

Regular Meeting of the Sandy Springs City Council was held on Tuesday, June 17, 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 6:01 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

Assistant City Clerk Kelly Bogner 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.

Assistant City Clerk Bogner called the roll.

Mayor: Mayor Rusty Paul present

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

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 June 17, 2014. Councilman Dishman seconded the motion. The motion carried unanimously.

CONSENT AGENDA

Confirmation of Administrative Modifications

(Agenda Item No. 14-123)

1. **201400115/201400014** - 1105 Hammond Drive, *Applicant: Franklin L. Kelly*, to modify conditions 2.a. and 3.a. of ZM12-001/CV12-003 related to the side corner yard
(*Angela Parker, Director of Community Development*)

(Agenda Item No. 14-124)

2. **201400185** - 8480 Roswell Road, *Applicant: Rutledge Alcock*, modification request to delete condition 3.i. of M87-008 related to signage
(*Angela Parker, Director of Community Development*)

(Agenda Item No. 14-125)

3. **201400186** - 8592 Roswell Road, *Applicant: Rutledge Alcock*, modification request to delete condition 3.f. of Z02-0115 related to signage
(*Angela Parker, Director of Community Development*)

(Agenda Item No. 14-126)

4. **201400735** - 1001 Johnson Ferry Road, *Applicant: Kimley-Horn*, to modify condition 4.b. of Z87-0067 to modify the landscape strip
(*Angela Parker, Director of Community Development*)

(Agenda Item No. 14-127)

5. **201401470** - 5006 Roswell Road and 153 and 165 Spruell Springs Road, *Applicant: Daniel R. King*, to modify condition 2.a and delete condition 3.n. of RZ06-050/CV06-035 by modifying the site plan
(*Angela Parker, Director of Community Development*)

Meeting Minutes

(Agenda Item No. 14-128)

6. Meeting Minutes:
a) June 3, 2014 Regular Meeting
b) May 20, 2014 Budget Presentation
(*Michael Casey, City Clerk*)

Right of Way Deeds

(Agenda Item No. 14-129)

7. Consideration of the Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (6087 Roswell Road)
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2014-06-48

(Agenda Item No. 14-130)

8. Consideration of the Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (4040 & 4100 Spalding Drive)
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2014-06-49

(Agenda Item No. 14-131)

9. Consideration of the Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (6180 Roswell Road)
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2014-06-50

(Agenda Item No. 14-132)

10. Consideration of the Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (6180 Roswell Road)
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2014-06-51

(Agenda Item No. 14-133)

11. Consideration of the Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (320 & 336 Mt. Vernon Highway)
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2014-06-52

(Agenda Item No. 14-134)

12. Consideration of the Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (1150 Hammond Drive)
(*Garrin Coleman, Director of Public Works*)

Resolution No. 2014-06-53

(Agenda Item No. 14-135)

13. Consideration of the Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (5750 Roswell Road)
(Garrin Coleman, Director of Public Works)

Resolution No. 2014-06-54

(Agenda Item No. 14-136)

14. Consideration of the Acceptance of a Dedication of a Right of Way Deed as Part of the Zoning Requirements (1001 Johnson Ferry Road)
(Garrin Coleman, Director of Public Works)

Resolution No. 2014-06-55

Contract

(Agenda Item No. 14-137)

15. Recommendation to Enter into Contract Agreement with Republic ITS (Siemens) for Traffic Signal/Sign Maintenance Services for the City of Sandy Springs
(Garrin Coleman, Director of Public Works)

Motion and Vote: Councilman Sterling moved to approve the Consent Agenda for June 17, 2014. Councilman Paulson seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

Assistant City Clerk Kelly Bogner read the rules for the Public Hearings segment of the meeting.

Budget and Ad Valorem Tax

(Agenda Item No. 14-138)

1. Consideration of Approval of an Ordinance to Provide for the Adoption of a Budget, its Execution and Effect for the Fiscal Year Beginning July 1, 2014 and Ending June 30, 2015

City Manager John McDonough stated this item is a consideration of the fiscal year 2015 budget. The budget was prepared based on Council's established priorities and defined rankings, which were developed from a series of workshops that were held in April and May. During the workshops, Council received briefings about economic conditions, the short term economic outlook, budget planning assumptions, public safety needs and challenges, and capital programs. The proposed budget was developed on the Mayor and Council's established priorities. The FY2015 budget provides the same mileage rate of 4.731 mills as last year and maintains adequate reserves in the fund balance to ensure sound fiscal integrity of the City in addition to meeting criteria for credit rating agencies. The proposed budget for all operating, capital and special revenue funds is \$199,992,595.

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

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-138, an Ordinance to Provide for the Adoption of a Budget, its Execution and Effect for the Fiscal Year Beginning July 1, 2014

and Ending June 30, 2015. Councilman DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Ordinance No. 2014-06-14

Rezoning

(Agenda Item No. 14-139)

2. **201400050** - 0-110 Allen Road, 5820-5840 Sandy Spring Circle, 5830-5865 Lake Allen Lane, 5809-5831 Lake Forrest Drive, *Applicant: J W Home, LLC*, to rezone the property from R-3 (Single Family Dwelling District) and O-I (Office and Institutional District) to TR (Townhouse Residential District), with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this item was deferred at the May 20th City Council meeting to allow adequate time for advertising of the sign posting on the property and to allow staff to meet with the applicant and neighborhood group. Both of those items have been met. The Planning Commission is recommending approval subject to staff conditions.

Nathan Hendricks, representative of the applicant, stated the property has two designations on the City's Comprehensive Land Use Plan. The west portion of the property is under the live/work/neighborhood. This suggests residential development of up to five units to the acre. The east portion of the property is under the live/work/community, which suggests that the residential development be up to twenty units per acre. The average of the 14.724 acres is 5.98 units to the acre in keeping with the live/work/neighborhood. The applicant will describe how they plan to develop the property and what product will be used. The applicant is requesting rezoning to the TR district at 5.98 units per acre for 45 detached single family homes and 43 attached townhomes. The current property is extraordinarily burdened at the southwest corner where a detention pond is located. A stream is located at the southeast corner of the property where it cuts that section of the property. The variances being requested function for the constraints under which the property is burdened. The applicant is in agreement with staff's recommendations that include the eleven concurrent variances. In working with staff, the conditions have been worked out.

Bryan Musolf, applicant and Vice President of Land Acquisitions for John Wieland Homes and Neighborhoods, stated John Wieland Homes has been in business for the last forty years in Atlanta. He is excited about this development being in the City of Sandy Springs. This project will be a larger part of the City Center Master Plan area. This is a good opportunity to do something in a higher price point not typical of this size of lots and using new product and architectures. The City Center plan for this area is denser than the proposed plan. The plan before Council shows more detached single family homes compared to townhomes. This is an opportunity that will attract different buyer types, but specifically luxury downsizers and young professional families. This will be a great addition to the City. In addition to the 88 homes being built, new sidewalks will be built that will be compliant with the City Center plan. Parallel parking spaces will be added as well. Currently, there is a detention pond on site that is nonfunctioning and there are issues with the dam. His company will improve the water quality and water detention in the area. He is requesting variances to encroach into the stream buffers. The encroachments will be reduced significantly from what is in the stream buffer today. In the 75 foot stream buffer today there is 15,000 square feet disturbed and that will be reduced to 10,000 square feet. The impact will be reduced, although there will be more density.

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.

Patty Berkovitz, 800 Crest Valley Dr. N.W., stated she is a representative of the Watershed Alliance of Sandy Springs. A meeting was held with the applicant, but there is still concern, since this remains an environmentally sensitive site with two streams, wetland, and a pond on 14 acres. The Alliance did agree with the applicant on infiltration and detention. The Alliance requested a gas and oil separator on the outfall of some of this project. There was also a request for swails, because the detention will not capture everything on this site. The 5,000 square feet of impervious surface that will be improved is nothing in comparison to the total square footage on site. Currently, the site is green and most of the water soaks into the ground. Any pavement constructed will create a great amount of water. There is plenty of density built into this site without granting the stream buffer variance. She asked Council to not allow the stream variances. There are other ways to build on this site. She has no objection if the number of units has to be increased. There is no way for all the water to be captured that will come off the site.

Mayor Paul closed the public hearing.

Bryan Musolf stated he did meet with the neighbors. Included in the agenda package are letters from neighborhood groups in support of the plan. From a density standpoint, the project is in line and less than what the City Center plan shows. There is no science to back up the claim that the water will not be absorbed into the ground. In moving forward, the applicant will control the stormwater.

Mr. Hendricks stated half of the property is under the live/work/neighborhood and the other half under the live/work/community. The density will be 5.98 units per acre and the suggested density is up to five units. The project is within the bounds of the land plan and the policies and goals of the node. He requested Council's approval based on what staff recommends.

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 14-139, 201400050 - 0-110 Allen Road, 5820-5840 Sandy Spring Circle, 5830-5865 Lake Allen Lane, 5809-5831 Lake Forrest Drive, *Applicant: J W Home, LLC*, to rezone the property from R-3 (Single Family Dwelling District) and O-I (Office and Institutional District) to TR (Townhouse Residential District), with concurrent variances and staff conditions. Councilman McDonald seconded the motion.

Staff Conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Townhouses at a density of 5.98 units per acre or 88 units, 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 May 13, 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.
 - b. To the landscape plan received by the Department of Community Development dated March 20, 2014. Said site plan is conceptual only and must meet or exceed the requirements of the all City Ordinance. All planting are subject to the approval of the City of Sandy Springs Arborist. Plantings shall be installed prior to the issuance of the first certificate of occupancy.
3. To the owner's agreement to provide the following site development standards:

- a. Streetscape along Allen Road and Sandy Springs Circle shall be installed to the standards set forth in the City Center Master Plan. (CV201400050 #8)
- b. To reduce the nine (9) foot sidewalk along Lake Forrest Drive to six (6) feet. (CV201400050 #8)
- c. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Allen Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- d. The owner/developer shall dedicate thirty-seven (37) feet of right-of-way from centerline of Sandy Springs Circle along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- e. Decks encroaching into stream buffers shall not be covered or enclosed.
- f. One (1) pedestrian access point shall be located on both Allen Road and Lake Forrest Drive.
- g. Development shall comply with the Georgia Stormwater Management Manual Stormwater Runoff Quality Standard by providing practices that treat the water quality volume by infiltration and/or evapotranspiration.
- h. To reduce the required front yard landscape strip from 40 feet to 15 feet (Sandy Springs Circle and Allen Road) and 10 feet along Lake Forrest Drive. (CV201400050 #1)
- i. To reduce the required 25 foot side yard buffer and 10 foot improvement setback to 10 feet. (CV201400050 #2)
- j. To reduce the front perimeter setback from 40 feet to 15 feet (Sandy Springs Circle and Allen Road) and 32 feet along Lake Forrest Drive. (CV201400050 #3)
- k. To reduce the side perimeter setback from 30 feet to 25 feet. (CV201400050 #4)
- l. To reduce the front yard setback from 20 feet to 0 feet. (CV201400050 #5)
- m. To reduce the side yard setback from 7 feet to 5 feet. (CV201400050 #6)
- n. To reduce the minimum distance between houses from 14 feet to 10 feet. (CV201400050 #7)
- o. To reduce the minimum right of way from 50 feet to 44 feet for internal roads. (CV201400050 #9)
- p. To increase the number of single family homes being accessed from one (1) common driveway as shown on the site plan dated received May 13, 2014. (201400050 #10)
- q. To reduce the stream buffer to allow pervious decks, private driveways and grading as noted on the site plan. (CV201400050 #11)

Councilman Graham McDonald stated a number of the neighborhoods in the area previously wanted a denial of variance 8. He asked to confirm that the issues were resolved.

Director of Community Development Angela Parker stated those issues have been worked through and there is no opposition from those neighbors.

Councilman Gabriel Sterling stated this project is exactly the type of thing that the City was looking for in the City Center area with owner occupied townhomes and the right type of density.

Mayor Paul stated he worries about the amount of density the land use plan proposed for this area, because of the infrastructure. This is a step in the right direction to lessen the density in this area.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2014-06-15

(Agenda Item No. 14-140)

3. **201400796** - 1140 & 1150 Hammond Drive, *Applicant: Corporate Campus, LLC*, to rezone the subject property from MIX (Mixed Use District) conditional to MIX (Mixed Use District) to allow for a mixed use commercial, office, and residential development, with 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 allow the addition of an apartment building at the corner of Peachtree Dunwoody and Hammond Drive. The rezoning does not include the apartment building that is currently under construction on the property. Staff is recommending approval conditional of the rezoning request, use permit, and variance request. The Planning Commission heard this item at the May meeting and is recommending approval conditional subject to staff conditions.

Nathan Hendricks, representative of applicant, stated the proposed project will be located on the northeast corner of Peachtree Dunwoody and Hammond Drive. This request brings the entire 15.32 acre tract to 696,000 square feet of office, commercial, and retail, with a 160 room hotel and 385 units of multifamily. The use permit is a request for eleven stories for a hotel, seven stories for the existing Goddard School, and six stories for the proposed multifamily. The multifamily is to be predominately one and two bedroom units. There will be no three bedrooms units. The interior finish will be granite countertops, stainless steel appliances, minimum ceiling height of nine feet, and individually metered. The property is under the live/work/regional plan. The density being requested is compliant with what is suggested under the plan. This is a high end to condo grade multifamily development that will have pedestrian engaging office and retail. The owners want to continue to be invested with the property and are going to be the ones that take the retail component. The proximity of State Farm in DeKalb County and this development will bring pedestrian engaging retail to the first floor.

Adam Harbin, Development Partner with the Hanover Company, stated he is happy to be here talking about this project in Sandy Springs. This is about a three acre parcel at the northeast corner of Peachtree Dunwoody Road and Hammond Drive. This plan is what the City had in mind and also what works well with Hanover's target market. The units will be built to condo standards with ten foot ceilings, wood style flooring, granite counter tops, stainless steel appliances, and resort amenities. At this project there will be meaningful ground floor retail that will include sidewalk cafes and large street frontages. For the multifamily there will be approximately 385 units and 17,000 square feet of ground floor retail. The unit mix will be 70% one bedrooms and 30% two bedrooms. The target market consists of the young urban professional working in the Perimeter Center area and the empty nester. The residents will be able to walk to work and dinner. Throughout the process there has been strong support from the neighbors, community, and staff.

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

Trisha Thompson, 145 River North Drive, stated she is the Zoning Chairman of the Sandy Springs Council of Neighborhoods. She is delighted to be in favor of a development in an area that fits. This area

is live/work/regional and the project has every component anyone could ask for. The project will include restaurants and spa grade amenities. She looks forward to this project and she supports this.

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 McDonald moved to approve Agenda Item No. 14-140, 201400796 - 1140 & 1150 Hammond Drive, *Applicant: Corporate Campus, LLC*, to rezone the subject property from MIX (Mixed Use District) conditional to MIX (Mixed Use District) to allow for a mixed use commercial, office, and residential development, with use permit to exceed the maximum district height and concurrent variances subject to staff conditions. Councilman Dishman seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial, and/or office and associated accessory uses, including all exterior food and beverage service areas, at a maximum density of 45,490.20 gross square feet per acre or 696,000 sqft gross square feet, whichever is less, but excluding convenience stores with gas pumps, commercial amusements, and freestanding fast food restaurants, except for bagel, pastry and coffee shops, and ice cream parlors.
 - b. To the existing seven (7) story commercial building (Goddard School) (U11-002#1) and to an eleven (11) story, 160 room Hotel (U11-002#3).
 - c. To a six (6) story Multi-family Complex having 385 units and a parking garage (Use Permit 201400796).
 - d. To a maximum 160-room hotel.
 - e. Multi-family units at density of 25.16 gross square feet per acre or 385 units, whichever is less.
2. To the owners agreement to abide by the following:
 - a. To the Rezoning Site Plan submitted to the Department of Community Development dated received April 25, 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. 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. The minimum design standards are:
 - Minimum front yard (Peachtree Dunwoody Road): 8 feet
 - Minimum side corner yard (Hammond Drive): 8 feet
 - Minimum side yard: 10 feet
 - Minimum rear yard: 10 feet
 - Minimum internal setbacks, separations, landscaping and buffering between uses is as shown on the site plan which shall comply with the local governing building codes.
 - b. Interior ceiling heights should be a minimum of nine (9) feet.
 - c. All units shall be individually metered and/or submetered.

- d. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Peachtree-Dunwoody Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- e. The owner/developer shall dedicate sufficient right-of-way from centerline of Hammond Drive along the entire property frontage as depicted on the "Additional Right of Way Exhibit" in the Appendix of the *Hammond Drive Corridor Report, from Peachtree-Dunwoody Road to Perimeter Center Parkway*, prepared for the Fulton County CID, DeKalb County CID, & Perimeter CID, by Kimley-Horn and Associates, Inc. on January 2008, such that the ultimate right-of-way shall be 135 feet in width. The aforementioned Additional Right of Way Exhibit is attached and dated received August 5, 2011 by the Department of Community Development.
- f. The new proposed curb cut on Hammond Drive, that is proposed to be approximately 680 feet east of the centerline of Peachtree-Dunwoody Rd, shall be designed to have exit lanes configured to have a right, straight thru lane, and left turn lanes which shall be subject to the approval of the Public Works Department at the time of LDP. The exit lanes shall not have bisecting entry points to those exit and entry lanes a minimum of approximately 130 feet from the proposed curb line of Hammond Drive. Until a traffic signal is operational at this curb cut only one exit lane would be functional. No gates shall be within the entrance and exit lanes off of this Hammond Drive curb cut less than 300 lane feet from the northerly curb of Hammond Drive.
- g. Traffic within the property shall be able to circulate through the existing and proposed parking garages and exit on to Hammond Drive subject to the approval of the Public Works Department.
- h. By the owner/developer, Hammond Drive shall be milled, resurfaced, and pavement markings placed stripped to points acceptable to the Public Works Department to enable a 200 foot long eastbound left turn lane into the new curb cut in accordance with the Rezoning Site Plan dated received August 11, 2011 by the Department of Community Development or as designated by the Public Works Department.(RZ11-006)
- i. An 8 inch wide by 6 inch tall concrete header curb, painted with traffic yellow, shall be placed by the owner/developer along the centerline of Hammond from Peachtree Dunwoody Road to the proposed new traffic signal/driveway as directed by the Public Works Department.
- j. The most westerly existing curb cut off of Hammond Drive shall be made into a right turn in and right turn out driveway at time of receiving a LDP in accordance with the Rezoning Site Plan dated received August 11, 2011 by the Department of Community Development.(RZ11-006)
- k. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Public Works Department for the roads along the frontages of the subject.
- l. Prior to issuance of an LDP for the proposed Hotel, permanent easements shall be recorded allowing for future interparcel access along the entire boundary of the adjacent properties to the north and east. Prior to issuance of an LDP for the proposed Hotel, the owner/developer shall attempt to provide interparcel access with the adjacent property to the north; however, should the owner/developer not come to an agreement on interparcel access at that time, the owner/developer shall provide documentation of such. Prior to issuance of an LDP for the proposed Hotel, interparcel access to the east shall occur considering any future infrastructure construction in DeKalb/Dunwoody.

- m. The property owner shall install and/or escrow funds for Traffic signals at the most northerly curb cut on Peachtree Dunwoody Road and at the proposed curb cut on Hammond Drive, as determined and approved by the Public Works Department. The traffic signal hardware and software shall be similar to the newest traffic signals installed within the Perimeter CID District.
- n. No more than two (2) curb cuts on Peachtree-Dunwoody Road; one to align with existing median break and the other restricted to right-in/right-out. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.
- o. No more than three (3) curb cuts on Hammond Drive. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.(RZ11-006)
- p. The owner/developer shall install a westbound right turn lane from Hammond Drive onto Peachtree-Dunwoody Road. Said improvement shall be installed at such time a new Land Disturbance Permit is approved by the Department of Community Development.
- q. The owner/developer shall follow the Hammond Drive Construction Access Phasing Plan dated received August 11, 2011 by the Department of Community Development or as directed by the Public Works Department.
- r. The parking lanes aisle that exit into the travel lane that would enter or exit the site at the most northerly curb cut on Peachtree Dunwoody Road shall be made right in and right out.
- s. To reduce the required twenty-five foot (25') impervious stream buffer to zero feet (0') and the required fifty foot (50') undisturbed natural stream buffer to five feet (5') to permit an encroachment of 6504 square feet of impervious surface into the twenty-five foot (25') impervious setback and 16,935 square feet of disturbed pervious and impervious area into the fifty foot (50') undisturbed buffer. (CV08-027)
- t. To delete the required twenty (20) foot landscape strip along the area adjacent to the retail building and existing parking along the west property line as shown on the site plan dated July 22, 2011 (Peachtree-Dunwoody Road frontage) (CV08-027).
- u. To delete the required twenty (20) foot landscape strip along the area adjacent to the commercial/multi-family building and parking along the west property line as shown on the site plan dated April 25, 2014 (Peachtree-Dunwoody Road frontage) (CV 201400769).
- v. To allow for an additional freestanding sign on the Peachtree-Dunwoody Road frontage (CV08-027). Said sign shall be no larger than seventy-two (72) square feet with a maximum height of eight (8) feet.
- w. To allow internal signs throughout the site to be used as directional signage (CV08-027). Said signs shall be no larger than twenty (20) square feet with a maximum height of six (6) feet.
- x. Not less than 20% of the total acreage shall be maintained as common outdoor open space for the use and benefit of the residents. Said common outdoor open space shall be marked by appropriate signage and must be accessible via a road or walking trail to the rest of the development.
- y. Not less than 20% of the site shall be maintained as Open Space of which 15% shall be Green Space.

- z. To allow for two (2) additional freestanding signs on the subject property. Said signs shall have a maximum sign area of thirty-two (32) square feet and a maximum height of eight (8) feet and located along the Hammond Drive frontage, on the most eastern entrance to the development, as shown on sign elevation plan dated February 3, 2009. (CV09-002)
- aa. Pursuant to The Tree Conservation Ordinance, Administrative Standards & Best Management Practices – Landscape Strips, Buffers and Parking (A.4) to allow a permanent structure (retaining wall) within a landscape strip. (V09-012)

Councilman Tibby DeJulio asked if the Goddard School is seven stories.

Mr. Hendricks stated the building in which Goddard is located is a total of seven stories with the school located on the first floor.

Councilman Gabriel Sterling stated he assumes the project will follow the CID level of sidewalk build out.

Mr. Harbin responded yes. His company is coordinating the streetscape with PCID.

Councilman Sterling asked what the timeline is.

Mr. Harbin stated construction will start early 2015 with a two year construction period, but it will look and feel done within 1 ½ years after the project starts.

Councilman John Paulson stated the photo in the agenda package and the photo being displayed are not the same. He asked which one will be the model of what the building will look like.

Mr. Harbin stated the rendering being displayed is current.

Councilman DeJulio asked what else will be located on this site besides office space and restaurants.

Mr. Harbin stated the 17,500 square feet references a gross number. The total space will probably be around 15,000 square feet of net leasable area. There will probably be 1-2 restaurants, and secondary retail such as a coffee shop and dry cleaner, specialty dry goods store, or an upscale pet store.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2014-06-16

Professional Services

(Agenda Item No. 14-141)

- 4. Consideration of a Resolution for the Selection of Carter/Selig Enterprises as the City's proposed Master Developer partner for the City Center Phase 1 Implementation Plan and entering into a 90 Day negotiation period with Carter/Selig Enterprises

City Manager John McDonough stated this is a process the City started nine months ago to identify a partner for the implementation of the City Center Master Plan. An RFQ was issued on September 18, 2013, with responses due no later than October 25, 2013. The City received nine (9) responses to the RFQ. On January 14, 2014, at a Special Called meeting, City Council approved the recommended 5 respondents: Batson-Cook, Carter/Selig Enterprises, MidCity Partners/Morris & Fellows, North American Properties, and Seven Oaks Company LLC, to be solicited to enter into a City Center Master

Developer Request for Proposal procurement process. The RFQ proposal criteria consisted of proposing to the City a development concept for the private development on the site as well as a component that dealt with their ability to provide program management services for the private and public components of the project. On March 28, 2014, the City received proposals from four firms. Those proposals were evaluated starting the week of March 31st. All four of the companies, which included Batson-Cook, Carter/Selig Enterprises, MidCity Partners/Morris & Fellows, and Seven Oaks Company LLC, were invited for an interview with the City's committee. He recognized the following individuals that served on the committee: Ken Buyers with Buyers Engineering; David Rubenstein from Cresa Atlanta; Jim Comerford Managing Director of Proscenium Capital and Chairman of Sandy Springs Economic Development Advisory Committee; Assistant City Manager Bryant Poole; Director of Economic Development Andrea Hall; City Attorney Wendell Willard, and himself. In addition, there were a number of advisors who assisted the committee with other areas of expertise. These individuals were Mayor Rusty Paul, Finance Director Karen Ellis, Assistant City Attorney Cecil McLendon, Professor at Georgia Tech Ennis Parker, and David Hatto with Hatto and Company. The criteria in Section 4 of the RFP was used as a guide. Based upon the evaluation of that criteria, the committee asked Carter Selig and MidCity to come back for a second interview. They were provided with additional requests for information in writing via a letter to both. They both came to the meeting well prepared. After the interviews were concluded, the committee had to rely on its evaluation of the written materials that it received as well as the interview process. Excellent proposals were received from all that participated in the process. The challenge was to find a partner that staff believes will help in implementing the City's vision. The committee determined that the proposal provided by Carter/Selig would be in the best interest of the City. This recommendation was based on several factors. They presented a Project team with a simple organization and clear lines of authority and accountability. Carter and Selig are two of the oldest and most successful of all Atlanta based real estate developers/owners. They both demonstrated flexibility in their approach to uses and density. They demonstrated that they have the ability, based on potential changes to the Master Plan, to provide a high quality product. They demonstrated a good understanding of the impact on the project site based on the performing arts and conference center. They also have the capability in house to serve as the program manager for the public sector components. They also presented a comprehensive approach for program management and outlined how they will take on this work with the most competitive fee of all the offerors in that area. They demonstrated recent public private partnership development experience such as the Columbus Commons and Cincinnati River Front project. Carter/Selig offered to provide the first ninety days of effort at their cost. The company's financials were also reviewed. The two other components reviewed were the company financials and the proposal for the value of the City owned land. They were very forth coming with their financial statements, including past annual audits and monthly financials. This information was deemed strong and a good indication of their ability to financially participate in completing the project. Both parties brought forth an acceptable approach regarding the value of the land. The references were checked as well and good responses were received. For the reasons described above, the evaluation committee unanimously recommends that Carter/Selig Enterprises be selected as the City's proposed Master Developer partner and City Council authorize the City Manager to enter into a letter of intent with Carter/Selig to participate in updating the City Center Master Plan and finalizing the Project's programming requirements. Currently, the final development agreement is unknown. That is why there is proposed an intense 90 day process sitting down with the City's senior leadership, architect, and landscape architect to discuss the final details. There will be public involvement and discussion of what the project will look like and any potential changes to the Master Plan. An additional recommendation is that City Council authorize the City Manager to enter into negotiations with Carter/Selig for a development agreement related to the private components of the Project, and authorize the City Manager to enter into negotiations with Carter/Selig to provide program management services for the public components of the Project. It is staff's intent to be back in 90 days with recommendations in all those areas for Council's consideration.

Mayor Rusty Paul stated he had the privilege to be involved in this process. There were good ideas and proposals. This was a very difficult decision, but in the end Carter/Selig was clearly the correct

unanimous choice. There will be a conversation to work out the final details of the agreement. Once the City has the letter of intent, development agreement, and program management agreement, this will then move forward. The City has the Goody Clancy study that the City has been using as a blueprint for details. Staff has a very good process in order for Council to receive the correct information on this project. From this point on, decisions to be made will be fully vetted to the public. The public will be involved in the site itself in how it will be developed, what it will look like, amenities, how the park will look, etc. This is now the process where staff will reengage the public in an active way. This is the most important project the City has ever undertaken and one of the reasons Sandy Springs became a City. We owe it to ourselves to do things well and try to anticipate into the future when making these decisions. The best compliments received will be from grandchildren and great grandchildren who will look at this and say the City did a great job on this project. The development and designs will all be vetted. The public will be engaged, but it may not be every week, month, or quarter. The public will be given the opportunity to review the proposed work and give staff feedback.

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

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-141, a Resolution for the Selection of Carter/Selig Enterprises as the City's proposed Master Developer partner for the City Center Phase 1 Implementation Plan and to authorize the City Manager to enter into a letter of intent for program management and private development negotiation period for 90 days with Carter/Selig Enterprises. Councilman DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2014-06-56

City Manager McDonough introduced Carter Senior Vice President John Jokerst with Carter/Selig Enterprises.

John Jokerst introduced the Carter/Selig Enterprises team: Carter Executive Vice President Jerome Hagley, Maloy Peterson, and Selig Senior Vice President Bill Stogner.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 14-142)

1. Consideration of Approval of Intergovernmental Agreement for the Provision of Animal Control Services between Fulton County, Georgia and the City of Sandy Springs, Georgia

City Attorney Wendell Willard stated this item is an extension of a contract that has been in place since the inception of the City. All the cities in Fulton County and unincorporated Fulton County participated in having Fulton County provide animal control services. This contract is to extend the current contract that terminates June 30, 2014 for a three year term. The contract provides the amounts that will be charged for the various jurisdictions in Fulton County to participate in the program. The contract speaks of three years for the term and each year will stand as an independent time. The City will pay for six months of the contract at the beginning of the contract and the remaining six months in the middle. The contract has a clause that allows the City or Fulton County to terminate the contract with sixty days notice. This gives staff concern on how long Fulton County will continue to provide the service. It would be in the City's best interest to look into alternative ways to fulfill this need. It is staff's recommendation that Council adopt the contract.

Mayor Rusty Paul asked if a mutual agreement can be found with particular jurisdictions outside Fulton County.

City Attorney Willard responded yes. Sandy Springs is not limited to geographical areas. Staff will look at other alternatives to be sure the City has other options.

Motion and Second: Councilman Dishman moved to approve Agenda Item No. 14-142, an Intergovernmental Agreement for the Provision of Animal Control Services between Fulton County, Georgia and the City of Sandy Springs, Georgia. Councilman Paulson seconded the motion.

Councilman John Paulson stated the IGA is a three year agreement. He asked if the agreement could be terminated early.

City Attorney Willard responded yes. Article 6, states that either party has the ability to terminate the agreement with a sixty day written notice.

Councilman Tibby DeJulio stated there has been a rumor that Fulton County is trying to get out of the animal control services business.

Director of Community Development Angela Parker stated she spoke with the gentleman that is in charge of animal control services. To his knowledge, there is no intent to get out of the contract. In the first paragraph they are seeking to extend the contract for two years, since it is a lot of work renewing the contract annually. Their attorney felt it necessary to clarify what would happen in the event Sandy Springs did not want to renew or the County chose to not renew the agreement. He has no knowledge the County wishes to no longer provide that service. The County is always responsible for rabies control.

Councilman Gabriel Sterling asked if the County is only responsible for rabies control.

Director of Community Development Parker responded yes. The vast majority of service calls are not received from Sandy Springs, compared to south Fulton and the City of Atlanta.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 14-143)

2. Consideration of Approval of a Contract to Construct the 4500 Block of Powers Ferry Road Stormwater Project Subject to Validation and Approval by the Legal and Finance Departments

Director of Public Works Garrin Coleman stated this item is a consideration to award a construction contract to Site Engineering in the amount of \$339,715 to make a repair in the 4500 block of Powers Ferry Road. The engineer's estimate was \$310,000 and staff recommends approval.

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 14-143, a Contract to construct the 4500 Block of Powers Ferry Road Stormwater Project Subject to Validation and Approval by the Legal and Finance. Councilman Dishman seconded the motion.

Councilman Gabriel Sterling stated he noticed the price is slightly over the cost estimate. He asked if these funds will come out of FY14 or FY15 budget.

Director of Public Works Coleman stated these funds will be from the FY14 budget.

Councilman John Paulson asked how long the street will be under construction.

Director of Public Works Coleman stated he believes approximately 90 days and there will be road closures in this area. The City of Atlanta will be notified once the work begins.

Councilman Tibby DeJulio stated the bids have been coming in under engineer's estimates. He asked if this is a fluke or is it because of the uptick in activity or if there is a shortage of qualified people to do these projects. He asked if the estimates will continue to come in above the engineer's estimates.

Director of Public Works Coleman stated general construction activity has picked up. There are many companies that were "weeded out" during the downturn. There may be an increase in numbers at some future date.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2014-06-57

(Agenda Item No. 14-144)

3. Consideration of Approval of Amendment to Agreement with Rural Metro Ambulance Service

Assistant City Attorney Cecil McLendon stated this agenda item is to renew the Rural Metro contract. Two Council meetings ago, Council was provided with four options in relation to a subsidy. The City pays a subsidy to enhance services under the contract. At that time there was a consensus of Council to choose Option 4. This option takes the current \$450,000 subsidy and after phasing it down in the first year the subsidy would be \$120,000 a year for the remaining four years of the contract. There will be a reduction of the subsidy while still remaining with the same level of services. The rates will be allowed to be raised to offset the cost. Staff took the original contract, which was executed in 2008, and used this contract while incorporating the new contract. In addition to complying with all state and federal laws there was a high level of sophistication and equipment addressed in the contract for ambulances in the City. Also, any services provided pursuant to the subsidy can only be for the City, unless under the City's mutual aid agreement. The best way to implement the new contract was to execute an amendment to the original contract. As a result, Council will see a second amendment to the contract. The contract implements another initial term plus the potential for another four years of renewals. It incorporates two exhibits in the contract. The first exhibit has the phasing down in the first year and the amount of subsidy. The second through fifth years of the contract the subsidy goes to \$120,000 a year. The further exhibit allows for the rates to be raised following Option 4. Staff is asking Council to approve the second amendment to the contract to extend the term and change the fundamental exhibits to reflect Option 4.

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-144, a Second Amendment to the Agreement with Rural Metro Ambulance Service. Councilman Sterling seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-06-58

REPORTS

1. Mayor and Council Reports

Councilman John Paulson stated he attended a MARTA meeting last week with neighborhoods and MARTA that was held in Sandy Springs. There were about 75 to 80 people in attendance. There was discussion with MARTA about the extension of MARTA on the east or west side of GA400. The City Council considered this at a meeting in December for support of the MARTA extension and the desire to have it on the west side of GA400 and Council did not pass the resolution. He asked if at a future Council meeting this item could be added to a Work Session agenda in order to familiarize the new Council with this.

City Manager John McDonough stated the Economic Development Advisory Committee was asked to review this item and make recommendations as well. This item will probably be back on the agenda in late August.

Councilman Gabriel Sterling stated Mike's Chicago Hot Dogs in Sandy Springs was found by Zagat's to be in the top ten hotdogs in the metro Atlanta area.

2. Staff Reports

There were no staff reports.

PUBLIC COMMENT

Dorothy Faye Ward McCrimmon, 1411 Harbor Point Pkwy, stated her complaint is a wrongly documented and submitted motor vehicle accident report. She explained a traffic accident that she and her daughter were involved in on March 6, 2014.

City Attorney Wendell Willard stated the report by the police officer cannot be changed. Ms. McCrimmon is allowed to file her own statement under this report and have it placed with the incident report. Both the officer's statement and her statement will be a part of the full report.

Patty Berkovitz, 800 Crest Valley Dr. NW, stated she hopes to not hear from the Council what a horrible job Fulton County did in terms of development practices that have affected the environment. The approval of the Wieland project is just as bad. The City's reputation as an environmentally responsible City in terms of stream practices is dismal. There does not seem to be a willingness to listen or modify the policy. She hopes to work with staff on the draft revisions. The nearby jurisdictions are doing progressive things in their development practices while the City is not. If the City does not like what Fulton County did, then the City needs to change its ways. Damming the streams is not the way to deal with stormwater. She invited Council to attend a presentation next Tuesday by Kennesaw State University students about their study of the two Sandy Springs streams at the Fulton County Annex at 6:00 p.m.

Motion and Vote: Councilman DeJulio moved to recess the regular meeting to hear the Work Session Agenda Items. Councilman Sterling seconded the motion. The motion carried unanimously. The meeting recessed at 7:17 p.m.

Motion and Vote: Councilman DeJulio moved to end the recess and resume the regular meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The recess ended at 7:48 p.m.

EXECUTIVE SESSION – Litigation and Real Estate

Motion and Vote: Councilman DeJulio moved to enter into Executive Session to discuss litigation and real estate. Councilman Paulson seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, and Councilman DeJulio voting in favor of the motion. Executive Session began at 7:48 p.m.

Motion and Vote: Councilman DeJulio moved to adjourn Executive Session. Councilman Sterling seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, and Councilman DeJulio voting in favor of the motion. Executive session adjourned at 8:08 p.m.

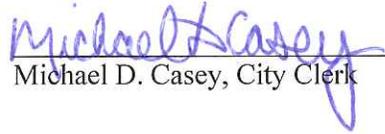
ADJOURNMENT

Motion and Vote: Councilman DeJulio moved to adjourn the meeting. Councilman Dishman seconded the motion. The motion carried unanimously. The meeting adjourned at 8:08 p.m.

Date Approved: July 15, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

June 17, 2014

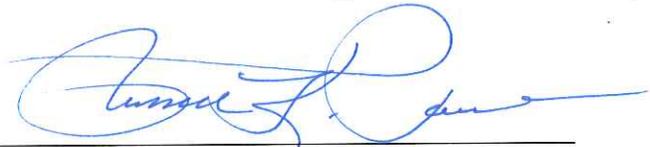
AFFIDAVIT FOR EXECUTIVE SESSION

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 17th day of June, 2014, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Discussion or voting on real estate matters pursuant to O.C.G.A. 50-14-3(b)(1);

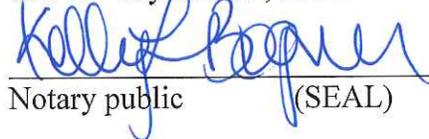
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

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 17th day of June, 2014.



Notary public (SEAL)