount from a special master hearing or a jury for determining the value of the property.

Councilman Sterling stated if the resolution is passed tonight, the City has thirty days after that.

City Attorney Willard stated the special master hearing can be held thirty days after the passing of the resolution. Most of the special master hearing processes have taken up to four months until the hearing.

Councilman Sterling stated the City will be acquiring all the properties in order to implement the City Center Master Plan. He asked if the City is at the point where we are at "dead center".

Assistant City Manager Bryant Poole stated that is correct. There are also roadway projects as part of the plan.

Councilman Bauman stated if Council does not acquire the property by eminent domain or by negotiation, the City is not precluded from working with the current owner in future redevelopment for the property that would benefit the City Center plan. If the owner comes to the City for redevelopment, there will be leverage points.

City Attorney Willard stated the road projects are part of the area improvement which are needed, regardless of what is done with the City Center plan.

Mayor Paul stated Mr. Galanek made it sound like the eminent domain process is just for a park. There are substantial traffic improvements associated with this parcel as well. This has been part of the plan and proposal all along. Every bit of work done has included this particular parcel. If the City does not acquire the property, the City will have to reconfigure the City Center plan, because it deals with this parcel.

Assistant City Manager Poole stated acquiring this property and making the improvements is a feature the City wants to do and it also involves transportation. The transportation aspect involves federal dollars, a process, and a timeline that the City is close to being behind on.

Councilman Sterling stated there are two traffic circles plus widening and improvements of Johnson Ferry Road and Mount Vernon Highway, as well as the upgraded City Center sidewalk section for the Roswell Road frontage.

Assistant City Manager Poole stated that is correct, and there will also be underground utilities. The roadway improvements will have affects on the property that will cause impacts to building acquisitions.

Councilman DeJulio asked at what point in the process did the City attempt to enter into negotiations with Mr. Orkin and the lessors and what type of responses has the City received.

City Attorney Willard stated from what he recalls negotiations started six months ago. Two meetings were held with Mr. Orkin, his attorney, and a real estate representative. The City discussed the future

plans and the appraisal was presented at the second meeting along with the amounts the City offered for the property. There is a concern about the continuing leasing of the space that the City felt was incurring potential further financial exposure to the City.

Councilman DeJulio stated former Mayor Galambos and he met with Mr. Orkin in the City conference room about two years ago and discussed the project and the need for that piece of property. The property owner has been well aware of this process for two years.

Mayor Paul stated the road impacts the transportation improvements and utility relocation plan. Those crucial elements will force the City to rethink how this project is to move forward.

Councilman Bauman asked Assistant City Manager Poole about the impact of continuing negotiations with the property owner and the Council approving or disapproving a price. He asked what the impact will be if the parcel does not get acquired.

Assistant City Manager Poole stated there is still a roadway component to the plan that will have an impact to the property. Staff is still working on the cross sections of the road that should be around the property, and items such as ten foot sidewalks. The considerations determine how close the sidewalk will be to the buildings. Hypothetically, if two sides are impacted, one building could stay as it relates to the transportation portion. At that point, it is the City's goal to make this property into a park. If the question is can the park be built at a time of negotiations or in a phased approach, then the answer is yes. The property can be developed at a later date, if that is Council's decision.

Councilman Bauman asked if there will be significant redesign impacts on the City Hall, performing arts center, park and parking deck across the street.

City Attorney Willard stated staff cannot answer that at this time. In the plan, there is a portion of the park that extends across Roswell Road to the other side of the street.

Councilman Sterling stated the Council passed a street plan with a large sidewalk section with amenities along Roswell Road. If a portion of the parcel was redeveloped for the road, it would potentially cut into the existing building in order to build what the City intends to build. The T-011 funds are for this project. There is a clean way to do this, if the improvements are done at the same time, instead of redeveloping the roads and leaving part of the buildings on the parcel.

City Attorney Willard stated when the buildings are impacted there is the question if they will be useable and that question cannot be answered today.

Councilman Graham McDonald stated he is interested in hearing more thoughts from Councilman Bauman. The prior Council adopted the Master Plan and the current Council has been moving forward with the goal of executing the plan. No one wants to do eminent domain. Councilman Bauman seems less comfortable with using eminent domain on this parcel, compared to prior parcels.

Councilman Bauman stated it depends on how integral the phase portions of the project is. He is not comfortable that negotiations went as far as they could have. He has trepidation about the open ended cost. Is this parcel integral at any cost, and the answer is no. There is a point where it would be and would not be. Does the City jeopardize spending more on this project by waiting, because of the real estate play the owner is making to optimize the value? He does not want whatever decision is made to hurt the project.

Councilman Sterling stated if Council does not approve this resolution, Council will still need to proceed with eminent domain to get the road and sidewalk sections and the traffic circles.

Councilman DeJulio stated this intersection does not function very well. This project has been on the record for needed improvements since 2007.

Mayor Paul stated there are a number of aspects of the improvement in the downtown area pertaining to traffic or getting the power lines underground. The property is for more than just a park, and deals with the entire transportation and utility plan. This may be the most crucial parcel in the execution, due to so many different connection points for the downtown plan.

Vote on the Motion: The motion carried 5-1, with Councilman Bauman voting in opposition.
Resolution No. 2014-12-116

UNFINISHED BUSINESS

(Agenda Item No. 14-285)

1. Authorize the Mayor and other City Officials as Required to Sign a Memorandum of Understanding (MOU), a Lighting Agreement and a Mowing and Maintenance Agreement for the I-285 at Riverside Interchange Improvement Project (CIP T-0050), P.I. Number 0010925

CIP Unit Manager Marty Martin stated as a part of the 2015 capital program budget, Council approved \$500,000 to enhance the I-285 at Riverside Drive interchange project. Staff will solicit parties to construct as part of the design build program the first part of next year. In July 2014, GDOT staff made a presentation on this project to Mayor and Council. There is a desire to enhance the project for about \$500,000 with lighting and landscaping enhancements. As part of the agreement, once the lighting is enhanced and installed by GDOT, the City will take ownership of the lighting as well as the landscaping. Director of Community Development Angela Parker will present the final portion of this agenda item. This portion has to do with the concept design for the landscape enhancements.

Councilman Gabriel Sterling asked if the lighting will be the high efficiency lighting.

CIP Unit Manager Martin stated the intention is to use the same lighting that will be used at the Northridge interchange and he believes that it will be the high efficiency lighting.

Director of Community Development Angela Parker gave a PowerPoint presentation on the Landscape Concept Plan Riverside Roundabouts. (see attachment 1)

Councilman Tibby DeJulio asked what the time frame is for this project.

CIP Unit Manager Martin stated the design build solicitation begins early next year. The City has a two year period to deliver the project.

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 14-285, to authorize the Mayor and other City Officials as Required to Sign a Memorandum of Understanding (MOU), a Lighting Agreement and a Mowing and Maintenance Agreement for the I-285 at Riverside Interchange Improvement Project (CIP T-0050), P.I. Number 0010925. Councilman DeJulio seconded the motion.

Councilman Andy Bauman asked if sound barriers are on both sides.

CIP Unit Manager Martin responded yes.

Councilman Bauman stated a couple of constituents requested more sound barriers. He asked that staff follow up on this.

Councilman Ken Dishman asked if the Council approved \$500,000 several months ago for this project.

CIP Unit Manager Martin responded yes. This is the transaction to commit to GDOT that the City will enhance the project and landscaping.

Mayor Rusty Paul stated if the City does not approve this money, GDOT will build roundabouts and they will be the basic standard roundabout. This agreement is to add beauty to the roundabout.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2014-12-117

NEW BUSINESS

(Agenda Item No. 14-286)

1. Proposed amendments to the "Carry-Out of Alcoholic Beverage Unlawful" Ordinance, Section 6-7 of the Code of Ordinances of the City of Sandy Springs

City Attorney Wendell Willard stated several years ago the State law was changed to permit someone to bring a bottle of wine into a restaurant has an alcohol license, consume a portion of that bottle and have the rest resealed and taken back home. The City passed an ordinance addressing that issue. The law also permits a restaurant to sell a bottle of wine that is partially consumed on premises by a patron and allow that bottle to be resealed and taken out of the restaurant. When the City first approved the ordinance allowing a patron to bring a bottle to the restaurant there was a discrepancy. This came to staff's attention when restaurateurs contacted the City. The proposed ordinance now permits a patron to purchase a bottle of wine at a restaurant, consume a portion of it, have it resealed and then take it home.

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-286, amendments to the "Carry-Out of Alcoholic Beverage Unlawful" Ordinance, Section 6-7 of the Code of Ordinances of the City of Sandy Springs. Councilman Sterling seconded the motion. There was no Council discussion. The motion carried unanimously.

Ordinance No. 2014-12-44

REPORTS

1. Mayor and Council Reports

There were no Mayor or Council Reports.

2. Staff Reports

- a) October 2014 Financial Report – Finance Director Karen Ellis

Finance Director Karen Ellis stated the City is trending above average for the budget and is at thirty-three percent of the year. The City is above budget on revenues and below on expenses. The City received an amount of about \$400,000 on the insurance premium tax.

- b) Traffic Calming Program – Transportation/Traffic Unit Manager Brad Edwards

Transportation/Traffic Unit Manager Brad Edwards gave a PowerPoint presentation on the Traffic Calming Program 2014 Review. (see attachment 2)

Councilman Gabriel Sterling asked if the choker island traffic calming designs are offset like the older installations when Fulton County installed them.

Transportation/Traffic Unit Manager Edwards stated there are chicanes and choker islands. Chichanes are offset where there is only one travel lane left open. The choker island allows two way travel, but with

reduced lane widths. For example, on Londonberry there was twenty-seven feet of pavement and with the choker islands it was reduced to twenty feet.

Councilman John Paulson asked if there has been any feedback on the speed cushions and if the neighbors like them or do not like them.

Transportation/Traffic Unit Manager Edwards stated most of the feedback has been positive. There were people who did not want the speed cushions, because the petition process was changed. From 2011 to 2013 the City did not spend any funds on speed cushions. The City received \$200,000 that was granted through this budget. Since 2013, the City has spent \$60,000 installing about ten speed cushions.

Councilman Andy Bauman stated when driving on Stewart Drive the speed cushions slow people down. He has been involved with the Londonberry neighborhood and that project was with thirty-five neighbors. It is now up to the neighbors to sign the petition and raise the funds for the speed cushion project. The process has worked and staff is finding out the residents are interested in this process. He thanked Transportation/Traffic Unit Manager Edwards and his team.

PUBLIC COMMENT

Patty Berkovitz, 800 Crest Valley Drive, stated she was having issues accessing the agenda on the City's new website. She received feedback from other citizens that the new website is difficult to use. She wonders why the City got rid of a perfectly good website that worked well.

Bill Cox, Superintendent of the Chattahoochee River National Recreation Area, stated during the Work Session, Council will discuss the Bicycle and Pedestrian Plan. The National Park supports this plan. The park staff has been working with Kristen Wescott and they are very interested in connections to the park. Sandy Springs has the distinction of being about half of the forty-eight miles of river, since twenty-two miles is within the City. Park staff is committed to continue working with the City on this plan.

Councilman John Paulson stated he lives along Northridge Road. On Saturday morning he sees about 50 to 100 bicyclists in the park area. He is surprised the plan that will be discussed during the Work Session does not show the National Park as a path.

Mr. Cox stated bicyclists are encouraged to use the paved paths. In the bicycle/pedestrian discussion he would like the sidewalks and side pathways extend to the Island Ford trail.

Councilman Tibby DeJulio asked about the project of the new bridge going over the Chattahoochee into Roswell.

Mr. Cox stated that project is on hold at the moment.

Councilman Gabriel Sterling stated he believes that project is scheduled to be completed by 2020.

Steve Garaleck, 6201 Roswell Road, stated he is a new tenant on the parcel discussed earlier operating the business Ruby Vapor. He just signed a lease a few months ago and was told that there were no negotiations regarding eminent domain.

Mayor Rusty Paul stated he sat through what he would describe as a negotiation.

Councilman DeJulio asked Mr. Garaleck what is the term of his lease.

Mr. Garaleck responded five years with a five year extension. His business helps people quit smoking while selling electronic cigarettes. His business is in the building south of the mattress store. He is in support of improving the City. He just asks that it be done quickly.

Mayor Paul asked that Mr. Garaleck speak to City Attorney Willard.

EXECUTIVE SESSION

There was no Executive Session.

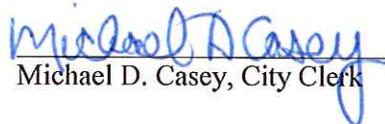
ADJOURNMENT

Motion and Vote: Councilman DeJulio moved to adjourn the meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:27 p.m.

Date Approved: December 16, 2014



Russell K. Paul, Mayor


Michael D. Casey, City Clerk