Regular Meeting of the Sandy Springs City Council was held on Tuesday, August 17, 2010, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Rabbi Josh Heller, B'Nai Torah, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:05 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence cell phones and pagers at this time. Additionally, those wishing to provide public comment, during either a public hearing or the Public Comment section 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 Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny present.

PLEDGE OF ALLEGIANCE

Mayor Galambos led the Pledge of Allegiance.

(Agenda Item No. 10-188)
APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for August 17, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 10-189)

1. Meeting Minutes:
   a) July 13, 2010 Regular Meeting
   b) July 13, 2010 Work Session
   c) August 3, 2010 Regular Meeting
   d) August 3, 2010 Work Session
   (Michael Casey, City Clerk)

(Agenda Item No. 10-190)

2. **AM10-007** - 9365 Huntcliff Trace, *Applicant: Steve Askari*, To modify condition 4.d. of Z79-049 by reducing the required fifteen (15) foot minimum side yard setback to seven feet and six inches (7.5').
   (Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-191)

3. **AM10-008** - 3802 Teesdale Court, *Applicant: John Wieland Homes and Neighborhoods*, To modify condition 3.a. of Z05-020 by reducing the required fifteen (15) foot minimum side yard setback to 13.94 feet (approximately 14 feet) along the southeast property line for the construction of a single-family home.
   (Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-192)

4. **AM10-009** - 510 Mount Vernon Highway NE, *Applicant: Mount Vernon Presbyterian School*, To revise the right-of-way conditions related to the development pursuant to the requirements of the Public Works Department
   (Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-193)

5. Intergovernmental Agreement for the Provision of Animal Control Services between Fulton County, Georgia and Sandy Springs, Georgia
   (Wendell Willard, City Attorney)

Motion and Vote: Councilmember Jenkins moved to approve the Consent Agenda for August 17, 2010. Councilmember DeJulio seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Proclamation - Rhythmic Gymnastics Team Hammond Stars

Mayor Eva Galambos stated participation in athletics helps build character and teaches a wholesome sense of good sportsmanship among our youth. Elena Shinohara of the Golden Ribbon Rhythmic Gymnastics Team trains at Hammond Park Gymnasium. She won first place for level six in the Junior Olympic National Championship of Rhythmic Gymnastics. Elena Shinohara is part of the third place regional team made up of Rebecca Cox, Ayane Kaketani, and Tatiana Galkina. The team trains more than 38 hours each month. Anna Sokolova has been training gymnasts at the Sandy Springs Recreation and Parks department Hammond Park Gymnastics Center for three years. To really excel in any one sport, a young person must demonstrate, in addition to a great deal of natural ability, an outstanding spirit of dedication, enthusiasm and hard work. We applaud this striking achievement of winning the National Rhythmic Gymnastics championship. The Mayor extended her and Council's best wishes to Elena Shinohara, Rebecca Cox, Ayane Kaketani and Tatiana Galkina.

2. Five New Sergeants at the SSPD – presented by Chief Terry Sult

Police Chief Terry Sult introduced Pastor Nate Bednar. This week the Chief invited the families of the officers to the Police Station to attend a promotional ceremony and reception. At the ceremony Pastor Nate Bednar was indoctrinated as one of the first chaplains for the Police Department. Rabbi Brad Levenburg was inducted as well. Chief Sult introduced the following officers who were promoted to Sergeant: Sgt. Frank Trammer, Sgt. Steve Thompson, Sgt. Shane Barkley, Sgt. Brian Kim, and Sgt. Jamie McNabb. It is unusual for a department of this size to have the opportunity to promote so many people. Fortunately, the City of Sandy Springs Police Department has a lot of high quality people to choose from to do so. Each of the officers competed in a four part process which included a written examination and assessment center from outside peers of the rank of Sergeant or above. They also competed in their education and experience and interviewed with the Major, Deputy Chief and Chief. Chief Sult let each officer introduce himself and what shift and area of Sandy Springs he will be working. Chief Sult asked Deputy Chief DeSimone to recognize Officer Mark Johnson.

3. Returning Hero Plaque to Officer Mark Johnson – presented by Chief Terry Sult

Police Deputy Chief Ken DeSimone stated during the promotional ceremony Officer Johnson was recognized with a plaque for his service in the U.S. Army Reserves. In today's society, you hear a lot about heroes, and usually it's wrong. Someone that has scored the most points or gained the most yardage is often referred to as a hero. A real hero is Mark Johnson, who is here within our ranks. Mark Johnson served in the U.S. Army Reserve in the Basra Province as a Sgt. First Class. This was his second tour in Iraq. He recognized Officer Johnson for his heroics and called him a true hero.

Chief Sult asked Officer Johnson to call his wife Michelle Johnson to the front. He stated Officer Johnson is being promoted to Sergeant. Officer Johnson graduated from West Georgia University in 1996 with a Bachelor's Degree in Criminal Justice. He has dedicated his life to public service, both in the military and as a police officer. Officer Johnson has been employed by Paulding County Police Department, The City of Doraville, Fulton County Police, and is one of the original members of the Sandy Springs Police Department. Chief Sult allowed Officer Johnson's wife Michelle to pin the badge on him. Chief Sult stated due to these promotions to Sergeant, there have been a few changes. Sgt. Levy, who is the south district community coordinator, has been transferred to the criminal investigations unit, as has Sgt. Mike Lindstrom in the north district. Sgt. Ron Momom will be the representative of the community coordinator sergeant, the executive officer of the north district. In the south district, Scott Laughman is the Sergeant.

4. North Fulton Comprehensive Transportation Plan – Public Works

Transportation Planner Cedric Clark stated at the August 3, 2010, Work Session Meeting, Public Works briefed Mayor and Council on the status of the North Fulton CTP, as well as some of the draft project recommendations. At that meeting, Public Works was able to gather feedback and comments from Council. Public Works made some adjustments according to the feedback they received.

P.E. Project Manager Ed Ellis, Kimley-Horn and Associates, Inc., stated with him is Christina Pastore, who is also with Kimley-Horn. This presentation is a study developed by the Atlanta Regional Commission (ARC). Regan Hammond is here tonight representing ARC. The projects for the presentation are in the north Fulton County region and look at cross boundary projects. This is called the transportation resource implementation plan. The community has been active and staff from all cities has been great. There have been over fifty public meetings with about 500 people participating. They have worked with the City and staff having workshops, polls and voting. Kimley-Horn is trying to make sure what they are doing is representative of what the City thinks is important from a transportation standpoint. They are meeting with all the City Councils of each north Fulton city during work sessions. They are trying to wrap these meetings up in September. They will be asking the Council to support the project list for north Fulton which includes what is both in and outside of Sandy Springs. Their methodology is important in light of potential for the $.01 sales tax. They divided the projects into three categories; Tier 1, Tier 2, and Tier 3. Tier 1 represents the money north Fulton County will receive in the next Regional Transportation Plan. Tier 2 are the projects that are put together with the idea that the City will receive a certain amount of money out of the $.01 sales tax SPLOST, if it passes. In general, north Fulton County commits about $77 million dollars per $.01 of sales tax annually. That is essentially what the residents are paying into MARTA each year, and it's also what the City would be paying into the T-SPLOST. Around $50 million of that, which over a ten year period would be $500 million, is what the City should try to set up projects for in order to receive that money back. Tier 2 is budgeted for $500 million. Tier 3 is what might be received over and above the bundles of money for Tier 1 and Tier 2. There are some multi-county projects that will be funded with money other than the RTP and the $.01 sales tax. Those are transit and roadway projects in GA400 and I-285. Kimley-Horn removed those from the list and they will be funded separately. The project that will go up GA 400 to improve the roadway system and the transit, and the project that is likely to go on I-285, are both taken out of the three Tiers.

Traffic Engineer / Transportation Planner, Christina Pastore, Kimley-Horn and Associates, Inc., stated in the packet Council received is a briefing document including project maps and project fact sheets. The Tier 1 projects are located within Sandy Springs. The multi-county project map is the map with the blue lines which show all the multi-jurisdictional beyond Fulton county projects that Kimley-Horn is in support of, which includes the GA 400 project and CD system. Located on the map in front of Council there are a number of projects throughout the region. Project #106 is the Morgan Falls power line project. The idea is the project would connect with Cobb County and ideally into Dunwoody. This project has the opportunity to cross three counties. Project #108 is an enhancement of the existing east-west bike ped facility. Some of this runs along the Chattahoochee River and some along Holcomb Bridge Road. The bike ped comes all the way across north Fulton County within Sandy Springs and some within Roswell. One priority within Tier 1 is the Hammond Drive project. This is a combination of sidewalk improvements along part of it, roadway widening to four lanes, and also widening to six lanes. The Hammond Drive project is an item Kimley-Horn heard from the City that they wanted as a priority. In Tier 2 there is one bike ped project, which is a bicycle and pedestrian improvement with some along State Route 9 and some along Westside Parkway. The idea is to provide a north south connection all the way through north Fulton County. They realize in a lot of places that will be difficult, especially along State Route 9 in Sandy Springs. There are a number of roadway projects, one of which is the widening of Holcomb Bridge Road. There are a couple of projects on Holcomb Bridge on the east side. The consultants are still working through what those projects will look like, particularly with Roswell. There are three other projects City staff has been working on for a significant period of time. The first one is the operational improvements to the interchange of GA 400 and Northridge Road; adding a round-about, which is Project #349. Project #350 is capacity improvements to Spalding Drive, which crosses over into Gwinnett County. The third project is the operational/ATMS improvements to the I-285 and Riverside Drive interchange. GA 400 and I-285 are important roadways within Sandy Springs. Fixing the interchanges is a regional improvement. In Tier 3, there are two projects which are river crossings. These are very difficult projects and since they are in Tier 3, finding funding for them will not be easy. There is a need for an additional river crossing. Since the last City Council Meeting, they removed the Abernathy road widening project after hearing Council wanted it to be removed. That is the list of projects that will be coming back to Council. In the future they will look at other project recommendations that are not necessarily line items and individual projects like these, such as other ATMS coordination across the north Fulton area, access management recommendations, and transportation and management strategies. What they are looking for is feedback from Mayor and Council and acceptance of the project list as they move forward to achieve one complete plan agreed on by all the six cities.

Councilmember Ashley Jenkins asked when the Resolution needs to be passed.

Ms. Pastore stated Kimley-Horn will be coming to the City with the Resolution within the next couple of months. They would like feedback now so they can make sure the plan is agreed upon by all six cities before it's presented for formal Resolution.

Councilmember John Paulson stated the river crossings need to be removed from the list. First, he believes it's impossible to do. It would require going through a national park and through gated communities. He knows Tier 3 projects are pie-in-the-sky, but if they are on the list, they tend to not die.

Councilmember Karen Meinzen McEnerny asked if the two river crossings could be clarified on the maps.

Mr. Ellis stated the consultant team didn't decide to place the river crossings on the list. There were some folks in one municipality that thought it was a good idea.

Mayor Eva Galambos asked in our municipality?
Mr. Ellis responded no. The desire is to start moving forward with a concept, as impossible as it might seem, on some kind of river crossing, hoping it might happen one day. A river crossing is desperately

needed. Traffic is backed up to the Morgan Falls complex right now going north on Roswell Road. The consultants placed it on the list in Tier 3. It's there because some folks thought it was important to keep the ball alive on the concept of a new river crossing. He doesn't believe either one of those can be built.

Mayor Galambos asked if it's important to have the consent of both jurisdictions that would be affected by such a river crossing.

Mr. Ellis stated absolutely. He would like this list voted on as soon as he's sure everyone will vote positively. This isn't about the number of lanes or the specific location of a project. What they are trying to do is help the City of Sandy Springs compete for money.

Mayor Galambos stated as discussed at the last City Council Meeting, there is no enthusiasm for the Tier 3 proposals. Council thinks the Glenridge Drive connector project would be a good addition to Tier 3, and remove the river crossings. She asked if this represents the thinking of the Council.

Councilmember Meinzen McEnerny stated it doesn't represent her thinking on Glenridge Drive. She believes the road is wide enough. She doesn't support widening Glenridge Drive.

Councilmember Tibby DeJulio stated Glenridge Drive is around the corner from his home. It has a lane that goes nowhere and comes out from nowhere. He's very much in support of widening Glenridge Drive. He believes the neighbors are very much in support of it, also. He wouldn't place it any higher than Tier 3.

Mr. Ellis stated they will take the river crossing issue back and discuss it. Last week the criteria came out from the Planning Director for the selection of projects for the $.01 sales tax or SPLOST, HB 277. He stated the consultants are trying to make sure the projects on the list look good to meet the criteria. He would like Mayor and Council to be aware of the comment date, because there are certain things in the criteria that deserve comments. For example, there is a limit of 50% of the money in the Atlanta region that can be spent on roadway projects.

Mayor Galambos stated that is a mistake. Is the criteria being sent to each of the Council members?

Ed Ellis stated the criteria are located on the Atlanta Regional Commission website.

Mayor Galambos asked if each Councilmember is asked to respond to the criteria.

Ed Ellis stated everyone has an opportunity to respond.

Mayor Galambos asked the City Manager to make sure all the criteria is sent to all the Councilmembers. The Mayor thanked Mr. Ellis for his presentation.

PUBLIC HEARINGS

Millage Rate

(Agenda Item No. 10-194)

1. To receive input as it relates to establishing a millage rate to be levied for the Fiscal Year 2011 as required by O.C.G.A. Section 48-5-32 et seq.

Finance Director Amy Davis stated this is a public hearing for the FY 2011 millage rate. The proposed millage rate of 4.731 hasn't changed from prior years. This proposed rate represents a 1.97% decrease in taxes from prior years and an overall tax decrease of 3.4%.
There was an invitation for public comment on this agenda item. There were no comments from the public. The public hearing was closed.

Mayor Eva Galambos stated there will be one more additional public hearing on the millage rate.

City Manager John McDonough stated the hearing will be on August 31, 2010, at 7:30 a.m., and a quorum will be needed.

Alcoholic Beverage

(Agenda Item No. 10-195)

2. 1361- Approval of Alcoholic Beverage License Application for Walgreen's #06204 located at 7530 Roswell Rd, Sandy Springs, GA 30350. Applicant is Rubin Harper for Retail/Package of Wine & Malt Beverage

Accounting Manager Robert Logan stated the City received an application for retail/package of wine & malt beverage at the Walgreens at 7530 Roswell Rd, Sandy Springs, GA 30350. Staff has reviewed the application and recommends approval.

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

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-195, Alcoholic Beverage License Application for Walgreen's #06204 located at 7530 Roswell Rd, Sandy Springs, GA 30350. Applicant is Rubin Harper for Retail/Package of Wine & Malt Beverage. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-196)

3. 9001- Approval of Alcoholic Beverage License Application for Walgreen's #10265 located at 4535 Roswell Rd, Sandy Springs, GA 30342. Applicant is Mohammad Khan for Retail/Package of Wine & Malt Beverage

Accounting Manager Robert Logan stated the City has also received an application for retail/package of wine & malt beverage located at 4535 Roswell Rd, Sandy Springs, GA 30342. Staff has reviewed the application and recommends approval.

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

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-196, Alcoholic Beverage License Application for Walgreen's #10265 located at 4535 Roswell Rd, Sandy Springs, GA 30342. Applicant is Mohammad Khan for Retail/Package of Wine & Malt Beverage. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Rezoning

Mayor Eva Galambos asked the City Clerk to read the Zoning Rules. She specified the first zoning application has engendered a lot of public interest, so there will be fifteen minutes allowed on each side.

City Clerk Michael Casey read the Zoning Rules for the Public Hearings Section of the meeting.

(Agenda Item No. 10-197)

5. **RZ09-010/U09-009/CV09-019** - 5775 & 5795 Glenridge Drive, *Applicant: City of Sandy Springs*, To rezone the subject property from O-I conditional to MIX to allow for 520 residential units, 8,000 square feet of freestanding restaurant space, 770,000 square feet of office space (400,000 new), and 42,000 square feet of retail space to be located within the existing and/or proposed office and residential buildings, with concurrent variances and a use permit to exceed the maximum district height

Assistant Director Planning and Zoning Patrice Ruffin stated the subject petition was initiated by Mayor and City Council in November, 2009, as part of a potential settlement agreement. This case was heard at the July 15, 2010, Planning Commission Meeting and the Commission recommended deferral for up to ninety days subject to items outlined in the staff report. Based on this recommendation, staff is recommending deferral of the request and has provided conditions should the City Council decide to approve the application. Staff has also submitted and provided for Council and the City Clerk revisions to condition 1 F and an additional condition, 2 B.

Carl Westmoreland, 1075 Peachtree Street, representing MetLife, stated this application was authorized and initiated by the City of Sandy Springs in an attempt to resolve litigation which arose from a previous application denied by previous Council. The issue in the earlier application was the traffic impact, the existing situation, and what can be done not to make it worse. The issue remains traffic with this application, although the Planning Commission recommended deferral, which staff agreed with. The recommendation of deferral was based upon whether there are other traffic improvements that can be made. The applicant has looked into the improvements before and after the Planning Commission meeting and doesn't feel any other time is justified, because they don't feel there are other traffic improvements that can be made. The first plan was denied two years ago. The new plan in front of Council has eliminated one of the office buildings, eliminated 400,000 square feet and one building in the rear, took out the hotel, and took out all but 8,000 square of the 50,000 square feet of free-standing retail. It increased the residential units from 300 to 520, which brings it more in line with the recommendation of the land use plan for this property. This plan has reduced the average daily trips from the project by 37%. The issue that still remains is the PM peak condition, particularly going south out of the project to the westbound I-285 on ramp. This project is to the east of Glenridge Drive and I-285 is to the south. The orange on the map is the proposed improvement to the on ramp at I-285. There will be more traffic with the plan being presented. The question was how can we prevent degradation of the existing situation. The applicant proposed an additional lane, which begins south of the entrance to the office building directly across the street and continues on to add an additional lane onto the on ramp. This will provide a free flowing movement onto the on ramp, even when the northbound left turn lane is occurring. The existing PM peak hour at this location is currently level of service D, with a delay of forty-five seconds. The proposed, with this improvement, would improve that to level of service C, reducing the delay to twenty-five seconds. The volume to capacity ratio, how many cars can fit on the road compared to what it's designed to carry, is over that amount now at 1.14. With the addition of these lanes it will still be over, but it improves to 1.01. The applicant looked at other improvements, which included the ability to align a new driveway along the southern part of the site with the I-285 westbound on ramp. GDOT stated that can't be done, because there can't be private drives aligning with limited access ramps. The applicant also looked at aligning the signalized intersection, instead of with Glenforest Drive where it is now, with the median entrance to the office building across Glendridge Drive. GDOT also denied this idea, because of the proximity to the ramp and the site distance coming under the I-285 bridge. Finally, they looked at a road that would get up to Hammond Drive and be parallel to Glenridge Drive. As Council heard earlier in the Kimley-Horn discussion this evening about the collector distributor system, GDOT has the right-of-way for that. That is one of the multijurisdictional projects the applicant hopes will be funded at some point. That project will not affect this property. It would provide some relief as a parallel road to Glenridge Drive, but the applicant can't tie into that and can't use that right-of-way. The applicant has no issue with the conditions recommended by staff, including the two that Assistant

Director Planning and Zoning Ruffin stated as additional conditions. The representatives of the owner, as well as their land planner, architect, and traffic engineer, are at the meeting to answer questions.

Mayor Eva Galambos called for public comments in support of the application. There were no comments from the public. She called for public comments in opposition to the application.

Pete Hendricks, 6085 Lake Forest Drive, Representative of 5730 Glenridge Drive Property Owner, stated the subject property is a challenged location regarding accessing the property. The owner has been converting the building over to medical office space. Financial expenditures have been made by tenants and there are long term leases which range from ten to twenty years in term. The application doesn't really address the impact of traffic on their piece of property. He stated that staff Transportation Planner Mark Moore has done a fabulous job taking into consideration the negative effect of traffic on this property. Transportation Planner Moore mentioned in his analysis the hazardous situations brought to this property. On page ten the comment is made by the traffic engineer "access to the property at 5730 Glendridge Drive (Glenridge Medical Office Building) will be severely impacted, especially during PM peak hours. The increased traffic volumes will create a safety and operational hazard in accessing the 5730 site." They asked Mr. Ellis to review this situation on the traffic. The traffic burdening not only affects their property, but the surrounding area as well. HealthAmerica Realty Group wrote a letter assessing the financial ramifications of the application. There is leasing frustration that comes from this. The letter states if the application is approved, it would severely, if not completely, impact their ability to lease the medical office building at 5730 Glendridge Drive. Part of the improvement suggested by staff is a new southbound lane. Transportation Planner Moore at this point doesn't know what part of the deceleration lane would be left after that has taken place. In addition, even though these are good corporate citizens, they would not be positioned to give away that land. He believes the condemnation process would have to occur and expenditure would have to be made by the City in order to acquire that land. Per the assessment of Mr. Ellis, that is a queuing up lane to accommodate westbound flow on I-285 and that will cause a stacking of traffic for their office building.

P.E. Project Manager Ed Ellis, Kimley-Horn and Associates, Inc., stated their company was asked to evaluate the impact of this project to the medical center located at 5730 Glendridge Drive. The project, using the model that was used to establish the traffic study, says the average time to turn left from the medical center onto Glenridge Drive in the afternoon is about 2 ½ minutes. The time will increase to five minutes if this application is approved. The people coming in and out of this project have their minds on a lot of other things than traffic and safety. They are distracted and there is an issue for safety now. He is convinced there will be an even greater issue of safety in the future. The ramp meters will back up traffic from I-285 in order to keep I-285 moving. They did suggest a mitigation, which is a driveway design on Glen Forest Road that would eliminate the ability for anybody to come into or out of the medical center and go through the neighborhood.

Peter Novotny, President of Glenridge Hammond Neighborhood Association, 5800 Hilderbrand Drive, stated he's not here to fight all potential development on the subject property. The neighborhood can't withstand the impacts of this application plan. Several flaws and concerns remain including density and the resultant traffic of 6,000- 7,000 incremental car trips. He requests that Council deny the application as currently presented by the applicant. Regardless of what resolution occurs, it's very important to the neighborhood they don't have a commercial property coming directly onto the main entrance to their neighborhood.

Trisha Thompson, Sandy Springs Council of Neighborhoods, asked Council for a denial of the application to protect the neighborhood and prevent the huge impact on the safety of the entire region. She would like to draw attention to the Northside Hospital's letter of grave concern about the density driven traffic that imperils the public safety. The public safety issue has been mentioned in the City's

staff report. The City doesn't control major points that impede traffic flow; the I-285 bridge, the I-285 on ramp, and the medical building south of the property. One major reason for City Council to deny this application is whether or not existing or changing conditions affect use and development of the property, which gives supporting grounds for approval or disapproval of the zoning proposal. Staff is of the opinion there are existing conditions affecting use and development of the property, which are supporting grounds for disapproval of this proposal. She asked Council to deny the proposal as it currently stands.

Mark Sampl, Sandy Springs Council of Neighborhoods Transportation Chair, 130 Steward Drive, stated the potential impact of this development on the community is overwhelming. The staff report dated August 6, 2010, is littered with terminology that's needed. On page 17 of the handout it states "however at this level of density, staff finds that appropriate traffic mitigation measures for the project have not been provided. Development will significantly increase traffic on this section of the Glendridge Drive corridor, impacting both the Glenridge Forest subdivision, a protected neighborhood, and the Glenridge medical office buildings to the west." On the top of page 18 it states "staff is of the opinion that the proposal as presented adversely affects the existing use and usability of the adjacent property. The proposed development is anticipated to significantly impact the flow of traffic in and out of Glenridge Forest subdivision, mostly during the PM peak hours, which is in direct conflict with the protected neighborhood policies outlined below." On the bottom of page 18, "Public Works anticipates this application will cause an excessively burdensome use of existing streets or transportation facilities. Access to the property at 5730 Glenridge Drive, which is the Glenridge medical office building, will be severely impacted, especially during PM peak hours. Increased traffic volumes will create a safety and operational hazard. The subject property is located on a minor arterial." The applicant's traffic study shows that the applicant can make road improvements that will change the level of service to C in this area. They find this assumption to be absurd. This project will generate an additional 6,000-7,000 vehicle trips a day. Since the office buildings have over 2,000 parking spaces dedicated for use, between 1,500-2,000 vehicles will be spilling out onto Glenridge Drive every week night between 4-7 p.m. A traffic miracle will be needed to improve the area level of service to get to level C. They ask Council to deny this application.

Christine Schroeder, 5880 Pine Brook Road, stated she has lived on Pine Brook Road for almost twenty years. Her home is several hundred yards from the entrance to Lakeside. She moved to the suburban area with the idea her neighborhood community was a family orientated residential area unlike midtown or downtown Atlanta. When the GA400 extension opened and more traffic came in the area, she didn't move to Alpharetta for a better place to live. When the Glenridge connector area started removing trees and building high rises, she didn't move to Cobb County. She stayed in Sandy Springs and paid her taxes, supported local businesses, helped form Sandy Springs and voted for Councilmembers and the Mayor. Residents have property rights. They don't want their rights forsaken for some New York or Vinings developer who rents a big time lawyer and uses threats to get their way. The applicant's assertion of property rights should not result in a negative impact on her property rights. Deny the applicants request. Fight for the residents of Sandy Springs who will be here long after this developer pockets his money and moves on to developing the next parcel of land. Protect all the property rights of the greater number of people affected, not just the richest person. They say reject the Lakeside proposal.

Ralph Edwards, 78 Lindbergh Drive NE., Representative of 5730 Glenridge Drive Property Owner, stated he would like to emphasize one thing. He is very proud of what they have done in that location. He thinks the building and its use is appropriate for that location. There are very few traffic constraints, but when they do occur, it's very important. The most important thing to him is the safety of the tenants and the capability to continue to market and lease the property. He thinks this will be impacted if there aren't mitigations.

Mayor Galambos asked Mr. Edwards what the current tenancy rate is in the space he leases.

Mr. Edwards stated the tenancy rate is about 60%. There is 40% left, which is approximately 45,000 square feet.

Mr. Westmoreland stated MetLife has owned and developed property in Atlanta and north Fulton County since before most of us have lived here. They aren't a company that parachuted in to develop this property. Having them as a landowner and developer of the property, when you look at the developments they have done elsewhere in the region, is one of the better assurances of the quality and commitment to the project the City can get. With regard to the staff report, it made several comments about degradation in traffic and that the situation would be made worse without improvements. When you look at the improvements staff is suggesting, the recommendation is that staff agrees with their numbers and methodology with regard to levels of service, with regard to capacity, and with regard to the improvement and alleviation their traffic improvements will allow. Staff recommends approval with these conditions. The applicant has agreed to accommodate and incorporate all the conditions regarding traffic and otherwise. Regarding Northside Hospital, the letter was handed to the Planning Commission on the date of their hearing. In response to that, he made several calls to the person who signed the letter and she referred him to Mr. Don Parnell, who is a real estate consultant. He spoke to Mr. Parnell and sent more information to him, but has not heard back from him. Mr. Parnell's concern was with two intersections that weren't really discussed tonight. The first intersection he was concerned with is the eastbound I-285 ramp at Glendridge and where people get off I-285 to turn left onto Johnson Ferry Road to go to the hospital in the morning. The other intersection Mr. Parnell discussed is the Glenridge Drive and Johnson Ferry intersection. He was concerned about the number of left turns from Glendridge Drive onto Johnson Ferry, a continuation of the previous problem. Regarding the medical office building that Mr. Hendricks and Mr. Ellis spoke about, their situation was exacerbated a bit when it changed from regular office to medical office. As mentioned earlier, the applicants proposed additional lane doesn't begin in front of the medical office's current driveway, it begins to the south of it. The medical office stated there is a problem in the PM peak turning left. Mr. Ellis stated there is a wait time of 2 ½ minutes that would be projected with additional traffic to go to 5 minutes. He believes traffic might be somewhat worse, but it's not a viable movement now. Finally, with regard to the Glen Forest intersection, the applicant has been very clear with the neighbors all along. The applicant didn't anticipate traffic going into Glen Forest subdivision and they will do whatever the City allows them to do to prohibit traffic going into Glen Forest. The improvements the applicant suggests at the intersection are: two left turn lanes coming out, one right turn lane going north, and the signal would be different. The applicant has looked at a lot of alternatives that have been suggested and none have been feasible, other than those that have been incorporated into the application. He believes with the improvements they have outlined, and the change in the uses on the site plan, they have shown the traffic situation is either slightly improved or is neutral after the actual build out. If the traffic improvements are made at the inception of the project, as required, it will be years before the traffic volumes in the study occur. The applicant has been very diligent in looking at every suggestion for traffic improvement. They have been told no by GDOT and other improvements just are not physically possible. They proposed reasonable solutions. He believes City staff has found they are reasonable solutions and if they are made, there is not any degradation in the traffic situation as it exists today. He asked Council to approve the application.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember DeJulio moved to deny Agenda Item No. 10-197, RZ09-010/U09-009/CV09-019 - 5775 & 5795 Glenridge Drive, *Applicant: City of Sandy Springs*, To rezone the subject property from O-I conditional to MIX to allow for 520 residential units, 8,000 square feet of freestanding restaurant space, 770,000 square feet of office space (400,000 new), and 42,000 square feet of retail space to be located within the existing and/or proposed office and residential buildings, with

concurrent variances and a use permit to exceed the maximum district height. Councilmember Jenkins seconded the motion.

Councilmember Tibby DeJulio stated he lives around the corner from this property. He used to pass by this intersection every day. He eventually had to stop driving this route, because when you turn from Hammond Drive onto Glenridge Drive going south, immediately you stop. There are two solid lanes of traffic between 4:45 p.m.- 6:15 p.m trying to merge onto I-285 and to drive across it to get on the Glenridge connector. The traffic is incredibly backed up there. When discussing placing an additional 5,000-7,000 cars a day in that area, the traffic could end up being backed up to Abernathy Road. The new half diamond won't help at this rate. A right in right out was discussed, but that's going north. Going north isn't the problem; the problem is turning left going south. His biggest fear is Glen Hills and Hammond Hills subdivision and what affect it will have on them. He was in the medical building near the subject property for the first time 2-3 weeks ago. He was there at 3:00 p.m. in the afternoon. When he left at 4:00 p.m., it was difficult to get out. At 5:00 p.m., anyone coming out of that building would have to get on I-285, because there would be no other way to go. There is no way to get through two stacking lanes and two traffic lanes and make a left turn. Mr. Westmoreland stated it's nothing the applicant has done. It's exactly what they are trying to do. They are trying to place 6,000-7,000 cars where 6,000-7,000 cars shouldn't be. This is a gorgeous piece of property. If it had access, it would be a great place to develop another project. There is no way to get into the property and out of the property. The applicant knew this when they bought the property. This is not something that has developed after the property was purchased. The applicant is now looking for the City to bail them out, so they can increase the profit on this property. He is totally against the application. Of the several hundred emails he has received, maybe two were in favor of the application, but they weren't actually in favor of it. The individuals who sent those emails weren't sure to be opposed to the application.

Councilmember Karen Meinzen McEnerny stated the staff report mentions a 4,000 or 8,000 square foot restaurant. It states the applicant can't have signage to the standalone restaurant, but if they do have signage, staff will have to reanalyze the traffic impacts. She asked why that language is in there. Wouldn't a sign be needed for a standalone restaurant?

Assistant Director Planning and Zoning Ruffin stated staff isn't referring to the standalone restaurant. That condition is referencing the 42,000 square feet of retail that would be internal to the apartment or the office buildings. The intent is that space will only be used by people on the property. Retail stores that would fall under that category would be a dry cleaner or a gift shop, where it wouldn't attract customers from outside the property.

Councilmember Meinzen McEnerny stated those uses are not reflected in the traffic count.

Assistant Director Planning and Zoning Ruffin responded correct.

Councilmember Meinzen McEnerny stated the staff report mentions stabilized occupancy compared to future development at 90%. Obviously, a stabilized occupancy for a property that has been developed and leased up to 90% won't make money for any developer. She asked why 90% was used and is that the number the investor used in terms of its stabilized occupancy.

Transportation Planner Mark Moore stated he can't speak for the investment angle. He can tell why the number 90% appears in the traffic study. Typically, if you're looking at an addition to an existing development and adding something, traffic counts will be taken of what is on the ground when doing the initial study. Then, take what is on the ground and add the trip generation based on what is proposed. If adding 50,000 additional square feet of office, you would do counts at the entrances to know what traffic the property is currently generating, and then add what is anticipated and analyze that. The engineer did

that. Given the current leasing that is within the facility, he questioned the count the engineer had done and asked what the current occupancy rate of the center is now, given that leases are down. His understanding is when they did the traffic count; the current occupancy was approximately 70%. The engineer proportionately increased that amount to 90%, thinking that would be a good baseline for a more full facility. The trip generation was run on all of the additional square footage proposed in the zoning and it was added.

Councilmember Meinzen McEnerny asked not at 90% based on the gross square footage?

Transportation Planner Moore stated the trip generations assume a virtually full occupancy. All of the additional is not at a percentage occupancy, it's effectively done at a full occupancy rate or whatever the average full occupancy rate would be for office space where there are multiple leases. To clarify the previous question, there were trips generated for that small amount of retail space and fewer than 300 trips per day were added into the full trip generation for the ancillary retail space.

Councilmember Meinzen McEnerny asked why the staff reports states "should the developer determine that exterior entrances or signage are desired, staff would have to reanalyze the traffic impact".

Transportation Planner Moore stated people that work in a gift shop or dry cleaners would still come and go, deliveries would still come and go and those would still be trips. If it was a retail center trying to draw traffic from the surrounding area, it would have a significantly higher trip generation rate. At that point, staff would have to reevaluate.

Councilmember Meinzen McEnerny asked if the 90% stabilized occupancy for the existing square footage is a standard contained in a traffic engineering manual or is it something that staff or the applicant came up with.

Transportation Planner Moore stated that was proffered by the applicant's engineer. He thought it sounded like a reasonable rate based on the discussion earlier. If it was added proportionately, based on that rate, 35 additional trips would be added per percentage. If the occupancy was stated 95%, 175 additional daily trips could be added to the total.

Councilmember Meinzen McEnerny stated that concludes her questions. She stated the applicant's lawyer was right; this is all about traffic, access, and a landlocked parcel. The staff report clearly states that it adversely affects adjacent property owners. Her question is how Council can approve this density when neither the City of Sandy Springs nor the applicant can control the DOT access and the taking of the southbound land of the GM building. Staff states "if we make the mitigated traffic improvements", but the City doesn't have control of those. It is adversely impacting the neighborhood. Furthermore, the Comprehensive Plan is not upheld, because the City is supposed to protect the neighborhoods. The Comprehensive Plan had a map which showed a high density area called a TOD (Transit Orientated Development), which was a leftover from the focus Fulton County 2010 Comprehensive Plan before Sandy Springs became a city. In the focus Fulton County 2010 plan, the policies in the plan described what Transit Orientated Development was and it was walkability to the MARTA station. That is not part of the City's plan. This relic of the live-work regional remained on the map, but was not adequately flushed out in the body of the plan, so therefore the Comprehensive Plan intent was not upheld. Finally, since the entire decision hinges on accessibility and traffic counts, she was not pleased to learn that neither the public nor the Council had an opportunity to review the applicants revised traffic report that was submitted on Friday afternoon and wasn't able to be disseminated to the Council or posted on the City website. The traffic study that she and the public have looked at is exhibit 3, not the final report. She doesn't feel like she was adequately prepared to address the key issue, which is traffic. She recommends denial of the application.

Mayor Galambos asked Transportation Planner Moore if there is a new traffic study that came out other than what Mayor and Council received on their disks.

Transportation Planner Moore stated there is a revised study that was submitted about 5:00 p.m. on Friday, August 13, 2010. It came in right after the last briefing. Community Development Director Nancy Leathers asked him to review the report. He was able to review it over the weekend and spoke to the engineer a day before the City Council Meeting to have a few questions answered.

Councilmember Dianne Fries asked about the changes.

Transportation Planner Moore stated the changes were fairly significant. The original study showed the new proposal and its effect on the surrounding area. The Public Works recommendations and the staff report were written based upon this including his recommendation for some of those mitigative efforts, including the ramp improvements discussed on I-285. The revised study shows the modeling done to take those improvements and mitigations into account. The level of services on the poster board reflects the modeling taking the staff recommended mitigative efforts into account on the ground.

Mayor Galambos stated Mayor and Council decided earlier they didn't want to have a ninety day deferral. Given there is more information that might be pertinent to the decision of the Council, could we at this point give a thirty day deferral, so Mayor and Council would have access to this later report?

City Attorney Wendell Willard stated it is within the power of the Council to defer tonight, if they so desire.

Transportation Planner Moore stated he believes that is a significant portion of the reason for the change in the staff recommendation to deferral.

Councilmember DeJulio asked whose traffic report this is. Was this done by the developer or done under the authority of the City?

Transportation Planner Moore stated it was submitted by the engineer hired by the developer.

Mayor Galambos asked Transportation Planner Moore whether the original report from two years ago discussed 6,000 additional cars. What is the range of the additional cars in this year's report?

Transportation Planner Moore stated he didn't bring the 2007 report. It is over 10,000 additional cars per day, within a twenty-four hour period, from the previous zoning application.

Mayor Galambos asked what this one is.

Transportation Planner Moore stated 6,373 additional trips per day.

Councilmember Chip Collins stated he has questions for staff or Mr. Westmoreland. In any of the traffic studies, was the impact of the new Hammond interchange incorporated into the studies?

Transportation Planner Moore stated it was, at least as well as staff can predict. They shifted approximately 10% of the southbound traffic north. Right now, a fair number of cars driving down that corridor are using that to get to Glenridge connector to ultimately go to GA 400. If he was leaving that site at 5:00 p.m. in the afternoon and wanted to go to Alpharetta on GA 400, he would actually go south to go north. As Councilmember DeJulio stated, going northbound on Glenridge Drive in this area isn't the problem and going eastbound on Hammond isn't either.

Councilmember Collins asked how the condition regarding the extra lane on the ramp to I-285 would work, given Councilmember Meinzen McEnerny's concern that it requires DOT approval and would require some condemnation.

Assistant Director Planning and Zoning Ruffin stated if the applicant wasn't able to get the GDOT approval prior to the submittal of the land disturbance permit, they would have to get a zoning modification to reduce the density to address that issue.

Councilmember Fries asked if it's on the land disturbance permit or on the certificate of occupancy. She thought in the staff report it stated on the certificate of occupancy.

Councilmember Meinzen McEnerny stated it is certificate of occupancy on the staff report. The Planning Commission recommended land disturbance permit.

Councilmember Collins stated that answers his question whether its tied to the land disturbance permit. He would like to see this site redeveloped eventually. He wishes all the stakeholders could reach an accord on this. A negotiated resolution is almost always better than having a decision made by someone else, whether it be City Council, Judge or a jury. He appreciates the efforts of MetLife and their very high quality attorneys to work in good faith to try and come up with an improved plan from the last one. Unfortunately we're not quite there. This is a landlocked property, has limited access, is across the street from a protected neighborhood, and part of one of the worst performing traffic areas in Sandy Springs. He can't ignore the staff's analysis that the project would excessively burden the use of existing streets. These mitigation efforts look like a band-aid on a gaping wound. He can't ignore the impact it will have on the medical building across the street. He can't ignore the applicant's numbers that 7,000 trips will be added to this gridlocked situation. His hope is the Hammond interchange will improve traffic flow and that GA400 and I-285 will be improved to help this corridor. Based on traffic flows that exist today, and even with the few mitigation efforts, he can't in good faith place more cars onto Glendridge and affect this neighborhood and the medical building. He supports Councilmember DeJulio's motion to deny the application.

Councilmember John Paulson asked is there still a northbound exit ramp from this property onto Glenridge? At one point there was an exit only ramp at the north end of the property going north.

Transportation Planner Moore stated yes, there is still an exit going northbound next to the entrance.

Councilmember DeJulio asked isn't it south of the entrance, south of the traffic light?

Transportation Planner Moore stated there is a signal at Glen Forest and then a right in right out entrance north of that, basically along the north property line. He pointed out on the map Glen Forest, the light signal at Glen Forest, and the north property line.

Councilmember Paulson stated the traffic study shows that once all the mitigation efforts are approved by DOT, the level of service goes from a D to a C. He asked Transportation Planner Moore if he concurred with that opinion.

Transportation Planner Moore answered yes.

Councilmember Paulson stated regarding the discussion about the GM building across the street being negatively impacted, how does that fit into the D to C?

Transportation Planner Moore stated the level of service C is looking at the overall signalized intersection for the onramp at Glenridge and I-285 westbound. It is looking at the overall level of delay and the volume capacity ratio for the entire intersection. This can be broken down into each individual movement or approach and obviously the turns onto I-285 are worse than C. The northbound is free flow. The big improvement with the ramp is there would be free flowing southbound that no longer has to wait and turn right at a light. There will be extra stacking with the multiple lanes on the ramp, which would improve the performance capacity at that intersection. As far as the GM building, it's problematic today. He believes ultimately the City would have a discussion about the safety and the operations of getting in and out of the Glenridge medical building at some point in the future, regardless if anything happened at Lakeside. The more traffic that goes on that corridor, the worse it will get.

Councilmember Paulson stated Public Works raised some concerns in the orginal report about the excessive burden on traffic. He asked Transportation Planner Moore if he speaks for Public Works on these mitigation points.

Transportation Planner Moore responded yes.

Councilmember Paulson stated there were letters submitted to Council not in favor of the application. The people that wrote the letters haven't seen the new study, either. He's not saying the new study will change their minds to be in favor of the application. He struggles with the report that came in at 5:00 p.m. on Friday. The letters that are complaining haven't had the benefit of this study that is taking this intersection from level of service D to C. He struggles with Council making a decision without the people that are most impacted having seen the latest study. He's leaning towards a deferral to let everyone review the study first.

Vote on the Motion: The motion to deny carried 5-1, with Councilmember Fries voting in opposition.

The Council took a brief break at this point in the meeting.

Zoning Modifications

(Agenda Item No. 10-198)

6. **ZM10-006** - 8200 Roberts Drive, *Applicant: Choate Construction*, To modify condition 3.g. of Z87-0040 to allow a sign on the existing retaining wall facing GA-400

Assistant Director Planning and Zoning Patrice Ruffin stated currently the conditions of zoning for this property limit the development to two monument signs on Roberts Drive and one wall sign on the building facing GA400. This is the University of Phoenix sign already on the property. The property also has a retaining wall that faces GA400. The applicant is seeking to place a sign on that retaining wall. Staff is recommending approval conditional for the request as outlined in the staff report.

Shawn Allen, Representative of Choate Construction, stated Choate is a large commercial construction company and produces over $500 million in construction a year. Their corporate headquarters is located in the Northridge Plaza at 8200 Roberts Drive. One of the problems is when one drives up GA400 going north, the building sits back, the trees are very tall, and by the time you pass the trees, you almost have to look back to see the building. For many years there was a Choate construction sign there. They would like to place on the retaining wall a 15 feet long, 3 feet tall sign that reads Choate Construction. That would give people driving by a sightline access before making it to exit 6 off of GA 400. This would add more safety. There is a lot of foot traffic that comes through with subcontractors, vendors, developers, and employees. He believes this would solve a lot of the problems of not recognizing this is the Choate building until the last minute.

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

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 10-198, ZM10-006 - 8200 Roberts Drive, *Applicant: Choate Construction*, To modify condition 3.g. of Z87-0040 to allow a sign on the existing retaining wall facing GA-400. Councilmember Jenkins seconded the motion.
Ordinance No. 2010-08-31

Councilmember John Paulson stated this sign does not have lighting.

Assistant Director Planning and Zoning Ruffin responded correct.

Councilmember Paulson asked if the City allows a sign to go up that says Choate, do we next have to put up a sign that says DR Horton? Are we opening a Pandora's Box of signs down there, so it looks like a little league outfield wall. That is his worry.

Assistant Director Planning and Zoning Ruffin stated staff has written the conditions so it's specific to the Choate sign.

Councilmember Paulson asked if Choate Construction is a resident of Atlanta or Sandy Springs.

Shawn Allen, Representative of Choate Construction, responded Sandy Springs.

Councilmember Paulson stated their letterhead says Atlanta; that's why he asked.

Councilmember Tibby DeJulio asked if their business cards and letterhead indicate they are residents of Sandy Springs. Since Sandy Springs has become a City, Council has been trying to establish a better visibility of Sandy Springs. There are many corporate headquarters in Sandy Springs, including Choate. The City has been trying to emphasize with the companies to have them recognize the fact that they are within the City of Sandy Springs. If Mr. Allen would bring the message back to his corporation that as they reorder letterhead and business cards they acknowledge they are in Sandy Springs and not Atlanta, Council would appreciate it.

Mr. Allen stated he would absolutely take that message back to corporate.

Vote on Motion: The motion carried unanimously.

(Agenda Item No. 10-199)

7. **ZM10-007/CV10-009** - 43 Westfair Court, *Applicant: Mary Alice Buetgen*, To modify condition 3.a. of Z93-0013 to reduce the required undisturbed buffer for an addition to the residence, with concurrent variances

Assistant Director Planning and Zoning Patrice Ruffin stated this application is a request to modify the required buffer to allow for an addition to the exiting residence. Staff is recommending approval conditional of the modification and concurrent variance request.

Brian Pierce, General Contractor for the applicant Mary Alice Buetgen, stated he's the general contractor for this project. The applicant is asking for a zoning buffer change from a 25 foot buffer to a 17 foot buffer. The contractor will be building a four seasons room and a stone patio addition.

Mayor Eva Galambos asked about the pervious surface.

Mr. Pierce stated what he designed was a stone pervious surface. It would start off with a layer of #57 stone gravel, one layer of geo tech fabric, and then a layer of crush and run with crab orchard flagstone on top of that. Within each individual joint in the patio, he plans on planting mondo grass to allow the water to percolate through.

Mayor Galambos asked if he is going to be creating more run off.

Mr. Pierce responded no. He stated photos of the applicant's yard show it is well exposed clay and there is a lot of sediment run off already. He hopes to improve the conditions that are out there now.

Councilmember Chip Collins asked where the property is located.

Mr. Pierce stated it is off of Peachtree Dunwoody Road. The property is next to GA 400.

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

Motion and Second: Councilmember Jenkins moved to approve Agenda Item No. 10-199, ZM10-007/CV10-009 - 43 Westfair Court, *Applicant: Mary Alice Buetgen*, To modify condition 3.a. of Z93-0013 to reduce the required undisturbed buffer for an addition to the residence, with concurrent variances. Councilmember Paulson seconded the motion.
Ordinance No. 2010-08-32

Councilmember Ashley Jenkins stated she'd like to commend the contractor. She knows Westfair subdivision has water issues. It's an incredible idea, what they are doing with the pervious surface. She hopes others will take this idea and use it as well.

Vote on Motion: The motion carried unanimously.

Text Amendments

(Agenda Item No. 10-200)

8. **TA10-005** - An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance

Assistant Director Planning and Zoning Patrice Ruffin stated this is the amendment to Article 3, Definitions, that was presented at the August 3, 2010, Work Session. The Planning Commission heard the amendment on June 17, 2010, and recommended approval as presented by staff. Staff did go back and address the comments made by Councilmember Fries.

Mayor Eva Galambos called for public comments in support of or opposition to these changes to the Zoning Ordinance. There were no comments from the public. The public hearing was closed.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 10-200, TA10-005, An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion.
Ordinance No. 2010-88-33

Councilmember Dianne Fries stated she sent staff, Mayor, and Council her list of questions on these amendments. Almost every issue was addressed on the items. There were a couple that couldn't be addressed or it would have required an Ordinance change.

Vote on Motion: The motion carried unanimously.

(Agenda Item No. 10-201)

9. **TA10-006** - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance

Assistant Director Planning and Zoning Patrice Ruffin stated this item was also heard by the Planning Commission on June 17, 2010, and they recommended approval as presented by staff.

Mayor Eva Galambos called for public comments in support of or opposition to these changes to the Zoning Ordinance. There were no comments from the public. The public hearing was closed.

Mayor Galambos stated in the explanation of nonconforming she wants "or". For example, if it states the building was vacated "or" if the sign had been empty. She doesn't want it to read that all of those things have to happen. She wants it to read that if any one of those things happen. Staff needs to insert "or" between each of the possibilities.

Assistant Director Planning and Zoning Ruffin stated the person at the City Attorney's office working on the amendments has done that. The amendment is located in Section 4.3.1.

Mayor Galambos stated she wanted to be sure it was changed. She doesn't want all of those things required to happen in order to call the property nonconforming.

Councilmember Dianne Fries asked if they can add that into the motion.

City Attorney Wendell Willard stated it should be what is in front of Council. If it's not what is in front of Council, defer it. If you're going to adopt an item, and if what you have in front of you isn't correct, then defer it.

Mayor Galambos stated City Attorney Willard advises Council shouldn't approve an item they haven't seen.

Motion and Vote: Councilmember Fries moved to defer Agenda Item No. 10-201, TA10-006 - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance, to the September 7, 2010, Council Meeting. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-202)

10. **TA10-007** - An Ordinance to Amend Article 18, Off-street Parking and Loading, of the Sandy Springs Zoning Ordinance

Assistant Director Planning and Zoning Patrice Ruffin stated this item was also heard at the June 17, 2010, Planning Commission and they recommended approval subject to staff recommendation.

Mayor Eva Galambos called for public comments in support of or opposition to these changes. There were no comments from the public. The public hearing was closed.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 10-202, TA10-007 - An Ordinance to Amend Article 18, Off-street Parking and Loading, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion.
Ordinance No. 2010-08-34

Councilmember Dianne Fries stated she'd like consensus from Council to allow Community Development Director Nancy Leathers to review the parking standards for the City.

Councilmember Karen Meinzen McEnerny stated she would like the City to meet the market. However, the City does have a lot of impervious unused parking in retail, except around Christmas.

Vote on Motion: The motion carried unanimously.

(Agenda Item No. 10-203)

11. **TA10-009** - An Ordinance to Amend Section 33.18, Prohibited Signs, of the Sandy Springs Zoning Ordinance

Assistant Director Planning and Zoning Patrice Ruffin stated this item was presented to the Planning Commission on July 15, 2010. The Commission recommends approval as offered by staff.

Mayor Eva Galambos asked what is the change in the Sign Ordinance.

City Attorney Wendell Willard stated signs are not to be LED at all.

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

Motion and Vote: Councilmember Jenkins moved to approved Agenda Item No. 10-203, TA10-009 - An Ordinance to Amend Section 33.18, Prohibited Signs, of the Sandy Springs Zoning Ordinance. Councilmember Fries seconded the motion. The motion carried unanimously.
Ordinance No. 2010-08-35

(Agenda Item No. 10-204)

12. A Resolution to Authorize the Transmittal of the Draft Annual Capital Improvement Element (CIE) to the Regional Development Center and State for Review and Comment

Assistant Director Planning and Zoning Patrice Ruffin stated this item has been reviewed by the Finance Department and by the departments that are affected by the items listed in the CIE. Staff has received the go ahead to transmit it to the State of Georgia.

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

Motion and Vote: Councilmember Paulson moved to approved Agenda Item No. 10-204, A Resolution to Authorize the Transmittal of the Draft Annual Capital Improvement Element (CIE) to the Regional Development Center and State for Review and Comment. Councilmember Fries seconded the motion. The motion carried unanimously.
Resolution No. 2010-08-57

(Agenda Item No. 10-205)

13. Consideration of Approval of the Appropriation of the Property on Peachtree Dunwoody Road known as Lifestyle Family Group, LLC property (associated with the Wembley Hall Subdivision), through the Use of Eminent Domain

Transportation Engineer Greg Ramsey stated this item is part of the Capital Improvement Program project T-0026, the intersection improvement at Peachtree Dunwoody Road and Spalding Drive. Kerry

Missel has preformed the right-of-way acquisition and negotiation and coordination up to this point for staff.

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

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-205, Appropriation of the Property on Peachtree Dunwoody Road known as Lifestyle Family Group, LLC property (associated with the Wembley Hall Subdivision), through the Use of Eminent Domain. Councilmember Fries seconded the motion. The motion carried unanimously.
Resolution No. 2010-08-58

(Agenda Item No. 10-206)

14. Consideration of Approval of the Appropriation of the Property Located on Peachtree Dunwoody Road as part of the Peachtree Dunwoody Road Intersection Improvement Project

Transportation Engineer Greg Ramsey stated Agenda Item No. 10-206 has been resolved as well as the next Agenda Item, No. 10-207.

City Attorney Wendell Willard stated these two Agenda Items were resolved just today, August 17, 2010. Council doesn't need to take any action. Both items were amicably resolved.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

(Agenda Item No. 10-208)

1. Approval of An Ordinance to amend Chapter 54, Article V, Section 54-127(d) of the Code of Ordinances of the City of Sandy Springs to clarify the provisions for review and hearing of disputes regarding occupational tax amounts and assessments

City Attorney Wendell Willard stated the City created a policy which calls for a hearing which is an informal review. The hearing officer is the Assistant City Attorney, Cecil McLendon. The City has been fortunate that the hearings held prior to the policy being adopted have been successful. When stating successful, he is referring to the parties getting questions and issues on the table, having them reviewed from a legal standpoint, and receiving an explanation why the Ordinance is applied in a certain matter. Once one makes it through the informal procedure and their issue isn't resolved, the individual has to go through a regular appeal process. To do that appeal, they will need to pay the taxes that are alleged to be due, subject to final outcome.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 10-208, An Ordinance to amend Chapter 54, Article V, Section 54-127(d) of the Code of Ordinances of the City of Sandy Springs to clarify the provisions for review and hearing of disputes regarding occupational tax amounts and assessments. Councilmember Fries seconded the motion. The motion carried unanimously.
Ordinance No. 2010-08-36

(Agenda Item No. 10-209)

2. Memorandum of Agreement Between Georgia Department of Natural Resources and City of Sandy Springs Regarding the Georgia Flood Mapping Assessment and Planning Program

Manager of Stormwater Services David Chastant stated as Mayor and Council are aware, FEMA is in the process of updating their floodplain maps along the Chattahoochee River corridor. To do this, FEMA is working with all the communities and asking what they want and what type of studies they've done. The City of Sandy Springs has provided FEMA with studies the City recently completed. In return, FEMA will review those studies and incorporate them into their maps. What is before Council tonight is a Memorandum of Agreement that states the City will work with FEMA to create the best maps they can and enforce the maps once they become effective.

Councilmember Karen Meinzen McEnerny asked by the City cooperating, does Manager of Stormwater Services Chastant anticipate a significant amount of additional staff time and cost for the City?

Manager of Stormwater Services Chastant responded no. Staff has already given FEMA the maps. There will be some public involvement time, but there won't be any significant costs other than holding an open house.

Motion and Vote: Councilmember Meinzen McEnerny moved to approved Agenda Item No. 10-209, Memorandum of Agreement Between Georgia Department of Natural Resources and City of Sandy Springs Regarding the Georgia Flood Mapping Assessment and Planning Program. Councilmember Fries seconded the motion. The motion carried unanimously.

REPORTS AND PRESENTATIONS

There were no Mayor and Council or Staff reports.

PUBLIC COMMENT

Bill Gannon, 505 Taunton Way, stated he wanted to salute one of the new Councilmembers who graduated from public school in Sandy Springs, Chip Collins. He wanted to thank the Mayor for opposing the millage increase on the school tax rate. When the media writes articles about tax increases, he wishes they wouldn't use a home valued at $150,000. When looking at the millage rate, he believes the median assessed value should be used, i.e. $300,000, so there would be a realistic number. There is a large differential in the amount of money Sandy Springs citizens pay to the Fulton County schools compared to the amount of money received from the Fulton County schools..

Councilmember Tibby DeJulio stated the City has a guest today from Tianchang, China. She is the daughter of Vice Mayor Lu.

Mayor Galambos stated this young lady, who is eighteen years old, has completed her freshman year in electrical engineering and will be a sophomore at Northeastern University in Boston, MA.

(Agenda Item No. 10-210)
M) EXECUTIVE SESSION- Litigation

Motion and Vote: Councilmember Fries moved to enter into Executive Session to discuss litigation with the Director of Community Development included. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive Session began at 8:31 p.m.

Motion and Vote: Councilmember Fries moved to adjourn Executive Session. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session adjourned at 8:50 p.m.

(Agenda Item No. 10-211)
ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 8:51 p.m.

Date Approved: September 7, 2010

Eva Galambos, Mayor

Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

August 17, 2010

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 17th day of August, 2010, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

> 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.

Eva Galambos

Eva Galambos, Mayor

Sworn to and subscribed before me,
this 17TH day of AUGUST, 2010.

Michael D Casey

Notary public (SEAL)

MICHAEL D. CASEY
MY COMMISSION EXPIRES
NOTARY
PUBLIC
JANUARY 11, 2013
CHEROKEE COUNTY, GEORGIA