

Regular Meeting of the Sandy Springs City Council was held on Tuesday, January 19, 2010, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Reverend Joe B. Martin with Mount Vernon Presbyterian Church offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:02 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence their cell phones and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or during 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 Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos present.

Councilmember's: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery present.

PLEDGE OF ALLEGIANCE

Mayor Galambos lead the Pledge of Allegiance.

(Agenda Item No. 10-013)

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. 10-014)

1. Quarterly Ratification of Approved Final Plats
(Nancy Leathers, Community Development Director)

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

PRESENTATIONS

1. Proclamation – Patrick Ko

Mayor Eva Galambos presented a Proclamation and a key to the City to Patrick Ko for his distinguished service to the City of Sandy Springs for assisting in the international relationship with the city of Taicang China.

2. Portrait of the Mayor – Lisa Gleim

Mayor Eva Galambos thanked Lisa Gleim for the portrait she painted. She stated the portrait will be hung in the Mayor's Chambers.

2. Sandy Springs Police Department's new K-9 "The Rock" – Chief Sult

Police Chief Terry Sult stated several weeks ago K-9 Amos had to retire because of cancer. He then introduced the newest member of the Police Department, K-9 "The Rock".

(Agenda Item No. 10-015)

3. Roswell Road Corridor Travel Time Study 2006-2009 – Dr. Billy Bachman

William Bachman, GeoStats, LP, stated the traffic on Roswell Road has gotten better over the past four years. In 2006 and 2007 travel time data was collected on the corridor to see where traffic congestion was occurring on Roswell Road. In 2008 and 2009, a follow up study was completed to the original study to determine where the delays occurred. This was to support the transportation management plan organized by the City of Sandy Springs, evaluate the annual changes in performance, and see what changes have occurred over time. Geostats uses a GPS equipped pro vehicle which is driven along the corridor with the GPS collecting second by second positions and speeds. This is done for several days during the study period when there are no major incidents in the area.

Councilmember Dianne Fries asked if the study was done over the Thanksgiving holiday.

GeoStats Bachman stated the study was done the week before the Thanksgiving holiday. Going forward, the study will be done at the same time every year. Typically, people don't take the week before Thanksgiving off, so there are normal travel conditions during that time frame.

Councilmember Karen Meinzen McEnerny asked if the 8% increase on the northbound side and the 8% decrease on the southbound side could be explained.

GeoStats Bachman stated the positive change was an 8% improvement in traffic flow. The negative number was in the opposite direction during the peak period. Most of the northbound traffic is in the afternoon and the southbound traffic is mostly free flow conditions. The results show a balance based on the traffic control plan so that those moving northbound get a little more priority and more left turn time.

The key numbers to look at are the percentage of improvements in travel time and the dollar figure. The dollar figure is based on fuel and time savings for the drivers. Those are based on GDOT specifications. There was a \$1.4 million dollar improvement for the drivers along that corridor from last year to this year.

Councilmember Fries asked for an explanation on the southbound afternoon peak numbers.

GeoStats Bachman stated priority is given to the northbound traffic and they have longer left turn times, which causes the southbound traffic to wait longer.

Traffic Services Manager Chris Waters stated at the I-285 and Roswell Road area traffic was rerouted with no place to go, because of the ramp meters and the congestion on the bridge. To turn that around, more free flow was allowed compared to the south in the afternoon.

Councilmember John Paulson stated the benefit for the northbound is given back to them in the southbound afternoon. He asked if there is a way to rectify that.

Traffic Services Manager Waters stated widening the I-285 bridge would give full storage for left turns which would enable another ten or twelve minute time savings throughout the corridor as a whole, at which point southbound improvements could be looked at.

Councilmember Fries asked if the ramp meters were being utilized.

Traffic Services Manager Waters stated the ramp meters are helping the interstate system, but any time that is done there creates problems on the local streets. He stated on Roswell Road/I-285 from 3:30 p.m. to 4:30 p.m. the ramps get backed up onto Roswell Road and many times it is backed up to Carpenter, where people want to turn right. Coming northbound it is backed up to Lake Placid where people want to turn right and there is nowhere for them to go.

GeoStats Bachman stated he thought there would be two likely questions. The first question would be are the observed benefits related to reduced demand due to the recession, a change in commute habits, or improved traffic management. Surprisingly, the traffic counts between this year and last year have increased. In 2008 there probably was an issue because there was a 3.5% drop in volume on Roswell Road, but there has been an increase in volume for this year. The peak period of the investigation was shortened from 4 p.m. – 7 p.m. to 4:30 p.m. – 6:30 p.m. and that would typically capture, even in reduced volume cases, the peak conditions where comparisons could be made between the conditions last year, the previous year, and this year.

The second question would be what further changes can be made to better serve the citizens of Sandy Springs. The I-285 issue is the primary concern for traffic control and now that things are starting to run more efficiently, the City can start to look at access management plans and safety along the corridor, so that the whole corridor is served well. GDOT is continuing to work throughout the corridors in the region and Roswell Road should be on the list.

Councilmember Paulson asked what type of incident detection and response are being considered.

GeoStats Bachman stated the City is operating on a TMC. A lot of the non recurring delays are related to traffic accidents on Roswell Road. If the City can respond to the incidents quickly, that improves traffic flow.

Councilmember Fries stated when this was first talked about she was excited about the possibility of having a flush plan in place if something catastrophic happened on GA400, causing it to be shut down. She asked what happens if there is an accident on 400 and then everyone switches to another route.

Traffic Services Manager Waters stated there are programs where traffic can be flushed either north or south based on where the incident has occurred and where most of the traffic is coming from.

Councilmember Fries asked if a program has ever been utilized.

Traffic Services Manager Waters stated a program has been used about three times.

Councilmember Paulson asked how the program worked.

Traffic Services Manager Waters stated it worked well, but when in use there were several complaints from the side streets, because 80% of the time is given to Roswell Road to try to help all the extra vehicles that are there. It does increase the City's call volume from the side streets because it increases their wait time.

Councilmember Meinzen McEnery stated she is concerned about all the intersections, but she is most concerned about the intersections shared by District six and District five south of I-285. She noticed that in all instances between 2008 and 2009, the average time increased, except for Glenridge

and Windsor Parkway. She asked why there was an increase. She asked if the Windsor Parkway situation was directly tied to what is happening with the City of Atlanta with West Wieuca and Wieuca. She asked if staff is getting enough support and help from the City of Atlanta for Windsor Parkway and if that is the reason for the decline.

Traffic Services Manager Waters stated staff has been working with Clyde from the City of Atlanta traffic unit. Staff helped with the City of Atlanta's fiber testing and found multiple breaks in their fiber, which starts at Wieuca. They also have breaks beyond West Wieuca down by the Rib Ranch and Post Chastain Apartments. One of the things staff talked to the City of Atlanta about is putting GPS clocks on the cabinets to keep a time sync. Now that communications are done to that point, staff has been in conversation with the City of Atlanta to put a master controller at Windsor Parkway. Even though it is their system, the controller would allow us to tie in our own clock to that location.

Councilmember Meinzen McEnery asked if the clocks are in place and set together.

Traffic Services Manager Waters stated the GPS clocks physically tying into a master controller is forth coming.

Councilmember Meinzen McEnery asked what would be the estimate of why the Glenridge intersection, where the new church is, has gotten lower average speeds between 2008 and 2009.

Traffic Services Manager Waters stated part of it, especially in the afternoon hours, is due to the congestion down at the bridge. On occasions the City has back up and it is bumper to bumper traffic where they just can't go north. He feels it is just part of the problem in that area.

Mayor Galambos asked about the opening of all the new shopping centers in that area.

Traffic Services Manager Waters stated there are more people utilizing that area and one of the things staff has really concentrated is the signal timing between Abernathy and Lake Placid. Glenridge was included, but the majority of the time was spent trying to tweak Abernathy and Lake Placid. He stated in the spring staff will be tweaking the signal timing from Glenridge on down. In the past, the City had those intersections connected to our TMC, but they haven't necessarily had time of day plans built into them. That is one of the things staff is working on. An increase in the efficiency of that intersection should be seen soon.

Mayor Galambos stated she had already communicated to Mr. McDonough that it has come to her attention through the property owners in central downtown that they feel that a lot of this is perception. The traffic isn't really that terrible, but there is a perception that the traffic is worse. The City should use this information that staff has provided to help correct the perception that traffic is terrible. The City still has terrible traffic along the bridge, but on the two far ends sometimes it's pretty good and the City needs to correct this erroneous perception that all of Roswell Road is crowded.

Councilmember Ashley Jenkins expressed her appreciation to the staff for the work done between Cliffwood and Vernon Woods Drive. She stated the speeds are now up to 21-31 miles per hour when before they were in single digits.

Councilmember Meinzen McEnery stated the map that shows the different colors is very effective. She felt that it would be a great map to have handy to tell the story.

Mayor Galambos stated the City's Communications Department should use this information that staff has developed to get the word out.

PUBLIC HEARINGS

Alcoholic Beverage License

(Agenda Item No. 10-016)

1. 11426- Approval of Alcoholic Beverage License Application for CVS Pharmacy #4729 at 6370 Powers Ferry Rd Sandy Springs, GA 30339. Applicant is Stephanie L Fabio for Retail Package Wine and Malt Beverage

Director of Operations Wayne Wright stated the application is for an existing business. The CVS has relocated to a new site. The staff has reviewed the application and found all the administrative requirements have been met and it has been properly advertised for the public hearing tonight. The staff recommends approval.

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

Motion and Vote: Councilmember Fries moved to approve agenda item 10-016, Approval of Alcoholic Beverage License Application for CVS Pharmacy #4729 at 6370 Powers Ferry Rd Sandy Springs, GA 30339. Applicant is Stephanie L Fabio for Retail Package Wine and Malt Beverage. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Rezoning

(Agenda Item No. 10-017)

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

Assistant Director Planning and Zoning Patrice Ruffin stated this is a rezoning request at the Perimeter Pointe shopping center to allow for the addition of a second drive-thru fast food restaurant. The applicant is also requesting a concurrent variance which is carrying over from the original zoning case. Staff is recommending deferral to allow additional time for the applicant to address concerns raised by the Planning Commission. The Planning Commission at the December meeting recommended denial of the application and expressed some concerns.

Bob Skinner, Wendy's International, stated he was in agreement with staff's recommendation for a deferral on the petition.

Mayor Eva Galambos asked if there was any discussion about the length of the deferral.

Assistant Director Planning and Zoning Ruffin stated the deferral is for sixty days.

Councilmember Ashley Jenkins suggested that the landlord be involved in the discussion of moving the landscape islands back towards the Babies-R-U's, since the whole parcel is now open for rezoning.

Wendy's International Skinner stated that he would definitely have this discussion with the landlord.

Mayor Galambos called for public comment for or against the application.

Anthony Ricci, Atlanta Bread Company, stated he is one of the owners of the Atlanta Bread Company in that shopping center and as much as he loves Wendy's, he is very concerned with the design of that out parcel. During the Planning Commission meeting Wendy's stated that Atlanta Bread was a fast food restaurant and Mr. Ricci said they are not. By definition in the ordinance, it is a little loosely based. Mr. Ricci then read three definitions for fast food restaurant. The first definition came from the dictionary which states specializing in food which can be prepared fast and served

quickly with little consideration given to quality and significance. The definition from Wikipedia states fast food is a term given to food that can be prepared and served very quickly for any meal with low preparation. Typically the term refers to food sold in a restaurant and in a store with low quality preparation and served to the customer in a package form for takeout or take away. He stated Atlanta Bread serves everything on plates with real silverware. There is a difference between a fast food restaurant like Chik-fil-A and Atlanta Bread; and Atlanta Bread does not have a drive-thru.

Mr. Ricci stated they deal with traffic on a daily basis. If Wendy's takes the proposed location, they will be taking away thirty to forty parking spaces, which could affect the movie theatre parking. The patrons could start finding someplace else to go, since they are inconvenienced by the parking. The restaurants in that shopping center make most of their money between 11 a.m. – 2 p.m. There are only two main entrances to the plaza. One is on Mt. Vernon Highway and now the drive-thru will be near the other entrance, which will create more of a hassle. Mr. Ricci then showed Council pictures of the traffic coming in and out of the shopping center and how bad the situation is. He stated that if Wendy's is added to that corner, patrons will get aggravated and may go elsewhere to get their food.

Tochie Blad, Greater Branches Neighborhood Association, stated the neighborhood association was sent to work out an agreement with Fulton County and they received the conditions of zoning. Now they are trying to shoehorn in another fast food restaurant. The new conditions are going to have two fast food restaurants in that out parcel. She asked if they are going to come in next year and ask for a third fast food restaurant. Enough is enough. She stated the shopping center has enough problems. She asked Council to deny it tonight and then have Wendy's come and discuss a better plan. The neighborhood is asking for denial.

Trisha Thompson, Sandy Springs Council of Neighborhoods, stated she is here to support the neighborhoods and the current business owners who have taken their businesses to that shopping center based on the current zoning conditions that have already been approved. These conditions were in writing when they signed their leases and the owners need the protection of the conditions of zoning when they signed their leases. She stated that it is not right. The traffic is an issue. Putting the detention pond underground is an issue, but more of an issue is the violation of the agreement by which the original people signed their leases. She stated that if Council does hear the petition tonight, she hopes it is denied.

Wendy's International Skinner stated the application was submitted for a dual Wendy's and Arby's, but it is now going to be just Wendy's. He stated the company appreciates the concerns that have been raised about the access and the traffic, and it is a concern of the company, too. He has met with staff about some revisions to the application, which is why he is asking for the deferral, so the revisions can be presented to all interested parties to get the recommendations of those that are in opposition. Wendy's has considered lengthening the left turn and widening the lane to create some improvement to the traffic issue. To address the comparison with Chik-fil-A's drive-thru, Wendy's drive-thru stack will provide easily twice the length of cars as the Chik-fil-A. Wendy's is asking for an opportunity to come back and present what they feel is the best case for their business and the shopping center tenants.

Councilmember Dianne Fries asked for clarification on the three out parcels listed in the conditions.

Assistant Director Planning and Zoning Ruffin stated the three outparcels are Chik-fil-A, Max and Erma's and the Japanese Restaurant. Wendy's would not be an out parcel; it would be a lease variance.

Councilmember Fries stated the conditions say no more than two fast food restaurants on the total site. One is Chik-fil-A.

Assistant Director Planning and Zoning Ruffin responded yes.

Councilmember Fries asked staff to look at the definition of fast food.

Councilmember Karen Meinzen McEnery stated she is in support of the deferral, because she has some questions for the landlord. She agrees with Councilmember Jenkins that the landlord should be at the meeting in March to determine if the current tenants have a site plan attached to the lease that shows this parcel as part of the common area for which they are paying charges. If that is attached in their lease, then the landlord is in violation of the tenant's leases and Wendy's, respectfully, is not aware of the violations. Secondly, she wants to know if this is an out parcel.

Assistant Director Planning and Zoning Ruffin stated it is not an out parcel.

Councilmember Meinzen McEnery asked if it is a separate building that does not exist now.

Assistant Director Planning and Zoning Ruffin stated the Wendy's would be a separate building and they will not own the land, they will lease the land.

Councilmember Meinzen McEnery stated if it looks like a duck, walks like a duck, it's an out parcel.

Assistant Director Planning and Zoning Ruffin stated according to the definition in the Zoning Ordinance, it is not an out parcel.

Mayor Galambos stated there needs to be some discussion with staff and Council on the definition in the Zoning Ordinance.

Councilmember Meinzen McEnery agreed with the Mayor that they review the definition. The definition of fast food needs to be reviewed also, and the option of building the Wendy's bigger, so it would be lease premises.

Motion and Vote: Councilmember Fries moved to defer agenda item 10-017, RZ09-006/CV09-015 - 1155 Mount Vernon Highway, Applicant: MDT Perimeter Pointe LLC, to rezone the subject property from C-1 conditional to C-1 to allow a new fast food restaurant at the existing shopping center, with concurrent variance(s) until the March 16, 2010, City Council Meeting. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Zoning Modification

(Agenda Item No. 10-018)

3. ZM09-009 - 1100 Johnson Ferry Road, Applicant: BD Center Point, LLC, To modify condition 2.a. of petition Z83-0185 to revise the approved site plan, allowing for additional parking.

Assistant Director Planning and Zoning Patrice Ruffin stated this is a modification of the Center Point Office Development on Johnson Ferry Road to allow for the addition of fifty-five parking spaces along the north side of the property. This would allow for the conversion of fifty-five thousand square feet of general office space to medical office space. Under the previous zoning modification, in 2007, Council approved the conversion of 126,000 square feet from general office to medical office. Staff is recommending approval conditional.

Woody Galloway, Dillard and Galloway, LLC, stated he was representing Duke Realty Corporation and their application for a zoning modification. The application concerns the Center Point Development located at 1100 Johnson Ferry Road. The property has two office buildings onsite and the application seeks approval to allow 55,000 square feet of the existing office space to be converted from general office to medical office. It will require the addition of fifty-five surface parking spaces, which will be along the northern edge of the property behind the buildings, so it is out

of the way and out of eye sight. The applicant worked with the Johnson Ferry Park Townhome Association with regard to this application and Bob Walter, from the Association, is in support of this application. Staff has recommended approval and the applicant accepts the conditions of the staff.

Mayor Eva Galambos called for public comment for or against the application.

Public Comment – (Did not wish to speak, read into minutes)

Bob Walter, Johnson Ferry Park Neighborhood Association, stated he is in full support of the application.

Councilmember Tibby DeJulio encouraged residents and businesses to start using Sandy Springs as the City on mail items, instead of Atlanta, in order for the Post Office to recognize the City. He stated the Post Office promised if the zip code on the mail is correct, it will be delivered. The identity of Sandy Springs needs to be maintained.

Motion and Vote: Councilmember Fries moved for approval of agenda item 10-018, ZM09-009 - 1100 Johnson Ferry Road, Applicant: BD Center Point, LLC, To modify condition 2.a. of petition Z83-0185 to revise the approved site plan, allowing for additional parking. Councilmember Jenkins seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-019)

4. Consideration of Approval of the Abandonment of the Property Located at 1155 Perimeter Center West

Transportation Planner Mark Moore stated this is a request for a small right of way abandonment.

Nathan Hendricks, 6085 Lake Forrest Drive, Suite 200, stated he was representing the AEW Group, which is the owner of 1155 Perimeter Center West. The building previously housed Mirant and Southern Energy. With the current leasing of the property they desire to put a sign up on the .058 of an acre where the abandonment is proposed. The applicant initially had dialogue with the City and was told that the sign could not be in the right-of-way. There is no issue abandoning the parcel to the City. The applicant has agreed that if any portion of the right-of-way is needed for the City's use, they will give it back to the City at no cost.

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

Motion and Vote: Councilmember Fries moved for approval of agenda item no. 10-019, the abandonment of the Property Located at 1155 Perimeter Center West with the clarification that under maintenance it is understood the City is to maintain only the utilities that go under the property and the landscaping should be maintained by the owner. Also, in the event the City decides to complete any roadway improvements in the future, the owner agrees to donate the necessary right-of-way back to the City. Councilmember Jenkins seconded the motion with the additions. The motion carried unanimously.

UNFINISHED BUSINESS

There were not items for Unfinished Business.

NEW BUSINESS

(Agenda Item No. 10-020)

1. Acceptance of Right-of-Way and Easement Rights for the Sandy Springs Circle & Hammond Drive Streetscape Project (T-0006)

Transportation Manager Garrin Coleman stated this is for acceptance of right-of-way in the amount of approximately 3,900 square feet for \$506,000 for the streetscape project T-0006 that we have Federal ARRA money for. The City was able to reallocate the LCI federal funds to right-of-way, which causes only a 20% match from the City in the amount of \$101,380.

Councilmember John Paulson wanted clarification that the City is getting 3,900 square feet of right-of-way that belongs to the City and then temporary access to the 3,200 square feet which reverts back.

Transportation Manager Coleman stated that was correct.

Councilmember Ashley Jenkins asked when the work would start.

Transportation Manager Coleman stated March 3, 2010.

Motion and Vote: Councilmember Fries moved for approval of agenda item no. 10-020, the Acceptance of Right-of-way and Easement Rights for the Sandy Springs Circle & Hammond Drive Streetscape Project (T-0006). Councilmember Jenkins seconded the motion. The motion carried unanimously.

REPORTS AND PRESENTATIONS

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

City Manager John McDonough announced the acceptance of the Finance Director position by Amy Davis who will start February 8, 2010.

PUBLIC COMMENT

Mayor Eva Galambos called for public comment.

Trisha Thompson, Sandy Springs Council of Neighborhoods, asked why the website address is sandyspringsga.org instead of sandyspringsga.gov.

Director of Communications Judy Parker stated either address should take her to the website.

EXECUTIVE SESSION

There was no Executive Session called.

(Agenda Item No. 10-021)

ADJOURNMENT

Motion and Vote: Councilmember Jenkins moved to adjourn the meeting. Councilmember DeJulio seconded the motion. The motion carried unanimously. The meeting adjourned at 7:16 p.m.

Date Approved: May 4, 2010


Eva Galambos, Mayor


Michael Casey, City Clerk