

The Regular Meeting of the Sandy Springs City Council was held on Tuesday, July 17, 2018, at 6:13 p.m., Mayor Rusty Paul presiding.

CALL TO ORDER

Mayor Rusty Paul called the meeting to order at 6:13 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 are required to complete a public comment card. Public Comment Cards are available online and at the Chamber entrance and need to be submitted to the City Clerk before the meeting begins.

City Clerk Casey called the roll.

Mayor: Mayor Rusty Paul present.

Councilmembers: Council Member John Paulson, Council Member Steve Soteres, Council Member Chris Burnett, Council Member Jody Reichel, and Council Member Tibby DeJulio were present. Council Member Andy Bauman was absent.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance.

APPROVAL OF MEETING AGENDA

1. **18-244** Add or remove items from agenda

Motion and Vote: Council Member DeJulio moved to approve the Meeting Agenda for the July 17, 2018 City Council meeting. Council Member Burnett seconded the motion. The motion carried unanimously.

CONSENT AGENDA

2. **18-245** Meeting Minutes

1. June 19, 2018 Regular Meeting
(*Michael Casey, City Clerk*)

3. **18-246** Acceptance of a Temporary Driveway Easement related to the Dudley Lane Sidewalk Project (4825 Dudley Lane)
(*Marty Martin, Director of Public Works*)
Resolution No. 2018-07-99

4. **18-247** Acceptance of a Right of Way Deed and Temporary Construction and Driveway Easement related to the Dudley Lane Sidewalk Project (4546 Dudley Lane)
(*Marty Martin, Director of Public Works*)
Resolution No. 2018-07-100

5. **18-248** Acceptance of a Right of Way Deed and Temporary Construction and Driveway Easement related to the Dudley Lane Sidewalk Project (4522 Dudley Lane)

(Marty Martin, Director of Public Works)

Resolution No. 2018-07-101

6. **18-249** Consideration of the Acceptance of the Dedication of Right of Way as part of the Development Regulations Ordinance requirements related to Community Development File # LDP16-00048 (One Mercedes-Benz Drive)

(Marty Martin, Director of Public Works)

Resolution No. 2018-07-102

Motion and Vote: Council Member Paulson moved to approve the Consent Agenda for the July 17, 2018 City Council meeting. Council Member Soteres 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

7. **18-250** Approval of Alcoholic Beverage License Application for Global Spectrum, LP, DBA City Springs, 1 Galambos Way, Sandy Springs, GA 30328. Applicant is Andrew Borges, on behalf of Global Spectrum, LP for Consumption Wine, Malt Beverages, & Distilled Spirits

Finance Director Karen Ellis stated this is a new application for consumption of wine, malt beverages, and distilled spirits for Global Spectrum LP, DBA City Springs at 1 Galambos Way. The applicant has met all the requirements and staff recommends approval.

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

Motion and Vote: Council Member DeJulio moved to approve Agenda Item No. 18-250, an Alcoholic Beverage License Application for Global Spectrum, LP, DBA City Springs, 1 Galambos Way, for Consumption of Wine, Malt Beverages, & Distilled Spirits. Council Member Reichel seconded the motion. The motion carried unanimously.

8. **18-251** Approval of Alcoholic Beverage License Application for Moustache Hookah Bar, 7855 Roswell Road, Sandy Springs, GA 30350. Applicant is Valid Khamisi for Consumption Wine, Malt Beverages, & Distilled Spirits

Finance Director Karen Ellis stated this is a new application for consumption of wine, malt beverages, and distilled spirits for Moustache Hookah Bar at 7855 Roswell Road. The applicant has met all the requirements and staff recommends approval.

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

Motion and Vote: Council Member Soteres moved to approve Agenda Item No. 18-251, an Alcoholic Beverage License Application for Moustache Hookah Bar, for Consumption of Wine, Malt Beverages, & Distilled Spirits. Council Member Paulson seconded the motion. The motion carried unanimously.

- 9. 18-252** Approval of Alcoholic Beverage License Application for Paint, Create, & Party, LLC DBA Painting with a Twist, 6780 Roswell Road, D-120, Sandy Springs, GA 30328. Applicant is Mia Amodio for Consumption BYOB Wine & Malt Beverages

Finance Director Karen Ellis stated this is a new application for consumption BYOB wine and malt beverage for Paint, Create, & Party, LLC DBA Painting with a Twist located at 6780 Roswell Road, D-120. The applicant has met all the requirements and staff recommends approval.

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

Motion and Vote: Council Member Reichel moved to approve Agenda Item No. 18-252, an Alcoholic Beverage License Application for Paint, Create, & Party, LLC DBA Painting with a Twist, 6780 Roswell Road, D-120, for Consumption BYOB Wine & Malt Beverages. Council Member Burnett seconded the motion. The motion carried unanimously.

- 10. 18-253** Approval of Alcoholic Beverage License Application for HM Son's LLC DBA Springs Bottle Shop, 8883-8885 Roswell Road, Sandy Springs, GA 30350. Applicant is Ketankumar Patel for Retail I Package Wine, Malt Beverages & Distilled Spirits and Package Wine Tasting

Finance Director Karen Ellis stated this is a new application for retail, package wine, and malt beverage and distilled spirits and package wine tasting for HM Son's LLC DBA Springs Bottle Shop located at 8883-8885 Roswell Road. The applicant has met all the requirements and staff recommends approval.

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

Motion and Vote: Council Member Soteres moved to approve Agenda Item No. 18-253, an Alcoholic Beverage License Application for HM Son's LLC DBA Springs Bottle Shop, 8883-8885 Roswell Road, for Retail I Package Wine, Malt Beverages & Distilled Spirits and Package Wine Tasting. Council Member Reichel seconded the motion. The motion carried unanimously.

- 11. 18-254** Approval of Alcoholic Beverage License Application for Zoe's Kitchen Holding Company, LLC DBA Zoe's Kitchen #337, 5840 Roswell Road, Suite 300, Sandy Springs, GA 30328. Applicant is Gail Smith, on behalf of Zoe's Kitchen Holding Company, LLC for Consumption Wine & Malt Beverages

Finance Director Karen Ellis stated this is a new application for consumption of wine and malt beverage for Zoe's Kitchen Holding Company, LLC DBA Zoe's Kitchen #337, 5840 Roswell Road, Suite 300. The applicant has met all the requirements and staff recommends approval.

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

Motion and Vote: Council Member Burnett moved to approve Agenda Item No. 18-254, an Alcoholic Beverage License Application for Zoe's Kitchen Holding Company, LLC DBA Zoe's Kitchen #337, 5840 Roswell Road, Suite 300, for Consumption Wine & Malt Beverages. Council Member Soteres seconded the motion. The motion carried unanimously.

Text Amendment

12. 18-255 TA18-0001 - An Ordinance to Amend Division 7.2 & Division 7.8 of the Sandy Springs Development Code to amend regulations for home occupations

Planning & Zoning Manager Catherine Mercier-Baggett stated this is a proposed text amendment to allow for outdoor home occupations. At the request of Council, staff drafted regulations that would allow for outdoor recreational, education, and instructional home occupations. This would also mitigate external impacts and protect the residential character of neighborhoods. At this time, no home occupation is allowed outside. An occupational use must be entirely contained within the home. The proposed ordinance would allow a maximum of five client visits per week with the exception of educational purposes and family daycares. The proposed process requires conditional use permits. These would be allowed only in single-family detached districts. This process includes two community meetings and two public hearings. One public hearing would be before the Planning Commission and the other before Council. She referenced a table that summarizes where the use permits will be allowed. The proposed use standard would allow the home occupation to be conducted in the side or rear yards. All parking needs would have to be on the property and not rely on on-street parking. No nuisances are allowed, as is customary with any business. The ordinance would require screening from adjoining properties with either a six-foot privacy fence or a twenty foot vegetated buffer. The operations will be limited to uses that are recreational, educational, or instructional services. There shall be a maximum of two students on the premises at the same time with a maximum of four students per hour, for a maximum of six hours out of the day. She referenced the hours of operation on the presentation. No external employees would be allowed on the premises. In terms of safety, the operator must possess and maintain Red Cross CPR certification and would be required to maintain Red Cross Swim Instructor certification when children are in the pool. At the Planning Commission hearing, they recommended denial stating that this could affect direct privacy and the enjoyment of property by the neighbors of outdoor home occupations. Noise was identified as the most important potential negative impact.

Mayor Rusty Paul called for public comments in support of the agenda item.

Allison Dubovsky, 640 Weatherly Lane, stated on behalf of families with young children living in Sandy Springs she is here to thank the City. She thanked Council for taking the time to explore this matter further. She is aware of the time, effort, and energy that staff has put into this and she is extremely appreciative. Our leaders have recognized the importance of this and have listened to their constituents to provide a lifesaving service in our community. On behalf of many people in this room tonight, she thanked Council. She asked that Council consider allowing the permitted hours to mimic those of other service providers such as landscapers, contractors, daycare centers, and etcetera. That would give working parents the opportunity to bring their children to swim lessons after work hours.

City Clerk Michael Casey stated he received a public comment card from Jonathan Dubovsky who is in support of this item, but does not wish to speak.

Sara Kogon, 15 Old Maryland Chase NW, thanked Council for giving her the opportunity to speak this evening. She and her husband are Sandy Springs residents. They have four children, ages 10, 8, 6, and 4, who have learned how to swim from Allison Dubovsky. She is a parent who is terrified of swimming pools. She has heard too many stories in our community of children drowning. Recently at the Riverside community pool, there was a very narrow escape. Her in-laws have a pool, so she knew her children had to learn how to swim when they were young. They attempted the typical weekly swim lessons at swim schools with their oldest two children, but the children could not get comfortable and refused to cooperate with the teacher. She then brought them to Allison for lessons. The quiet private setting and Allison's gentle manner with her children allowed them to get comfortable. The consecutive ten-day lessons really helped. Eight years later, Allison has taught all of their children how to swim. The fact that there are teachers teaching from their own private pools all across the City speaks to the value this type of instruction provides to families in our community. The fact that Allison is the only Sandy Springs swim instructor that

has applied for and obtained a business license for this type of swim instruction speaks to Allison's character and integrity. Sandy Springs is a wonderful and safe place to live and raise a family. Allison's swim lessons have made a tangible difference in the safety of children in the community. It is in the City's and the community's best interest to continue to allow Allison to teach her life saving swim lessons from her home. She thanked Council for their time and consideration.

Matt LaMarsh, 485 Heritage Way, thanked the City staff that worked on this item for the last six months and came up with this text amendment. After looking at several other municipalities, it was found that Cobb County, the City of Marietta, and Johns Creek have a similar ordinance. Sixty days ago, when this was before the Planning Commission, he did not think that several of them had read what the actual ordinance said. There were several comments regarding ten versus twelve hours a day for operation. He is not sure where the confusion was and not sure why they recommended denial. He understands the concern for noise complaints. There is a process in place to protect the neighborhoods as the City Code currently has. The process is to determine the value and contribution of that business to our community. He also hopes the text amendment will bring unscrupulous businesses into the light. We have always been a forward thinking City. That thinking is one of the reasons he wanted to start his own business here. He thanked Council for their time.

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

Motion and Second: Council Member Reichel moved to approve Agenda Item No. 18-255, TA18-0001 - An Ordinance to Amend Division 7.2 & Division 7.8 of the Sandy Springs Development Code to amend regulations for home occupations. Council Member DeJulio seconded the motion.

Council Member Jody Reichel asked about the hours of operation for other companies referred to by Mrs. Dubovsky, such as landscapers.

Planning & Zoning Manager Mercier-Baggett stated to her knowledge the hours of those businesses are not regulated in the City code. However, we do have a noise ordinance that limits the noise level.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2018-07-19

13. 18-256 TA18-0002 - An Ordinance to Amend Article XII, Definitions, Division 12.2., Defined Terms, of the Sandy Springs Development Code

Planning & Zoning Manager Catherine Mercier-Baggett stated this proposed text amendment would change the definition for final stabilization in regards to erosion control. The City is in the process of obtaining a Memorandum of Understanding (MOU) with the Georgia Environmental Protection Division to allow us to review erosion control plans that are over one acre. City staff would then perform this internally. One of the requirements of the MOU is to adopt the EPD code for final stabilization. This definition is stated exactly the same as EPD has in their books.

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

Motion and Vote: Council Member Paulson moved to approve Agenda Item No. 18-256, TA18-0002 - An Ordinance to Amend Article XII, Definitions, Division 12.2., Defined Terms, of the Sandy Springs Development Code. Council Member Burnett seconded the motion. The motion carried unanimously.

Ordinance No. 2018-07-20

UNFINISHED BUSINESS

There were no unfinished business items.

NEW BUSINESS

- 14. 18-257** Adoption of an Ordinance to Amend Article V of Chapter 58 of the Sandy Springs Code of Ordinances re: parking at City Springs

Staff Attorney Joe Leonard stated City Council recently adopted an ordinance to establish certain parking infractions at City Springs. During the implementation of the ordinance, City staff was able to identify potential areas for improvements to streamline the process of transmitting the parking citations from Lanier Parking to the Municipal Court and to address scheduling logistics at court. In addition to the process improvements, the ordinance does three other things. The ordinance will remove language related to handicap parking at City Springs, which will be enforced solely by the Police Department under the State code. The ordinance will add language to allow the permitting of food trucks to park and operate in certain areas of the property. The ordinance also amends the enforcement provision to clarify organizationally who may enforce the provisions of the ordinance, which adds Lanier Parking enforcement officials, Code Enforcement officials, and the Police Department.

Motion and Second: Council Member Burnett moved to approve Agenda Item No. 18-257, Adoption of an Ordinance to Amend Article V of Chapter 58 of the Sandy Springs Code of Ordinances re: parking at City Springs. Council Member Paulson seconded the motion.

Council Member Chris Burnett asked if the food trucks would require the normal permitting process.

Staff Attorney Leonard responded yes.

Council Member John Paulson asked if the handicap parking violation tickets could only be issued by the Police Department and the Lanier Parking staff.

Staff Attorney Leonard stated what staff did is remove handicap parking as an infraction, specifically in City Springs. The Lanier Parking officials can enforce the provisions of the parking infractions at City Springs that are enumerated in the Ordinance. He included the language regarding enforcement by the Police Department, so all will know the Ordinance will be enforced.

Council Member Paulson stated one of the things the Citizens on Patrol can now do is write handicap-parking tickets through the authority of the Police Department. Will that apply in City Springs?

Staff Attorney Leonard responded yes.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2018-07-21

- 15. 18-258** Resolution to Approve an Intergovernmental Agreement between the City of Sandy Springs, Georgia and the City of Smyrna, Georgia for the Housing of Prison Inmates

Sandy Springs Police Department Major Craig Chandler stated this item is a resolution to approve an Intergovernmental Agreement (IGA) between the City of Sandy Springs and the City of Smyrna for the housing of prison inmates. In mid-May the Pickens County Sheriff's Office notified the City that they would no longer be able to meet the conditions of their IGA for the housing of inmates. He made inquiries

with surrounding facilities and found that Smyrna could meet the City's needs. The cost per day will be \$50 per inmate. He requested that Council consider approving this IGA.

Motion and Second: Council Member Reichel moved to approve Agenda Item No. 18-258, a Resolution to Approve an Intergovernmental Agreement between the City of Sandy Springs, Georgia and the City of Smyrna, Georgia for the Housing of Prison Inmates. Council Member Soteres seconded the motion.

Council Member John Paulson asked what was the City paying for the housing of inmates in Pickens County.

Major Chandler stated that cost is \$40 a day.

Council Member Tibby DeJulio stated if he remembers correctly, Pickens County was picking up the City inmates. He asked if Smyrna will do the same or will the City transport them to Smyrna.

Major Chandler stated Smyrna will transport the inmates to court and the City will transport them back once court is over.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2018-07-103

16. 18-259 Consideration of an Ordinance providing times for the lawful ignition and use of fireworks and consumer fireworks

City Attorney Dan Lee stated this item is an opportunity for the City to regulate fireworks, something we were not able to do before. As pointed out, one of the legislators who authorized the State Bill that allows the City this opportunity is at this meeting. There are two versions of this ordinance and he apologized that both were not posted. This ordinance regulates fireworks between the hours of 10:00 a.m. and 11:59 p.m. by using the City's noise ordinance. If fireworks violate the decibel reading that the City has set, then they have violated the fireworks ordinance. The second way of regulating fireworks is by requiring a use permit between those hours. The method of using decibel readers is somewhat onerous to the point police officers will be required to carry the decibel readers. After the fireworks complaint has been called in, there are times the fireworks are no longer going off when the decibel reader arrives. This ordinance may be harder to enforce compared to the second method that would be to require a use permit. The second method may be onerous to the permit office and the consumer, because the discharge of fireworks would require obtaining a use permit. He has a resolution that will set the fee for the use permit, but it may not be in the agenda package. Police Chief DeSimone is here, if Council would like comments on how this ordinance would affect the Police Department.

Council Member Chris Burnett stated he did not see the fee schedule.

City Attorney Lee stated that resolution is not in the agenda package, because it has not yet been presented to Council and staff does not feel comfortable including the fees at this time.

Mayor Paul stated what is before Council this evening is enforcement via the noise ordinance. We will come back at the next Council meeting and vote on the use permit.

Police Chief Ken DeSimone stated when you use a device to measure sound levels; there is the expense of getting enough of those devices to deploy in the field. When a noise complaint is received, the police officer shows up and usually the noise goes away. The other method, requiring a use permit, would be easier to enforce and less expensive.

Council Member Tibby DeJulio asked how many fireworks noise complaints the City receives.

Police Chief DeSimone stated in one year there are probably not many fireworks complaints. There are many noise complaints about loud music and construction.

Mayor Paul stated he receives many fireworks noise complaints.

Council Member DeJulio stated the thing that bothers him is some people may use fireworks to celebrate when they graduate from high school. Now we are telling people they have to go to City Hall to obtain a permit in order to celebrate. That does not sound reasonable or spontaneous.

Police Chief DeSimone stated the City's noise ordinance and fireworks complaint calls did increase recently because of the World Cup.

Council Member Burnett stated that typically a homeowner is in their home when they hear the fireworks go off and then call 911. Once the police officer arrives and someone stops detonating the fireworks, short of that neighbor coming out of their house and identifying the person who detonated the fireworks, how can the permit be enforced?

Police Chief DeSimone stated the police officer would have to identify who set the fireworks off. A lot of this is officer discretion.

Council Member Burnett asked about the option of having a use permit for fireworks.

Police Chief DeSimone stated it is easier to enforce in his opinion. In his experience, the decibel meters do not work that well.

Council Member Burnett stated that on the specified dates a permit would not be required.

Police Chief DeSimone responded he believes that is correct.

City Attorney Lee stated the ordinance is not in effect on those three days.

Mayor Paul stated he receives many fireworks complaints. Some of them are from veterans who have been in combat, because the sound of fireworks brings back some bad memories. He also receives complaints from dog owners. His own dogs were scared by the fireworks on the 4th of July this year. Our legislators Kay Kirkpatrick and Deborah Silcox both worked very hard on this issue. When you live in a community where you reside a few feet from one another, you have to surrender a little bit of your discretion. This is one of the things he has tried to explain to some of our rural legislators. There are different conditions in the city compared to your nearest neighbor being half a mile away. Fireworks can be very disturbing to pets and to some people.

Council Member Burnett asked what would happen if the Chinese New Year or Indian Diwali were not one of the approved dates included in the ordinance. When they come to the City for a permit, what process would the City use for approving or denying a permit. He asked if this would be addressed at the next meeting.

City Attorney Lee stated that with any ordinance that requires a permit, staff has to create the process.

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 18-259, an Ordinance providing times for the lawful ignition and use of fireworks and consumer fireworks. Council Member Reichel seconded the motion.

Council Member Paulson stated the State recently passed legislation that gives cities control over the use of fireworks. That is why the ordinance is now before Council. He thanked the State legislators who worked on this item. He has also been affected by fireworks. He knows that people use fireworks all the time. He asked staff to bring this item back in two weeks with recommended guidelines for the permit process. He asked if a permit is obtained, would the individual be able to exceed 65 DB as the noise level. He expects that regulations to be a part of this process.

City Attorney Lee stated those details would be created for Council for the next meeting.

Vote on the Motion: The motion carried 4-1, with Council Member DeJulio voting in opposition.
Ordinance No. 2018-07-22

- 17. 18-260** Consideration of a Resolution to authorize the City to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 a.m. to 12:30 p.m., conditioned on approval in a referendum to be held on November 6, 2018

City Attorney Dan Lee stated currently the law allows that Sunday alcohol sales cannot occur until 12:30 p.m. This ordinance, if passed by the residents of Sandy Springs, will allow sales at 11:00 a.m. on Sunday.

Motion and Vote: Council Member Reichel moved to approve Agenda Item No. 18-260, a Resolution to authorize the City to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 a.m. to 12:30 p.m., conditioned on approval in a referendum to be held on November 6, 2018. Council Member Paulson seconded the motion. The motion carried unanimously.
Resolution No. 2018-07-104

- 18. 18-261** Consideration of an Ordinance to amend Chapter 6 of the City's code of ordinances to change the time when a qualified consumption on the premises licensee may begin engaging in the sale of alcoholic beverages on Sunday

City Attorney Dan Lee stated this agenda item is the accompanying ordinance for the previous resolution. The ordinance will be effective upon passage by the people of Sandy Springs.

Motion and Second: Council Member Soteres moved to approve Agenda Item No. 18-261, an Ordinance to amend Chapter 6 of the City's code of ordinances to change the time when a qualified consumption on the premises licensee may begin engaging in the sale of alcoholic beverages on Sunday. Council Member Reichel seconded the motion.

Council Member Tibby DeJulio stated this ordinance and the preceding resolution both state consumption on the premises. He asked if the current City code allows just for consumption on premises or package sales also. He asked if package sales would be different from consumption on the premises and start at 12:30 p.m.

City Attorney Lee stated that is correct. The authorization from the legislature is that on premise sales can start at 11:00 a.m.

Mayor Rusty Paul stated the package sales will still begin at 12:30 p.m.

City Attorney Lee stated the reason why staff is requesting Council approve this tonight is that the Fulton County elections staff need this before August 30. This item will not be on the ballot until November.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2018-07-23

- 19. 18-262** Consideration of an Ordinance to amend Chapter 6 of the City's code of ordinances to provide certain exceptions to the permitted outside consumption of alcoholic beverages within the defined City Springs area

Staff Attorney Joe Leonard stated in February of this year the City Council approved an ordinance allowing for outside consumption of alcoholic beverages in a defined area in City Springs under certain conditions. Since the opening of City Springs, staff has encountered numerous opportunities to schedule a wide variety of events in the green space. In reviewing the processes already in place, staff has identified potential changes to the ordinance that would allow the City greater flexibility in how it uses the City green space. This ordinance will clean up other sections of Chapter 6 in the code that deal with carrying alcoholic beverages by adding a cross reference to the City Springs section. The ordinance also provides alternative language for required signage and licensed consumption on the premises of an establishment located within City Springs. Finally, the ordinance makes changes that allow the City Manager or his designee to approve a special events permit for a City sanctioned or City sponsored event that allows invitees to bring their own alcoholic beverages to the event for consumption in the specified area of the event.

Motion and Vote: Council Member Burnett moved to approve Agenda Item No. 18-262, an Ordinance to amend Chapter 6 of the City's code of ordinances to provide certain exceptions to the permitted outside consumption of alcoholic beverages within the defined City Springs area. Council Member Soteres seconded the motion. The motion carried unanimously.

Ordinance No. 2018-07-24

- 20. 18-263** Consideration of an Amendment to the Land Use Restriction Agreement with Johnson Ferry Joint Venture, LLC.

Planning & Zoning Manager Catherine Mercier-Baggett stated this Land Use Restriction Agreement was a condition of zoning case 2014-04407 for property owned by St. Joseph's Emory located at 1160 Johnson Ferry Road. The condition of zoning was for a mixed-use development, which is almost ready for occupancy. The Land Use Restriction Agreement (LURA) was signed by the City and developer and was already recorded with Fulton County. Ten percent of the rental housing units were to be reserved for work force housing for the next ten years. In the City documents, a work force household is a household with an annual income between 80-120% of the average median income. That means between \$59,200 - \$89,760 annually. Many households do not qualify as they are below that 80% threshold. The proposed amendment that is highlighted in blue would allow the developer the discretion to accept households that have an income below 80% of the AMI to qualify for the ten percent of units that are supposed to be set aside.

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 18-263, an Amendment to the Land Use Restriction Agreement with Johnson Ferry Joint Venture, LLC., as presented on the screen. Council Member Reichel seconded the motion.

Council Member Tibby DeJulio asked if the housing is currently being leased.

Planning & Zoning Manager Mercier-Baggett responded yes. They are very close to obtaining their certificate of occupancy.

Council Member DeJulio asked if the developer is having problems getting renters to meet the 80-120%.

Planning & Zoning Manager Mercier-Baggett stated they are not. Her understanding is the developer wants to allow more people to be eligible to rent per the work force definition. They are targeting professionals that work in the medical sector that might not meet that 80% of AMI threshold. According to the City's definition, if the renter does not make between 80-120%, they cannot qualify.

Council Member DeJulio asked if the developer is looking to include people whose annual income is under the 80% mark.

Planning & Zoning Manager Mercier-Baggett responded yes.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2018-07-105

21. 18-264 A Resolution to Reappoint Members to the Sandy Springs Foundation, Inc.

Mayor Rusty Paul stated a few of the Foundation boardmembers are now at the end of their first term. He asked that Council reappoint Francis Creekmuir and Kenny Blank, who are currently members of the Foundation. The terms would commence August 15, 2018 and end on August 14, 2020.

Motion and Vote: Council Member Burnett moved to approve Agenda Item No. 18-264, A Resolution to Reappoint Members to the Sandy Springs Foundation, Inc. Council Member Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2018-07-106

22. 18-265 Acceptance and Approval of an Agreement to Purchase Real Estate (5252 Roswell Road)

Director of Public Works Marty Martin stated this item is a recommendation to accept an agreement to purchase real estate in support of the Community Development Block Grant (CDBG) streetscape project. The project is under development on Roswell Road south of I-285. In this case, the parcel in question is 5252 Roswell Road and involves some fee simple right-of-way, as well as a temporary easement for a two-year period. The construction is anticipated to begin next year. The fair market value was offered to the property owner. Consideration was added for a backflow preventer that needs to be relocated in conjunction with the offer. The owner countered with a request for an additional \$11,000. Staff reviewed that counter offer for consideration of impact to establish landscape, etcetera, and staff recommends that Council accept the counter offer amount.

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 18-265, Acceptance and Approval of an Agreement to Purchase Real Estate (5252 Roswell Road). Council Member DeJulio seconded the motion

Council Member John Paulson asked if by increasing the price to \$60,000 the property owner is now responsible for the backflow preventer and not the City.

Director of Public Works Martin responded yes. The property owner will take responsibility and they will hire a plumber to relocate it.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2018-07-107

23. 18-266 Adoption of the Solid Waste Management Plan Update

Planning & Zoning Manager Catherine Mercier-Baggett stated the Solid Waste Management Plan is a requirement by the State of Georgia. Every ten years we have to update the plan and the last plan was from 2008. In 2011, the State legislature reduced the requirements for such plans. At this time, there are only three elements that are required. The first element is a letter of assurance that the solid waste generated in the next ten years can be landfilled. The second one is an inventory of the solid waste handling facilities

that are located nearby. The third element is an inventory of the sites that are unsuitable for solid waste handling facilities. She referenced a letter received from Pine Bluff Landfill located in Ballground, GA that assures that all the waste generated by the City of Sandy Springs until 2028 can be absorbed. Staff listed the unsuitable sites that are sensitive to water resources and parks. Through zoning the City allows composting and recycling facilities to be located in IX and CC zoning districts. However, landfills, junkyards, and transfer stations are not allowed. Effectively, there is no potential for a new landfill facility to be located in the City.

Motion and Vote: Council Member Reichel moved to approve Agenda Item No. 18-266, Adoption of the Solid Waste Management Plan Update. Council Member Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2018-07-108

REPORTS

Mayor and Council Reports

Council Member John Paulson stated last Wednesday he and Council Member DeJulio attended a presentation by the Sandy Springs Police Department regarding the unfortunate incident on the south end of the City. The police staff did a great job explaining the situation. He thinks they made the neighbors feel more at ease with the fact that the police are working diligently on the crime.

Council Member Tibby DeJulio thanked the City for donating towards the reward for the arrest and conviction, which is now at \$100,000. He hopes that will result in more leads for the case. The City is uncomfortable with this situation of a 71-year-old woman being murdered.

Council Member Steve Soteres stated last Wednesday the North End Revitalization Task Force held their kickoff meeting. The public comment meeting will be held next Wednesday, July 25 at 6:30 p.m. at the Sherwood Event Facility. All of Sandy Springs is invited to this event to give input on what they would like to see on the North End.

24. 18-267 Staff Reports

1. May 2018 Financial Report – Karen Ellis, Finance Director

Finance Director Karen Ellis stated in the agenda package for this evening is the May Financials. The financials are at 91.67% of the fiscal year. All of the revenues are tracking on target. We are two months behind for the Local Option Sales Tax. Expenditures are in line with what was projected and are under budget.

2. Completion of Advanced Traffic Management System, Phase 2 Project, Abernathy to Atlanta City Limits – Marty Martin, Director of Public Works

Director of Public Works Marty Martin gave the Completion of Advanced Traffic Management System, Phase 2 Project, Abernathy to Atlanta City Limits, PowerPoint presentation.

Mayor Rusty Paul asked for an explanation of the Advanced Traffic Management System (ATMS) for the audience.

Director of Public Works Martin stated SCOOT stands for Split Cycle Offset Optimization Technique. Split is the green time on each of the City intersections and the cycle through that intersection is an offset. The system manages traffic between the intersections as well. The system actively measures the queue at

each of the intersections by managing the cycle according to the queue that is there. The system is designed to improve efficiency along the Roswell Road corridor. Currently, we are getting somewhere in the 5-10% range on traffic efficiency/traffic time saved. You can expect up to 15% with a SCOOT system. The overall effect of the system is to reduce travel time along Roswell Road.

Mayor Paul stated the system measures the number of vehicles travelling on the street and can adjust the timing based on volume.

Council Member Tibby DeJulio stated that about two years ago the City took over control of some of the traffic lights into the City of Atlanta in order to coordinate with our traffic lights. He asked if the same thing was done with the SCOOTs.

Director of Public Works Martin stated in this case the SCOOT system coordinates with the City's Traffic Management Center (TMC) and is an integrated system within it. The City then coordinates with the regional transportation operations staff at the GDOT TMC.

Council Member DeJulio stated what he is wondering is does the information go right to the City's system, so we receive feedback from the traffic coming into the City from the south.

Director of Public Works Martin stated the traffic is read "real time" at the intersections as the traffic enters the City. He will have to get back to Council on more specifics about how far down State Route 9 the City can receive the information.

PUBLIC COMMENT

Ev Howe, 297 Hillswick Court, stated he wished he could have spoken earlier. He is from the North Springs Homeowners Association. There are two homeowners on West Spalding that used to detonate mortar type fireworks. He called in to report this on June 26 when ten explosions occurred from 9:30 p.m. until 9:40 p.m. He is a Vietnam Veteran and these noises wake him up and bother him tremendously. This is a serious problem in the North Springs neighborhood. We have similar problems in other subdivisions. There are simple solutions. The permitting might work, but may be complicated. The State of Minnesota has a law that could work in Sandy Springs. The law states that legal fireworks includes cones and tubes that emit sparks, fountains, ground spinners, and wheels. According to Minnesota state law, what is illegal is anything that flies or explodes. Examples of illegal fireworks include bottle rockets, missiles, roman candles, mortars, and shells. The City could adopt a similar law to be enforced during the non-holiday days when fireworks are allowed, or seek a compromise. One thing that happened at the Georgia State capital regarding the fireworks law is that Senator Albers compromised to add three more hours from 9:00 p.m. to 12:00 a.m. The law used to state that after 9:00 p.m. fireworks were not to be detonated. He is sure that some individuals will take advantage of the revised State law. The fireworks being detonated affect dogs, infants, and others throughout the City. On July 4th, three homes were burned down in an area north of Metro Atlanta. He knows that the highest decibel level on a Navy ship is 180 decibels and the noise level of mortar type fireworks can be as high as 175 decibels. Normal fireworks noise is up to 150 decibels. The normal range of talking is 65 decibels and a noisy office is 90 decibels. Fireworks can be quite noisy. He requested to be able to work with the City Attorney regarding this issue to come up with solutions.

EXECUTIVE SESSION

25. 18-268 No Executive Session was held.

ADJOURNMENT

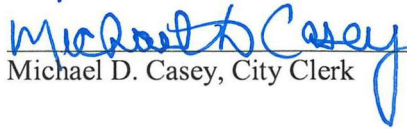
26. 18-269 Adjournment

Motion and Vote: Council Member DeJulio moved to adjourn the meeting. Council Member Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:28 p.m.

Date Approved: August 7, 2018



Russell K. Paul, Mayor



Michael D. Casey, City Clerk