

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, September 15, 2009, 6:00 p.m., Mayor Eva Galambos presiding.**

**INVOCATION**

Reverend Jim Macomber of Northwest UUC offered the invocation.

**CALL TO ORDER**

Mayor Galambos called the meeting to order at 6:03 p.m.

**PLEDGE OF ALLEGIANCE**

The Piedmont Chapter of the Sons of the American Revolution presented the colors and led the Pledge of Allegiance.

**PRESENTATIONS**

1. Proclamation – Constitution Week September 17 through 23, 2009 received by Sandy Springs Chapter of the Daughters of the American Revolution
2. Proclamation – National Assisted Living Week September 13 through 19, 2009 received by Mrs. Dillion
3. Proclamation – Family Day September 28, 2009
4. Proclamation – World Water Monitoring Day September 18, 2009 explained by Thomas Black and David Chasant

**Mayor Eva Galambos** announced that Holy Spirits Lower Elementary School on Long Island was named one of the 50 Best Private Academic Schools in the United States. She had the honor of presenting all the students with Blue Ribbons for this achievement.

**Councilmember Ashley Jenkins** announced the Heritage Sandy Springs Festival will be held September 26-27 on Sandy Springs Circle. She encouraged all to attend this wonderful event.

**UNFINISHED BUSINESS – UPDATE AND DISCUSSION**

**(Agenda Item No. 09-236)**

1. Update regarding MARTA Funding and Presentation of Potential Project List

**Traffic Services Manager Chris Waters** gave an update on the midblock pedestrian crossings. The proposed change is for the Hawk system, which is a two-stage crossing and can be coordinated along with the other traffic signals. He further explained the workings of the Hawk System. Long Island and Roswell Road is the possible demo location for the Hawk System.

**Councilmember Doug MacGinnitie** asked if there was a cost to the study.

Traffic Services Manager Waters answered no; the study was performed last year.

**Councilmember Dianne Fries** asked if these would be located in the turning lanes or if we would have to widen the road.

Traffic Services Manager Waters answered traditionally they would be placed in the turning lanes.

**Mayor Eva Galambos** stated that there was considerable concern in Council of having pedestrians going to islands and pushing signals that would interfere with the synchronization of the other lights.

Traffic Services Manager Waters stated when using something similar to the HAWK system, it gives you a non-traditional signal between your signals. It would not give you immediate access to cross the road. You have to wait for the signal to cross. It would not affect the synchronization of the lights. This would be like adding another intersection and it can coordinate with the existing intersection.

Mayor Galambos asked about the yellow posts that are located in some areas of the City of Atlanta.

Traffic Services Manager Waters stated there is a maintenance issue with the yellow posts because larger vehicles have a tendency of striking them. We would be recommending a raised median with refuge for the pedestrians to keep vehicles away from them.

Mayor Galambos asked if the yellow posts installed on Roswell Road, within the city of Atlanta, are working.

Traffic Services Manager Waters stated the City has no information on those posts. There have been some preliminary talks with GDOT and they will not permit the City to install something similar to the yellow post. They are looking at doing the HAWK system, due to the signalizing and making it a safer installation for the pedestrians.

Mayor Galambos asked if they had to permit the one in Atlanta. She also asked if Roswell Road south of Sandy Springs is a state road.

Traffic Services Manager Waters stated the portion of Roswell Road south of Sandy Springs is a state road and it did have to be permitted. He also stated that in conversation with GDOT, they indicated they would not be permitting that type of post any more.

Mayor Galambos asked which ARC projects would those making the decision be more likely to fund.

**Deputy Director of Public Works Jon Drysdale** stated the staff did not get a lot of detail from GDOT but it is something that has been discussed. Its new technology and not many are installed except for Buford Highway. He stated that he would think the other project types were more standard. The connection to transit and other things in here are more likely to get funded.

Councilmember Fries asked what the issue was with the Buford Highway midblock since they have now been removed.

**Director of Public Works Thomas Black** stated GDOT told staff that the midblock crossings had been removed, but after personally checking they were still there. He stated GDOT and the District are not thrilled with the midblock on Buford Highway, because they are not being used properly. Most folks are crossing wherever they want, except for the use by handicapped citizens.

Mayor Galambos asked what the District proposes.

Director of Public Works Black stated the District will review and take into consideration anything the City makes a formal submittal on. The staff is trying to give Council guidance on what we think will have the best opportunity of being funded through these MARTA Funds.

Mayor Galambos ask if staff had any feelings as to what may have the best opportunity to be funded.

Director of Public Works Black answered using the funds to upgrade some current bus shelters and add some more bus shelters in specific locations where the City would share in the advertising and at the same time have money to pay for street lighting. The City could then use the revenue on something that would be an asset to the city.

### **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 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

**Councilmember's Present:** Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Ashley Jenkins, and Councilmember Karen Meinzen McEnerny.

**Councilmember's Absent:** Councilmember Rusty Paul and Councilmember Tibby DeJulio.

**(Agenda Item No. 09-228)**

### **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. 09-229)**

1. SCRIVENER'S ERROR - TA09-002 - An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance  
*(Nancy Leathers, Community Development Director)*

**(Agenda Item No. 09-230)**

2. Acceptance of Driveway and Temporary Construction Easement Rights for the Windsor Parkway (Roswell to High Point) Sidewalk Project (T-0020)  
*(Thomas Black, Public Works Director)*  
**Resolution No. 2009-09-62**

**(Agenda Item No. 09-231)**

3. Approval of the Installation or Modification of Traffic Signals at Three Locations  
*(Thomas Black, Public Works Director)*  
**Resolution No. 2009-09-64**

**(Agenda Item No. 09-232)**

4. Authorization for the Mayor and City Council to Apply for and Accept a Georgia Department of Transportation Gateway Grant  
(*Thomas Black, Public Works Director*)  
**Resolution No. 2009-09-63**

**(Agenda Item No. 09-233)**

5. Amendment to Section 54-117(c) of the Business and Occupation Tax Ordinance  
(*Wendell Willard, City Attorney*)  
**Ordinance No. 2009-09-49**

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

**PUBLIC HEARINGS**

**(Agenda Item No. 09-234)**

1. Public Hearing and Adoption of Consolidated Annual Performance and Evaluation Report (CAPER) for 2008 CDBG

**CDBG Manager Van McNeill** stated this is the annual report to HUD for the 2008 Block Grant Program covering July 1, 2008 through June 30, 2009, which reflects Council priority for the Block Grant Program to do sidewalk improvements along Roswell Road.

**Councilmember Ashley Jenkins** asked what the decision was for Pitts Road.

CDBG Manager McNeill stated Pitts Road is in the corridor for analysis and concept design for future improvements

**Mayor Eva Galambos** asked how often this report is sent to HUD.

CDBG Manager McNeill answered that the report is due ninety days after the program year closes, yearly.

Mayor Galambos stated she would like everyone to be aware that this report is 180 pages and due every year to the Federal government, which is a mandated expense to local government.

**Councilmember Karen Meinzen McEnerny** asked why the Big Trees area is a part of the report when there are sidewalks already there.

CDBG Manager McNeill stated the sidewalk may be the correct width, but needs ramps or protectable surfaces.

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

**Motion and Vote:** Councilmember Jenkins moved to approve agenda item no. 09-234, the Adoption of Consolidated Annual Performance and Evaluation Report (CAPER) for 2008 CDBG. Councilmember Fries seconded the motion. The motion carried unanimously.

**City Clerk Michael Casey** read the Zoning Rules for this portion of the meeting.

**(Agenda Item No. 09-235)**

2. **U09-004/U09-005/U09-006/CV09-007** - 805 Mount Vernon Highway, Applicant: Holy Innocents' Episcopal Church and School, Use permits to revise the existing Church, Private School, and Day Care Facility uses and property, with concurrent variances

**Assistant Director of Planning & Zoning Patrice Ruffin** stated the applicant is seeking use permits to modify the master plan of the existing site to incorporate a new parcel acquired by the school and church and seeking concurrent variances as part of this application. Staff is recommending a 60-day deferral.

**Amy L. Hillman, Tatum, Hillman, Hickerson, & Powell, LLP**, representing the applicant stated the applicant accepts the recommendations of the 60-day referral and is happy to provide the Planning Commission and neighbors with provision of the extra information requested.

**Mayor Eva Galambos** called for public comments in support of the application. There were no comments in support of the application.

Mayor Galambos called for public comments in opposition to the application.

**Barbara Malone, 240 Colewood Way, Sandy Springs Council of Neighborhoods**, stated there were many questions regarding this application when it was presented that could not be answered. The Council of Neighborhoods would also like to request the deferral so that many of the issues can be addressed and an acceptable resolution found. This is in the middle of a neighborhood that needs to be protected from excess expansion, noise, lights and traffic, as well as the height ordinance for structures. There is a sound level of 4, 5 and 6 being proposed, but no one knows what these levels mean. The noise study did not include simultaneous use of the PA systems on both fields. The PA systems are proposed to be operable from 7am to 9pm, six days per week, which is excessive in the middle of a residential neighborhood. Please pay close attention so that enrollment numbers do not exceed 160 students.

**Laurie S. Robbins, 110 Lameloise Lane**, stated she agrees with the deferral, but there are issues that need to be resolved before the next meeting. The height of the buildings is an issue because they are too close to streets and other neighbors; 50 feet is too tall. The noise issue of the permanent loudspeakers has become a severe issue for use of her backyard. The traffic is awful and the parents are very rude in allowing neighbors to move about. The noise from the batting cage needs to be addressed. The issue of potentially increasing enrollment needs to be addressed.

**Carol Matz, 120 Parc Du Chateau**, stated she is concerned about the height and size of the buildings, which could possibly diminish property value. Traffic is also a concern. She supports the deferral.

**Amy Hillman** responded to comments by asking the Mayor and Council to continue the Public Hearing after the deferral period. Regarding the noise, she stated the applicant is in the process of getting the sound data transferred into decibels to assist everyone in understanding what it means. The applicant has been assured that the numbers recommended will cut the noise level in half and have a compressor limiter device installed on both sound systems. As far as lighting, a photometric study was done and is being reviewed. All lighting improvements have been implemented and done. An updated traffic report has been requested. Lastly, architectural elevations are being reviewed by the applicant to see if a little less can be requested for the height variance.

**Motion and Vote:** Councilmember Meinzen McEnery moved to defer for 60 days to the November 17, 2009, City Council Meeting agenda item no. 09-235, case U09-004/U09-005/U09-006/CV09-007 - 805 Mount Vernon Highway, Applicant: Holy Innocents' Episcopal Church and School, Use permits to revise the existing Church, Private School, and Day Care Facility uses and property, with concurrent variances.

Councilmember Fries seconded the motion. There was no further discussion. The motion carried unanimously.

### **UNFINISHED BUSINESS - RESUMED**

#### **(Agenda Item No. 09-236)**

1. Update regarding MARTA Funding and Presentation of Potential Project List

**Mayor Eva Galambos** asked staff if what they are looking for is direction from Council as to what to include in the proposal to Marta.

**Traffic Services Manager Chris Waters** responded yes.

**Councilmember Ashley Jenkins** stated she is not in favor of the midblock crossings. On Buford Highway they do not corral people onto them. Citizens will still use whatever way they want to cross the road.

**Motion and Second:** Councilmember Jenkins moved to approve agenda item no. 09-236, all of the projects on the list for Marta Funding with the exception of the midblock Pedestrian Crossing, and put the rest of the money into sidewalk connectivity and safety upgrades. Councilmember Fries seconded the motion.

**Councilmember Dianne Fries** stated she agrees with Councilmember Jenkins and is not convinced that these center islands are going to be utilized. The City has many sidewalk areas that are in need to connect these MARTA stops that would actually get used. She understands the position of Councilmember Meinzen McEnery regarding safety, but you cannot physically make people use them, unless we put them all over the City and the Police Department can enforce the jaywalking.

**Councilmember Meinzen McEnery** stated she finds it amazing that the Council can support lighting, spending \$25 thousand on illuminated signage at rail stations; \$500 thousand at the PCID Hammond project; and not consider spending \$150 thousand on one midblock crossing where a fatality has already occurred. She has no problem with the rest of these items.

**Substitute Motion:** Councilmember Meinzen McEnery moved to accept the \$2 million dollars as the staff has recommended.

**Councilmember Doug MacGinnitie** asked do they actually pick these projects or do they just send us a lump sum and ask us to divide it up?

**Public Works Director Thomas Black** responded the City picks the projects to submit to them and GDOT then selects what they will fund, which will be about \$1.8 million after an administrative fee.

**Second and Vote on Substitute Motion:** Councilmember MacGinnitie seconded the substitute motion from Councilmember Meinzen McEnery. The motion carried 3-2, with Councilmember Jenkins and Councilmember Fries voting in opposition to the substitute motion, and Mayor Galambos breaking the tie by voting in favor of the substitute motion.

#### **(Agenda Item No. 09-237)**

2. Right-of-Way Acquisition on the Sandy Springs Circle and Hammond Drive Pedestrian Enhancements, Phase 1 Project (T-0006)

**Deputy Director of Public Works Jon Drysdale** stated this project was selected for stimulus funds for construction, which leaves the right-of-way acquisition issue. Staff has spoken with ARC and GDOT and they are willing to move federal funds they had already programmed for construction to the right-of-way acquisition. To do so, GDOT will need this road to be a temporary state route. Staff is requesting a petition and Resolution from Council to make this road a temporary state route for this project. The road will revert back to City control one year after the project is complete.

**Councilmember Ashley Jenkins** asked if the City needs to be concerned with the \$480 thousand.

Deputy Director of Public Works Drysdale stated the \$480 thousand is an 80/20 match, so the City will still have to provide 20% match for right-of-way acquisition, which will be about \$120 thousand. There are two other phases of Sandy Springs Circle Projects that Council originally funded for \$220 and \$190 for a total of \$410 thousand and those projects were put on hold, because the LCI pot of money went away. The money can be moved from one project to the other without any additional capital funding.

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve agenda item no. 09-237, to initiate a petition that will designate portions of Sandy Springs Circle and Hammond Drive as temporary State Routes for the purpose of the construction and up to one year following the completion as well as redirecting funds from Phase II of the Sandy Springs Circle Sidewalk Program to Sandy Springs Project Phase I. Councilmember Fries seconded the motion. The motion carried unanimously.

**Resolution No. 2009-09-67**

**Resolution No. 2009-09-68**

## NEW BUSINESS

### **(Agenda Item No. 09-238)**

1. Authorization to Utilize Existing Earmark Funds for a Short Term Roadway Improvement Project on the Roswell Road Bridge Over I-285 and Authorization for the City Manager to Execute Contract Documents for Engineering Support with ARCADIS

**Director of Public Works Thomas Black** stated this project will widen the bridge at I-285 and Roswell Road by one lane. The project will be a completely owned system with no acquired right-of-way. Staff would like permission from the Council to move forward, using matching funds that are earmarked at \$400 thousand, and to enter into a design contract with ARCADIS. ARCADIS is the engineering firm that is currently looking at the whole corridor from I-85 to I-75, and they have all the current up-to-date information and the City currently has them under contract. The staff is requesting that Council authorize the City Manager to execute documents for Engineering Support with ARCADIS.

**Mayor Eva Galambos** asked if staff is moving forward with the ARCADIS contract without first knowing whether the State will allow us to do this.

Director of Public Works Black stated in order for staff to continue the conversation, the staff needs to have a little more work and that is what we are trying to move forward with. Staff has set a meeting with state highway engineers toward the end of this month and will have a better answer for Council at that time.

Mayor Galambos stated she didn't have her questioned answered. She again asked if we have to spend money up front before we know whether the State will say yes.

Director of Public Works Black answered yes.

**Councilmember Doug MacGinnitie** asked how much has to be spent to get an answer from the state. He asked for a price range.

Director of Public Works Black answered the cost would be a maximum of \$250 thousand based on what the state requires. It depends whether there is a structural issue on the bridge, whether a joint can be installed and then have shower beams with thicker webs that will help with the clearance. The clearance of the highway is going upgrade where the existing bridge is and it does not meet by a few inches the 17' clearance. Staff is adding to the east side, where the right-of-way will have the least impact. The plan is to try and convince the state to use a shorter beam with a thicker beam and put a joint across there. He stated he cannot give Council a definite answer until the structural work is complete and DOT bridge engineers buy into it.

Councilmember MacGinnitie asked if there is a chance the City could spend \$250k and not get the support from the state.

Director of Public Works Black answered yes.

**Councilmember Karen Meinzen McEnery** stated the City has \$1.602 million in earmarked money. If the City spends the \$250 thousand and DOT thinks this is a good idea, then the item before Council is to approve \$1.6 million in funds to be spent. She asked if the reason the project has not moved forward is because the bridge is tied up with the DOT's I-285 Revive.

Mayor Galambos stated she met with the Commissioner of DOT last week. The Commissioner understands that the I-285 issue has been hanging for years and there is no answer as to when it will be resolved. He appeared to be supportive of the idea that the City cannot wait forever and needs to solve the problem. She stated in her opinion it is such a huge impediment to our mobility that it behooves the City to go ahead and solve the issue and not wait on the State to do something about it.

Councilmember Meinzen McEnery asked the status of the split diamond project that has been under consideration between Public Works and ARCADIS.

Director of Public Works Black stated the split diamond has been put on hold until the City has information on what is actually being proposed. Staff is not asking to spend all of the money tonight, just a commitment to move forward. He stated it may be a throw away project, but if the accident data is considered for the area around that bridge, it is an operational and safety improvement that is a necessity.

Councilmember Meinzen McEnery asked if staff is asking Council to authorize \$1.602 million tonight.

Director of Public Works Black answered no, staff is not asking for the \$1.602 million. Staff is requesting authorization to execute contract documents for engineering support with ARCADIS and to get information for the matching funds.

**City Manager John McDonough** stated for the purposes of this evening, staff needs authorization to engage the engineer to further explore this concept.

Councilmember MacGinnitie asked where the \$400 thousand is coming from and if that money is budgeted for this project.

City Manager McDonough stated staff is only talking about \$250 thousand and the City has the earmarked funds.

Director of Public Works Black stated the City can use the earmark funds, but it will still require the matching funds.

City Manager McDonough stated either way the City has the money within the CIP to handle the match.

**Councilmember Dianne Fries** stated the City is spending millions of dollars trying to get Roswell Road working with the lights and other things. No matter how wonderful it is, it will never be right until we fix this bridge.

**Motion and Vote:** Councilmember Fries moved to approve agenda item no. 09-238, a Resolution authorizing the City Manager to execute documents for engineering support with ARCADIS and for funding coming from the CIP and earmarked funds at the City Manager's discretion. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

**Resolution No. 2009-09-61**

**(Agenda Item No. 09-239)**

2. A Resolution Authorizing the City Manager to Obtain a Cost Analysis for Delivery of Water Services to Citizens and Businesses in the City of Sandy Springs, and Authorizing the City Manager and City Attorney to Represent the City of Sandy Springs with Negotiations of a Service Delivery Strategy Agreement

**City Attorney Wendell Willard** stated this item was to be accomplished by the end of October, but it will not happen, because there are strong disagreements on several key issues, the biggest of which will be between the City of Atlanta and the other cities who are serviced by the City of Atlanta with their water. Staff has outlined positions as it relates to Sandy Springs. Staff is seeking to have Council authorize the City Manager to proceed with obtaining an engineering study, and also to set up for a public hearing for residents to address Council on the cost study analysis for water for Sandy Springs. The third part is to authorize City Manager and City Attorney to proceed with negotiations through mediation keeping the Council and Mayor informed.

**Motion and Second:** Councilmember Jenkins moved to approve agenda item no. 09-239 to authorize the City Manager to Obtain a Cost Analysis for Delivery of Water Services to Citizens and Businesses in the City of Sandy Springs, and Authorizing the City Manager and City Attorney to Represent the City of Sandy Springs with Negotiations of a Service Delivery Strategy Agreement. Councilmember Fries seconded the motion.

**Councilmember Karen Meinzen McEnerny** asked what the cost will be and where the funds will come from.

**City Manager John McDonough** responded the Cost Analysis study will be between \$150-250 thousand and the funds will come from the FY10 carryover fund balance, from the discretionary funds.

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

**Resolution No. 2009-09-65**

**REPORTS AND PRESENTATIONS**

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

**PUBLIC COMMENT**

**John Burdakin, 325 River Valley Road**, stated Ginarc Construction used his vacant lot to store all of the materials and equipment to make a sidewalk near his property. They have destroyed his property by driving vehicles through his flower beds and driveway. He strongly recommends that the City does not do any future business with Ginarc Construction.

**EXECUTIVE SESSION**

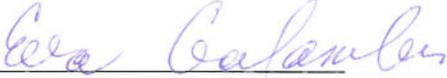
There was no Executive Session.

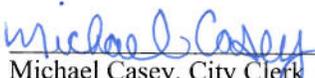
**(Agenda Item No. 09-240)**

**ADJOURNMENT**

**Motion and Vote:** Councilmember Fries moved to adjourn the Regular Council meeting. Councilmember MacGinnitie seconded the motion. The motion carried unanimously. The meeting adjourned at 7:33p.m.

Date Approved: March 16, 2010

  
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Eva Galambos, Mayor

  
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Michael Casey, City Clerk