

Regular Meeting of the Sandy Springs City Council was held on Tuesday, October 7, 2014, at 6:00 p.m., Mayor Rusty Paul presiding.

INVOCATION

Rabbi Mario Karpuj, Congregation Or-Hadash, 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 back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Paul present

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

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance

PUBLIC COMMENT

There were no public comments.

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilman Paulson moved to approve the Regular Meeting Agenda for October 7, 2014. Councilman McDonald seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 14-222)

1. Consideration of Approval of the Georgia Department of Transportation (GDOT) Lighting Agreement for Roadway Lighting on Roswell Road at Northridge Road for Capital Program Project T-0033
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2014-10-90

(Agenda Item No. 14-223)

2. Minor Amendment to Node 8: Town Center Policy Language
(*Angela Parker, Director of Community Development*)

Motion and Vote: Councilman Sterling moved to approve the Consent Agenda for October 7, 2014. Councilman DeJulio seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

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

Alcoholic Beverage License

(Agenda Item No. 14-224)

1. Approval of Alcoholic Beverage License Application for Willy's Mexican Grill 6309 Roswell Rd, Suite A1 Sandy Springs, Georgia 30328. Applicant is Karl F Bitter Jr for Consumption Wine, and Malt Beverage

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

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

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-224, Alcoholic Beverage License Application for Willy's Mexican Grill 6309 Roswell Rd, Suite A1, for Consumption of Wine and Malt Beverage. Councilman Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-225)

2. Approval of Alcoholic Beverage License Application for Dunwoody Package Store 2090 Dunwoody Club Dr, Sandy Springs, Georgia 30350. Applicant is Bryan Luu for Retail/Package Wine, Malt Beverage & Distilled Spirits

Finance Director Karen Ellis stated this item is a change of ownership application for retail package, wine, malt beverage, and distilled spirits. The applicant has met all the requirements and staff recommends approval.

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

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-225, Alcoholic Beverage License Application for Dunwoody Package Store 2090 Dunwoody Club Dr, for Retail/Package Wine, Malt Beverage & Distilled Spirits. Councilman Sterling seconded the motion. The motion carried 4-1, with Councilman DeJulio voting in opposition.

UNFINISHED BUSINESS

Abandonment Requests

(Agenda Item No. 14-226)

1. Public Hearing on Petition for Road and Stormwater Abandonment and Privatization Filed by Highland Valley Court Homeowner's Association

Assistant City Attorney Cecil McLendon stated this agenda item is from a prior City Council meeting. The request is from a six house subdivision off Mount Vernon Highway just west of I-285. All the residents in the subdivision would like the street to become a private street. There have been many car "turn around" issues in the neighborhood. In a previous discussion, Councilman DeJulio raised the issue of the bonding and transition of the road from it being a public road to a private road. The neighbors are willing to work with the City on everything needed to achieve that. If Council approves this item, staff will ask Council to approve the privatization subject to it being platted appropriately as a private road and subject to the approval of Community Development, Public Works, and Legal.

Director of Community Development Angela Parker stated staff is seeing more subdivisions where the developer desires a private street with a gate at the street for security reasons. The City requires the street be constructed to a standard and a homeowners association be established. The homeowners association will be responsible for the maintenance of the streets as well as the detention facility. In this case, the street was constructed to appropriate standards, because it was constructed as a public street. The maintenance of the street will be handled like any private street that is created. When the street needs to be resurfaced, the homeowners will need to contract and manage the resurfacing of the street.

Frank Harms, 20 Highland Valley Court, stated he is a member of the subdivision and homeowners association. One of the major issues that came up on this item was the watershed management. In the plat that was turned into the City, the surveyor had set out the right-of-way and public utilities. Everyone in the community has agreed to those easements. The association also spoke with the Police and Fire Departments and filled out a form to allow access for them to enter the property at any time as needed for emergency reasons.

Councilman Andy Bauman asked if all six homeowners agreed.

Mr. Harms responded yes.

Councilman Tibby DeJulio stated the plat shows that one lot that is a little over one acre in size is not to be included.

Mr. Harms stated that lot fronts onto Mount Vernon Highway, does not have a driveway, and was never part of the subdivision.

Councilman DeJulio stated the map shows access to Mr. Harms street from that lot.

Mr. Harms responded that is not correct. That was changed before the subdivision was built.

Councilman Gabriel Sterling asked if the easement is still attached to that portion of the property.

Mr. Harms asked another resident in the audience about the easement.

The resident stated there is still an easement, but it is negated by the fact there is a fence that runs across the easement allowed by the covenants and attached to the ownership of the land.

Councilman Bauman asked who owns the easement.

The resident stated the individual that lives in the house on the property own the easement.

Assistant City Attorney McLendon stated the motion can include this approval being subject to all platting requirements, and the review of Community Development, Public Works, and Legal.

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

Motion and Second: Councilman Bauman moved to approve Agenda Item No. 14-226, a Petition for Road and Stormwater Abandonment and Privatization Filed by Highland Valley Court Homeowner's Association, subject to proper platting and approval by Community Development, Public Works and Legal. Councilman Sterling seconded the motion.

Councilman Bauman stated currently the City is responsible for maintaining the street and the stormwater detention in this subdivision.

Director of Community Development Parker responded yes.

Councilman Bauman stated subject to this approval by all City staff, the responsibility will be legally and financially transferred to the homeowners association.

Councilman DeJulio asked if the City has requirements about the level of maintenance that is required on private roads.

Director of Community Development Parker stated there are no bonding requirements for private streets. If the road is allowed to deteriorate, the City would pursue Code Enforcement in the same way as if a house is not painted or a driveway is cracked. The City would pursue the legal entity of the homeowners association.

Mayor Paul stated the importance of maintaining the road at a certain level is public safety access for police, fire, and ambulances.

Director of Community Development Parker stated the City would not require bonding if a subdivision is built today and a private street is built in the subdivision. If the homeowners association wants to turn the street back over to the City, normally what would be required is for the association to bring the road up to standards. If the road needs to be paved, the association would be responsible for this, so that Public Works is assured the asset they are getting back is at City standards.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2014-10-91

NEW BUSINESS

(Agenda Item No. 14-227)

1. Acceptance of Terms for the Georgia Transportation Infrastructure Bank (GTIB) Loan/Grant Program for the Windsor Parkway Realignment at SR 9/Roswell Road

Finance Director Karen Ellis stated in October 2013, Council approved applying for this loan and grant. On May 28th, the State Road and Tollway Authority (SRTA) approved the City for a \$2.75 million loan and a \$750,000 grant. The terms of the loan are 1.66% with a three year draw down period. The City plans to service any of the debt service through lieu of taxes with the developer. Staff recommends that Council accept these terms subject to review of the final loan documents and approve the resolutions for the City Manager to sign the loan and grant documents on behalf of the City.

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 14-227, the Acceptance of Terms for the Georgia Transportation Infrastructure Bank (GTIB) Loan/Grant Program for the Windsor Parkway Realignment at SR 9/Roswell Road, and to authorize the City Manager to sign the loan and grant documents on behalf of the City. Councilman Paulson seconded the motion.

Councilman John Paulson asked if the developer will pay the debt service amount.

Finance Director Ellis responded yes. The developer has a developer funding agreement with the Sandy Springs Development Authority that will help fund the payments for debt service.

City Manager John McDonough stated the debt service will not be paid entirely, because it depends on the structure of how the payment in lieu is received. There are two phases of the project in which the term length is ten years long. In some cases, the City may act as the bank, but will pay ourselves back. The specific terms of the agreement will be brought back to Council at the first meeting in November.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2014-10-92

Resolution No. 2014-10-93

(Agenda Item No. 14-228)

2. Acceptance of Grant Award GA-2015-000-00295 from the Governor's Office of Highway Safety

Finance Director Karen Ellis stated in March 2014, the City applied for this grant for funding in the amount of \$70,400. In September, staff received notice that the application was approved and awarded for that exact amount. The grant requires a 60% cash match, which the City already has in existing officer's salary, travel, and maintenance costs. Staff recommends acceptance of the award and approval to amend the FY15 budget to allow acceptance of the award.

Motion and Second: Councilman Paulson moved to approve Agenda Item No. 14-228, the Acceptance of Grant Award GA-2015-000-00295 from the Governor's Office of Highway Safety. Councilman DeJulio seconded the motion.

City Manager John McDonough stated the City will have to pay for the officer's salary and the cost of the car.

Councilman John Paulson asked what the grant obligates the City to.

City Manager McDonough stated the grant is for the H.E.A.T. unit car, which is a specially equipped car used by the DUI task force and for high speed traffic enforcement.

Councilman Tibby DeJulio asked if the grant is for a three year term and if the City is required to continue beyond that for two years.

City Manager McDonough stated he believes that is correct. This has been a successful program and integral to the City's ability to keep the streets safe.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2014-10-94

REPORTS

1. Mayor and Council Reports

There were no Mayor and Council reports.

2. Staff Reports

a) **City Manager John McDonough** introduced Keith Sanders and his wife Angie. Keith Sanders is the City's new Fire Chief select. A Fire Department change of command ceremony involving Keith Sanders and Fire Chief McElfish will be held at 5:30 p.m. on October 21, 2014. Keith Sanders will begin working for the City on October 20th.

Fire Chief select Keith Sanders stated he looks forward to this opportunity. He is very excited about meeting the men and woman of the Sandy Springs Fire Department. He has known Chief McElfish for many years and he is a great leader.

b) **City Manager John McDonough** stated a performing arts center charrette was held at Heritage Sandy Springs today in preparation for the upcoming Council Retreat. The decisions to be made by Council are programming, management options, size, and back of house. Rick Davis facilitated the meetings and other experts attended. There was a fantastic turnout for the meetings. The first charrette was for the arts community. George Bushey, who is the lead designer, was in attendance as well as Ed Arenius, who is an expert in performing arts design. The Council Retreat will be held on October 21st at 9:00 a.m. at Heritage Sandy Springs. A comprehensive report will be created from the feedback received today. All the participates received a set of questions in which they provided staff with information in order to enhance the City's decision making process. The afternoon session was a meeting with nonprofit and business groups.

Mayor Rusty Paul stated there is a meeting currently being held in the City Manager's conference room with a group of individuals recommended by Council and they are going through the same process.

City Manager McDonough stated during the first two meetings a calendar exercise was completed. This exercise included blank calendars for every month of the year being placed on the wall. Each group was asked if they would use the larger facility or the smaller facility and to place a range of dates they would like to have access to the facility on the calendars. This group did a great job of filling the calendars out. These results do not include input from Tom Mahaffey at the Chamber of Commerce and other groups that will potentially use the facilities. He was very pleased with the level of interest in the facilities. There are no less than seven to eight groups that would like to have travelling resident affiliation with the center.

c) **Councilman Tibby DeJulio** asked about the Carpenter Drive agenda item.

Mayor Rusty Paul stated he and the City Attorney discussed reconsideration of a zoning application that Council denied and how to get that back on the agenda.

City Attorney Wendell Willard stated he is not sure the item can be placed back on the agenda. The City is guided by Roberts Rules of Order when dealing with things that are not specifically spelled out in the Council rules. Under Roberts Rules, Council has to make a request for reconsideration immediately after the failure of an item to receive the vote. That has not happened in this case. When an application is denied, it puts in place a prohibition for the property owners to submit an application. Council could consider initiating its own application.

Councilman Gabriel Sterling asked if Council initiates a rezoning application, will it remove the one year delay for reapplication.

Director of Community Development Angela Parker stated Council can initiate a rezoning, but not before the State law requirement, which she believes is six months.

City Manager McDonough stated this is talking about doing something that there is no precedent for. Council initiating rezonings is something that should be thought out before moving forward.

d) August 2014 Financial Report – Finance Director Karen Ellis

Councilman Gabriel Sterling asked if the City is paying two annual payments for workers compensation.

Finance Director Karen Ellis responded yes. This fund will be under budget unless claims are submitted.

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION – Litigation and Real Estate

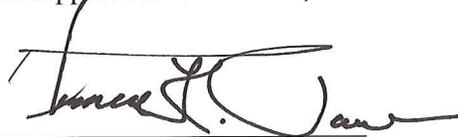
Motion and Vote: Councilman DeJulio moved to enter into Executive Session to discuss litigation and real estate. Councilman McDonald seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman McDonald, Councilman Sterling, Councilman DeJulio and Councilman Bauman voting in favor of the motion. Executive Session began at 6:38 p.m.

Motion and Vote: Councilman DeJulio moved to adjourn Executive Session. Councilman Paulson seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman McDonald, Councilman Sterling, Councilman DeJulio and Councilman Bauman voting in favor of the motion. Executive session adjourned at 7:12 p.m.

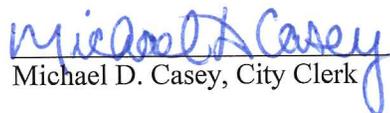
ADJOURNMENT

Motion and Vote: Councilman DeJulio moved to adjourn the meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:12 p.m.

Date Approved: October 21, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

