Regular Meeting of the Sandy Springs City Council was held on Tuesday, December 6, 2011, at 6:00 p.m., Mayor pro tempore Tibby DeJulio presiding.

INVOCATION

Pastor Paul Ferrarone, Apostles Lutheran Church, offered the invocation.

CALL TO ORDER

Mayor pro tempore Tibby DeJulio called the meeting to order at 6:02 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 Eva Galambos absent. Mayor pro tempore Tibby DeJulio present.

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, and Councilmember Karen Meinzen McEnerny present.

PLEDGE OF ALLEGIANCE

Mayor pro tempore Tibby DeJulio led the Pledge of Allegiance

Mayor pro tempore Tibby DeJulio recognized Deputy Police Chief Kenneth DeSimone, who recently returned from a tour in Afghanistan, and thanked him for his military service.

(Agenda Item No. 11-262)
APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for December 6, 2011. Councilmember Sterling seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 11-263)

1. Meeting Minutes:
   a) November 15, 2011 Regular Meeting
   b) November 15, 2011 Work Session
   (Michael Casey, City Clerk)

(Agenda Item No. 11-264)

2. Lease Renewal for River Park Property owned by Georgia Power located below the Morgan Falls Dam
   (Wendell Willard, City Attorney)
   Resolution No. 2011-12-101

(Agenda Item No. 11-265)

3. Acceptance of an Agreement to Purchase Right-of-Way for the City of Sandy Springs T-6010-9 Glenridge Drive Sidewalk Project from Mt. Vernon Hwy. to Abernathy Road; Parcel 3 – Glenridge Land Holdings, L.L.L.P.
   (Kevin Walter, Director of Public Works)
   Resolution No. 2011-12-102

(Agenda Item No. 11-266)

4. Acceptance of an Agreement to Purchase Right-of-Way for the City of Sandy Springs T-6010-9 Glenridge Drive Sidewalk Project from Mt. Vernon Hwy. to Abernathy Road; Parcel 4 – Patricia Louise Rand Glenn
   (Kevin Walter, Director of Public Works)
   Resolution No. 2011-12-103

(Agenda Item No. 11-267)

5. Acceptance of an Agreement to Purchase Right-of-Way for the City of Sandy Springs T-6010-9 Glenridge Drive Sidewalk Project from Mt. Vernon Hwy. to Abernathy Road; Parcels 5 and 6 – Glenridge Land Holdings, L.L.L.P.
   (Kevin Walter, Director of Public Works)
   Resolution No. 2011-12-104

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for December 6, 2011. Councilmember Paulson seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. ISO Public Protection Classification Summary Report

Fire Chief Jack K. McElfish stated this is the first Public Protection Classification Summary Report, also known as the City's Insurance Services Office (ISO) rating, for our fire suppression delivery system. He recognized Deputy Fire Chief Dennis Ham, who assisted with the evaluation and the Fire Department staff. He also expressed appreciation for the City of Atlanta Watershed Department. The classification schedule totals 100 points. Following its establishment, the Sandy Springs Fire Department started a fire hydrant inspection program. Twenty percent of the fire hydrants were initially in disrepair. That number is now down to less than one percent at any given time. ChatComm received a rating of eight points out of ten. The fire service makes up fifty points of the rating. The Fire Department could not have achieved its score without the support of the elected officials and the City Manager. The Fire Department hosts birthday parties, performs blood pressure checks, rescues dogs in drains, and cats in trees. When he was hired in July, 2006, the City Manager challenged him to build and develop the best fire rescue and EMS program in the Atlanta area. The City Manager wanted the Fire Department to be effective, state of the art, functional, and cost effective. With the City Manager's leadership and guidance, the Fire Department has achieved this goal. The Marine Corp is currently going through reorganization and General Amos stated the Marine Corp of the future will be the ultimate Swiss Army knife. The Fire Department has become the ultimate Swiss Army knife for fire, rescue and EMS services in the City of Sandy Springs. The preparation for this ISO evaluation began in 2007. The manner in how the cities are rated is antiquated and has not changed since 1984. The fire and EMS services have changed since that time. When he first began working in fire service, the departments were using 2 ½ inch straight bore nozzles. Fire services evolved and started using fog nozzles, which gave more protection. The City Fire Department uses Quints, which are multi-functional type vehicles. The Fire Department uses both full time and part time employees and places emphasis on EMS services. Staff is trying to improve a system in 2011 that is being evaluated based on a rating system developed in 1984. The last time the City was rated was in 1988, when Sandy Springs was part of Fulton County. In 1988, Sandy Springs had half the population it has now. The Fire Department does things differently and provides efficient and cost

effective services. The evaluator would normally be at the City performing the evaluation for a week or a week and a half, but it only took him a day and a half due to the department being well prepared. The City ranked very well, even though the City does not have some of the exotic things other departments have. The funding of four new fire stations within the City cannot be done at this time. Our Fire Department was ranked with a Class 3 rating. There are 56 fire departments in the State of Georgia that have a Class 3 rating. The ratings range from 1-10 with 10 being the lowest. The Insurance Services Office (ISO) has evaluated and classified 1,038 communities in GA and 47,000 plus communities across the country. The City of Sandy Springs is in the top five percent with a Class 3 rating. This could not have been done without the support of the City Council, City Manager, and staff. He is proud of what the Fire Department has accomplished.

Mayor pro tempore Tibby DeJulio stated he and the Mayor have talked about how Sandy Springs has the best Police and Fire Departments in the State of Georgia. What makes each department the best is the leadership. He asked what Council can do to help the City receive a rating of 1. He thanked Chief McElfish and staff for all they have done.

Councilmember Gabriel Sterling asked if the City having an ISO rating of 3 means citizens' property insurance rates will stay lower compared to neighboring municipalities with higher ratings.

Fire Chief McElfish responded yes. He asked Chief Ham to explain further.

Deputy Fire Chief Ham stated the valuation of insurable buildings in Sandy Springs is approximately $4.7 billion.

Fire Chief McElfish stated if the City had a rating of 4, there would be approximately a ten percent increase in insurance rates.

Mayor pro tempore DeJulio asked when the City will be rated again.

Fire Chief McElfish stated the City will be rated again in five years.

Councilmember Karen Meinzen McEnerny asked if the City would rate higher on the score for distribution if it had more fire stations. She also asked if the evaluator did not like that fact that the Fire Department has part time employees.

Fire Chief McElfish responded yes. ISO is used to evaluating larger cities and would prefer there be a fire station every two miles.

Councilmember Meinzen McEnerny asked why ISO had an issue with the City using Quints.

Fire Chief McElfish stated ISO prefers a fire engine with a ladder. The evaluator had never performed an evaluation where Quints were used.

Councilmember Meinzen McEnerny asked if any of the surrounding communities have a rating of 3 or better.

Fire Chief McElfish stated the Cities of Roswell and Atlanta have a rating of 3.

Mayor pro tempore Tibby DeJulio informed the audience that when the Mayor is not able to attend a City Council meeting he fills in as the chair of the meeting. The Mayor pro tempore has the right to vote with the Councilmembers, but does not have the right to break a tie.

Councilmember Dianne Fries asked if the citizens need to let their insurance companies know that the City has an ISO rating of 3.

City Manager John McDonough responded no. The insurance companies will be provided with this information by ISO.

PUBLIC HEARINGS

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

Alcoholic Beverage License

(Agenda Item No. 11-268)

1. Approval of Alcoholic Beverage License Application for Canton Cooks II at 6690 Roswell Rd Suite 410, Sandy Springs, GA 30350. Applicant is Mensheng Xu for Consumption on Premises Wine and Malt Beverage

Revenue Supervisor Brandon Branham stated this is a new application for consumption on premises of malt beverage and wine. The applicant has passed all requirements and staff recommends approval.

Mayor pro tempore Tibby DeJulio called for public comments in support of or opposition to this application. There were no comments from the public. Mayor pro tempore Tibby DeJulio closed the public hearing.

Motion and Vote: Councilmember Fries moved to approved Agenda Item No. 11-268, Alcoholic Beverage License Application for Canton Cooks II at 6690 Roswell Rd Suite 410, Sandy Springs, GA 30350. Applicant is Mensheng Xu for Consumption on Premises Wine and Malt Beverage. Councilmember Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-269)

2. Approval of Alcoholic Beverage License Application for Food Mart Shell #516 7800 Holcomb Bridge Rd, Sandy Springs, GA 30092. Applicant is Saad Mahdi for Retail/Package of Wine & Malt Beverage

Revenue Supervisor Brandon Branham stated this is a change of ownership application for package beer and wine. The applicant has passed all requirements and staff recommends approval.

Mayor pro tempore Tibby DeJulio called for public comments in support of or opposition to this application. There were no comments from the public. Mayor pro tempore Tibby DeJulio closed the public hearing.

Motion and Vote: Councilmember Paulson moved to approve Agenda Item No. 11-269, Alcoholic Beverage License Application for Food Mart Shell #516 7800 Holcomb Bridge Rd, Sandy Springs, GA 30092. Applicant is Saad Mahdi for Retail/Package of Wine & Malt Beverage. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-270)

3. Approval of Alcoholic Beverage License Application for Nations Cafe at 8290 Roswell Rd Suite 400, Sandy Springs, GA 30350. Applicant is Okon E. James for Consumption on Premises Wine, Malt Beverage and Distilled Spirits

Revenue Supervisor Brandon Branham stated this is a new application for consumption on premise of malt beverage, wine, and liquor. The applicant has passed all requirements and staff recommends approval.

Mayor pro tempore Tibby DeJulio called for public comments in support of or opposition to this application. There were no comments from the public. Mayor pro tempore Tibby DeJulio closed the public hearing.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-270, Alcoholic Beverage License Application for Nations Cafe at 8290 Roswell Rd Suite 400, Sandy Springs, GA 30350. Applicant is Okon E. James for Consumption on Premises Wine, Malt Beverage and Distilled Spirits. Councilmember Sterling seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-271)

3. Approval of Alcoholic Beverage License Application for Quick Shop #2 5000 Roswell Rd Suite C Sandy Springs, GA 30342. Applicant is Sadik Vadsariya for Retail/Package of Wine & Malt Beverage

Revenue Supervisor Brandon Branham stated this is a change of ownership application for package wine and beer. The applicant has passed all requirements and staff recommends approval.

Mayor pro tempore Tibby DeJulio called for public comments in support of or opposition to this application. There were no comments from the public. Mayor pro tempore Tibby DeJulio closed the public hearing.

Councilmember Dianne Fires asked if this location has already applied for an alcoholic beverage license this year.

Revenue Supervisor Branham responded the previous application was late last year.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 11-271, Alcoholic Beverage License Application for Quick Shop #2, 5000 Roswell Rd Suite C, Sandy Springs, GA 30342. Applicant is Sadik Vadsariya for Retail/Package of Wine & Malt Beverage. Councilmember Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-272)

5. Approval of Alcoholic Beverage License Application for The Derby at 8550 Roswell Rd, Sandy Springs, GA 30350. Applicant is Brian S. Will for Consumption on Premises Wine, Malt Beverage and Distilled Spirits

Revenue Supervisor Brandon Branham stated this is a new application for consumption on premises of malt beverage, wine, and distilled spirits. The applicant has passed all requirements and staff recommends approval.

Mayor pro tempore Tibby DeJulio called for public comments in support of or opposition to this application. There were no comments from the public. Mayor pro tempore Tibby DeJulio closed the public hearing.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-272, Alcoholic Beverage License Application for The Derby at 8550 Roswell Rd, Sandy Springs, GA 30350. Applicant is Brian S. Will for Consumption on Premises Wine, Malt Beverage and Distilled Spirits. Councilmember Sterling seconded the motion. The motion carried unanimously.

Rezonings

(Agenda Item No. 11-273)

1. **RZ11-008** - 5525 Interstate N. Pkwy., *Applicant: Peacock Partnership*, To rezone the subject property from C-1 (Community Business District) to C-1 (Community Business District) to allow an Office and other uses permitted in the C-1 Zoning District

Manager of Planning and Zoning Patrice Dickerson stated this application was heard at the last City Council meeting and was sent back to the Planning Commission on November 17, 2011. Staff and the Planning Commission recommend approval conditional. The Planning Commission asked that the use conditions be modified to prohibit the use of a parking lot.

Nathan Hendricks, Representative for Peacock Partnership, stated he appreciates the quick action on this agenda item. This is a situation where the applicant was used to dealing with rezoning in the City of Atlanta. In that jurisdiction, when rezoning from a C-1 to a C-1, the square footage does not have to be included in the application. Before the last Planning Commission meeting the applicant realized the Planning Commission had assessed and evaluated this request based on the current square footage that is being used on the property by the restaurant. The reason for the rezoning is due to the property being currently zoned only for restaurant use. The applicant has an architectural firm which he is moving to Sandy Springs. The applicant would like to expand the existing building from 7,400 square feet to approximately 11,700 square feet. Ultimately, there would be further development to the building, which would bring the total square footage to 21,701. Staff and the Planning Commission have reviewed and recommend approval of the application.

Mayor pro tempore Tibby DeJulio called for public comments in support of or opposition to this application. There were no comments from the public. Mayor pro tempore Tibby DeJulio closed the public hearing.

Councilmember Gabriel Sterling asked if this would be a new business in Sandy Springs.

Mr. Hendricks responded yes. Staff's accommodations in regards to this application would enable the applicant to relocate his business to this location. Had this application been delayed until the first part of next year, the applicant would have been forced to withdraw the application and lease office space instead.

Motion and Second: Councilmember Collins moved to approve Agenda Item No. 11-273, RZ11-008 - 5525 Interstate N. Pkwy., *Applicant: Peacock Partnership*, To rezone the subject property from C-1 (Community Business District) to C-1 (Community Business District) to allow an Office and other uses permitted in the C-1 Zoning District, with staff conditions. Councilmember Sterling seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:

a. To the existing 7,451 square foot building and a total density of 4,716 square feet per acre. The applicant/owner may renovate and maintain the existing building on an as needed basis.

b. To the proposed Phase I building having 11,701 square feet and a total density of 7,406 square feet per acre.

c. To the proposed Phase II building having 21,701 square feet and a total density of 13,735 square feet per acre.

d. To Uses permitted in the C-1 Zoning District, excepting Adult Establishments, Businesses Performing Specified Sexual Activities, Massage Parlors, and Lingerie/Bathing Suit Modeling, Automotive parking lot, Automotive specialty shop, Church (temple or other place of worship), Funeral home, Automotive Repair Garage, Laundromat, Landscaping business (garden center), Laundry & dry cleaning shop, Millinery or similar trade whenever products are sold retail exclusively on the site where produced, Parking lot, Plant nursery, Recycling collecting center, Repair shop not involving any manufacturing on the site, Service station, and Stadium shall be prohibited.

2. To the owner's agreement to abide by the following:

   a. To be in accordance with the site plans (Existing, Phase I, and Phase II) received by the Department of Community Development on October 28, 2011. Said site plans are 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.

   b. The applicant/owner shall install sidewalks fronting the subject property per the Development Ordinance and as approved by the Director of the Public Works Department 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 zoning regulations to the extent necessary for all the existing non-conforming (grandfathered) structure(s) to comply in accordance with the site plans received by the Department of Community Development on October 28, 2011.

Councilmember Chip Collins asked about the staff condition regarding the parking lot.

Manager of Planning and Zoning Dickerson stated the parking lot exclusion applies only if the parking lot is a stand-alone paid lot.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2011-12-17

(Agenda Item No. 11-274)

2. **RZ11-007/U11-003/CV11-004** - 5400 & 5420 Peachtree Dunwoody Rd., *Applicant: Atlanta Ronald McDonald House*, To rezone the subject property from R-6 (Two-Family Dwelling District) & TR (Townhouse Residential District) to R-6 (Two-Family Dwelling District) with a Use Permit and Concurrent Variances to consolidate properties and to redevelop the Medical Related Lodging facility

Manager of Planning and Zoning Patrice Dickerson stated this item was deferred to the November 17, 2011, Planning Commission meeting due to revisions to the plan presented by the applicant. Staff recommends approval conditional as presented along with two conditions submitted by applicant. The Planning Commission recommended approval with the addition of a condition that any previous conditions would be deleted.

Ellen Smith, Holt Ney Zatcoff & Wasserman, stated her law firm is representing the Atlanta Ronald McDonald house with respect to this application. She appreciates Council's accommodation to allow the application to come back before Council so quickly. When the application was before Council at the last meeting, the applicant had just submitted a revised site plan after working with neighbors to meet the

community and the applicant's objectives. The charity is committed to keeping families together in a homelike environment, enabling them to focus on their child's recovery. The cost of housing for a family for one night exceeds $50. Families are asked to contribute only $20 per night for their stay. A family is never turned away for inability to pay. Last year, with devastating medical bills and economic uncertainty, fewer than half of the families contributed anything towards their stay. The contributions last year totaled less than four percent of the annual budget for the two Ronald McDonald Houses in the metro Atlanta area. The existing house, which has eleven rooms, is too small to meet demand. The economy, changes in medical services, and the accommodations needed for families prevent the Ronald McDonald House from building on the other lot. Redevelopment of the property remains the most viable option, because of its proximity to local area hospitals and I-285. The existing house has served numerous families, but it is dated and awkward. For example, families must share restrooms with other families, thus sacrificing privacy that otherwise makes them feel at home. Non-existent at the current house are facilities to enable children to continue recovery while undergoing outpatient day hospital services. The applicant proposes to demolish the existing out-of-date house and redevelop the property with one state of the art facility. In the new facility there will be 31 units in one building. None of these units would include a kitchen, but instead there will be one communal kitchen that serves all families. The merits of the proposed zoning, use permit, and variances are described in the application. Staff and the Planning Commission both recommend approval of the application. Staff recommended approval of all variances with the exception of one that was related to landscaping and the parking area. The applicant has withdrawn the request for that variance and will comply with the landscaping requirements for the surface parking. The majority of the parking space for the building will be located underground, under the new building. The variances requested allow the applicant to develop the property in a manner that maximizes the use for the applicant, but minimizes the impact on the neighbors. The applicant agrees to all the conditions in the report. The applicant proposes another condition, 3.p., which states: "Applicant agrees that during construction to demolish the existing house on the Property and during redevelopment of the Property in accordance with the Site Plan. Applicant shall instruct its contractors or subcontractors not to park any vehicles or equipment on Clementstone Drive. Applicant further agrees to comply with the requirements of the Code of the City of Sandy Springs, Georgia with respect to construction parking and traffic." There are numerous individuals in the audience who are in support of the application. A few of these include; Linda Morris, Executive Director of the Ronald McDonald House; Kim Cunningham, Vice President of Operations for Atlanta Ronald McDonald House charity; Tom Kirbo, Bob Ward, Tom Umstead and his wife who are volunteers, and neighbor Kelly Spetalnick. She respectfully asked the Council to approve the application, including conditions, to allow the applicant to redevelop the property and update the Ronald McDonald House at this location.

Mayor pro tempore Tibby DeJulio called for public comments in support of this application.

Tom Umstead, 795 Old Creel Trail, stated he and his wife have lived in Sandy Springs approximately fifty years. They both volunteer at Children's Healthcare of Atlanta and Ronald McDonald House five days a week, and have done this for twelve years. The Ronald McDonald House is a wonderful program that helps families who do not have much, with their children that are very sick. Sandy Springs needs a place at least three times the size of the current facility for families to stay in while their children are receiving treatment and being rehabilitated. Almost 300 of his neighbors wrote emails and sent letters in support of this application. Sandy Springs is a great community and has come a long way.

Kelly Spetalnick, 1010 Clemenstone Drive, stated she owns the property adjacent to the Ronald McDonald House. She has a neighborly relationship with Ronald McDonald House and they have addressed the community's needs. She is in full support of the application.

Mayor pro tempore DeJulio called for public comments in opposition to this application.

Trisha Thompson, 145 River North Drive, stated she is the zoning chairman for the Sandy Springs Council of Neighborhoods, which supports the application. The Council of Neighborhoods supports the

site plan and the use. A new Ronald McDonald House would be an amenity to the "pill hill' area, Sandy Springs, the county, and the region. The one concern is the appearance of the building from Peachtree Dunwoody Road and the elevation. She asked if Council has seen the elevation plan and if it was made part of the application package.

Mayor pro tempore DeJulio stated he does not have the elevation plan with him now, but he has seen it.

Ms. Thompson stated the appearance of the elevation that was last seen reflected a commercial, spa-like, business look. She asked if High Point Civic Association has seen the elevation, since it affects the Association and the appearance of Peachtree Dunwoody Road. The original application in 2005 stressed the building would maintain a residential appearance, so the industrial look would not extend south of the Connector.

Mayor pro tempore DeJulio stated he does not have the answer to that question.

Ms. Thompson stated if the application is passed with the elevation shown, she requests the applicant be required to work with the community in regards to the building having a residential appearance.

Mayor pro tempore Tibby DeJulio closed the public hearing.

Mayor pro tempore DeJulio stated he thinks the Ronald McDonald House near Emory University Hospital has a terrible institutional look. He mentioned to the applicant that he would like the building to look more residential. The applicant has assured him that is their goal. He commended the Ronald McDonald House for their work in the community. The applicant received the zoning six or seven years ago and voluntarily renegotiated with all the neighbors and the City in regards to the plans. He has every confidence the applicant will live up to the commitment to make the building look more residential.

Councilmember John Paulson asked if the applicant can respond to these comments.

Ms. Smith stated part of the reason architectural plans have not been submitted is because the property is not in a design overlay district and is not required to go before the Design Review Board. The Board will not allow a significant amount of money to be spent on architectural plans for drawings until the applicant has zoning approval. Very rough sketches of the building were drawn for the purpose of meeting with the Council of Neighborhoods and the neighbors. The applicant did send out hand delivered notices to the High Point Civic Association and had a community meeting. The applicant is aware of the concerns on the aesthetics of the building. The building will be broken up with materials and massing so it does not look institutional. The applicant assures the view will look as residential as possible when approaching the Glenridge Connector on Peachtree Dunwoody Road.

Councilmember Karen Meinzen McEnerny asked if the Planning Commission's condition to eliminate previous conditions is acceptable.

Ms. Smith responded yes.

Mayor pro tempore DeJulio asked if these are conditions that Fulton County placed on the property when it was originally zoned.

Ms. Smith responded correct. There were two zoning cases on this property, one in 1994 that had text amendments allowing this particular use as a use permit. In 2005, there was a separate application that included a number of conditions.

Motion and Second: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 11-274, RZ11-007/U11-003/CV11-004 - 5400 & 5420 Peachtree Dunwoody Rd., *Applicant: Atlanta Ronald McDonald House*, To rezone the subject property from R-6 (Two-Family Dwelling District) & TR (Townhouse Residential District) to R-6 (Two-Family Dwelling District) with a Use Permit and Concurrent Variances to consolidate properties and to redevelop the Medical Related Lodging facility, with staff conditions plus an additional condition 3.p. as provided. Councilmember Fries seconded the motion.

Conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:

    a. To Medical Related Lodging Use (U11-003).

    b. To a 55,000 square foot (including underground parking) Medical Related Lodging building developed at a total density of 26,856 square feet per acre including underground parking.

    c. To a maximum of thirty-one (31) units/rooms (CV11-004#1)

2. To the owner's agreement to abide by the following:

    a. To the site plan received by the Department of Community Development on October 19, 2011. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, 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. Variance from Section 19.4.28.1.B.5. of the Zoning Ordinance to encroach into the required twenty (20) foot landscape strip (per Section 4.23.1 of the Zoning Ordinance) to allow installation of an eight (8) inch sanitary sewer line substantially in the location depicted on the site plan (along the southern property line) (CV11-004#2).

    b. Variance from Section 19.4.28.1.B.5. of the Zoning Ordinance to encroach into the required twenty-five (25) foot Zoning Buffer, the ten (10) improvement setback, and the twenty (20) foot landscape strip (per Section 4.23.1 of the Zoning Ordinance) to allow installation of an underground stormwater management facility substantially in the location depicted on the site plan (adjacent to the western and northern property lines) (CV11-004#3).

    c. Variance from Section 19.4.28.1.B.5. of the Zoning Ordinance to encroach into the required ten (10) improvement setback (per Section 4.23.1 of the Zoning Ordinance) to allow installation of a proposed retaining wall and the proposed building substantially in the location depicted on the site plan (adjacent to the western property lines) (CV11-004#4).

d. Variance from Section 19.4.28.1.B.5. of the Zoning Ordinance to encroach into the required twenty-five (25) foot Zoning Buffer, the ten (10) improvement setback, and the twenty (20) foot landscape strip (per Section 4.23.1 of the Zoning Ordinance) to allow installation of a retaining wall substantially in the location depicted on the site plan (adjacent to the western and northern property lines) (CV11-004#5).

e. Variance from section 7.1.3.B. of the Zoning Ordinance to reduce the required twenty-five (25) foot front setback from the Glenridge Connector (SR 407) to twenty (20) feet to allow construction of the proposed building (CV11-004#6).

f. Variance from section 7.1.3.A. of the Zoning Ordinance to increase the maximum height limitation from forty (40) feet to sixty (60) feet (4 stories including underground parking) for the proposed building (CV11-004#7).

g. Variance from Section 19.4.28.1.B.6. of the Zoning Ordinance to reduce the required off-street parking for Medical Related Lodging from thirty-six (36) spaces to thirty (30) spaces (CV11-004#8).

h. The owner/developer shall install and maintain Landscape Buffering to adjacent residentially zoned properties and along western, northern and eastern property lines as approved by the City Arborist and with input from the owners of the property commonly known as 1010 Clementstone Drive (the single family residence immediately to the west of the subject property).

i. To no more than one (1) vehicular exit/entrance on Peachtree Dunwoody Road.

j. To no vehicular access from the Glenridge Connector and from Clemenstone Drive.

k. For the proposed driveway, the owner/applicant shall provide restriping of Peachtree Dunwoody Road in front of the site as approved by the Public Works Director.

l. The owner/developer shall dedicate forty (40) 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.

m. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Clemenstone Drive 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.

n. Upon commencement of construction to develop the Property according to the Site Plan, ARMHC shall install temporary fencing along all Property lines excluding those along a public right-of-way to assist in screening adjacent properties from construction activities. ARMHC shall maintain such temporary fencing until construction is completed. In addition, ARMHC shall comply with the requirements of the Code of the City of Sandy Springs, Georgia, with respect to noise control, expressly including without limitation, Article III, Division 2, Section 38-87, and time limitations for construction activities. During construction, Applicant shall ensure that there are such trash cans / dumpsters which are emptied on a regular basis and that the Property shall be kept as clean as reasonably possible. During construction, ARMHC shall notify the City of Sandy Springs of a contact name and telephone number which shall be answered 24 hours a day, 7 days a week regarding disturbances from construction.

o. For the subject property, all conditions of zoning approved under RZ11-007/U11-003/CV11-004 shall supersede all previous conditions of zoning and all previous conditions of zoning shall no longer apply to the subject property.

p. Applicant agrees that during construction to demolish the existing house on the Property and during redevelopment of the Property in accordance with the Site Plan, Applicant shall instruct its contractors or subcontractors not to park any vehicles or equipment on Clementstone Drive. Applicant further agrees to comply with the requirements of the Code of the City of Sandy Springs, Georgia with respect to construction parking and traffic.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2011-12-18

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 11-275)

1. Authorize the Mayor to Sign the Construction Agreement (CA) for the construction of the Roswell Road ATMS Project (T-0013), Project Number STP-0006-00(727), P. I. Number 0006727

Deputy Director of Public Works Garrin Coleman stated this item is to execute a construction agreement with Georgia Department of Transportation for the CIP T-0013, which is an Advanced Traffic Management System (ATMS). This will be a joint agreement with the cities of Roswell and Alpharetta. The next agenda item is an IGA associated with this agreement, which is a document between the cities defining how the invoices will be handled.

Motion and Second: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 11-275, Authorize the Mayor to Sign the Construction Agreement (CA) for the construction of the Roswell Road ATMS Project (T-0013), Project Number STP-0006-00(727), P. I. Number 0006727. Councilmember Fries seconded the motion.

Councilmember Karen Meinzen McEnerny stated the funds for the entire project, which exceed $3 million, will be reimbursed by the federal government. She asked what the City's percentage share will be, what fiscal year the funds will be coming from, and if the City has sufficient funds this fiscal year to pay for the project.

Deputy Director of Public Works Coleman stated the overall project is expected to take twelve to eighteen months to implement. The City's portion of payment for the project will potentially span two fiscal years. The City's portion is according to the original IGA for design, which is approximately thirty-three percent of the overall project cost, at an amount of $1,148,242.92. The City will pay the funds and then receive reimbursement. The money will probably come from the capital contingency fund. There is a small amount of funds that were set aside for the construction match when this project was an 80/20 match.
Councilmember Meinzen McEnerny asked if the capital contingency funds are for approved budgeted capital items that have not yet been spent.

City Manager John McDonough stated the capital contingency funds are unallocated funds and subject to the direction of Council, can be used for this purpose.

Councilmember Meinzen McEnerny asked if that amount would be excess revenue.

City Manager McDonough responded no. These are funds that have been adopted and approved by the City Council that are in the capital projects fund. There is approximately $70 million in the fund and about $3 million is capital contingency funds that are not currently allocated to a specific project.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2011-12-105

(Agenda Item No. 11-276)

2. Authorize the Mayor to Sign the Intergovernmental Agreement (IGA) for the construction of the Roswell Road ATMS Project (T-0013), Project Number STP-0006-00(727), P. I. Number 0006727

Deputy Director of Public Works Garrin Coleman stated this item is the agreement between Sandy Springs, Roswell, and Alpharetta to execute the project.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-276, Authorize the Mayor to Sign the Intergovernmental Agreement (IGA) for the construction of the Roswell Road ATMS Project (T-0013), Project Number STP-0006-00(727), P. I. Number 0006727. Councilmember Sterling seconded the motion. The motion carried unanimously.
Resolution No. 2011-12-106

(Agenda Item No. 11-277)

3. CIP and Major Programs Quarterly Updates to the Mayor and City Council

Director of Public Works Kevin Walter stated this item is a review of the City's capital improvement and major Public Works programs for this quarter. The Councilmembers have been individually briefed and each issue has been discussed. There were detailed discussions regarding the stormwater program, intersection improvement program, pavement management and resurfacing program, operation and maintenance program, sidewalk construction program, lighting program, and the general transportation capital improvement programs. This update is a more detailed report of what is found on the City website.

Councilmember John Paulson asked when staff plans on reassessing the quality of the City streets.

Director of Public Works Walter stated staff is working on a solicitation for award that should be announced after the first of next year. Staff hopes to have the work on the streets completed by April 1, 2012.

Councilmember Karen Meinzen McEnerny stated she would like to applaud staff and the City Manager's initiatives in reviewing the City's electricity costs for the street lights. There are street light prototypes that are installed on Mount Vernon Highway in front of the library that staff is monitoring for energy use.

Councilmember Dianne Fries recommended all of the Councilmembers observe the light fixtures both during the daytime and at night. There are four light fixtures of each type of light.

(Agenda Item No. 11-278)

3. Authorize the Mayor to Sign a Project Schedule Concurrence Letter for the construction of the SR 9/Roswell Road Transit - Oriented Streetscape Project (CIP T-0008), CSTEE-0002-00(310); PI 0002310

Deputy Director of Public Works Garrin Coleman stated this item is to build the streetscape segment from the Cliftwood and Carpenter Drive intersection with Roswell Road northbound towards Hammond Drive. Federal funding has been allocated towards right-of-way and construction. There have been delays with the right-of-way implementation. Georgia Department of Transportation has asked the City to send a re-guarantee of the City's intent to complete the project.

Mayor pro tempore Tibby DeJulio asked if the work will be done on both sides of the road and if there are issues in obtaining right-of-way in that area.

Deputy Director of Public Works Coleman stated the streetscape work will be on both sides of the road. Funding from other projects has been reallocated to the right-of-way for this project, amounting to approximately $600,000. The total right-of-way amount is around $800,000, based on appraisals that are a year old. Appraisals will have to be updated to include title work.

Motion and Second: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 11-278, Authorize the Mayor to Sign a Project Schedule Concurrence Letter for the construction of the SR 9/Roswell Road Transit - Oriented Streetscape Project (CIP T-0008), CSTEE-0002-00(310); PI 0002310, subject to requiring the Public Works Department to redesign the sidewalk so that the sidewalk area is reduced proportionate to the amount of area devoted to street trees. Councilmember Fries seconded the motion.

Councilmember Karen Meinzen McEnerny stated in this area along Roswell Road there is an overlay district. The town center overlay requires that all people that develop property are required to have a ten foot wide landscape strip to allow street trees. The City is the applicant in this process. In this design all of the street trees have been eliminated. There should be the same standards for all parties installing sidewalks in the overlay district. The sidewalk should be narrowed from nine feet or designed so that it will not add to the right-of-way acquisition, but will give linear width to allow the installation of trees.

Councilmember Dianne Fries asked if the trees were left out of the plan due to lack of right-of-way.

Deputy Director of Public Works Coleman stated when this project was previously discussed, the goal was to minimize the right-of-way impact and cost to the City. Since this is a State Route, Georgia Department of Transportation requires that right-of-way be purchased for installation of sidewalks. Staff limited the right-of-way acquisition estimates in constructing the sidewalks by leaving the remaining ten foot of width on private property.

Councilmember Fries asked if there would be a logistics problem if the sidewalk size is reduced to allow for streetscape trees.

Director of Public Works Kevin Walter responded no.

Councilmember Gabriel Sterling asked if there could be cutouts in the ground where the trees would be placed in order to avoid acquiring more right-of-way.
Councilmember Fries suggested keeping the sidewalk in between the trees and then doing a cutout. The City of Boston has the cutouts and places metal grates around the trees to allow water to reach the tree roots and it's still a walkway. She would like the City to be innovative.

Councilmember John Paulson stated he likes this concept. This City should not be exempt from the rules that are being enforced for others. He is sure the Public Works Department can come up with different ways to have trees incorporated near the sidewalk.

Mayor pro tempore DeJulio stated Council wants to have trees included in the plan, but allow the Public Works Department to come up with the design.

Councilmember Fries asked if a motion could be made with the caveat that Council wants to let staff come up with a strategy to add trees into the site plan without adding right-of-way.

City Attorney Wendell Willard stated staff can report back to Council based on what is approved.

Councilmember Meinzen McEnerny stated it is less likely that a tree will thrive when it is planted in a well. She supports not adding right-of-way acquisition costs. It may be doable to make tree wells larger than normal within the nine foot area.

Councilmember Fries referenced a drawing and asked if it could be designed where a tree is placed on the edge of the sidewalk, which is the right-of-way, with the well placed in front of the tree.

City Manager John McDonough stated staff understands the intent of Council and will work to include street trees into the design. This item can come back to Council within thirty days or less.

Mayor pro tempore DeJulio stated Council can act on this item as presented and the design ideas can be brought back to Council at a future Work Session.

Councilmember Meinzen McEnerny stated the staff memo indicated no trees.

Mayor pro tempore DeJulio asked if the letter the Mayor will sign states there will be no trees.

Deputy Director of Public Works Coleman responded no.

Withdrawal of Motion: Councilmember Meinzen McEnerny withdrew her motion. Councilmember Fries withdrew her second.

Motion and Vote: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 278, Authorize the Mayor to Sign a Project Schedule Concurrence Letter for the construction of the SR 9/Roswell Road Transit - Oriented Streetscape Project (CIP T-0008), CSTEE-0002-00(310); PI 0002310. Councilmember Fries seconded the motion. The motion carried unanimously.
Resolution No. 2011-12-107

(Agenda Item No. 11-279)

5. Consideration of Approval of the execution of a Supplemental Agreement to the Original Design Services Contract with Arcadis, Inc.

Deputy Director of Public Works Garrin Coleman stated this item is a consideration for a final design amendment to Arcadis's original contract. Georgia Department of Transportation relayed to staff that after the project is let they will need the design consultant to be able to respond to requests for information and to approve drawings related to the bridge. He asked GDOT if there was any additional funding left from the original earmark, which would cover eighty percent of the design. There is money left in the amount of $20,000. He asked GDOT for an agreement allowing the City use of this money.

Arcadis is asking for a contract value not to exceed $15,000 to use on an as needed basis for shop drawing reviews.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 11-279, the execution of a Supplemental Agreement to the Original Design Services Contract with Arcadis, Inc. Councilmember Fries seconded the motion. The motion carried unanimously.
Resolution No. 2011-12-108

(Agenda Item No. 11-280)

6. A Resolution to Adopt the City of Sandy Springs 2012 Planning and Zoning Schedules

Manager of Planning and Zoning Patrice Dickerson stated this is the annual adoption of the zoning schedules for the Board of Appeals, Design Review Board, and Planning Commission.

Councilmember Dianne Fries asked if this schedule includes the City Council meetings.

Manager of Planning and Zoning Dickerson responded no.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 11-280, A Resolution to Adopt the City of Sandy Springs 2012 Planning and Zoning Schedules. Councilmember Fries seconded the motion. The motion carried unanimously.
Resolution No. 2011-12-109

(Agenda Item No. 11-281)

7. A Resolution Authorizing a Temporary Moratorium on Enforcement of the Prohibition on Certain Seasonal Lights and Decorations

Director of Community Development Angela Parker stated there are important growth and development issues facing Sandy Springs. The visual character of the community is important. Signage is something governments across the region are dealing with regularly. She expects the sign ordinance to be on the agenda in the future. Staff's goal is to keep updating the ordinance until it is correct. This particular change is to place a moratorium on the enforcement on inflatable figures and lights during this holiday season. The moratorium would end in mid-January. This issue will be brought back to Council in February 2012.

Councilmember Dianne Fries asked if the two ordinance sections listed are the only ones the moratorium would apply to.

Director of Community Development Parker responded yes.

Councilmember Karen Meinzen McEnerny asked if this item would affect only commercial property.

Director of Community Development Parker responded yes.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-281, A Resolution Authorizing a Temporary Moratorium on Enforcement of the Prohibition on Certain Seasonal Lights and Decorations. The moratorium shall become effective upon approval by the City Council and shall expire at midnight on January 15, 2012. Councilmember Sterling seconded the motion. The motion carried unanimously.
Resolution No. 2011-12-110

REPORTS AND PRESENTATIONS

1. Mayor and Council Reports

Councilmember John Paulson stated on December 7th a meeting will be held at City Hall to discuss the flood plain maps.

a) Nominees to the Advisory Committee on Economic Development

Motion and Vote: Councilmember Sterling moved to table the appointment of nominees to the Advisory Committee on Economic Development until the December 20, 2011, City Council meeting. Councilmember Fries seconded the motion. The motion carried unanimously.

2. Staff Reports

City Manager John McDonough stated the City will host a postal service default change information meeting on December 8th from 6:00 p.m. to 8:00 p.m. Staff received a report from the Call Center on the flood mapping and the postal service change inquiries. In the last two weeks the Call Center received in excess of 100 phone calls for both of those items.

Mayor pro tempore Tibby DeJulio stated on December 15th the Sandy Springs Perimeter Chamber of Commerce will host their holiday party at the Concourse Athletic Club. At that event he will hand out the prize for the Sandy Springs decorating contest.

PUBLIC COMMENT

There were no public comments.

(Agenda Item No. 11-282)
EXECUTIVE SESSION

There was no Executive Session.

(Agenda Item No. 11-283)
ADJOURNMENT

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 7:27 p.m.

Date Approved: December 20, 2011

Eva Galambos, Mayor

Michael Casey, City Clerk