

Regular Meeting of the Sandy Springs City Council was held Tuesday, January 20, 2009, 6:00 p.m., Mayor Galambos presiding.

Invocation

Rabbi Josh Heller, Congregation B'nai Torah offered the invocation.

Call to Order

Mayor Galambos called the meeting to order at 6:04 p.m.

Roll Call and General Announcements

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

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos

Councilmember's Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance.

Approval of Meeting Agenda

Motion and Vote: Councilmember Paul moved to approve (Agenda Item No. 09-010), the Meeting Agenda as presented. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Consent Agenda

(Agenda Item No. 09-011)

1. Reappointment of Members to the Board of Zoning Appeals
(Nancy Leathers, Director of Community Development)

(Agenda Item No. 09-012)

2. Proclamation- Sandy Springs Arbor Day
(Nancy Leathers, Director of Community Development)

(Agenda Item No. 09-013)

3. Changes to the Building Codes Adopted by the City of Sandy Springs
(Nancy Leathers, Director of Community Development)

(Agenda Item No. 09-014)

4. Consideration of approval of a Resolution for approval of a consulting engineer contract with Gresham Smith & Partners for the Concept Design of the Hammond Drive Widening Project (Roswell Road to Glenridge Drive) (T-0024)
(Angelia Parham, Director of Public Works)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda as presented. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Public Hearings

Zoning

Rezoning

Consideration of approval of An Ordinance to Adopt the City of Sandy Springs Zoning Map.

Assistant Director of Planning and Zoning Patrice Ruffin stated this is an amendment to adopt the official Zoning Map for the City of Sandy Springs with all zoning cases through December 31, 2008.

Motion and Vote: Councilmember MacGinnitie moved to approve (Agenda Item No. 09-015), an Ordinance to adopt the City of Sandy Springs Zoning Map. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Consideration of approval of An Ordinance to Amend Article 12B Sandy Springs Overlay District of the Sandy Springs Zoning Ordinance.

Assistant Director of Planning and Zoning Patrice Ruffin stated this is a text amendment to article 12b which is the Sandy Springs Overlay District. Staff is recommending approval of the amendment to change the 40% threshold from the assessed value to the appraised value for the trigger for the overlay standard. Additionally, staff is recommending that the section regarding signage in the overlay district standard be deleted as article 33 addresses signage in the overlay district. The amendment was heard at the December 18, 2008 Planning Commission Hearing and the Commission recommended approval.

Councilmember Jenkins stated in the package on the computer it shows that the streetlights are still between the cars and the sidewalk and Council voted to move those to the back side of the curb, but it is not updated on Council disk.

Community Development Director Leathers stated unfortunately we're getting that updated and apologized that it hasn't been done. Councilmember Jenkins statement is correct in that we've already taken that action.

Councilmember Jenkins questioned if this should be put in the motion or will it be reflected?

Community Development Director Leathers stated that it will be reflected.

Councilmember McEnery questioned staff to address the difference in the 12b to 33 related to the smaller parcels that have frontage on less than 40,000 square feet of space and discuss how this change affects the smaller business owners in terms of signage.

Assistant Director of Planning and Zoning Ruffin stated in the original amendment that Council adopted in 2007 to revamp the entire sign ordinance, the overlay district was addressed at that time and it did not restrict the freestanding signs to those smaller lot sizes, so article 12b is inactive as it currently exists. We're just cleaning it up to delete that section so that everyone knows that you're using article 33 instead.

Mayor Galambos stated the change that you're referring to is not in this section, but in some other section that will deal with signage.

Councilmember McEnery stated that is correct.

Assistant Director of Planning and Zoning Ruffin stated the Zoning Ordinance currently allows that today.

Councilmember McEnery stated right in Article 33.

Motion and Vote: Councilmember MacGinnitie moved to approve (Agenda Item No. 09-016) an Ordinance to amend Article 12B Sandy Springs Overlay District of the Sandy Springs Zoning Ordinance. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Councilmember Paul stated Council needs to be reminded of his recusal on the matter of the next item.

Consideration of approval U08-11/CV-08-018, 335 Colewood Way; 6350 Bridgewood Valley Road; 6370 through 6430 Bridgewood Valley Road, Request for a use permit to expand the existing private school from 114,806 gross square feet to 158,275 gross square feet at a density of 10,250.97 square feet per acre.

Assistant Director of Planning and Zoning Ruffin stated this is a use permit request from the Epstein School proposing an expansion of the existing campus and an increase in enrolled number of students with concurrent variances. On December 2nd staff received a letter from the applicant requesting withdrawal of the petition. The petition was heard at the December 18th Planning Commission Hearing and the Commission recommended withdrawal as requested by the applicant. Staff is also recommending approval of the withdrawal.

Pete Hendricks, 6085 Lake Forrest Drive, stated this application was originally filed on June 3, 2008. Staff is commended for their efforts in pulling together meetings for purposes of dialog between the community and the applicant. There were a number of issues that were much better defined and nearing resolution. Due to financial issues with enrollment the school is placed in the position to withdraw. It will be some extended period of time before the school will be in the position to even begin to go back and reconsider or reevaluate coming back in front of Council. We can certainly well confirm that it would not be within any twelve month period from today; it would be something much beyond that. We will be very, very hopeful that we could use this period of stepping back to let everybody swallow and digest and move forward. It is believed with a view towards working with the community, we've heard the concerns that have been raised. Your Police Department has done a tremendous job in doing a review of the analysis of the existing situation. There are a number of those recommendations that the school could be bringing into play. Hopefully it will be a very productive period, if and at such time that we should come back to revisit the application or some form of the application as presented in June. At this point in time, Robert Franco, the president of the Board, will step up and give Council some of his comments. If we have any time left and if we need it, we will reserve that for rebuttal.

Robert Franco, 645 Widgeon Lane, Sandy Springs, stated he currently serves as the president of the Board of Trustees of the School. Council is well aware of our request for the withdrawal of the application. We ask for withdrawal based on one overriding issue and that's the current economic conditions of the school and, in fact that our entire country is facing. The project would have required a capital budget that would have tested the fundraising limits of our school and in a robust economy we believe we could have raised most of what we needed and had the ability to seek financing for the rest. In this economy fundraising by not for profits has come under severe pressure and financing is extremely difficult, if not impossible to attain. It might be years before we could raise the money needed for this. It makes little sense to seek an expansion of our school enrollment while implementing conditions recommended by the City if our ability to fund the expansion and to pay for the solutions are so radically impacted by this economy. Some have suggested that our withdrawal due to economic conditions is not genuine and our only response to that is to read the newspapers and watch the television and if the severity of the economic downturn and how it's affecting daily life is questioned, it is believed that we all feel that every single day now. The withdrawal also gives both parties a chance to work together. We will appoint a group of school representatives to work with the City and with our neighbors to address some of the pressing issues we've heard about. We may not have the money to address everyone's problems and it is understood that that is not their concern, but there are steps we can take to improve communication and to address some of the issues our neighbors have raised. Nancy Leathers and her staff are to be commended for their sincere and honest efforts to bring both sides together to accomplish some of these solutions. There is no reason this effort should stop simply because we're withdrawing our application. We hope those opposed to our expansion will approach this in the same spirit of cooperation. We look forward to regular and formalized communication with the City and our neighbors that will address many of the issues that we've heard about over the past several months.

One point that we've heard time and time again in opposition to our plan, and in fact, in opposition to our school is the Comprehensive Land Use Plan. At the Planning Commission meeting and at several other meetings, we've heard so many arguments that seem to indicate that our expansion and that even our very existence is not consistent with the Comprehensive Plan. Opponents spoke of the Comprehensive Plan in the same breath that they cited the percentage of students who live within a one or two mile radius of the school. We have a list of schools and institutions in the City, about forty institutions, primarily houses of worship and private schools that have joined or are in protected neighborhoods in Sandy Springs. At some point in the future the City will have to ask itself, how can a faith based school or any religious institution ever grow in any neighborhood if the majority of the residents immediately around it do not share its faith or even belong to that institution? Are we seeking to become a community in which we're segregated based on where we worship and attend school? It is believed that everyone in this room knows the answer to that and it is a resounding no. That's not what the Comprehensive Plan is all about and it's not why we voted to create this City. The ability of these institutions to grow cannot be based on the narrowest of considerations, but rather on a set of guidelines that make practical sense and is reflected in how we live our daily lives. To suggest that these private institutions should serve primarily those who live within a one or two mile radius would be unwise, unrealistic and unworkable. So please, as we come to grips with these issues as this City grows, use a comprehensive term. Not as a battering ram to punish those institutions that have been in this community for ten, twenty, thirty or fifty years. They serve a population well beyond their immediate neighborhoods. They are better for it and so are the residents of this City. Thank you very much.

Mayor Galambos questioned if there was anyone who wanted to speak on behalf of the applicant and then proceeded to ask if there was anyone who wished to speak for the opposition.

Sally White, 6410 Colewood Ct NW, stated she was an immediate neighbor behind Epstein School. She has lived there since Fulton County owned the property and they would not expand the school in that area. They moved someplace else to do their school, and sold the building, with our permission, with the agreement that Epstein would keep it a small school. Originally there were 250 students. Over this time there were some codicils in there that said that they should do certain things to even have a school at that size because of the water problems, the drainage, the noise, the playground and all the other things. They complied with most of that. The one thing that she has a question about is the water department and she has given this in writing to Council. There has been a closed manhole in the street that had water leaking and reported it to the Water Department and they will not give an answer on it. There have been other things that have happened since the school did some expansion and closed down the area where the water drainage came from. We also had a buffer zone. It is believed that it is 20 or 30 feet with trees in it against Colewood Court and a dead end street. The main thing about this is the expansion of the school has nothing to do with saying we don't want a school there. We let the school come there in the first place as it was voted for. What we object to is encroaching upon single family neighborhoods surrounding it. If we didn't do it for a public school, why should we do it for a private school? We save the quality of life. If you go to that school, my street is being dropped out to be replaced with a two lane dead end street.

When that street becomes a dead end, typically none of those streets are open. Sandy Springs has just now put new curbing on River Valley to make it a two lane street and that's going to carry all the traffic and everything else from where Epstein will be enlarged. If they are withdrawing, when they bring it back again, whether it's next year, 10 years from now, we're looking at what this area is going to be like if we let them increase the acreage here. Without really masking the loopholes, why would you let them build or buy up houses around it so that they can zone this and come closer to the houses that are already there? The same thing happened in Fulton County off of Roswell Road. One reason we have a City of Sandy Springs is because citizens like her and her husband wanted to keep Fulton County from doing the same thing in the Sandy Springs area, encroaching on single family neighborhoods that make it so rich and wonderful to live here. A caution to Council people, if you let private schools, churches or anybody encroach that commercial part of it which is what it is if you take over 9 single family houses and take them out of the neighborhood to expand this school. The question is asked and will be left in the records so that when this comes back we don't rehash this. We've gotten all off of it in saying that Council was going to do the things you promised. After going to all of the meetings, it has never changed that part of this problem. This is where it stands. We should forever preserve the residential neighborhoods in Sandy Springs or we will be one big commercial plot. This is perhaps the largest single family residential area without commercial encroachment in the Metropolitan area. Look at your map flier. We just discounted City Girl's High School on Northside Parkway. They're the same kind of

residential preservation we want to have. Please listen to us. I've talked to Rusty and he recused himself on this project. In rule, wherever we have representatives, we vote we pay taxes; we work hard for Sandy Springs. We feel with planning here that this Council should take that to heart.

Ann Feldman, 6550 Scott Valley Road in Sandy Springs, stated that she was on the Neighborhood Committee whose sole purpose was to try and reach a mutual accommodation with the school on this application. The neighbor's thought that they had such an agreement in 1994 when the school representative signed a contract agreeing to permanently cap their enrollment. The neighborhoods withdrew their opposition to the 1994 application. Now the school says that the agreement doesn't count anymore. Nevertheless, in the meeting hosted by Nancy Leathers, the neighbors are concerned about the degradation of the existing residential environment, traffic volume and the need for enforced stability of any resolution. They indicated that at the start and conclusion of every meeting that all of the items in contention are negotiable if we could reach some agreement which gave the neighborhood some relief from the intolerable current conditions. In August, the Planning Commission told Epstein that its site plan was unacceptable and that busing as early as January 2009 was not soon enough. At our first mediation meeting, the planning staff told the school as long as the current traffic issues were still outstanding, it would be difficult to approve an increased enrollment at the school. Nancy Leathers stated that a complete revision of the plan should be presented at the next meeting which would address most of the issues raised by the neighborhoods. The Epstein representative in their meeting said "we will redesign the plan." Previous site plans were presented at the second meeting. The School Traffic Engineer told us plan A is essentially the same plan as before, plan B is similar to plan A and plan C won't work because it's dangerous. Increased student capacity request remain the same. One new building actually increased in size and the school flatly refused to consider another site, so they're carpooling tons of preschoolers. Most important, there was no consideration for busing for this year. One new factor was completed by the Sandy Springs Chief of Police at the request of the City. The chief not only identified the current traffic stacking as a risk to public safety, but as a condition that could put lives at risk. On Sunday afternoon about 3:00 p.m., there was a house fire on Bridgewood Road that brought more than eight (8) emergency response vehicles to the neighborhood by way of the streets used for carpool. This opened eyes to the catastrophe that could have occurred if this had happened during the school week. The traffic plan was one bus next year, not to be increased until 2014, and the completely unenforceable hope that parents would consider using carpools in the future. Included with the implied threat, there will be no traffic relief unless the school's application was approved and the neighbors would continue to suffer intolerable traffic on a daily basis. In August, the Planning Commission also sent a very clear message that a totally new site plan and a solution to current and future traffic problems was essential. There has been zero movement to compromise offered by the school. The new site plan is virtually unchanged and their "nothing attitude" left us at an impasse. A rep for the school said that our plan to lower the number of cars coming to the school is somewhat tied to what happens in the economic environment. As we are seeing an increase of needs among our families and concerns of what's going to be coming in the next month, public safety of the neighborhood should not be subject to the fluctuations of the economy or how this school needs a busing plan might impact the student's parents. Roughly a \$6,000,000 price tag of the five homes they currently own in Bridgewood Valley could have been better spent on busing. The school would have been deaf to the messages sent by the City and the neighborhood. As the Planning Commission pointed out the school has used several months of the City's and neighbor's time and undisclosed amount of the taxpayer's money and is now casually walking away. If they are permitted to withdraw their application, the message of the school here is to reapply later with the same plan. At the Planning Commission meeting in December, Roger Rupnow said that neighborhoods are sacrosanct. This is the message that City Council must deliver tonight to the school. The only way that message will be heard is if the application of the school is denied as being incompatible with the site and unworkable as proposed. The residents of Sandy Springs need to know that they can count on the City's leaders to protect their neighborhood. Please deny this application.

Andy Porter, 6490 Burdette Drive, stated that it is important for everyone to realize that paragraph 19.2.4, the Zoning Ordinances of Sandy Springs give us eight guidelines by which to judge an application. Staff has reviewed this application in depth for a period of over 6 months and this application fails on five of the eight criteria. We veered off from where we would normally go or should go as it relates to zoning. We simply should review this plan and respectfully, we should deny this plan.

Robert Franco, 645 Widgeon Lane, Sandy Springs, stated just briefly we can respond by giving a very different view of the negotiations and how they went, the feedback that we got from the neighbors, only positive comments we

got from the neighbors over the many months that we talked to them. Our discussions with them regarding enrollment, the expansion of our site, homes on Bridgewood Valley, students and busing were met with very little compromise, but we don't want to sit here and try to rehash everything. There are numerous other changes that we've talked about and that we can make. The real point is that we have an incentive to compromise and our incentive is to grow our school and to address some of the concerns, and concerns that we've listened to and acted on before filing the application. I hope that our opponents, after looking over the issues, have an incentive to compromise on what they can do so on. In closing, repeating what was said at the September meeting and those words are truer today than they were then. The Epstein School has been a good neighbor and a good citizen for many years and we look forward to furthering the partnership that we have with all residents in the City. There are many reasons we formed a City but one of the main ones is to have managed and responsible growth. As residents of Sandy Springs we look to the future of our City, a future that's built on what's possible and not what might have been, a future based on hope and not fear and a future in which people come together if we focus not on the obstacles but on the opportunities. The sincerity is real in the efforts to see that when we sit down with the City we've made this honest, sincere dialog taking place so that we address some of the concerns that they have raised. We may not have the money to do all of it and certainly to do all of it now, but we are sincere in our efforts to address the issues and to find ways that we can reach resolution on those.

Pete Hendricks, 6085 Lake Forrest Drive, stated given the level of emotion that has run with this process for the last six, seven, eight months a withdrawal of this application best serves everyone at interest as opposed to an end result that just speeds back up again the agitation that had been in play. It has been a very instructive period of time as Robert indicated. The school has come away with a much better understanding of the exact specificity of things that can be done to be received as a better neighbor in the immediate residential environment within which this campus is located. It is with that thought and purpose in mind that we respectfully request that you allow the withdrawal as the applicant has put it forth to you.

Councilmember DeJulio stated this has been probably the most contentious zoning that we have had in Sandy Springs since we've been a City. I've received almost 2000 emails on this thing about equally divided between "for and against". Numerous written letters and it's nice to know that some people still know how to write and numerous phone calls requesting meetings etcetera. It is a hope that the school has come to the realization that when they do decide to go ahead and bring this back that it'd better be a better plan and it'd better be a plan that they work out in cooperation with the neighborhood. So with that in mind let's move to allow the applicant to go ahead and withdraw this application which would be agenda item 09-017.

Mayor Galambos stated that adding to Councilmember DeJulio comments that our staff has worked diligently to try to bring the two sides together. Some of the conditions that the staff enumerated will stand the test of time and will need to be considered in the future. They are not going to go away. We appreciate all that the staff has done to enumerate those conditions which represent difficulties in this situation.

Motion and Vote: Councilmember DeJulio moved to approve applicants request to withdraw (Agenda Item No. 09-017), U08-11/CV-08-018, 335 Colewood Way; 6350 Bridgewood Valley Road; 6370 through 6430 Bridgewood Valley Road, Request for a use permit to expand the existing private school from 114,806 gross square feet to 158,275 gross square feet at a density of 10,250.97 square feet per acre. Councilmember Fries seconded the motion. There was no Council discussion. The vote was 5-0 as Councilmember Paul recused himself.

Councilmember Jenkins thanked Councilmember Fries for the Martin Luther King Celebration.

Councilmember Fries did a phenomenal job. The ceremony was wonderful, the singers were wonderful, and all the preaching was wonderful, everything about it was just top notch and Diane puts her heart and soul in it every year and this year's celebration was the best that we had ever seen. Can't wait to see what you come up with next year.

Mayor Galambos stated not only did she do this wonderful job, but she had to find replacements at the last minute.

Councilmember McEnery added not only did she work her logistics outstanding, she touched a core in our community and reached out and that was evident. It was the hope, the community involvement. It was absolutely an outstanding effort. People were proud to be a part of this City. Thank you for everything that you did.

Councilmember Fries responded thank you. It was a pleasure.

Mayor Galambos stated as a report and emails were sent to the Council, two Board Members of the Fulton County School Board were sent a question. It is a concern that we are building sidewalks so that the kids can all walk to school.

Why is the school board having the kids ride buses when they ought to walk to school? Nobody uses the sidewalks. Both of the School Board members said to me "yes it is a valid question and we will consider it."

Councilmember McEnery added that she did confirm today with Gail Dean, a school board representative, that the policy and a white paper will be coming to us very shortly if a student is within and a half mile. They determine, obviously, the safety of the students and therefore any sidewalks that are built within one half mile would mean that they would bus them for one mile and drop them at the one half mile and that is just not feasible. They are going to be sending us that white paper and they are also going to be looking into specifically from their view point the Lake Forrest sidewalk alternative.

Mayor Galambos stated that their particular policy does not necessarily address the problem that I have raised and they need to look at their policy and maybe revise it. It doesn't make any sense.

Councilmember Jenkins stated that down at Lake Forrest for example, you can already see the heavily traveled footpath between Allen Road and the school on Lake Forrest. Those kids are walking; like today, it is so bitterly cold that you wouldn't expect those kids to walk or when it's raining so you can't say.

Councilmember Paul questioned Ms. Leathers if Allen Road is within our CDBG low income, isn't that one of our CDBG low income neighborhoods? If we're going to put sidewalks on Allen Road, let's use CDBG money not our own because we've got a very limited amount of opportunity to use those funds. That would be an ideal situation.

Mayor Galambos inquired about Lake Forrest.

Councilmember Paul responded that it depends on where the census line is. It may be on the east side so we've got a very limited area. One thing to keep in mind is while we were building those sidewalks while we use schools as a priority; those sidewalks are used by everybody so we need to keep that in mind too.

It's not just for the kids, but they're for people like Councilmember Paul and Councilmember Tibby who need to get out and walk more.

Councilmember DeJulio questioned whether or not this is possibly between the Lake Forrest School and Hammond Drive. Walkers are almost never on that part. It's normally from the Lake Forrest School down to the Allen Park entrance south. We should look at doing away with that part of the sidewalk that goes from the School door to Hammond Drive.

Councilmember Fries stated to keep in mind that we also have afterschool activities. We're trying to connect with the schools to use their outside facilities, so as we're doing these things there might be other walking traffic than just the 8 to 5 or 8 to 3 school walkers.

Mayor Galambos stated it would be nice to see more children walk through.

Councilmember DeJulio stated we could all use more walking.

Councilmember Paul questioned if we have an executive session.

City Attorney Willard stated we do have a brief executive session.
Councilmember DeJulio before we go to executive session we do have one request for public comment.

Public Comments

Jennifer Steele, 1827 Kitty Hawk Drive, stated Happy New Year belated, great to see you all. First of all, a couple of quick things, we have our Board meeting tomorrow night and there will be a couple of questions, just wanted to check with Council so that the Board will have answers. The first concern, the repaving of Mystic Drive, we've all discussed the warranty issues and the logistics of the situation. Obviously Mystic is not the only one that's been affected by certain repaving issues. Some of the homeowner's concerns are simply for edification and just to inform you, not necessarily to get any kind of consensus or decision. We have a couple of issues in the paving that many members have been made aware of. First of all, maybe you're already aware but Mystic Drive has significant downgrade. We also are a protected neighborhood that has those really pretty granite curbs put in. The contracted rest of the repaving does not necessarily meet the granite curb. In fact, we tried a different width on this one street. The width is extremely specific with repaving, but we have a gap. In concern with the neighbors who live on this street, it's basically long term possible corrosive runoff in between the curb and the repaving. This is nothing that we want to jump on right now. We just wanted to make you aware because we're a protected neighborhood with curbs like many protected neighborhoods here in Sandy Springs and there are a lot of streets that have downgrades. If we're only contracting a certain width, we may be looking at a long term cost issue down the road for coming back and repairing. Just some food for thought as we go forward repaving protected neighborhoods.

The second thing is a quick question to the Mayor. The Mayor has been so kind on the traffic calming issues in our neighborhood and the manual has been taken back to the members on the traffic calming committee. We all know the economic downturn is not bringing us any kind of development. There is a very strong, proactive, volunteer spirit within our Board. Actually they took a look at the restriping that was thought about over 285 and they've come up with a couple of really creative solutions going forward. We know it's not now, but it will be in the future. The question for the Mayor as the leader is what will be the fastest way for us to bring forth some alternatives in a very professional, non- confrontational manner so that we can all work together down the road? It is not going to be bad forever. Development is going to come back and all of us are very firm believers in Sandy Springs in what we can do with the City. What can we do to be proactive now for later?

Mayor Galambos questioned was this striping solution in lieu of calming the businesses, is that what you're saying?

Ms. Steele responded it's a signage suggestion.

Mayor Galambos requested that she put it in writing and send it to Council.

Ms. Steele responded that she would be happy to.

The third thing is a simple question for Councilwoman McEnery. This comes from a couple of Board members and, frankly, her as a constituent. With all due respect, Councilmember Meinen McEnery recused herself when they voted on the donated lot because of living in Cherokee Park and could not make an objective decision. Members of the Board would like to know, if this means that going forward Councilmember MacGinnitie will be recusing herself from all decisions affecting Cherokee Park in the future?

Councilmember McEnery responded rather than answer a rhetorical question; it is my intent to decide on the merits of everything brought before me before making a statement like that.

Ms. Steele questioned if it was a case by case issue.

Councilmember McEnery answered yes, a case by case application.

Ms. Steele stated okay, that's all she needed to know. By the way, the new website calendar is great, very speedy and Tisa was spoken to about it. Good job.

Executive Session – Potential Litigation

Mayor Galambos stated that she needed a motion to go into executive session.

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss potential litigation. Councilmember Paul seconded the motion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session began at 6:48 p.m.

Motion and Vote: Councilmember Paul moved to adjourn Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 7:13 p.m.

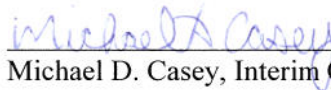
Adjournment

Motion and Vote: Councilmember Paul moved to adjourn the meeting. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously. The meeting adjourned at 7:15 p.m.

Date Approved: March 3, 2009



Eva Galambos, Mayor



Michael D. Casey, Interim City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

January 20, 2009

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 20th day of January, 2009, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

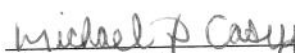
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.



Eva Galambos, Mayor

Sworn to and subscribed before me,
this 20TH day of JANUARY, 2009.



Notary public

