

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

INVOCATION

Tom Van Laningham, Care & Counseling Center of Georgia, offered the invocation.

CALL TO ORDER

Mayor Paul called the meeting to order at 6:00 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 entrance and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Paul present

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

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance.

PUBLIC COMMENT

Bill Gannon, 505 Taunton Way, stated yesterday he emailed Council public comments regarding the performing arts center. He reminded the public that Councilmembers Bauman and DeJulio are having a town hall meeting at the Church of the Atonement tomorrow evening (9/3/2014) at 7:00 p.m. Some people may be against the performing arts center project, but most of those individuals have not taken the time to understand the whole project. When they do take the time to understand the project, they will probably be in favor of it.

APPROVAL OF MEETING AGENDA

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

CONSENT AGENDA

(Agenda Item No. 14-201)

1. Meeting Minutes:
 - a) August 5, 2014 Special Called Meeting
 - b) August 5, 2014 Work Session
 - c) August 19, 2014 Regular Meeting
 - d) August 19, 2014 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 14-202)

2. Consideration of Approval of the Georgia Department of Transportation (GDOT) Project Framework Agreement (PFA) for the Hammond-Peachtree Dunwoody-Glenridge ATMS Project, PI 0013141

(Garrin Coleman, Director of Public Works)

Resolution No. 2014-09-82

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

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

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

Text Amendment

(Agenda Item No. 14-203)

1. **TA14-005** - An Ordinance to Amend Article 9, Commercial District Regulations, of the Sandy Springs Zoning Ordinance to clarify Permitted Uses

Community Development Director Angela Parker stated this item was on the August 5, 2014 Work Session agenda and the August 19, 2014 Council Regular meeting agenda. Council directed staff to look at removing apartments as an allowable use in the commercial zoning districts. Staff has a proposed an amendment that addresses the properties that are currently developed or recently permitted for development within the commercial zoning district. Staff proposes that the uses for any project that has been permitted or currently exists be allowed to remain. If a structure is destroyed by a natural disaster, this amendment would allow the property owner to rebuild.

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

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 14-203, TA14-005 - an Ordinance to amend Article 9, Commercial District Regulations, of the Sandy Springs Zoning Ordinance, to clarify permitted uses. Councilman Dishman seconded the motion.

Councilman John Paulson asked what a property owner would be required to do if they are thinking about building apartments on their property.

Community Development Director Parker stated the property owner would be required to rezone the property and the application would come before Council.

Councilman Andy Bauman asked if there are other examples for an action like this. The City does not want "fig leaf" retail, but does want quality retail. There are logical projects that will come before Council that will get approved. Some of Council is concerned about taking existing right-of-way from property owners. He asked if there is any precedence for approving this ordinance.

Community Development Director Parker stated over the years Council has taken a number of actions that restricted particular uses. In this case, there is the ability to consider a proposal and to approve it

based on its merits. The way the ordinance is currently written, there is no ability to do that and very little ability to improve standards of development.

Councilman Bauman stated even if a property is zoned for apartment use, the developer may have to come before Council for projects.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2014-09-29

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 14-204)

1. A Resolution to Authorize the City Manager and City Staff to take Certain Actions in Connection with the Implementation of the Master Plan and the Development of City Center

City Manager John McDonough stated this resolution will take the current phase of the project to the next phase. Since the resolution was circulated, he has received feedback from Mayor and Council dealing with Section 2 and the performing arts center. There was feedback on items such as the mission statement, intended uses, updating the pro forma based on additional information, operating options, and a desire to include outside assistance from experts in the field to help with the design of the facility. It has been suggested there be a substitute resolution, which Council received this evening. The difference between the two versions is under Section 2 and Section 3. In the earlier version under Section 2, Council acknowledges the Option 4 Programming Summary of the 1000 seats performing arts center with a black box described as Type B+. The difference between the facilities is the capabilities that each facility would have. The language in Section 2 now states, "City Council supports a performing arts center with a seating capacity of up to 1000 seats, which will incorporate specific components to be determined during the schematic design phase of the project and subject to City Council approval." Staff will work to provide additional information on these subjects and bring the information back to Council to get their direction on the final design of this facility. Exhibit "B" will be modified. If Council chooses to pass the substitute resolution versus the original resolution, staff will need to modify the meeting space, PAC B+ at 1000 seats, and the multi-function space. Those will be determined in the chart. The other change is under Section 3, Exhibit "C". For the substitute resolution, Council would adopt the site plan labeled Exhibit "A". Section 2 states the performing arts center will be built with up to 1000 seats. Section 3, which deals with the budget, shows an estimated program cost of up to \$196.6 million. Section 4 states that Council will authorize the City Manager and staff to take such actions as necessary to implement and further the goals of the Master Plan, including making modifications to the approved site development plan that are necessary or desirable, recognizing the need for some flexibility, so long as such modifications conform to the overall intent of the Master Plan. Section 5 states subject to established City procurement policies; City Council authorizes the City Manager to execute any documents and to take any other steps which may be necessary to effectuate the intent of this resolution. Section 6 states the City Manager shall provide regular updates to City Council on actions taken in furtherance of this resolution. A City Center Master Plan update will be given to Council every two weeks at the City Council meeting. Section 7 states, to the extent any portion of this resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this resolution. Section 8 states, this resolution shall take effect immediately

Motion and Second: Councilman Paulson moved to approve Agenda Item No. 14-204 with the substitute resolution to authorize the City Manager and City Staff to take certain actions in connection

with the implementation of the Master Plan and the Development of the City Center, including a modification of Exhibit B, Sections 4,5, and 6. Councilman Bauman seconded the motion.

Councilman John Paulson stated this is the culmination of eight years of focus within the City and many months of sustained effort. There were many phone calls as recent as this weekend talking about this resolution and the best way to move forward to make sure this is a project that makes sense and that everyone is comfortable with and that satisfies the needs of the community. In 8 ½ years of taking care of the business of Sandy Springs a police force and fire department were developed, sidewalks were paved and poured, streets were paved, and there is now a stormwater system that works for the first time in thirty years. A lot of things have been done that are fundamental to running a City efficiently. This development is a project that will enhance the quality of life for the Sandy Springs citizens. The project will enhance the enjoyment of living in Sandy Springs. He highly supports this project and looks forward to it starting.

Councilman Andy Bauman stated this is Council's first opportunity to respond publicly regarding this project. This is a major step moving forward with this project. This project is a culmination of the Goody-Clancy Master Plan and public input. The process has been very open to the public. In preparing to vote in support of this project, there are details to be flushed out. If this project went forward without some significant community amenity such as a performing arts center or other ideas that would activate the space, it would be a City Hall that has a park and retail. If the PAC is included with the great public space while combining the features in one building, this will become a community gathering place that happens to have a City Hall. This was the key to winning his support for this project. The community is not unanimous on this project and you cannot expect the community to be unanimous. He does sense that the community will embrace this project. The conversation last week moved from cost to one of value. It is the City's obligation, with the high cost, to ensure high value is received. The status quo is not acceptable and the City needs to find a way to move forward as a community. He thanked the City Manager and staff regarding the project.

Councilman Paulson stated one of the requests at the last Work Session was a summary of the citizen input and responses to this item.

City Manager John McDonough stated there was a request to have the feedback posted publicly, but many citizens provided the information privately. There were 181 people in support of the performing arts center, 38 people strongly opposed to the performing arts center, and 64 people that were neither in favor nor against the performing arts center, but voiced concerns about the project.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2014-09-83

(Agenda Item No. 14-205)

2. Consideration of the Acceptance of the Agreement for the Purchase of Real Property and Grant of Easements from Fulton-Allen Road Associates, LLC

City Attorney Wendell Willard stated staff is seeking the approval from Council to allow the contractor to build a portion of the road that will connect Allen Road and Cliftwood Drive. This is part of the improvement for the City Center Master Plan. The City will purchase right-of-way that consists of .5641 acres, acquire an easement of .3256 acres, and a landscape easement of .0597 acres. The road is not straight through at this time, because there is another property involved that the City is not currently seeking to acquire. At the end of the road where it meets Cliftwood, there will be a slight turn in the road and then it will connect with another road. This area will be an easement the City will hold rights to until the additional right-of-way has been acquired by the City to make the road straight through. The developer will be completing all the construction of the road to the City standards for a public road.

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 14-205, acceptance of the agreement for the purchase of real property and grant of easements from Fulton-Allen Road Associates, LLC. Councilman Paulson seconded the motion.

Councilman Gabriel Sterling stated this is a great deal for the City and taxpayers and he hopes Council adopts the resolution.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2014-09-84

REPORTS

1. Mayor and Council Reports
2. Staff Reports

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION

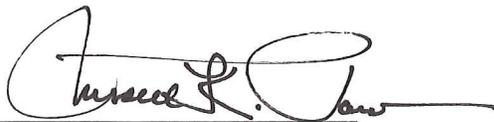
Motion and Vote: Councilman DeJulio moved to enter into Executive Session to discuss litigation, real estate, and personnel. Councilman Dishman seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, Councilman DeJulio, and Councilman Bauman voting in favor of the motion. Executive Session began at 6:27 p.m.

Motion and Vote: Councilman DeJulio moved to adjourn Executive Session. Councilman Dishman seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, Councilman DeJulio, and Councilman Bauman voting in favor of the motion. Executive session ended at 6:52 p.m.

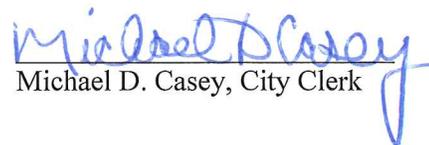
ADJOURNMENT

Motion and Vote: Councilman DeJulio moved to adjourn the meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 6:53 p.m.

Date Approved: September 16, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

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CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

September 2, 2014

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Russell K. Paul, Mayor of the City of Sandy Springs, who on oath says that to the best of his knowledge and belief, on the 2nd day of September, 2014 in the city aforesaid, a meeting of the Council was closed to the public for the following reasons:

Discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, but not receiving evidence or hearing argument on charges filed to determine disciplinary action or dismissal of a public officer or employee, pursuant to O.C.G.A. 50-14-3(16);

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



Russell K. Paul, Mayor

Sworn to and subscribed before me,

this 2nd day of September, 2014.


Notary public (SEAL)

