

Regular Meeting of the Sandy Springs City Council was held on Tuesday, July 15, 2014, at 6:00 p.m., Mayor Rusty Paul presiding

INVOCATION

Rabbinic Intern Megan Brudney, Temple Sinai, offered the invocation.

CALL TO ORDER

Mayor Paul called the meeting to order at 6:04 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 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

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilman DeJulio moved to approve the Regular Meeting Agenda for July 15, 2014. Councilman Dishman seconded the motion. The motion carried unanimously.

CONSENT AGENDA

Meeting Minutes

(Agenda Item No. 14-146)

1. Meeting Minutes:
 - a) June 17, 2014 Regular Meeting
 - b) June 17, 2014 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 14-147)

2. Consideration of Approval of the Georgia Department of Transportation (GDOT) Lighting Agreement for CDBG Sidewalks, Phase 2, Project CIP T-0033-2, Roswell Road – Northridge to Roberts
(Garrin Coleman, Director of Public Works)
Resolution 2014-07-59

(Agenda Item No. 14-148)

3. Consideration of Approval of the Georgia Department of Transportation (GDOT) Transportation Enhancement Activities Agreement for SR9/Roswell Road Streetscape Enhancement, P.I. No. 0002310 (Sandy Springs Project CIP T-0008, Roswell Road Streetscape – Cliftwood to Hammond)

(Garrin Coleman, Director of Public Works)

Resolution 2014-07-60

Motion and Vote: Councilman Sterling moved to approve the Consent Agenda for July 15, 2014. Councilman Paulson seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Recognition of the Citizens on Patrol Volunteers – Mayor Paul and Police Chief DeSimone

Mayor Rusty Paul called Police Chief DeSimone to the front of the room.

Police Chief Ken DeSimone thanked the Citizens on Patrol volunteers. Since January 2014, the Citizens on Patrol volunteers have donated over 5,000 hours of their time. He called the following individuals to the front and presented them with a certificate for their efforts: Mark Anderson, Nate Bednar, Mark Berkowitz, Richard Chastain, Mark Crupi, Lewis Feldman, LuEllen Feldman, Michael Feldman, Jim Ferguson, Sharon Goldhar, Cheryl Hall, Becki Jolly, Dan Katz, Cory Killorin, Tom Koch, Jerry Kraft, Nelson Kramer, Willis Lanier, Jon Lewis, Calvin Lower, Will Mack, Ted Marcus, Mark McAfee, Ron Panarelli, Elaine Paradise, Mary Paulson, Joan Pressman, Spencer Smith, Spencer Smith, Jr., Steven L. Southerland, Rick Stafford, Paul Stolarik, Mark Thomas, Mark Thomas, Russell Thompson, Carole Walton, Dick Weber, Dennis Wigbels, Patricia Wigbels, Graham Wood, Linda Zaworsk, Bunny Mitchell, Cindy Mayer, Shane Allender, Pat Cadden, Jeff Savell, Howard Silverman, Val Lewis, and Dave Metzloff.

2. Recognition of the Police Department for receiving the Phyllis Goodwin Agency of the Year Award from the Georgia Chapter of the Federal Bureau of Investigation's National Academy Associates (FBINAA) – City Manager John McDonough

Ron Freeman, City of Brookhaven Deputy Police Chief, stated he is the past President of the Georgia FBI National Academy. The Sandy Springs Police Department has six members who are FBI National Academy graduates. These individuals are Captain David Roskind, Major David Bertrand, Captain Keith Zgonc, Chief Ken DeSimone, Captain Bart Humble, and Captain Jim Fraker. The FBI National Academy is an executive leadership program that only one to two percent of all police officers in the world are allowed to attend. This award is being presented to the Sandy Springs Police Department and the community.

3. Presentation of Rebate Check from GA Power to City – City Manager John McDonough

City Manager John McDonough called Mayor Paul, Facilities Manager Dave Wells, and Jeff Petrea and Andrew Campbell with Georgia Power, to the front of the room. In May of this year, the City replaced the existing fluorescent lighting at City Hall with light emitting diode (LED) lighting. In addition to anticipated energy efficiency savings, the City has received an \$18,446 rebate from Georgia Power as part of its Commercial Energy Efficiency Program. In May, more than 2,500 florescent tubes were replaced with LED lighting throughout Building 500, which houses City Hall. The upgrade included 639 - T12 fluorescent fixtures, 70 - T8 fluorescent fixtures, and a retrofit of 32 exit signs to LED fixtures. In addition, 100 occupancy sensors were installed in offices and break room areas. Energy savings for the City is estimated at 540,520 (kWh) per year. In 2012, the City was able to retrofit 135 decorative pedestrian lights in the Main Street Overlay District utilizing Energy Efficiency Community Block Grant Funds. The LED lamps lowered energy usage by approximately 50 percent, saving the City

approximately \$12,000 over traditional lighting. The City plans to continue with its retrofit program, with the Police Department next up for the LED change.

4. Presentation on I-285 / Riverside Drive Interchange Scope of Work - Marlo Clowers from GDOT

Marlo Clowers, P.E., GDOT Project Manager, Scott Zehngraff, P.E., GDOT Traffic Operations and Shamir Poudel, P.E., ARCADIS, gave a PowerPoint presentation on the I-285/Riverside Drive Interchange Scope of Work.

Councilman Graham McDonald asked if the specific safety issue is crashes on the top of the ramps.

Scott Zehngraff, P.E., GDOT Traffic Operations, stated the issues are crashes at the top of the ramp where the two roads intersect as well as crashes that would happen on the ramp approaches. A large number of the crashes are rear end crashes.

Councilman McDonald asked if the issues trying to be corrected are not restricted to the top of the ramps, but include accidents at the intersection of the ramps and Riverside Drive and going down the ramps.

Mr. Zehngraff responded yes.

Councilman McDonald stated a previous GDOT representative cited the backups on I-285 as creating the safety issue.

Mr. Zehngraff stated GDOT pulled every crash report and these are the crashes that happen on the ramps themselves.

Councilman McDonald asked what is unusual about the ramps to Riverside Drive in comparison to all of the other ramps around I-285.

Mr. Zehngraff stated part of the program is the intersection itself, because there are no turn lanes and there are traffic signals instead. This area is a unique situation with a two lane road at a ramp terminal. A roundabout can be installed that will handle the capacity needs of the traffic.

Councilman McDonald stated he understands the reason this is being looked at is due to the number of accidents occurring at the intersections and on the ramp.

Mr. Zehngraff stated there was a request to GDOT to place a traffic signal at this intersection. The policy requires roundabouts to be considered for safety reasons. GDOT was asked to install a traffic signal at this location and that is what identified the need for improvements at this location.

Councilman McDonald stated on average the crash amounts are below the statewide average. He asked if this is a data driven decision.

Mr. Zehngraff stated it is data driven by the fact that the roundabout will be safer than a traffic signal and GDOT is trying to save lives.

Councilman McDonald asked if any fatalities have occurred at this location within the last five years.

Mr. Zehngraff responded no.

Councilman McDonald asked about the \$50 million saved and that lives are being referenced as an objective.

Mr. Zehngraff stated on slide 8 of the presentation there is a cost of \$955,500 associated with an injury crash, according to the FHWA's safety numbers.

Councilman Ken Dishman asked where else this plan has been implemented in the State along interstate highways.

Mr. Zehngraff stated there is a project that will let to construction prior to this one on Carbondale Road in Whitfield County; and there are ten other projects that are in various stages of design.

Councilman Dishman stated the concern is the City has not received much data on the impact this project will have on traffic. His experience with roundabouts is that when there is a large traffic volume, the traffic is slowed down.

Councilman Andy Bauman asked what the impact on the volume of traffic is from the roundabout.

Mr. Zehngraff stated Mr. Poudel will answer that question on his portion of the presentation.

Councilman Gabriel Sterling asked if the data is during the peak hours or throughout the day. The stacking and queuing of traffic will still occur due to the traffic light at Heard's Ferry.

Mr. Zehngraff stated either way, the traffic signal or roundabout will operate almost identically. The crashes are throughout the day and not just during peak hours. The larger accidents are during the off peak hours when drivers are going faster and this is what contributes to the crashes.

Mayor Rusty Paul stated there is a concern that roundabouts are more efficient and move traffic more quickly. If traffic is moved more quickly to other bottlenecks, that will create systemic reaction all along the chain of traffic.

Mr. Zehngraff stated this is a safety project driven by the safety program. GDOT is identifying statewide safety needs and this project is approximately five percent of the States funds for one year. This is not an operational project.

Councilman McDonald asked if four of the five years the crashes in this area were below the State average. GDOT is spending five percent of their budget on a project with crashes that are below the State average. He would like to have the averages for all of the years.

Councilman Dishman asked about the average of all intersections on interstate highways around the State or Metro Atlanta intersections.

Mr. Zehngraff stated there are like intersections with the same type of functional classifications.

Shamir Poudel, P.E., ARCADIS, gave his portion of the presentation.

Councilman John Paulson stated he experienced roundabouts in Vail, Colorado and they seem to be very confusing. The City does not want anything this complicated in the City. Operationally, this intersection will not change, but the number of crashes will be reduced when there is a roundabout versus a traffic signal.

Mayor Paul asked what the ramifications are if the City decides to not install a roundabout at this location.

Mr. Zehngraff stated the reason why the roundabout is being investigated is because the City requested a traffic signal. As part of that approval, GDOT will only approve the traffic signal if the City adds turn lanes at the intersection to improve operations or GDOT builds a roundabout at the intersection. If the project does not move forward by either the City or GDOT, then the City is then responsible for adding the turn lanes at the intersection by commitment. The cost will be about \$1.5 million for the turn lanes to be added. The turn lanes will be on the ramp and not on Riverside Drive. Adding a turn lane on Riverside Drive would be infeasible, because it would require the City to buy right-of-way. The cost

estimate does not include building turn lanes on the bridge, which would require widening the bridge at a cost of about \$6 million.

Councilman Dishman asked if there have been any studies on the ability of Georgia drivers to navigate roundabouts. The reason he asks is because he has a friend originally from Europe who commented that people in the United States do not know how to drive in roundabouts.

Mr. Zehngraff stated design has a lot to do with how the roundabouts operate. The roundabouts in Colorado are about twenty-five year's old and are multilane roundabouts. GDOT is not proposing a multilane roundabout. FHWA wants to know what the capacity of roundabouts is nationally and how well the drivers negotiate roundabouts. GDOT did a study on the twenty-four most saturated roundabouts in the State of Georgia and how the capacity compares to the national average. Georgia has a capacity at a higher level than the national average.

Councilman Tibby DeJulio stated if the roundabout is not constructed, the City will be responsible for installing the turn lanes. He asked if the roundabouts are installed, will there be a necessity to purchase right-of-way. If the City does allow the roundabouts, what will be the cost to the City?

Mr. Zehngraff stated the cost for the roundabouts will be zero dollars to the City, except for the fact that the City wants decorative landscaping.

Councilman McDonald asked if there is a forecasted latent demand in traffic volume and also what happens when a semi truck comes to the roundabout.

Mr. Zehngraff stated the roundabout will be designed to accommodate the largest tractor trailer allowed to drive on Georgia State routes and the interstates.

Mr. Poudel stated there is anticipation for latent demand, but not much.

Ms. Clowers completed the remainder of the presentation.

5. Presentation on I-285 / GA400 Interchange Reconstruction - Marlo Clowers from GDOT

Marlo Clowers, P.E., GDOT Project Manager, Scott Zehngraff, P.E., GDOT Traffic Operations, and Shamir Poudel, P.E., ARCADIS, gave a PowerPoint presentation on the I-285 / GA400 Interchange Reconstruction Project.

Councilman Tibby DeJulio asked about the anticipated levels of the interchange.

Ms. Clowers stated it is anticipated there will be four levels of height.

Councilman Gabriel Sterling asked if there is anticipation to construct the road using the existing right-of-way or will there need to be takings on I-285 and GA400.

Ms. Clowers stated for the interchange portion it is anticipated that about 65 parcels of right-of-way will be needed, but not necessarily takings. Seventy-five percent of the parcels that were identified have already been purchased. The remaining twenty-five percent is what will be needed.

Councilmember Sterling asked if sound barriers will be part of this project.

Ms. Clowers responded yes.

Councilman Sterling stated there is concern regarding the traffic impact for this area. He spoke to Public Works regarding a traffic concept and was told GDOT does not like those types of things. At the MARTA station there is a direct in and out onto GA400. He asked if there could be a way off the

Abernathy collector distributor lanes that would go directly into the Hines project, so the cars would never have to go on the City's surface streets.

Ms. Clowers stated GDOT would not completely say no.

Councilman Paulson stated the collector distributor lanes run along the MARTA station to the Spalding Drive area. He asked if GDOT is working with MARTA on the possible extension of the rail line.

Ms. Clowers responded yes. GDOT has committed to dedicate forty to sixty feet of right-of-way for any future managed lane corridor for transit. GDOT recommends that the rail be extended along the east side of GA400.

6. Presentation on Tree Canopy Study Results – Community Development Director Angela Parker

Community Development Director Angela Parker gave a PowerPoint presentation on the Tree Canopy Study Results.

Councilman John Paulson asked what the target goal for our tree canopy is.

Community Development Director Parker stated the City has a very dense canopy. One thing that staff wants to look at are the areas where a lot of development is occurring.

Councilman Andy Bauman asked if the study can be given to the public.

Community Development Director Parker responded yes.

Councilman Bauman asked if this study is for the entire 38 square miles of the City or is it divided up by neighborhoods.

Community Development Director Parker stated the study includes all 38 square miles.

Councilman Bauman stated just looking at the City's ordinance and not comparing it to other jurisdictions would be unwise for the attractiveness of development in Sandy Springs versus other cities. He would like this comparison made available to the public as well.

PUBLIC HEARINGS

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

Ad Valorem Tax

(Agenda Item No. 14-149)

1. An Ordinance of the Mayor and Council of the City of Sandy Springs, Georgia, to Fix the Ad Valorem Tax Rate of the City of Sandy Springs for Fiscal Year 2015; and for Other Purposes (FIRST PUBLIC HEARING)

City Manager John McDonough stated this item is the first public hearing to consider an ordinance to fix the ad valorem tax rate for fiscal year 2015. The ordinance calls for approval of an ad valorem tax rate for the City for the 2014 calendar year for properties subject to ad valorem taxation. The millage rate is 4.731 mills on 40% of each \$1,000 of property subject to ad valorem tax by the City. The FY15 Budget that Council approved in June proposes the adoption of a millage rate of 4.731 mills, the same millage rate that the Sandy Springs Charter permits and the same rate that has been in effect since the creation of the City.

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

Alcoholic Beverage License

(Agenda Item No. 14-150)

2. Approval of Alcoholic Beverage License Application for Krazy Buffalos 4920 Roswell Road Suite 46B, Sandy Springs, Georgia 30342. Applicant is Anthony Cuccia Jr for Consumption Wine, and Malt Beverage

Finance Director Karen Ellis stated this is a new alcohol beverage license application. The applicant has met all 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 Bauman moved to approve Agenda Item No. 14-150, Alcoholic Beverage License Application for Krazy Buffalos 4920 Roswell Road Suite 46B, for Consumption of Wine and Malt Beverage. Councilman Paulson seconded the motion. There was no Council discussion. The motion carried unanimously.

Rezoning

(Agenda Item No. 14-151)

3. **201300687** (DRI)** - Tax Parcel 17-0019- LL-059 (Abernathy Road, Peachtree Dunwoody Road, Mount Vernon Highway, GA 400), *Applicant: Hines*, to rezone the subject property from O-I (Office and Institutional District) conditional to MIX (Mixed Used District), with a use permit to exceed the maximum district height and concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this is a request to rezone the subject property to the MIX use district to allow for an office, retail, hotel, and apartment development. Staff is recommending approval conditional of the rezoning request, the use permit, and concurrent variance. The Planning Commission recommends approval subject to staff conditions as amended.

Nathan Hendricks, representative of the applicant, stated the request is for 1.5 million square feet of office space, 150,000 square feet of retail, 250 hotel rooms, and 500 multifamily units. Staff reviewed the concurrent variances. The comments regarding the encroachment along GA400 and Abernathy Road are due to the access drive along Mount Vernon and Peachtree Dunwoody Road.

Mark Ferris, applicant, stated the request is to change to MIX use zoning that includes building a new component of multifamily residential along with the office, hotel, and retail. These modifications will ensure the North Park project becomes one of the exciting new, urban style villages in the central Perimeter area consistent with the Comprehensive Land Use Plan. Hines has been working on this project over the pasty twenty-four months. A traffic study was prepared by Kimley-Horn. In anticipation of this project City staff has suggested improvements to existing roadways. He referenced a drawing that depicts the development. There are about seven roadway improvements that surround the area of the project that include: a northbound turning lane onto Peachtree Dunwoody Road; additional southbound turning lanes on Peachtree Dunwoody; dual eastbound turning lanes on Mount Vernon; restriping the Mount Vernon bridge for two westbound lanes; constructing a dedicated westbound right turn lane onto Mount Vernon; and constructing a left turn eastbound lane on Mount Vernon. Staff's recommendations include Hines adoption of the PCID standards for hardscape and landscape standards including pedestrian sidewalks and bicycle lanes. He referenced an image that shows the proposed bicycle and pedestrian pathways along Mount Vernon and Abernathy. The enhanced crossways include pedestrian plazas along

the street, seating areas, landscaping, and a shaded pavilion. The North Park village is near the MARTA station. He met with MARTA to discuss better connecting the village residents to amenities and services in the Perimeter area.

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

Tochie Blad, 7320 Hunters Branch Drive, stated she is speaking on behalf of the Sandy Springs Council of Neighborhoods. She has reviewed zoning in this area, especially along Peachtree Dunwoody Road, which has had a lot of development. Hines applied for two additional new uses of retail and apartments under the MIX application. This is to be added to the already dense zoning of hotel and office use. A height variance has been requested for 50 stories. The City states that the old Fulton County zoning allowed a 50 story and a 600 room hotel built up to twenty-five stories on a fourteen acre parcel. The community is concerned this project is not pedestrian oriented because there is not direct pedestrian access to the MARTA station. There will be zero setbacks from the roadway at GA400 when typically the setback is forty feet. This application was pulled last year from consideration because the right-of-way issues were being worked out with GDOT. This area already has a lot of traffic.

Brian Eufinger, 6292 Mount Vernon Oaks Drive, stated a reasonable person can ask if an office tower was the real goal of the zoning proposal. He wonders if the new goal is just the new uses. If so and zoning is approved, the land will be used for the retail and the apartments will generate new traffic rather than a larger tax base. If the plan moves forward, he asked if City staff can look at the feasibility of allowing a small tunnel to be constructed that would run north and southbound under Mount Vernon. Anything to help alleviate the Peachtree Dunwoody and Mount Vernon intersection would be appreciated. A consequence of this zoning is a need to restripe the Mount Vernon and GA400 bridge to three lanes. He asked that a roundabout not be constructed at this intersection.

Trisha Thompson, 145 River North Drive, stated she is the Zoning Chairman for the Sandy Springs Council of Neighborhoods. The Council of Neighborhoods is not happy about the amount of traffic this project will produce. The traffic study gave an additional 10% decrease in the total traffic volume due to the proximity to MARTA and the internal capture rate for MIX. She asked what may happen if the apartment component is built first and not the office building. The Council would like to see a full operating MIX. Hines is one of the best developers in the nation and she hopes they will do a very good job on this project.

Tom Umstead, 24 Waterford Court, stated he is very involved in the Ronald McDonald project and he thanked the City for their help with the building of this new project. He has lived in Sandy Springs over fifty years and volunteers every week for soup kitchens and missions. If the Mount Vernon Bridge is going to be improved, it should be expanded to four lanes.

Mr. Ferris stated from an alignment standpoint relative to traffic and connectivity to MARTA, the surrounding area in this development will be a mixed use project. The success of the mixed use will be based on how the traffic will flow around it. It is in the applicant's interest to make sure the traffic to and from the site is working. The only use that will be added is multifamily. Retail already exists, but the applicant will expand it in hopes of attracting those inside the development and community. It is the applicant's desire to build as many of the components that are supported by the market as is possible at one time.

Colin Green, applicant, stated he works with HOK Architect, who is the master planner and designer for the project. This project is absolutely transit oriented. The statement regarding the relief from the buffer is actually a combination of different instances. The applicant requested a relief from the forty foot landscape buffer in order to place the buildings closer together.

Motion and Vote: Councilman Sterling moved to defer Agenda Item No. 14-151, 201300687 (DRI)** - Tax Parcel 17-0019- LL-059 (Abernathy Road, Peachtree Dunwoody Road, Mount Vernon Highway, GA 400), *Applicant: Hines*, to rezone the subject property from O-I (Office and Institutional District) conditional to MIX (Mixed Used District), with a use permit to exceed the maximum district height and concurrent variances, to the September 16, 2014, City Council meeting. Councilman Dishman seconded the motion. The motion carried unanimously.

Councilman Gabriel Sterling stated this is an important zoning. The need for the deferral is for Council and staff to have a better understanding of how this project affects the Perimeter area and Sandy Springs when it comes to traffic. The existing zoning will cover 12,400 trips. The mix of uses with the MARTA attachment will reduce the number to 8,000 trips. This plan is under the Comprehensive Land Use Plan that calls for unlimited height and density. The traffic conditions should be reviewed more in depth by staff. He suggested a payment in lieu of taxes (PILOT), which could help pay for the City's infrastructure for a diverging diamond and working with GDOT to move traffic more easily.

Mayor Paul stated there are two things that are important to him. He wants to get a legitimate plan where incentives are being provided to take MARTA. If residential is going to be in this area, he asked what the marketing plan is for making sure the people in the offices are accessing the residential component. There needs to be a dedicated marketing program for this. Other mass transit should be used in this area. He has spoken to Mayors in the northeastern United States and they failed because they did not take advantage of the changing environment. The City's vulnerability is commercial real estate. If it collapses, then the economy collapses too. He has a concern about the apartments that are being built. The City has to be careful with approving new apartments within the community. All A Class apartments today will become C class in the future. The City should ensure that marketability is being brought to this area and a bubble is not being created that can bring development to a halt.

Councilman Sterling asked about a possible condition to move all pieces of the Hines project forward at one time.

City Attorney Wendell Willard stated the process was discussed and the staging of building, which this is, cannot be covered under the conditions. Conditions address the form of the contract that the property owner or developer accept.

Councilman John Paulson stated he would like to see the transportation study. He asked how the street crossings are to be constructed with the expected number of pedestrians that will be in this area. The tunnel idea that was mentioned earlier is an interesting thought.

Councilman Tibby DeJulio stated the property was zoned in 1987. He asked what the current zoning of the property allows.

Manager of Planning and Zoning Dickerson stated the current zoning allows over 1 million square feet of office space and a hotel of 600 rooms.

Councilman DeJulio asked about the hotel being built without having to worry about the financing. Hines is a major player in the market and should be able to build the office and retail space. He is uncomfortable with the apartments being built here.

(Agenda Item No. 14-152)

4. **201401164** - 8730 Roswell Road, *Applicant: Centric Development, LLC*, to rezone the subject property from AG-1 (Agricultural District) conditional and O-I (Office and Institutional District) conditional to A-L (Apartment Limited District) to allow for a 99-unit residential building, with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this is a request to allow for an assisted living building. Staff is recommending approval conditional of the rezoning request and the associated concurrent variances. The Planning Commission recommended approval subject to staff conditions.

Nathan Hendricks, representative of the applicant, stated the request is to rezone to the A-L district for an assisted living facility. The property falls under the live/work/community designation on the Comprehensive Land Use Plan for buildings up to 25,000 square feet per acre. Given the size of this building on this 3.19 acre tract of land, there is a per acre density of 22,000 square feet to the acre. This property is constrained by the stream bank and flood plain. The desire is to have the buildings come to the street and not to the back of the property.

David Vickers, representative of the applicant, stated he represents Century Development who has proposed rezoning of the property for a 99 unit assisted living facility. The property is on 3.3 acres and the building is approximately 73,000 square feet. This represents a \$12 million investment in the community. There are issues with the topography, stream, and moving the building forward on the lot. He referenced a site plan stating there are four buildings on the property with three of them in the buffer, so they will be removed. All stormwater regulations will be complied with.

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

Wesley Waugh, 8740 Roswell Road, stated he is the President of the Forest Huntcliff condominium association, which borders the property. Most of the homeowners approve of the proposed assisted living project and the rezoning. The only concern is with the proposed variances. The primary concern is the setback along the north property line. The variance is to reduce the setback from twenty feet to ten feet. The Association prefers that number remains at twenty feet. There are also concerns about the screening on the property line. The applicant agrees that if Brickmont purchases and develops the property, they will reach an agreement in which they will provide trees along the property line. There is concern about protecting the critical root zone of the trees.

Bill Piontek, 8740 Roswell Road, stated one thing that makes Huntcliff Forest a beautiful property is the trees. The neighborhood has a problem with the good neighbor policy and that is why there are setback requirements. The developer plans on removing every tree on the property. A good neighbor would build with a twenty foot setback and provide a screen of natural woods. When average rainfall occurs there is five feet of water where the parking lot will be built.

Patty Berkovitz, 800 Crest Valley Drive, stated she represents the Watershed Alliance of Sandy Springs. She met with Mr. Vickers on the property and he suggested things he might do to prevent the massive flow of water into the stream. There was discussion on protecting the buffers of the stream. She would like the water runoff techniques to be included in the conditions.

Mr. Vickers stated as part of staff's analysis they feel the development will improve the water situation. The applicant will be responsible for building retention and filtration devices on the site to handle water runoff. The water runs straight down the hill into the stream and out. A full hydrology plan will be created as part of the overall building plan. He agreed with the condo association that he can commit to the issues of the entrance of the property, the stream buffer and work with the association to plant trees. This property will be a tremendous tax increase to the City.

Mr. Hendricks stated in addition to the applicant being an established developer, he has memorialized to the association the supplemental tree plantings. The applicant will deal with the water issues that are not being appropriately dealt with at this point in time. The application comes with a recommendation from staff and the Planning Commission.

Mayor Paul closed the public hearing.

Motion and Second: Councilman Dishman moved to approve Agenda Item No. 14-152, 201401164 - 8730 Roswell Road, *Applicant: Centric Development, LLC*, to rezone the subject property from AG-1 (Agricultural District) conditional and O-I (Office and Institutional District) conditional to A-L (Apartment Limited District) to allow for a 99-unit residential building, with concurrent variances, subject to staff conditions. Councilman Paulson seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Assisted living facility and accessory uses at a density of 22,039.77 square feet per acre, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated April 1, 2014. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. To reduce the required forty (40) foot front landscape strip to five (5) feet to allow the encroachment of the building and retaining wall. (CV2014001164 #1)
 - b. To reduce the required twenty (25) foot buffer and ten (10) foot improvement setback to zero (0) to allow a driveway, retaining wall and parking. (CV 201401164 #2)
 - c. To reduce the forty (40) foot front setback to ten (10) feet to allow the encroachment of the building. (CV201401164 #3)
 - d. To reduce the twenty (20) foot side setback to ten (10) feet to allow the encroachment of the building. (CV201401164 #4)
 - e. To reduce the required parking from 124 spaces to 51 spaces. (CV201401164 #5)
 - f. To reduce the sign setback from ten (10) feet to zero (0). (CV201401164 #6)
 - g. To reduce the 75 foot stream buffer to allow the existing stream crossing to be maintained as shown on site plan. (CV201401164 #7)

Councilman Paulson stated this is a challenging site. He gave the applicant credit for working around the stream buffer. He asked where the pine straw company will be moving to.

Mr. Vickers stated the company owner is retiring.

Councilmember Sterling asked if the applicant is meeting the tree canopy goal, especially with the boundary trees.

Manager of Planning and Zoning Dickerson stated the arborist did not indicate to staff that the applicant's plan was not meeting that. The tree canopy will be reviewed as part of the permitting process.

Councilmember Sterling asked if the innovative stormwater techniques can be included in the conditions.

Manager of Planning and Zoning Dickerson stated some projects have been conditioned for the applicant to do what is above and beyond the ordinance, but that is typically addressed during the process.

Councilman Ken Dishman stated this is in his district in the far north end of the City. This district has had a dearth of investment within recent years. For a project like this to come into a challenging site, he commends the applicant for being proactive and reaching out to the neighbors. He asked if the applicant would put in writing his intent is to install the stormwater drainage system.

Mr. Vickers stated the applicant has no problem with that.

Vote on the Motion: The motion carried unanimously.

Ordinance 2014-07-17

(Agenda Item No. 14-153)

5. **201401170** - 400 Carpenter Drive, *Applicant: Holt Persinger*, to rezone the subject property from C-1 (Community Business District) conditional to A-L (Apartment Limited District) to allow for a 45-unit residential building, with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this request is to change the existing zoning from what allowed a mixed use building to a 45 unit residential building. Staff originally recommended deferral of the case based on the Planning Commission's recommendation after questions were raised regarding the variances related to two driveways being placed on the property. The previous permits have been approved on the property under the existing zoning. Staff is comfortable with the allowance for the two driveways and is recommending approval conditional of the rezoning request and all concurrent variances.

Holt Persinger, applicant, stated the request is to rezone from C-1 to A-L. This property had LDP issues in 2006. The site plan shows the building footprint and the parking provided by the site plan and two driveways. All variances reflect reducing the side and rear yards and landscape strips.

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

Masoud Zahedi, 5801 Roswell Road, stated around 2007 to 2008 a project was going to be built on this site, but that did not work out. There is a median on this site that makes it a difficult site for retail or mixed use. He would like to see the application approved.

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

Motion and Second: Councilman Bauman moved to defer Agenda Item No. 14-153, 201401170 - 400 Carpenter Drive, *Applicant: Holt Persinger*, to rezone the subject property from C-1 (Community Business District) conditional to A-L (Apartment Limited District) to allow for a 45-unit residential building, with concurrent variances, to the September 16, 2014, City Council meeting to allow for further review by the Planning Commission of two concerns: 1) the elevations 2) the appropriateness of this project for the City Center district. Councilman DeJulio seconded the motion.

Councilman John Paulson asked if the Planning Commission recommended deferral to allow them to work with Public Works and provide elevations. He asked if that has been satisfied.

Manager of Planning and Zoning Dickerson stated staff is comfortable with the two driveways as what was permitted previously. The applicant submitted a rendering of the building. The elevations have been provided and are for the development in general. Because the Planning Commission is handling design reviews now, the elevations will have to go back before them anyways. A deferral will add time to this process and the project will have to go back to the Planning Commission at a later date when the building permits are submitted.

City Manager John McDonough asked if there is a zoning reason for deferral and if there are unanswered questions.

Manager of Planning and Zoning Dickerson responded no. The deferral has more to do with the design review.

Councilman Gabriel Sterling stated Council does not fully understand this plan for the area and wants to have a better understanding of how it fits in for the City Center area.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 14-154)

6. **201401173** - 5188 & 5208 Roswell Road, *Applicant: Halpern Enterprises, Inc.*, to rezone the subject property from O-I (Office and Institutional District) conditional and R-3 (Single Family Dwelling District) to MIX (Mixed Use District) to allow for a mixed use office and residential development, with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this item is a request to allow a mixed used development for office, commercial, and residential. Staff is recommending deferral of the request and the Planning Commission is also recommending deferral.

Ellen Smith, representative of the applicant, stated the applicant wants to bring this item back before the Planning Commission on July 17th and come back to Council on August 19th. Jack Halpern and Bill Brown, the company's President, are in attendance this evening. The project is a 4.72 acre assemblage of six parcels that front on Roswell Road and Mount Paran. The applicant feels they can redevelop this property even with the site challenges. The applicant plans on relocating its headquarters from Doraville to Sandy Springs. The vision for the project is to maintain the existing office building, include a new daycare, construct a new office building for the Halpern Enterprises headquarters, and a detached single family residential street. To meet the vision, the applicant is seeking to rezone the property. The applicant met with staff, district and adjacent district Councilmembers, and the community before filing the application in April. Since filing, there have been changes to the project as a result of the input. All the proposed changes and conditions have been submitted to staff. The neighbors in Park Gate have submitted written support for the revised site plan and the zoning conditions submitted. This plan exemplifies the vision set forth in the City's Comprehensive Land Use Plan. The applicant is also seeking several concurrent variances. There is a recommendation of deferral to allow time for consideration of the applicant's most recent site plan. She requested the application be deferred to the August 19th City Council meeting.

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

Suzanna Umberger, 160 Mount Paran Rd NE, stated she is in support of deferral of the application.

Mayor Paul called for public comments in opposition to the application.

Janet Wells, 302 Beachland Drive, stated she supports the deferral, but she has issues with the plan.

Randy Miller, 505 Park Gate Court, stated there have been many discussions with staff and the neighbors regarding this project. There will be about six homes per acre on the piece of land behind his property.

Trisha Thompson, 145 River North Drive, stated she welcomes Halpern Enterprises to Sandy Springs. This project needs more work. The Sandy Springs Council of Neighborhoods has been meeting with the residents and Ms. Smith regarding the concerns and these issues have not been resolved. This plan should go back to the Planning Commission and come back to Council at the August 19th meeting.

Bill Gannon, 505 Taunton Way, stated on behalf of the High Point Civic Association he was going to request a deferral, because the neighborhood did not receive all the information regarding the changes to the application.

Ms. Thompson stated the reason for the expedited deferral is because there is a financial constraint on the applicant and they have a contract expiring at the end of August.

Ms. Smith stated she did invite the High Point Civic Association to the meeting before the application was filed. There was a change to the application that will reduce the number of access points. There were to be two on Roswell and two on Mount Paran. There will now be interparcel connectivity. In respect to the legal advertising, it was her understanding this application can be advertised for the August City Council meeting and still meet the procedures law requirements and City's advertising requirements.

Mayor Paul asked City Attorney Willard to make a ruling on the ability of the Council to make acquiesce to the requests that have been made.

City Attorney Wendell Willard stated the Planning Commission meeting this Thursday is not a relevant issue as far as it relates to deferring this item. If this item is deferred to the Planning Commission for specific review of the application with the various changes, then it will require the City to advertise the application. The reason is because the plan that would be before the Planning Commission would not be the original plan and a public hearing will have to be held. The alternative is that Council can defer this item, keep the matter with Council and only be heard before Council in August.

Mayor Paul stated the applicant has an expiring option at the end of the month. Council can keep this item to only be heard by Council at the next zoning meeting, but it does not preclude the continuing of conversations between staff, applicant, and the neighborhood to arrive at a solution.

Mayor Paul closed the public hearing.

Motion and Second: Councilman Bauman moved to defer Agenda Item No. 14-154, 201401173 - 5188 & 5208 Roswell Road, *Applicant: Halpern Enterprises, Inc.*, to rezone the subject property from O-I (Office and Institutional District) conditional and R-3 (Single Family Dwelling District) to MIX (Mixed Use District) to allow for a mixed use office and residential development, with concurrent variances, to the August 19, 2014, City Council meeting. Councilman Sterling seconded the motion.

Councilman Andy Bauman asked about this item being before Council in August if the item was previously deferred by the Planning Commission.

City Attorney Willard stated Council is still the ultimate decision maker about zoning.

Vote on the Motion: The motion carried unanimously.

Councilman Bauman congratulated the stakeholders, even though an agreement has not been reached. He strongly encouraged them to come to an agreement, because of the deadline.

Zoning Modification

(Agenda Item No. 14-155)

7. **201401133** - 305 Carpenter Drive, *Applicant: Masoud Zahedi*, to delete all conditions related to senior living in Sandy Springs zoning case RZ08-012

Manager of Planning and Zoning Patrice Dickerson stated this is a request to modify a 2008 rezoning. The applicant is requesting to remove the senior living condition to allow for a general multifamily development. Staff is recommending approval conditional of the modification.

Masoud Zahedi, 5801 Roswell Road, stated about six months ago the senior living developer applied for financing and it requires a feasibility study for the site. A feasibility study was done and a third party stated this is not a feasible project. The zoning is for 170 units and 11 stories. The request is to decrease the unit number to 120. The building would be five stories. When he was before the Planning Commission on the previous agenda item he was questioned about two driveways and that was resolved with staff. He had a buyer that wanted to buy the property. He was confused with the whole application process.

Mayor Rusty Paul stated a motion to reconsider a previous agenda item would be out of order at this point, because Council has gone beyond the next item on the agenda.

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

Susan Yeosock, 785 Lake Summit Drive, stated she is a District 6 Director for the Sandy Springs Council of Neighborhoods. This area is in the City Center and she wants to be sure that evaluations have been provided for this and there will be 100% adherence to the streetscape.

Mr. Zahedi stated he will be happy to show the new elevations. What he has with him are the old elevations that show the ten stories. The new building will be about a five story building.

Councilman Gabriel Sterling asked if the documents in the agenda package show the ten stories.

Senior Planner, Linda Abaray, stated the rendering in the package is five stories.

Mayor Paul closed the public hearing.

Motion and Second: Councilman Sterling moved to defer Agenda Item No. 14-155, 201401133 - 305 Carpenter Drive, *Applicant: Masoud Zahedi*, to delete all conditions related to senior living in Sandy Springs zoning case RZ08-012, to the September 16, 2014, City Council meeting. Councilman McDonald seconded the motion.

Councilman Gabriel Sterling stated the deferral for this item is because staff input was received and Council does not know how this project will integrate into the overall City Center development plan for the long term. He encourages Mr. Zahedi to work with staff, so Council will have a better understanding of his plans.

Councilman Tibby DeJulio stated he has concerns about this application. When this application was presented to Council five years ago, it was presented as a senior citizen facility. This property is slightly

over one acre for the proposed 120 units. The reason why 120 units were approved was because it was senior living and they are small units. This application is to place 104 units per acre on this property. He asked if the City ever approved anything over 100 units per acre for building purposes. He wonders what precedent the City would set if this application is approved when this would be a completely different usage. He has an issue approving an apartment complex that will be over 100 units per acre.

Mayor Paul stated he shares Councilman DeJulio's concerns. It has been difficult for Council to understand what Mr. Zahedi's plans are for this property. He is concerned about the density for such a small parcel without understanding how his plan will fit there.

Mr. Zahedi stated he will be happy to present this to Council again. When prior zoning was approved there were plans in place to develop the property until the real estate market crashed. He has drawings from the previous plans he can bring to staff.

Vote on the Motion: The motion carried unanimously.

Text Amendment

(Agenda Item No. 14-156)

8. **TA14-002** - An Ordinance to Amend Article 12B, Sandy Springs Overlay District, of the Sandy Springs Zoning Ordinance Related to Streetscape Standards

Manager of Planning and Zoning Patrice Dickerson stated this text amendment is to bring the zoning ordinance into compliance with the City Center Master Plan. The main street district standards that currently exist in the ordinance have conflicting requirements. Staff wants to be sure they are allowed to implement the streetscape standards according to the Master Plan. Staff recommends approval and the Planning Commission 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 Second: Councilman Bauman moved to approve Agenda Item No. 14-156, TA14-002 - An Ordinance to Amend Article 12B, Sandy Springs Overlay District, of the Sandy Springs Zoning Ordinance Related to Streetscape Standards. Councilman DeJulio seconded the motion.

Vote on the Motion: The motion carried unanimously.

Ordinance 2014-07-18

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 14-157)

1. Consideration of a Resolution Appointing a Member to the Board of Ethics of the City of Sandy Springs (Reed Haggard)

Mayor Rusty Paul stated the City has a Board of Ethics that oversees complaints in the City of Sandy Springs. The City has had very few issues, but this board still needs to be in place. He is asking Council to approve the appointment of Reed Haggard to the Board of Ethics.

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-157, Resolution Appointing a Member to the Board of Ethics of the City of Sandy Springs (Reed Haggard). Councilman Dishman seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-07-61

(Agenda Item No. 14-158)

2. Consideration of a Resolution Appointing a Member to the Board of Ethics of the City of Sandy Springs (Darlene Trigg) - First Alternate

Mayor Rusty Paul stated this item is to appoint an alternate member to the Board of Ethics.

Motion and Vote: Councilman Bauman moved to approve Agenda Item No. 14-158, a Resolution Appointing a Member to the Board of Ethics of the City of Sandy Springs (Darlene Trigg) - First Alternate. Councilman Dishman seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-07-62

(Agenda Item No. 14-159)

3. Consideration of a Resolution Appointing a Member to the Board of Ethics of the City of Sandy Springs (Jonathan Levine) - Second Alternate

Mayor Rusty Paul stated appointing Mr. Levine with completely fill the Ethics Board.

Motion and Vote: Councilman Dishman moved to approve Agenda Item No. 14-159, a Resolution Appointing a Member to the Board of Ethics of the City of Sandy Springs (Jonathan Levine) - Second Alternate. Councilman Sterling seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-07-63

(Agenda Item No. 14-160)

4. Consideration of a Resolution Designating Signatories for the City of Sandy Springs, Georgia

Finance Director Karen Ellis stated currently the City Manager and Assistant City Manager are signers on the banking documents where all signatures are digital. This item is a request to remove the Assistant City Manager and add the Finance Director. At times, she has to visit the bank and it allows the City Manager to not have to deal with travels to the bank.

Motion and Second: Councilman DeJulio moved to approve Agenda Item No. 14-160, a Resolution Designating Signatories for the City of Sandy Springs, Georgia. Councilman Dishman seconded the motion.

Councilman Gabriel Sterling asked if having the Finance Director as the signator is the best practice for the City.

City Manager John McDonough stated the City has the necessary checks and balances in place for the City. It is a common occurrence for the Finance Director to be a signatory of the checks. This change does not concern him.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2014-07-64

(Agenda Item No. 14-161)

5. Approval of Purchase and Closing of 146 Hilderbrand Avenue, Sandy Springs, Georgia

Assistant City Attorney Cecil McLendon stated this is a purchase and sales agreement that was entered into for the property at 146 Hilderbrand Avenue. That property is located left of the Bluestone extension. This purchase is necessary for the road extension through this area. The City entered into a purchase and sales agreement with the seller for the entire parcel at \$377,500. The seller is responsible to deliver the property free and clear to the City, including any tenants on the property. The City completed the environmental assessment and it has come back clean and the title appears appropriate.

Motion and Second: Councilman DeJulio moved to approve Agenda Item No. 14-161, Purchase and Closing of 146 Hilderbrand Avenue, Sandy Springs, Georgia. Councilman McDonald seconded the motion.

Councilman Tibby DeJulio asked if this purchase is for just the white building in the picture.

Assistant City Attorney McLendon responded yes, just the white building.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2014-07-65

(Agenda Item No. 14-162)

6. Consideration of Approval of Public Art – Mural at Morgan Falls Park

Cheri Morris, Art Sandy Springs, gave a PowerPoint presentation on the proposed Public Art Mural at Morgan Falls Park.

Councilman Gabriel Sterling asked about the hidden sports icon.

Ms. Morris stated there are various icons that are meant to be interactive, so the children can look at them.

Councilman Tibby DeJulio stated Art Sandy Springs and the Atlanta Hawks need to be commended for taking on this type of a project for Sandy Springs. The Hawks have been very generous to the City.

Motion and Second: Councilman Dishman moved to approve Agenda Item No. 14-162, Approval of Public Art – Mural at Morgan Falls Park. Councilman DeJulio seconded the motion.

Councilman Ken Dishman thanked Ms. Morris and Art Sandy Springs. One comment he consistently received regarding the art and it's the same comment he has, is there are three major sports offered at the park, one of which is softball, and there is no softball in the art. He asked if there could be thought on adding that element.

Ms. Morris stated she thought the softball glove satisfied that. She does not believe the artist will have an issue adding a softball into the artwork.

Mayor Paul stated the artist is authorized to make this modification.

Councilman John Paulson stated he agrees with the softball being added to the art. Also, nothing in the artwork has the City logo.

Ms. Morris stated the City logo will be on the three foot sign, similar to what is at the playable arts park.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 14-163)

7. Consideration of Approval of Purchase of Police Vehicles

Chief of Police Ken DeSimone stated in keeping with the yearly rotation of police vehicles to reduce costs and increase safety he is requesting vehicle purchases. Using the Statewide purchasing contract pricing system, the following vehicles are being requested for purchase: ten Dodge Chargers at \$23,509; four Ford Interceptor SUVs at \$28,073; three Chevy Impalas at \$21,360.98; and one Ford Expedition at \$28,783, for a total of \$450,247.94.

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 14-163, the Purchase of Police Vehicles. Councilman Paulson seconded the motion.

Councilman Gabriel Sterling asked if any of the SUVs can be converted to propane use.

Police Chief DeSimone responded yes. The Ford Expeditions can be and have been already, but the Dodge Chargers cannot be converted because of the trunk space. The Ford Interceptor SUV is a brand new vehicle and has not been approved for propane, yet. The Chevy Impalas are smaller vehicles that the detectives will be driving.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 14-164)

8. Authorization to Acquire Property under Grant PDMC-PJ-04-GA-2012-002

City Manager John McDonough stated the property owners, Mr. and Mrs. Harkavy, have accepted the City's offer to purchase 805 Powderhorn Road at the appraised value of \$417,550. The owners have voluntarily agreed to participate and committed to provide 25% of the cost of demolition and purchase as a required match. Staff recommends that Council authorize the purchase of the property.

Motion and Second: Councilman DeJulio moved to approve Agenda Item No. 14-164, Authorization to Acquire Property under Grant PDMC-PJ-04-GA-2012-002. Councilman Bauman seconded the motion.

Councilman Gabriel Sterling asked if this property abuts any of the other grant properties.

Councilman Tibby DeJulio stated there is one grant property that is on Powderhorn, but he does not believe they are contiguous.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2014-07-66

(Agenda Item No. 14-165)

9. A Resolution to Amend the City of Sandy Springs' Authorization for the use of Eminent Domain to Acquire Property Located at 80 Johnson Ferry Road, Sandy Springs, Georgia, PARCEL ID: 17-008800020098, for Public Use

City Attorney Wendell Willard stated at the first meeting in June, Council approved two resolutions for condemnation related to the Marsh Creek project. The resolution before Council at that time contained an incorrect legal description of both properties. The City is only acquiring a portion of each property at the rear, which will be a part of the Marsh Creek detention lake/facility. This item is an amendment of the legal description.

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-165, A Resolution to Amend the City of Sandy Springs' Authorization for the use of Eminent Domain to Acquire Property Located at 80 Johnson Ferry Road, Sandy Springs, Georgia, PARCEL ID: 17-008800020098, for Public Use. Councilman Dishman seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-07-67

(Agenda Item No. 14-166)

10. A Resolution to Rescind the City of Sandy Springs' Resolution No: 2014-06-43 Adopted June 3, 2014, authorizing the use of Eminent Domain to Acquire Property Located at 6332 North Hampton Drive, Sandy Springs, Georgia, PARCEL ID: 17-008800020395, for Public Use

City Attorney Wendell Willard stated for this item staff is asking Council to rescind the previous resolution approved in June 2014. The reason for this is because the action has not been filed, yet. The next agenda item will be a request of Council to approve the new resolution for the same property that defines the correct property boundaries.

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-166, A Resolution to Rescind the City of Sandy Springs' Resolution No: 2014-06-43 Adopted June 3, 2014 Authorizing the use of Eminent Domain to Acquire Property Located at 6332 North Hampton Drive, Sandy Springs, Georgia, PARCEL ID: 17-008800020395, for Public Use. Councilman McDonald seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-07-68

(Agenda Item No. 14-167)

11. A Resolution to Authorize the use of Eminent Domain to Acquire a Portion of the Property Located at 6332 North Hampton Drive, Sandy Springs, Georgia, PARCEL ID: 17-008800020395, for Public Use

City Attorney Wendell Willard stated this is the correct resolution with the proper description of the property for the parcel at 6332 North Hampton Drive.

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-167, A Resolution to Authorize the use of Eminent Domain to Acquire a Portion of the Property Located at 6332 North Hampton Drive, Sandy Springs, Georgia, PARCEL ID: 17-008800020395, for Public Use. Councilman Paulson seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-07-69

REPORTS

1. Mayor and Council Reports

There were no Mayor and Council reports.

2. Staff Reports
 - a) May 2014 Financial Report – Finance Director Karen Ellis

Finance Director Karen Ellis stated the May financial report was included in the agenda package for Council review. The City is currently at 92% of the year. Revenues are trending over 105%, while expenditures are at approximately 89%. Next month will be the final month of the fiscal year and there may be budget amendments in order to true up anything that is over budget.

PUBLIC COMMENT

John Terry, 4525 Powers Ferry Road N.W., stated he lived in Europe for a few years and suggested that Council visit Italy, France, and the Netherlands to get a better understanding about the roundabouts. He thanked Assistant City Manager Bryant Poole for recognizing a safety opportunity on Powers Ferry

Road. Mr. Poole visited his residence a few times and he was able to explain to Mr. Poole what was going on with the pond on Powers Ferry Road. This area is the gateway to Sandy Springs and Chastain Park.

EXECUTIVE SESSION –Real Estate

Motion and Vote: Councilman DeJulio moved to enter into Executive Session to discuss real estate with the Assistant City Manager and Assistant City Attorney included. Councilman Paulson 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 9:57 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 adjourned at 10:21 p.m.

ADDITIONAL BUSINESS

(Agenda Item No. 14-168)

1. Consideration by City Council of the Acquisition of Property for the Carpenter Drive Realignment

City Attorney Wendell Willard stated this item involves the realignment of Carpenter Drive and Cliftwood Drive, which is a hazardous intersection. Staff worked with the property owner and came to an understanding for the purchase of this property. The City will be acquiring all the rights the City needs for the right-of-way as designed in the plan done by Arcadis for \$1,200,000. The City will be willing to coordinate with the property owners on their future development. He asked that the City Manager and City Attorney finalize those terms for an agreement with the property owners.

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-168, the Acquisition of Property for the Carpenter Drive Realignment. Councilman Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2014-07-70

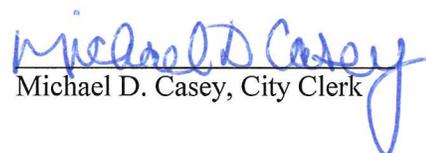
ADJOURNMENT

Motion and Vote: Councilman DeJulio moved to adjourn the meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 10:23 p.m.

Date Approved: August 5, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

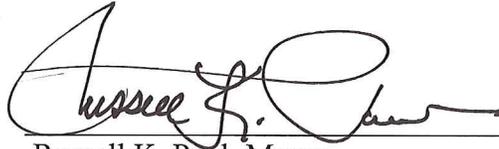
July 15, 2014

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 15th day of July, 2014 in the city aforesaid, a meeting of the Council was closed to the public for the following reasons:

Future acquisition of real estate pursuant to O.C.G.A, 50-14-3(4);

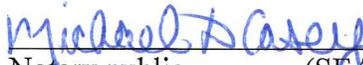
and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.



Russell K. Paul, Mayor

Sworn to and subscribed before me,

this 15th day of July, 2014.



Notary public (SEAL)

