

Regular Meeting of the Sandy Springs City Council was held on Tuesday, November 15, 2011, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Pastor Nate Bednar, Metropolitan Baptist Church, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:03 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 present.

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

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance

(Agenda Item No. 11-250)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for November 15, 2011. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 11-251)

1. Meeting Minutes:
 - a) November 1, 2011 Regular Meeting
 - b) November 1, 2011 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 11-252)

2. **AM11-001** - 5009 Roswell Road (SR 9), *Applicant: 5009 Roswell LLC*, To modify condition 2.a. of RZ05-002 by modifying the site plan/legal description
(Angela Parker, Director of Community Development)

(Agenda Item No. 11-253)

3. **AM11-002** - 14 Leighton Court, *Applicant: Nicholas Theos*, To modify condition 3.a. of Z99-004 by reducing the required forty (40) foot perimeter setback to thirty-six (36) feet
(Angela Parker, Director of Community Development)

(Agenda Item No. 11-254)

4. **AM11-003** - 365-375 Northridge Road, *Applicant: KBS SOR Northridge Center, LLC*, To delete condition 4.e. of Z87-0121/U87-0089 related to signage
(Angela Parker, Director of Community Development)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for November 15, 2011. Councilmember Sterling seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Save Award for September 1, 2011, cardiac arrest / Meridian Marks Rd

Fire Chief Jack McElfish stated this save occurred on September 1, 2011, when personnel from Sandy Springs Fire Rescue station #4 responded to a cardiac arrest at 5470 Meridian Mark Road. They arrived at the call within one minute of the dispatch. An 84 year old male was found on the floor unresponsive, absent respirations, and without a pulse. The patient had no heart rhythm or rate. A cardiac medication was given and CPR was performed for two minutes. The patient then regained a shockable heart rate. Sandy Springs personnel delivered an electrical shock and restored the patient's heart to a normal rhythm. The patient was transported to a local hospital by Rural Metro. Through a combination of early and effective CPR, along with Advanced Life Support medications and treatments, the patient was able to make a full recovery. The Sandy Springs Fire Rescue crewmembers that were involved in the rescue include: Crew Chief Shannon Cichosz Paramedic, Fire Rescue Technician II Dereko Robertson/EMT, Fire Rescue Technician I Reginald McClendon, Fire Rescue Technician I Chris Mileszko /EMT, Fire Rescue Technician I Troy Satterfield, and Fire Rescue Technician I Ryan Rauch Paramedic. The Rural Metro Ambulance Crew includes Matthew Spence/Paramedic and Brian Wickersham/EMT.

2. Save Award for September 5, 2011, cardiac arrest / Glenridge Connector

Fire Chief Jack McElfish stated on September 5, 2011, Sandy Springs Fire Rescue and Rural Metro Ambulance personnel responded to a difficulty breathing call at 5565 Glenridge Connector and found a 52 year old male in cardiac arrest. The crews determined immediately the patient had a lethal heart rhythm and delivered an electrical shock. It took two shocks to restore the patient's heart to a normal heart rhythm and regain a pulse. The patient was transported to a local hospital. Through early CPR and Advanced Life Support measures the patient was able to make a full recovery. The Sandy Springs Fire Rescue crewmembers that were involved in the rescue include: Fire Rescue Technician II Nemanja Pavlovic Paramedic, Fire Rescue Technician I Jeffrey Vennemann/Paramedic. The Rural Metro Ambulance Crew involved in the rescue include: Jesse Haney/Paramedic, Daniel Robinson/EMT

3. Save Award for September 11, 2011, cardiac arrest / Meridian Marks Rd

Fire Chief Jack McElfish stated on September 11, 2011, personnel from Sandy Springs Fire Rescue station #4 and Rural Metro Ambulance personnel responded to a cardiac arrest at 5470 Meridian Mark. They found a 68 year old male unresponsive in cardiac arrest and initiated high quality CPR, along with numerous Advanced Life Support medications and procedures. While en route to the emergency room the patient's heart went into a shockable rhythm. The crews immediately delivered an electrical shock and regained a pulse. Through a combination of high quality CPR, training, and continued team work, the patient was able to make a full recovery. The Sandy Springs Fire Rescue crewmembers that were involved in the rescue include: Crew Chief Shannon Cichosz/Paramedic, Fire Rescue Technician I

Reginald McClendon, Fire Rescue Technician I Chris Milesenko/EMT, Fire Rescue Technician I Jason Ellis/EMT, Fire Rescue Technician I Troy Satterfield, and Fire Rescue Technician I Ryan Rauch/Paramedic. The Rural Metro Ambulance Crew personnel involved in the rescue included: Matthew Spence/Paramedic and Kirk Caldwell/EMT.

PUBLIC HEARINGS

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

Rezoning

(Agenda Item No. 11-255)

1. **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 is a rezoning request by the Atlanta Ronald McDonald House to allow redevelopment of the existing medical related lodging facility. The petition was heard at the October 20, 2011, Planning Commission meeting. The Planning Commission recommended deferral to allow additional time for the organization to raise funds during the current calendar year. The Commission recommended deferral to the November 17, 2011, Planning Commission meeting and to the December 6, 2011, City Council meeting. Staff has reviewed the advertising requirements and scheduling and is supportive of the recommendation for deferral.

Ellen Smith, Holt Ney Zatzoff & Wasserman, stated her law firm is representing the Atlanta Ronald McDonald house with respect to this application. The applicant is seeking to rezone the property from R-6 to R-6 conditional and requesting deferral of the application. Since 1994, this Ronald McDonald House has served more than 10,000 families. The house is dedicated to providing temporary housing and support services to families of ill and injured children who must travel to the metro Atlanta area to obtain specialized medical care. The charity is committed to keeping families together in a warm, homelike environment. This enables the family members to keep their focus on making sure their child has a safe and healthy recovery. The existing eleven unit house has been too small to meet demands. The applicant has looked into expanding or relocating. In 2005, the Ronald McDonald House bought and rezoned the parcel immediately south of the existing house. The nearby neighbors are in full support of this application. The economy, changes in medical services, and the accommodations needed for families prevent the Ronald McDonald House from building on the other lot. The need for expansion remains constant. Last year alone, the Ronald McDonald House had to turn away over 200 families from this location. Redevelopment of this property remains the most viable and sensible option. The proximity of the property to the surrounding hospitals and major roadways is a compelling reason why this property is an ideal location for a Ronald McDonald House. The existing house is out of date and awkward for the current type of use. An example of this is that different families have to share restrooms. This proposal is to demolish the existing facility. There are agreements in place to serve families while the new facility is under construction. There will be 31 units in the new facility with restrooms for each family. There will not be a kitchen in any of the units, but one kitchen that will serve as a warming kitchen. Daily meals are donated to the house and brought in to the warming kitchen. There will also be a common dining area to serve all families. The merits of the proposed rezoning and use permits are described in the application and the staff report. Staff is recommending deferral. As a result of many meetings with neighbors, Sandy Springs Council of Neighborhoods, and others, the applicant submitted a revised site plan just before the Planning Commission meeting last month. The new site plan moves the building as close as possible to

Glenridge Connector and builds up instead of out. This is an attempt to move the building as far away as possible from single family residences. The applicant has been asked by the Sandy Springs Council of Neighborhoods and the Planning Commission for evaluation and concept sketches. The charity board has not authorized an architect to spend money on plans at this point. There is a general site plan sketch, which the Sandy Springs Council of Neighborhoods has seen. Given the height and the length of the structure, the goal is to use materials to make it look more residential. The applicant has agreed on a condition that no more than fifty percent of the building exterior material be EIFS. Kim Cunningham, Vice President of Operations for Atlanta Ronald McDonald House charity, was also in attendance. Ms. Smith requested that Council defer this item to the December 6, 2011, City Council meeting.

Mayor Eva Galambos stated staff does not have the final drawings or conditions of zoning, yet. The reason for the deferral is because there is still work to be done on this item and it needs to be presented to the Planning Commission.

Manager of Planning and Zoning Dickerson responded yes.

Mayor Galambos stated it would not be beneficial to ask questions regarding this plan when another plan will come before Council. She called for public comments in support of or opposition to this application.

Susan Yeosock, 785 Lake Summit Drive, stated she is here on behalf of the Sandy Springs Council of Neighborhoods and the Council supports the deferral. It is appreciated that the applicant has worked closely with the neighbors. Members of the Council of Neighborhoods met with the applicant last week to review exterior elevations and asked for a couple of modifications.

Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember DeJulio moved to defer Agenda Item No. 11-255, 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, to the December 6, 2011, Regular City Council meeting. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-256)

2. **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 is a rezoning request to allow for an office use in the existing restaurant building. Staff recommends deferral. On October 20, 2011, the Planning Commission recommended deferral.

Nathan Hendricks, Representative for Peacock Partnership, stated a deferral is being requested because the applicant has property under contract that is zoned for the C-1 classification. The property is a restaurant, which is closed at this time. The applicant would like to relocate his design architectural firm to the property. The applicant has not gone through the zoning and land use process in the City of Sandy Springs. This application is to rezone the property from C-1 to C-1, to be able to do what is permitted under the C-1 designation. This would include not having constraints on the developable area, other than the open space. When the applicant was presented with the staff recommendations, he was conditioned to the existing site plan. The applicant plans on building an addition to the existing building.

Ultimately, in two to three years, the applicant would like to redevelop the 1.5 acres. The Planning Commission did not have the applicant's site plan, which is why the item was deferred. The applicant's current commercial lease will expire around the beginning of next year. It is important the entire process be completed soon to allow the applicant to get the work done to the new property. The applicant requests deferral of this item to the next City Council meeting on December 6, 2011, with the item first going to the Planning Commission on November 17th.

Mayor Eva Galambos stated Council does not have the final proposal, so there is nothing to be considered tonight.

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

Motion and Vote: Councilmember Collins moved to defer Agenda Item No. 11-256, 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, to the December 6, 2011, Regular City Council meeting. Councilmember Sterling seconded the motion. The motion carried unanimously.

Text Amendment

(Agenda Item No. 11-257)

3. **TA11-005** - An Ordinance to Amend Section 58-32, Restrictive vehicles required to use truck routes; exceptions, of the Code of the City of Sandy Springs

Manager of Planning and Zoning Patrice Dickerson stated based on comments received at the last Work Session meeting and additional comments received; staff will review this amendment again. At this time staff is requesting a deferral for this item. She asked if the deferral would require a specific date to be brought back to Council.

City Attorney Wendell Willard stated the item can be tabled for further consideration at a later meeting. If a deferral is made, it is best to have a specified date for when it will come back to Council.

Motion and Second: Councilmember Sterling moved to table Agenda Item No. 11-257, TA11-005 - An Ordinance to Amend Section 58-32, Restrictive vehicles required to use truck routes; exceptions, of the Code of the City of Sandy Springs. Councilmember Fries seconded the motion.

Councilmember Karen Meinzen McEnery asked what efforts need to be made to ensure the item comes back to Council.

Councilmember Gabriel Sterling stated staff would like more time to understand the original ordinance and see what needs to be changed. The follow up will be handled by Council staying in touch with staff.

Councilmember Dianne Fries asked if Council would like to specify a date for this item to be brought back to Council.

Councilmember Sterling stated this item is being tabled, so a future meeting date does not have to be specified.

Mayor Eva Galambos called for public comments in support of or opposition to this application. There were no comments from the public. Mayor Galambos closed the public hearing.

Vote on the Motion: The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 11-258)

1. Authorize the City Manager to Sign a Memorandum of Understanding (MOU) for the construction of the SR 400/US 19 and Northridge Road Interchange Improvement Project (CIP T-0037), P. I. Number 751580

Capital Program Manager Garrin Coleman stated this item is a memorandum of understanding with GDOT. GDOT will have an agreement with the State Road and Tollway Authority to fund the project in the amount of \$7 million. The MOU allows the City to formalize the arrangement with GDOT. The MOU will also allow the City to be refunded the approximately \$11,000 that was paid to Arcadis for the concept work before the public information open houses in December 2010.

Mayor Eva Galambos asked if it is too early to discuss the types of landscaping that will be included in the project.

Capital Program Manager Coleman stated staff has been talking to the State about the landscaping. The City has agreed to maintain the landscaping from the Gateway Grant. Staff is making sure the green mast arm is included in the intersection improvements. There will be a public information open house held on December 5, 2011, at City Hall. The concept plans will be available at that meeting.

Mayor Galambos asked if the islands that have been landscaped are the same ones to be maintained.

Capital Program Manager Coleman responded yes. Some of the islands will be modified.

Mayor Galambos stated if the islands are going to be modified, they should be improved.

Councilmember Dianne Fries stated when staff brought landscaping ideas to GDOT, the recommendations were denied. Staff was given a narrow list of items that can be placed on the islands. She does not understand why PCID and the City of Alpharetta can use any landscaping they choose.

Mayor Galambos stated PCID is working on a project at the Hammond Drive ramp that includes planting crepe myrtles. She would like staff to review the Hammond Drive project first and see if that can be done at Northridge.

Councilmember Karen Meinzen McEnery suggested staff coordinate with PCID to see what landscape plan they are going to use.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 11-258, Authorize the City Manager to Sign a Memorandum of Understanding (MOU) for the construction of the SR 400/US 19 and Northridge Road Interchange Improvement Project (CIP T-0037), P. I. Number 751580. Councilmember Paulson seconded the motion.

Councilmember Meinzen McEnery stated it is visionary that there should be a better standard of landscaping. She would like the MOU to have an addendum that discusses the landscaping.

Mayor Galambos stated the landscaping cannot be specified at this point. There should be something in the agreement that specifies landscaping options.

City Manager John McDonough stated staff has a good relationship with Bryant Poole from GDOT. Dialogue may be established without the need for a resolution.

Councilmember Gabriel Sterling asked if an MOU already exists authorizing the City Manager to renegotiate or if this is a new MOU.

Capital Program Manager Coleman stated the way the resolution was written, it authorizes the City Manager to sign the MOU.

Mayor Galambos stated she wants to be sure that whatever document is signed by the City Manager, there is room for negotiation on the landscaping.

Capital Program Manager Coleman stated he believes there is room for negotiation the way the MOU is written. Staff is actively providing information to GDOT and the open house will allow formal input to be submitted in writing as well. The formal agreement for the project is between GDOT and SRTA. The City will be responsible for any cost over \$7 million.

Councilmember John Paulson stated Council should not fail to approve this item, just because the cost might go over \$7 million. The open house is a good meeting for the citizens and staff to discuss the project. He requested staff put together recommendations for landscaping and to include the information from PCID and the Hammond intersection.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2011-11-98

(Agenda Item No. 11-259)

2. Consideration of Resolution to Authorize Submission of 2011 Department of Natural Resources Recreational Trails Grant Application

Assistant City Manager Eden Freeman stated this is a resolution to authorize the City to submit an application to the Department of Natural Resources (DNR) under the Trails Grant program. Previously, the City received a grant in 2006 for an extension of the Island Ford Trail. This year the City would be asking for funding from the DNR to build the trail at Lost Corner. Lost Corner has been identified highly on the list of desired improvements by the Lost Corner Advisory Council. The match for the project will solely be provided by the Sandy Springs Conservancy. The City will be requesting the full grant amount of \$100,000, which requires a match of \$25,000.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 11-259, A Resolution to Authorize Submission of 2011 Department of Natural Resources Recreational Trails Grant Application. The remaining Councilmembers seconded the motion.

Mayor Eva Galambos stated she is in discussions with the Superintendent for the National Recreation Area and with the President of the Conservancy. The City has a trail at North Island and Island Ford, and a trail to the river, which is the park trail. Both trails go down to the river. There is about 1/8 of a mile where a bridge needs to be constructed. This would be a fabulous Boy Scout project. The National Recreation Area is aware of the fact that the City would like this project completed. Discussions are ongoing with the property owner regarding giving the City an easement.

Councilmember John Paulson stated Ed Shoucair looked at this project and has creative ideas on how to connect the two trails.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2011-11-99

REPORTS AND PRESENTATIONS

1. Mayor and Council Reports

Mayor Eva Galambos stated there are two term positions set to expire on the Design Review Board in December 2011. She nominated current members Mel Mobley and Bernadine Richard for reappointment to the Sandy Springs Design Review Board. Both are very interested in returning as boardmembers. She spoke to Mel Mobley and he suggested that the Design Review Board change some of the overlay ordinances to match the Main Street Alliance ideas.

Motion and Vote: Councilmember Fries moved to reappoint Mel Mobley and Bernadine Richard to the Sandy Springs Design Review Board for another term. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

2. Staff Reports

PUBLIC COMMENT

Susan Yeosock, 785 Lake Summit Drive, stated she is speaking on behalf of the Lake Forest Summit Community Association. She thanked Mayor and Council for using such good vendors. A stormwater catch basin that had eroded had to be replaced in the neighborhood. There was also an incident where a vendor broke the irrigation line, which caused water to overflow in the area. The vendor came out the next day and fixed the leak.

Following Public Comment:

Motion and Vote: Councilmember DeJulio moved to recess the Regular meeting in order to hold the Work Session at this time. Councilmember Fries seconded the motion. The motion carried unanimously. The Work Session began at 6:42 p.m.

Motion and Vote: Councilmember DeJulio moved to return to the Regular meeting following a short break. Councilmember Fries seconded the motion. The motion carried unanimously. The Work Session ended at 7:22 p.m. The Regular meeting resumed at 7:31 p.m., following the break.

(Agenda Item No. 11-260)

EXECUTIVE SESSION – Litigation

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss pending or potential litigation. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session began at 7:32 p.m.

Motion and Vote: Councilmember Fries moved to adjourn Executive Session. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 7:55 p.m.

(Agenda Item No. 11-261)

ADJOURNMENT

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 7:55 p.m.

Date Approved: December 6, 2011



Eva Galambos, Mayor



Michael Casey, City Clerk