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**Regular Meeting of the Sandy Springs City Council was held on Tuesday, March 16, 2010, at 6:00 p.m., Mayor Eva Galambos presiding.**

**INVOCATION**

Deacon Tom Shuler with Holy Spirit Catholic Church offered the invocation.

**CALL TO ORDER**

Mayor Eva Galambos called the meeting to order at 6:00 pm.

**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 comments, either during a public hearing or before the conclusion of the meeting under the Public Comment section, are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the 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, and Councilmember Karen Meinzen McEnerny present. Councilmember Tibby DeJulio absent.

**PLEDGE OF ALLEGIANCE**

Mayor Galambos lead the Pledge of Allegiance.

**(Agenda Item No. 10-053)**

**APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Jenkins moved to approve the Meeting Agenda. Councilmember Fries seconded the motion. The motion carried unanimously.

**CONSENT AGENDA**

**(Agenda Item No. 10-054)**

1. Meeting Minutes:
  - a. August 18, 2009 Regular Meeting
  - b. August 18, 2009 Work Session
  - c. September 1, 2009 Regular Meeting
  - d. September 1, 2009 Work Session
  - e. September 15, 2009 Regular Meeting*(Michael Casey, City Clerk)*

**(Agenda Item No. 10-055)**

2. Georgia Power Lease Agreement (Morgan Falls River Park)  
*(Cecil McLendon, City Attorney)*

**(Agenda Item No. 10-056)**

3. A Resolution in Opposition to Georgia House Bill HB 480 Currently Pending in the Georgia Legislature  
(*Eva Galambos, Mayor*)  
**Resolution No. 2010-03-16**

**(Agenda Item No. 10-057)**

4. A Resolution in Opposition to Georgia House Resolution HR 1 Currently Pending in the Georgia Legislature  
(*Eva Galambos, Mayor*)  
**Resolution No. 2010-03-17**

**(Agenda Item No. 10-058)**

5. A Resolution in Support of Georgia House Legislation HB 1093 and HB 1137 of the 2010 Georgia Legislative Session  
(*Eva Galambos, Mayor*)  
**Resolution No. 2010-03-18**

**(Agenda Item No. 10-059)**

6. 2008 CDBG Action Plan Substantial Amendment to Purchase Pedestrian Lights - Final Approval  
(*Nancy Leathers, Director of Community Development*)

**Motion and Vote:** Councilmember Jenkins moved to approve the Consent Agenda. Councilmember Fries seconded the motion. The motion carried unanimously.

**PRESENTATIONS**

There were no presentations.

**PUBLIC HEARINGS**

**(Agenda Item No. 10-060)**

1. Public Hearing on Public/Private Partnerships

**City Manager John McDonough** stated this is the first phase of moving toward a rebid of the City's general government services contracts. It was determined the first step would be to hear from the public. There are two public hearings scheduled; one is for today and the next one is scheduled for April 20, 2010. In addition, the City has asked for citizen feedback on what they are pleased and displeased with via E-blast and the City's website.

**Mayor Eva Galambos** called for public comments.

**Oliver Porter, 150 Habersham Waters Court,** stated he expects the Council will hear a number of comments over the next year concerning the future of the City. Many will be focused on issues and concerns of a fairly narrow nature. He wanted to suggest that Council keep the big picture in front of them. The big picture for the City of Sandy Springs is one of great success. The City was started against huge odds, running at full tilt from day one, and continued that success for over four years. A great deal of the responsibility or praise for that lies with the Mayor and the Council. They have given the City enlightened governance, put aside issues between themselves and handled things professionally. They have not fallen into the trap of fighting for their own districts and have thought of the good of the City as a whole. The second part of that success is the operating model on which the City operates, the

public/private partnership. Those two factors have led to every facet of services being improved and a City that operates efficiently and in good fiscal bounds. Even in the past year during this recession, when other Cities around us have to consider tax increases and service reductions and eliminations, the City of Sandy Springs has continued to be able to increase and enhance services and become more efficient. City Council has improved roads, made capital expenditures, not increased taxes, and in the middle of all this, built a surplus for our future. It has been a model that has worked extremely well for this City and it is one that we should continue. He did not argue that there are things that need to be tweaked and improved upon. Some of those things have happened over the past four years. The public/private partnership is based on partnership. The City has a private company partner that has brought innovation and the ability to adjust for unforeseen instances. The City needs to continue that, but they can also improve upon the contract. For example, people have been concerned with the fixed cost aspect of the contract. One of the initial reasons for this was the City thought they had a contract that was fair from a cost stand point, but more importantly they didn't need any surprises as a new City because they couldn't afford the risk. That has changed for Sandy Springs. It is now a more mature City and can look at other ways to price services. He is sure the corporate partner will be willing to negotiate those kinds of changes with the City, because certain areas of the business need to remain a fixed cost and others may be cost plus or even time and material that need to be negotiated. The corporate partnership is one successful way of negotiating those things. The corporate partner would be willing to negotiate because in the original contract negotiations, the company proposed a cost plus contract and the City negotiators said no. They wanted the fixed cost for reasons outlined. The original contract would have allowed changes after two years and the City chose not to, because they had been bringing down the cost through negotiations during that period. The City has the ability to step up and make changes in areas other than cost. The contract may need some tweaking and the City has learned how to do that. The City has been a success. It is recognized across the country, internationally, and most important, by the citizens of Sandy Springs. You can't get any better demonstration of that than the recent elections when no incumbent received less than 84% of the vote. That is an absolute endorsement of the management of the City and of the model in use. He urged Mayor and Council to keep that big picture in the forefront when considering how to go forward with operating the City.

Mayor Galambos asked Council if they had any questions or comments for Mr. Porter. There were no questions.

Mayor Galambos stated Mr. Porter was a member of the Governor's Commission that helped the City with its first contract. He was also a very active member of the Committee for Sandy Springs. In March of 2005, when it was realized that the bill was going to be passed in the General Assembly, to have a referendum for the City of Sandy Springs, Oliver turned to the committee and said "you have a tiger by the tail and you better start thinking about how you are going to govern this place." He was the one who really got us going, made us move and think. He is the one who brought us to a successful conclusion. She wanted to publicly recognize Mr. Porter's role in the activities of 2005 and asked for his input for the future consideration of where the City goes.

**Oliver Porter** stated prior to the meeting he spoke to the new Council members and offered to brief them on the way the contract was designed and why things were done in a certain manner in preparation for the future. He extended that same invitation to the rest of Council.

**Robin Beechey, 20 Willow Glen NE**, stated his comments are not based on any ideological view for or against the contract, but rather on a practical view, having had some considerable experience in running a large local government. He asked Mayor and Council to not only look at which services should be contracted out, but where the split should come between the in house management and the operations. He finds it hard to visualize how in some circumstances a City could operate with most of its policy advisors and senior management not being directly employed. He has no issues with operations being contracted

out, but departmental heads and senior management should be in house. The City came to the conclusion very quickly that the Director of Finance was in the wrong place and needed to be brought in. He hopes Mayor and Council will look at the balance of what is in and what is out in a horizontal sense. It goes also to the question of how one manages the contract or contracts. There have been reports in the paper that the City has been contemplating more than one contract. The City needs good in house staff to monitor the contract, deal with variations, and to deal with performance. If the contract is put out as is, it would be difficult in some circumstances to determine how the City would have a level playing field between the incumbent, who has all the departmental heads and senior management in its employ, and somebody else who was seeking to come in and take all or part of the contract. He hopes Mayor and Council will take those points into consideration. He reiterated he is not for or against contracting out in an ideological sense. It can work in some circumstances and so far it has worked for Sandy Springs.

**(Agenda Item No. 10-061)**

2. Public Hearing on Voting Rights Changes

**Assistant City Attorney Cecil McLendon** stated City Attorney Wendell Willard was going to present this item, but he was delayed at the Legislature. He deferred to Mr. Willard for presentation of this item at a future time.

**City Manager John McDonough** stated it doesn't require a presentation, as it has been advertised for a public hearing for staff to hear from the public on the pros and cons of the City moving forward. He recommended to the Mayor to move forward with the public hearing.

**Mayor Eva Galambos** stated the City's motivation for looking at this change is to run the local elections at a reduced cost from what Fulton County charges the City. The City just went through an election and experienced substantial and heavy costs. If the City can run the elections, then we can save money.

Mayor Galambos called for public comments either for or against this application. There were no comments from the public.

**City Clerk Michael Casey** read the Zoning Rules.

**Rezoning**

**(Agenda Item No. 10-062)**

3. **RZ09-006/CV09-015** - 1155 Mount Vernon Highway, *Applicant: MDT Perimeter Pointe LLC*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) conditional, with concurrent variance(s), to allow a new fast food restaurant

**Assistant Director of Planning and Zoning Patrice Ruffin** stated this is a deferred item that is coming back before Council from the Planning Commission. The applicant is requesting to rezone the subject property to allow for an additional fast food restaurant at the existing shopping center. The applicant is also requesting two concurrent variances. Staff is recommending deferral of the application to allow the developer and the neighbors to continue working through some of the issues that were raised. The petition was heard at the February 18, 2010, Planning Commission meeting and the Commission recommended denial of the request based on the reasons outlined in the staff report.

**Woody Galloway, Dillard and Galloway**, stated he was representing the applicant. Staff has recommended a deferral of this request and the applicant concurs with that deferral. The applicant has met with area association representatives and they also support a deferral. The applicant is asking for a 120 day deferral to allow time to work on the issues regarding the proposal, and to work with the

community, the existing tenants within the shopping center, and the shopping center owner. They will then go back to the Planning Commission to have them consider whatever proposals come about.

**Mayor Eva Galambos** called for public comments either for or against this application. There were no comments from the public.

**Motion and Second:** Councilmember Jenkins moved to defer agenda item no. 10-062, RZ09-006/CV09-015 - 1155 Mount Vernon Highway, *Applicant: MDT Perimeter Pointe LLC*, until the July 20, 2010, City Council Meeting. Councilmember Fries seconded the motion.

**Councilmember Karen Meinzen McEnerny** explained to the audience the Planning Commission recommendations that were in the staff report. The Planning Commission met on this matter and denied it twice. The Commission stated in the recommendations that they had some major issues with this proposal. She is delighted that it will be going back through the Planning Commission for some of the issues to be addressed by the applicant.

**Vote on the Motion:** The motion carried unanimously.

**(Agenda Item No. 10-063)**

4. **RZ09-011** - 6550 Roswell Road (SR 9), Applicant: MJM Development, Ltd., to rezone the subject property from C-1 conditional to C-1 to allow medical office use in the existing building

**Assistant Director of Planning and Zoning Patrice Ruffin** stated the applicant is requesting to rezone the property from C-1 conditional to C-1 to allow a clinic in the existing building. The current conditions only allow for retail use. Staff is recommending approval conditional. The petition was heard at the February 18, 2010, Planning Commission Meeting and the Commission is also recommending approval subject to staff conditions.

**Gerald Benda, Attorney for the applicant MGM Development Limited**, stated 6550 Roswell Road is a .42 acre tract on the western side of Roswell Road south of the intersection with Abernathy Road. It was a building that once had a Hi-Fi Buys and Bar-B-Que Galore and now holds Metropolitan Clinic. This property has enjoyed C-1 zoning status for 45 years with prior uses including a dental practice that was on the property for 20 years. In 1983 the current owner and applicant purchased and redeveloped the property. The zoning conditions that were attached at that time by Fulton County Commission were retail, commercial, and accessory uses. The property adjacent to the subject property is also owned by the applicant and was redeveloped a year later with the same conditions attached. At that time, the applicant had asked Fulton County for guidance on what uses could be at the property and received a written confirmation that any general commercial uses would be allowed on the adjoining property, which carries the exact same conditions as the subject property. The subject property had a clinic and various general commercial uses. In 2009, they leased the property to Metropolitan Clinic for use as a medical clinic. Clinic use is an acceptable C-1 use under the Sandy Springs Zoning Code. The applicant did not think any further reclassification was necessary based on the history and prior use of the property. Apparently, at that time, neither did many Sandy Springs officials. The building permit was signed, numerous inspections were performed, and the certificate of occupancy was issued to Metropolitan Clinic. It was very clear on all the applications that clinic usage was desired. It was not until a few days before the clinic was scheduled to open when they attempted to obtain their final business license they were told a clinic was not an acceptable use under the conditions placed in 1983. After meeting with the City Attorney and Nancy Leathers, the applicant felt it would be best to clarify this misunderstanding by applying for rezoning to clear up the issue and to allow a broader sense of use on the property. The applicant is seeking that the C-1 commercial uses and conditions permit clinics, financial establishments, offices, and retail as well as accessory uses. The building on the property is 4,011 square feet with ample

on-site parking for its proposed use. There was no exterior construction on the property by the tenant, only interior remodeling. All existing landscape buffers are in place and there have been no changes. There are no conditions present that require a concurrent variance for this property. The proposed use by Metropolitan Clinic is designed to be a family medical practice. It is staffed by experienced and licensed physicians and medical assistants that provide affordable, quality and efficient services to the entire community. They have no inpatient facility, no emergency services, and no surgical services being performed at the property. It is a first stop medical facility where a large portion of the patients have no regular physicians and it eases the burden on the existing hospitals and emergency rooms that these patients would otherwise visit. The applicant doesn't believe this property's intended use will be a burden to the City. The clinic will generate far less traffic than any retail use; will only be open during daylight hours; will have less delivery vehicles; less traffic in and out; and many patients will be taking public transportation to the clinic. It will be much less of a demand for police or fire services than its prior use as retail. He reiterated all his points and stated the applicant accepted the staff recommendations and conditions that were placed on the application. This conforms to the land use plan and uses suitable to the surrounding area. He then asked Council to approve the application.

**Mayor Eva Galambos** called for public comments either for or against this application. There were no comments from the public.

**Motion and Second:** Councilmember Collins moved to approve agenda item no. 10-063, RZ09-011 - 6550 Roswell Road (SR 9), Applicant: MJM Development, Ltd., to rezone the subject property from C-1 conditional to C-1 to allow medical office use in the existing building with staff recommendations. Councilmember Jenkins seconded the motion.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Clinics, financial establishments, offices, and retail as well as their accessory uses at a maximum density of 9,550 square feet of gross floor area per acre zoned, or a total gross floor area of 4,011 square feet, whichever is less.
2. To the owner's agreement to abide by the following:
  - a. To the revised site plan received by the Department of Community Development on December 1, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Resolution and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
  - b. Provide a 25 foot wide natural undisturbed buffer, replanted where sparsely vegetated, adjacent to the west property line.
  - c. Any exterior illumination on the site will not exceed 1.2 foot-candles at the western or northern property lines nor will the light source be directly visible from adjoining residential properties.
3. To the owner's agreement to abide by the following:
  - a. The owner/developer shall dedicate 55 feet from the centerline of Roswell Road (SR9) along the entire street frontage or 10.5 feet from the edge of curb, whichever is greater. Prior to issuance of permanent CO, applicant shall provide right-of-way dedication and easements, at

- no cost to the City, as required per the GDOT approved right-of-way plans for the T-0012 streetscape project.
- b. No more than one exit/entrance on Roswell Road.
- b. Provide interparcel access to property to the south.
- 4. To reduce minimum yards, landscape strips, and any other development standards to the extent necessary for the existing structures and site improvements, as shown on the Site Plan, to comply with the requirements of the Zoning Ordinance.

**Councilmember Chip Collins** asked if there is a definition of clinic in the Zoning Ordinance.

Assistant Director of Planning and Zoning Ruffin answered yes. The definition is a use where medical examination and treatment is administered to persons on an outpatient basis. No patient shall be lodged on an overnight basis.

Councilmember Collins asked if they would have to come back through zoning if the applicant wanted to change the use to include surgical procedures.

Assistant Director of Planning and Zoning Ruffin answered yes.

**Councilmember Ashley Jenkins** stated the applicant is not the first person to get a building permit that did not have the correct zoning for the property. She has asked the zoning and building permits staff to communicate and to add a signature line on the building permit application for the applicant to say they have verified the zoning meets the requirements for what they plan to do on the property. She doesn't want applicants to put money into a building they can't use.

**Councilmember Karen Meinzen McEnery** stated she agreed with Councilmember Jenkins. She stated she was under the impression that when someone applied for a building permit there was a procedure that the use would go to the Community Development department for a sign off.

Assistant Director of Planning and Zoning Ruffin stated that is the procedure, but in this particular case there was an oversight.

Councilmember Jenkins stated it was the second one and she wanted a signature line added to the application.

**Director of Community Development Nancy Leathers** stated the department will have a fixed list of items on the application that they can check, so staff knows what the usage will be and that will be added to the application. Then, if they have some use other than what is listed, they can indicate "other." The applicant will then have to give us a letter with the description of the use. That way we will have better control on these things before they spend money.

Mayor Galambos stated Councilmember Jenkins brought up a good point, but it should be put in the hands of the City Manager to determine how it should be worked out.

**Vote on the Motion:** The motion carried unanimously.  
**Ordinance No. 2010-03-07**

**(Agenda Item No. 10-064)**

5. **RZ09-012/CV09-020** - 1120 Hope Road, Applicant: 1120 Hope Road, LLC, To rezone the subject property from O-I conditional to O-I to allow medical office and adult day care use in the existing building, with concurrent variances

**Assistant Director of Planning and Zoning Patrice Ruffin** stated this is a request to rezone the subject property from O-I conditional to O-I to allow general office medical office clinic, and adult daycare uses in the existing building. The applicant is requesting nine concurrent variances. Staff is recommending approval conditional of the rezoning request and the concurrent variances. Planning Commission heard this at the February 18, 2010, meeting and also recommended approval subject to staff conditions.

**Douglas Dillard, Dillard and Galloway**, stated he is representing the applicant and pointed out Doctor Victor Vaysman and Michael Powell, the facility owners. The property is zoned O-I conditional and the applicant is asking it be amended to O-I conditional. He realizes the amount of variances seems excessive, but the building was built 20 years ago and the ordinances have changed and the applicant is trying to bring the building into compliance. The only variance that the applicant is requesting that is not related to the building is the parking variance, reducing the parking from 94 spaces to 74 parking spaces. The conditions that are recommended by staff and the Planning Commission are acceptable except for one. 1120 Hope Road is zoned for O-I for 40,000 square feet of general office. There is a 31,743 square foot building on the site. Medside Home Health Agency has purchased the property to create a mix of medical and general office with adult daycare. Their offices are currently located in this building. In order to do so, they need rezoning from O-I conditional on general office to O-I conditional on medical office, general office, and adult daycare with variances. All of the variances are to bring the existing conditions into conformity, except for the condition to reduce the parking spaces. The variance from section 18.2.1 of the Zoning Ordinance to reduce the required parking from 94 spaces to 74 spaces is very important for the future use of the property. Although, the site plan states 49 spaces, 52 spaces are clearly available and drawn on the plan. In addition, the 13 spaces currently in the basement are not on the plan. A total of 65 spaces exist on the site and the applicant is asking to be allowed to have 74 spaces, which is only nine spaces more. The applicant is asking to have 13 spaces removed from inside the building, so the applicant can facilitate the basement area; and to the rear of the site plan 22 spaces are picked up. The net available spaces onsite for parking will increase from 65 to 74.

Mr. Dillard stated there were four scenarios submitted to Council as a Power Point presentation. Scenarios one and three were the ones he reviewed. Scenario one justifies the 74 parking spaces. Adult daycare is the core part of this overall business. It's different in that the adults are not bedridden or non-ambulatory people. Additionally, this is not a daycare facility that is for recreational purposes. The payment for the patients is supported by Medicare and other insurance programs. Family members will bring the adults to the facility along with local shuttles. The facility will have both medical services along with social services that are related to therapy and other activities for the patient during the day. The applicant assumes that only 30% of the members will actually drive. The applicant submitted a letter to Council outlining the activities and why a variance is being requested. The applicant really feels only 15% of the patients will drive. Only 30% of those in the facility will require medical adult care.

Scenario three is the actual goal of the facility. The goal is to increase the adult care activities, which will reduce the parking needs by ten in the long term. The applicant feels like the 74 spaces will be enough to satisfy the parking requirements for all of the employees, physicians, daycare staff, office staff, and those who will be coming to the facility.

All of the other variances are self contained and deal with front and side yard setback and buffers. Condition K was recommended by staff and it states there needs to be a right-of-way of 30 feet from the

center line of Hope Road or ten and a half feet from back of curb, whichever is greater. The understanding of the applicant is that it would be ten and a half feet from back of curb, because thirty feet from the center line is already there. The applicant does not object to the giving of the right-of-way. A problem may arise with future signage on the property. Currently, there is an additional 10 foot setback from back of curb, which puts it down a hill, in a hole, and behind trees, where it could not be seen. The applicant understands the City is looking at amending the sign ordinance to reduce that setback requirement. The applicant wants to point out that these conditions, when going through the application process, will require a variance and they will have to come back for that. The conditions requested by staff are acceptable to the applicant, other than the issues just explained.

**Mayor Eva Galambos** called for public comments either for or against this application. There were no comments from the public.

**Councilmember Dianne Fries** stated this building is in her district and she remembers when that building was built and wondering why it was placed on a residential street. She thinks the applicant's use for the building is fantastic. It is in the right place with the two retirement homes and elderly people in the area. She is concerned with the parking and how many additional spaces were picked up on the backside. She is also concerned with the ratio of how many of the daycare participants will be using the medical aspect. Staff needs to work with the applicant and get documentation on the parking and how many of the participants will be riding shuttles. There needs to be firm documentation in order for the parking to be reduced.

**Motion and Second:** Councilmember Fries moved to defer agenda item no. 10-064, RZ09-012/CV09-020 - 1120 Hope Road, Applicant: 1120 Hope Road, LLC, until the April 20, 2010 City Council Meeting without another Planning Commission Hearing. Councilmember Jenkins seconded the motion.

**Councilmember Ashley Jenkins** stated she appreciates the letter from Mr. Vaysman, but she wants documentation from other facilities or something along those lines stating the size of the bus, how many people will be riding the bus, something from the doctors saying it will be a multi-use facility. She asked if all the 11,000 square feet of the basement will be converted for the aqua therapy use.

Mr. Dillard stated he thinks it is all of it.

**Victor Vaysman, the applicant,** stated he wanted to explain.

Councilmember Jenkins stated they understand, but they need documentation in order to be able to give them the break on parking. She advised the applicant that his attorney would let him know what kind of documentation is needed and they can work with Assistant City Attorney, Cecil McLendon.

Mr. Dillard stated he was not at the meeting with staff last week, but he was at the meeting with Mrs. Fries. The applicant did engage a parking analysis and looked at parallel parking, which is not going to work. They feel they can get the 20 spaces and maybe two or three extra spots where the garage is located.

Councilmember Fries stated she appreciates the applicant doing that, but it is a timing issue, which is why she's not asking for it to go back to the Planning Commission.

Mayor Galambos asked if the shuttle would become a condition.

Councilmember Fries stated possibly, it would something staff would want to discuss with the applicant.

Mr. Dillard stated one of the things the applicant would be willing to do is incorporate the analysis so there would be a measurable criteria that could be used to discuss the shuttle, parking, and if there are any issues. That would give the staff some standards to use when they come to see if there is a problem.

Councilmember Fries stated there are enough facilities in the area that have elderly daycare that it is a matter of trying to have a meeting with them and discussing how it works for them, so there is firm clarification verses guessing.

Mr. Vaysman stated there are not many facilities in the area that do what they are planning to do. The first floor is medical and the other floors are for the daycare. The insurances require that the patient not be able to drive and none of the insurances will pay for patients that can drive. The other daycare centers in the area are working with people for entertainment or are wheelchair bound. He is unaware of a facility in area that has physicians come in, have an onsite pool with aqua therapy, or have a physical therapist. Our goal is to not have traffic and the physicians will serve the clients already at the facility, not have their own clients coming in.

**Councilmember Chip Collins** asked what the requirements are for Medicare reimbursements.

Mr. Vaysman stated the Medicare requirements are that the patients not drive. This is also the requirement of other insurances. They will work with Medicare and other private insurances. The model is slightly different, which is why it will be difficult to find something similar to bring forth.

Councilmember Fries stated she realizes the applicant may not be able to find something with the medical aspect of it, but Council needs something to compare it to along with the parking information.

Mr. Dillard stated they would put something together for Council.

**Councilmember John Paulson** stated the ratios are there for a reason. They are in the City's zoning. If this facility is going to be treated differently there has to be a basis for that. He asked the staff to be involved in the process and have a solid defense, if there are changes to be made.

**Councilmember Karen Meinzen McEnery** stated she had three questions. In the Power Point, it states the property is zoned for O-I at 40,000 square feet of general office. If it is zoned for 40,000 square feet, then they can build 40,000 square feet.

Assistant Director of Planning and Zoning Ruffin stated they could build 40,000 square feet of general office only, not the other uses they are proposing.

Councilmember Meinzen McEnery stated they would have enough, if they enlarged the bottom floor, to get the additional 9,000 square feet. The application states it has 31,743 square feet currently. Does that include the bottom floor?

Assistant Director of Planning and Zoning Ruffin stated yes, it does.

Councilmember Meinzen McEnery stated with the existing parking of 74 spaces, they can increase their square footage by another 9,000 square feet and still meet their zoning.

Assistant Director of Planning and Zoning Ruffin stated no. The parking that they currently have is enough to meet what the building currently has.

Councilmember Meinzen McEnery stated the property is zoned for 40,000 square feet, but there is not parking for 40,000. She asked Mr. Dillard if the applicant had the right to build 40,000.

Mr. Dillard stated the applicant recognizes that. It is zoned for that, but the applicant is asking to convert to uses that require less parking than what the code recognizes.

Councilmember Meinzen McEnery stated it needs to be clear once an outcome is reached, that the property is not zoned for 40,000 square feet, but for the square footage that is agreed on. She asked which scenario the applicant really wants and suggested they ask for what they plan to build. She asked staff to look at elevators, ADA Compliance, and means of ingress and egress, since they would be building a pool on the lower level for aqua therapy.

Mr. Dillard stated the applicant will look into those items. These are ambulatory patients. They are not handicapped and part of the therapy is walking up and down stairs.

Councilmember Jenkins asked if the pool is consuming the entire basement.

Mr. Vaysman stated the pool will take the majority of the bottom floor. There will also be several rooms around the pool area for massage use.

Councilmember Fries asked what size the pool would be.

Mr. Vaysman stated the pool would take the majority of the bottom floor.

Mr. Dillard stated scenario one is what the applicant is asking for; and for 74 parking spaces to be on the safe side.

**Vote on the Motion:** The motion carried unanimously.

### **UNFINISHED BUSINESS**

There was no Unfinished Business.

### **NEW BUSINESS**

#### **(Agenda Item No. 10-065)**

1. Acceptance of Right of Way and Easement Rights for the Lake Forrest Drive Sidewalk and Intersection Improvement Project

**Capital Program Director Marty Martin** stated this is the acceptance of right-of-way acquired in support of constructing the Lake Forrest Elementary School Sidewalk project. This project also included an additional turn lane on the northbound side of Lake Forest onto Hammond.

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve agenda item no. 10-065, Acceptance of Right of Way and Easement Rights for the Lake Forrest Drive Sidewalk and Intersection Improvement Project. Councilmember Collins seconded the motion. The motion carried unanimously.  
**Resolution No. 2010-03-19**

#### **(Agenda Item No. 10-066)**

2. Consideration of Approval of a Contract to Construct the Ridgeview Middle School Sidewalks Project Subject to Validation and Approval by the Legal and Finance Departments

**Capital Program Director Marty Martin** stated Council has a summary of the bid results for this item in their packets. Because staff recognized there was significant sidewalk development on both sides of Peachtree Dunwoody related to the Ridgeview Middle school, they asked for two bids. One is a base bid, which would construct sidewalk exclusively on the west side of Peachtree Dunwoody, plus a little bit of service on the east side at the intersection of Peachtree Dunwoody and Evergreen. The second is an additive bid item to capture all of the sidewalk development along that sector of Peachtree Dunwoody. The low bid is Matriarch Construction at \$404,109.

**Motion and Second:** Councilmember Meinzen McEnery moved to approve agenda item no. 10-066, Approval of a Contract to Construct the Ridgeview Middle School Sidewalks Project Subject to Validation and Approval by the Legal and Finance Departments. Councilmember Fries seconded the motion.

Councilmember Karen Meinzen McEnery stated she applauds the Public Works Department for seeing the value of the sidewalks that are in place and creatively coming up with this two tier system to maximize the tax payers' dollars.

**Mayor Eva Galambos** asked if this was within the budget.

Capital Program Director Martin stated the original estimate of construction was \$660,000, so it is covered in that range.

**Vote on Motion:** The motion carried unanimously.

**Resolution No. 2010-03-20**

**(Agenda Item No. 10-067)**

3. Consideration of a Contract with Blount Construction, Inc. for the 2009-2 Local Assistance Road Program Resurfacing Contract Bid No. 10-305 and Authorize the City Manager to Execute Contract Documents

**Field Services Manager Ron Adderley** stated in January Staff presented to Council a list of streets to continue working on the 2010 Capital Paving Program. This item is a request to approve the LARP streets that were listed in that package. They received bids on March 1, 2010, and the low bid was from Blount Construction.

**Motion and Vote:** Councilmember Fries moved to approve agenda item no. 10-067, Consideration of a Contract with Blount Construction, Inc. for the 2009-2 Local Assistance Road Program Resurfacing Contract Bid No. 10-305 and Authorize the City Manager to Execute Contract Documents. Councilmember Jenkins seconded the motion. The motion carried unanimously.

**Resolution No. 2010-03-21**

**(Agenda Item No. 10-068)**

4. Approval of Georgia Fund 1 Resolution to Authorize Investment – Removal of Steve Rapson and addition of Amy Davis, Finance Director, as an individual authorized to execute transactions on behalf of the City

**City Manager John McDonough** stated this item is a housekeeping issue.

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve agenda item no. 10-068, Approval of Georgia Fund 1 Resolution to Authorize Investment – Removal of Steve Rapson and

addition of Amy Davis, Finance Director, as an individual authorized to execute transactions on behalf of the City. Councilmember Fries seconded the motion. The motion carried unanimously.

**Resolution No. 2010-03-22**

**REPORTS AND PRESENTATIONS**

- a) Mayor and Council Reports
- b) Staff Reports

**Transportation Planning Division Manager Garrin Coleman** stated on February 17, 2010, the Atlanta Regional Commission through the Livable Centers Initiative (LCI) awarded the City \$1,887,000 in construction funds for phase two of the Sandy Springs Circle Streetscape project. The length of the project is 2500 linear feet of streetscape and it starts where phase one ends and finishes out on Roswell Road. With any grant or loan of federal money there is a local match. The local match amount is \$471,750, if all of the federal money is spent on construction. Due to the stimulus funding of phase one of this project, the SSRI funds in the amount of \$323,369 have been reprogrammed to this phase and can be used to offset the local match portion.

**Councilmember Ashley Jenkins** asked if the City just needs to come up with the difference between the \$471,750 and the \$323,369.

Transportation Planning Division Manager Coleman answered yes. Currently, T-0014 and T-0015 of the CIP program are funded with \$410,000 in local money for design. Staff would like to obtain a consultant and move forward with the concept and development work and get some cost estimates together for Council.

**Mayor Eva Galambos** stated this has been in the works for a long time.

**Councilmember John Paulson** asked if the engineering services are already contracted or does it need to go out for bid.

Transportation Planning Division Manager Coleman stated it would go out for bid.

Mayor Galambos asked the construction end date.

Transportation Planning Division Manager Coleman stated at least a year from now, because of the environmental process. It could be closer to two years.

**Councilmember Chip Collins** asked for an explanation of what would be encompassed in this project.

Transportation Planning Division Manager Coleman stated there would be pedestrian street lighting that would include the thirteen foot lamps mid-block, fifteen foot shepherd hooks on the corner, the two foot brick pavers, and the nine foot wide sidewalk.

Mayor Galambos asked if a motion is needed.

Transportation Planning Division Manager Coleman stated a motion isn't necessary. They can proceed with the City Manager's signature because he doesn't anticipate the contract being over \$250,000.

**Mayor Eva Galambos** stated the North Springs Methodist Church, on the corner of Morgan Falls Road, has quarterly blood drives. They would like to convert their church sponsored blood drive to a community blood drive held on the church property. They would have a bar-b-queue and picnic for those that give blood. They want the City to take this on as a community project. It wouldn't cost the City any money. The church would do the work. They would want the City to provide them a list of businesses that have at least one hundred employees and the City would sign a letter that would urge the employees to participate in the blood drive. She stated her first reaction was very positive, but the City Manager told her to be careful because other non-profits may come and ask for help with their drives. The Red Cross blood drive is important and special and the City wouldn't be putting money into it. We would be putting our prestige and some staff time into it.

**Councilmember Dianne Fries** asked if there is a legal aspect they should consider. She thinks it is a wonderful idea, but she is concerned about opening that door and wants additional advice on it.

**Councilmember John Paulson** asked if anyone has spoken to the Red Cross.

**Councilmember Karen Meinzen McEnery** stated if there is a common denominator in the community, it's our blood. No taxpayer would be unsupportive of a blood drive. It is a wonderful idea.

Councilmember Fries responded that is true, but the Cancer Society could come right behind them and ask for the City's endorsement.

Councilmember Meinzen McEnery stated it is blood raising, not fund raising.

Mayor Galambos asked the City Attorney for boundaries to narrow this, so that the City wouldn't be obligated to any other group.

**Councilmember Ashley Jenkins** stated she agreed with Councilmember Meinzen McEnery that this was blood, not fund raising. She stated she supports it if the City is not asking people for money.

Mayor Galambos stated the Red Cross will be asking for sponsors, but the City will not ask for sponsors.

**Assistant City Attorney Cecil McLendon** suggested it be subject to the City's review of the issue, because it has to be done objectively and with certain criteria so there aren't any issues.

Mayor Galambos stated it would be put on the back burner until Council hears from the Attorney's office.

**Mayor Eva Galambos** stated the City has advisory committees from time to time that come and give advice to Council. Everyone is interested in what goes on in the City and we have an interest in participating in these committees. It is very important that if members of Council are involved in any of the meetings, it should be as an observer. Councilmembers should reserve their input for when issues are brought before Council. All the committees that we appoint are nothing but advisory and they will come to Council to make recommendations. It is up to the Council to make decisions and that is when we give our input.

Councilmember Meinzen McEnery asked how that works. There is a highly functioning committee of three Councilmembers on the public/private partnership contract review. She asked how they can be passive in that committee.

Mayor Galambos stated she is referring to Councilmembers participating in citizen advisory committee meetings.

Councilmember Meinzen McEnery asked the Mayor if some prior committee advisory meetings that she convened were the Tree Ordinance Committee, the Hammond Park, and the Morgan Falls.

Mayor Galambos answered yes, those are good examples.

Councilmember Meinzen McEnery stated she has only been involved in one of those committees, but she is sure that people took active rolls in all the other committees.

Councilmember Fries stated she thinks what the Mayor is trying to say is a Councilmember's role in a committee meeting is to answer City-type questions. They are really there to hear what the members have to say, not to guide them in a particular direction, because Councilmembers are not members of that committee.

### **PUBLIC COMMENT**

Mayor Eva Galambos called for public comments. There were no comments from the public.

### **EXECUTIVE SESSION**

There was no Executive Session called.

(Agenda Item No. 10-069)

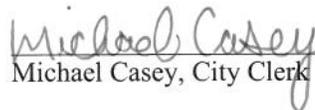
### **ADJOURNMENT**

**Motion and Vote:** Councilmember Fries moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:22 pm.

Date Approved: April 6, 2010



Eva Galambos, Mayor



Michael Casey, City Clerk