

Regular Meeting of the Sandy Springs City Council was held on Tuesday, September 6, 2016, at 6:00 p.m., Mayor Rusty Paul presiding.

INVOCATION

Rabbi Ruth Abusch Magder, Center for Israel Education, Emory University, offered the invocation.

CALL TO ORDER

Mayor Rusty 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: Council Member John Paulson, Council Member Ken Dishman, Council Member Chris Burnett, Council Member Gabriel Sterling, Council Member Tibby DeJulio, and Council Member Andy Bauman were present.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MEETING AGENDA

1. 16-332 Add or remove items from agenda

Motion and Vote: Council Member DeJulio moved to approve the Meeting Agenda for September 6, 2016. Council Member Dishman seconded the motion. The motion carried unanimously.

CONSENT AGENDA

2. 16-333 Meeting Minutes
 1. August 16, 2016 Regular Meeting
 2. August 16, 2016 Work Session
 3. August 23, 2016 Special Called Meeting
 4. August 30, 2016 Special Called Meeting (7:30 a.m.)
 5. August 30, 2016 Special Called Meeting (6:00 p.m.)
(Michael Casey, City Clerk)

3. **16-334** Consideration of the Acceptance of the Dedication of Right of Way as part of the Development Regulations Ordinance Requirements Related to Community Development File# LDP16-00033 (1160 Johnson Ferry Road)
(Garrin Coleman, Director of Public Works)
Resolution No. 2016-09-97

4. **16-335** Consideration of the Acceptance of the Dedication of Right of Way as part of the Development Regulations Ordinance Requirements Related to Community Development File# MP-00001 (5745, 5755 and 5765 Powers Ferry Road)
(Garrin Coleman, Director of Public Works)
Resolution No. 2016-09-98

Motion and Vote: Council Member Sterling moved to approve the Consent Agenda for September 6, 2016. Council Member 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

5. **16-336** Approval of Alcoholic Beverage License Application for Roswell Prime LLC, dba Shell Food Mart, 5866 Roswell Road, Sandy Springs, Georgia 30328. Applicant is Arif Keshvani for Retail/Package Wine & Malt Beverage

Finance Director Karen Ellis stated this is an application for change of ownership for retail package, malt beverage, and wine for Roswell Prime LLC, dba Shell Food Mart located at 5866 Roswell Road located between Cliftwood Drive and Carpenter Drive. The applicant has met all of 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 Sterling moved to approve Agenda Item No. 16-336, Alcoholic Beverage License Application for Roswell Prime LLC, dba Shell Food Mart, 5866 Roswell Road, for Retail/Package Wine & Malt Beverage. Council Member Dishman seconded the motion. The motion carried unanimously.

6. **16-337** Approval of Alcoholic Beverage License Application for Yinzers in the South, LLC dba Painting with a Twist, Sandy Springs, GA. 6780 Roswell Road, Bldg D Suite 120 Sandy Springs, GA 30328. Applicant is Patricia Hamel for BYOB Consumption on the Premises, Wine Only

Finance Director Karen Ellis stated this is a new alcohol application for consumption on the premises for BYOB for a limited pouring license for wine only, for Yinzers in the South, dba Painting with a Twist, located at 6780 Roswell Road, Bldg. D, Suite 120. The applicant has met all of 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. 16-337, Alcoholic Beverage License Application for Yinzers in the South, LLC, dba Painting with a Twist, Sandy Springs, GA. 6780 Roswell Road, Bldg D Suite, for BYOB Consumption on the Premises of Wine Only. Council Member Paulson seconded the motion. The motion carried unanimously.

7. **16-338** Approval of Alcoholic Beverage License Application for Monger Entertainment Group Inc dba Barnacles Sports Bar & Grill, 8371 Roswell Road, Sandy Springs, GA 30350. Applicant is Doreen Monger for Consumption Wine, Liquor and Malt Beverage

Finance Director Karen Ellis stated this is an application for consumption on the premises of wine, malt beverage, and distilled spirits for Monger Entertainment Group Inc., dba Barnacles Sports Bar & Grill, located at 8371 Roswell Road. The applicant has met all of 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 Dishman moved to approve Agenda Item No. 16-338, Alcoholic Beverage License Application for Monger Entertainment Group Inc., dba Barnacles Sports Bar & Grill, 8371 Roswell Road, Sandy Springs, for consumption of Wine, Liquor and Malt Beverage. Council Member Paulson seconded the motion. The motion carried unanimously.

Property

8. **16-339** A Resolution to authorize the use of eminent domain to acquire property located at 170 Hilderbrand Drive, Sandy Springs, Georgia (Parcel ID: 17-008900050094) for public use

City Attorney Wendell Willard stated this is a resolution that staff is requesting to be approved to allow the City to exercise the power of eminent domain, if necessary, to acquire a piece of property that is part of the City Springs development. This is a parcel that is within the area that will contain the parking deck and surface parking. This is the last remaining parcel that is needed for the project. Staff has been in negotiations and so far has not been successful. The first appraisal on this property was completed in May 2014, at which time it appraised for \$225,000. The property is slightly over 1/3 of an acre at .367 of an acre. The appraisal was recently updated and the value is now at \$300,000. This is a fair valuation of the property. Staff is requesting the City's authority to exercise eminent domain, since an agreement has not been reached at this point.

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 Second: Council Member DeJulio moved to approve Agenda Item No.16-339, A Resolution to authorize the use of eminent domain to acquire property located at 170 Hilderbrand Drive, Sandy Springs, Georgia (Parcel ID: 17-008900050094) for public use. Council Member Paulson seconded the motion.

Council Member Chris Burnett asked how long has City staff been attempting to negotiate with the owners.

City Attorney Willard stated it has been quite a while. Staff has not pursued this until recently, but we are now in the process of developing plans for the contractor to do the work on the property. There have

been recent discussions with the property owner and they have been presented with the recently updated evaluation. The cost will be almost \$1 million per acre. The property owners are aware this item is on the agenda this evening.

Council Member Burnett asked what the average price per acre has been for other properties the City has acquired in the same area.

City Attorney Willard stated it varies based upon locations and whether the property is located on a major thoroughfare. When you look at properties in the area of Roswell Road, they have been increasing in value over the last three years.

Council Member Burnett asked if the City has to have this property in order to complete the plan on Hilderbrand and extending to City Springs.

City Attorney Willard referenced a map with an outline in the heart of the surface parking development to provide additional parking for City Springs.

Council Member Andy Bauman asked what is currently on the subject property.

City Attorney Willard stated it is a vacant lot. The City has given the property owners a dollar amount for which the City would like to purchase the property, but have not yet heard back.

Council Member Gabriel Sterling stated if this resolution is passed this evening, it does not mean eminent domain will be used. The City will continue to move forward with negotiations and this resolution is an option.

City Attorney Willard stated the City will continue to try to negotiate a deal and staff will report back to Council.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2016-09-99

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

- 9. 16-340** Consideration of a Resolution Appointing the Chief Judge for the Sandy Springs Municipal Court (Donald Schaefer)

Mayor Rusty Paul stated based on the recommendation of the City's Judicial Committee, which he previously appointed to make recommendations for the City's court, this item is before Council. He convened the committee after having conversations with the City judges asking to take another look at the Court operations. The committee did that and found the court system was operating at a very high level of professionalism and service that is expected in the City. One recommendation made was that it would be a positive step to appoint a Chief Judge. The reason was to make sure one person can fulfill the administrative requirements of the Court and to provide a designated leader among the judges. Judge Schaefer was the unanimous recommendation of the City's Judges, so he nominated Judge Schaefer to serve as the Chief Judge for the City of Sandy Springs Municipal Court.

Motion and Second: Council Member Sterling moved to approve Agenda Item No. 16-340, a Resolution Appointing the Chief Judge for the Sandy Springs Municipal Court (Donald Schaefer). Council Member Dishman seconded the motion.

Council Member Andy Bauman asked if this will be a two year term from the date of the adoption of the resolution.

Mayor Paul stated the appointment will be coterminous with the term of the Council.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2016-09-100

Mayor Rusty Paul recognized State Representative Elect for District 52, Deborah Silcox, who was in attendance.

Mayor Paul asked if Chief Judge Schaefer will be required to be sworn in.

City Attorney Willard stated his previously being sworn in as a Municipal Court Judge holds the same effect.

10. 16-341 Consideration of a Purchase and Sale Agreement for Property Located at 380 Hammond Drive (Tax Parcel # 17-0071-0002-039-4)

City Attorney Wendell Willard stated this is an acquisition of a piece of property located at 380 Hammond Drive. There is a house on the property and this purchase is part of the contingency process of looking at acquisitions of properties through the Hammond Drive corridor. This is an improved property. Staff feels this is a good contract amount at \$250,000 for the parcel, which is about 1/3 of an acre in size.

Motion and Second: Council Member Burnett moved to approve Agenda Item No. 16-341, a Purchase and Sale Agreement for Property Located at 380 Hammond Drive (Tax Parcel # 17-0071-0002-039-4). Council Member DeJulio seconded the motion.

Council Member John Paulson asked if this house is a potential candidate to encourage police officers to live within the City.

City Manager John McDonough responded he does not know. The City has a process set up for evaluating these properties. There will be a report to the City Council at the next meeting. Dave Wells and his team have been assessing the acquired properties and this property will be added to the list.

Council Member Tibby DeJulio asked how many properties has the City acquired.

City Manager McDonough stated three, and this property will make number four. This is the third property with a house. The property on Kayron was purchased for stormwater purposes.

Council Member Gabriel Sterling asked if the City owns 372 Hammond Drive, located right next to this home. The property being voted on this evening has been an empty rental house for ten years, so he thinks this will not be a property that will be eligible for renovation.

Council Member Andy Bauman stated the City has not made any decisions for the final disposition of Hammond Drive. This is a continuation of the protected purchases, so the City has options in the future.

Council Member Sterling stated this is the least amount that the City has paid for one of these properties. This is one of the best values the City has received when paying for one of these properties.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2016-09-101

REPORTS

Mayor and Council Reports

Mayor Rusty Paul stated this coming Sunday the delegation from the Western Galilee Cluster is arriving in Sandy Springs. There will be a number of activities that all of Council has been invited to. He is looking forward to returning the hospitality that they shared with Councilman Bauman, himself, Mr. Mahaffey and others from Sandy Springs when they visited Western Galilee in October 2015. Economic Development Director Andrea Hall and Director of Communications Sharon Kraun have worked very hard to set up the agenda. He is excited to welcome the guests who arrive on Sunday.

Council Member John Paulson stated the Sandy Springs Festival will take place the weekend of September 17-18.

Mayor Paul stated Movies By Moonlight will be held this Friday evening along with a concert at Heritage Sandy Springs on Sunday evening.

Council Member Andy Bauman stated he thinks the opening of the Riverside roundabouts should be acknowledged, and so far it has been mostly positive.

Staff Reports

There were no Staff Reports.

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION

There was no Executive Session.

ADJOURNMENT

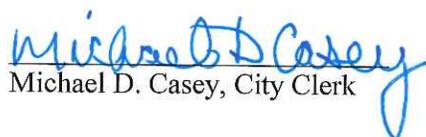
11. 16-342 Adjournment

Motion and Vote: Council Member DeJulio moved to adjourn the meeting. Council Member Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 6:29 p.m.

Date Approved: September 20, 2016



Russell K. Paul, Mayor



Michael D. Casey, City Clerk