

Regular Meeting of the Sandy Springs City Council was held Tuesday, March 17, 2009, 6:00 p.m., Mayor Galambos presiding.

Invocation

Chris Barbieri, Rev SSUMC offered the invocation.

Call to Order

Mayor Galambos called the meeting to order at 6:00 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 before the conclusion of the meeting under the Public Comment section, are required to complete a public comment card. Cards are located at the back counter and need to be turned in to the Clerk before you speak.

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos

Councilmember's Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny.

Pledge of Allegiance

Council Pages Ayomide and Oladeji Awe led the Pledge of Allegiance.

Approval of Meeting Agenda *(add or remove items from agenda)*

Motion and Vote: Councilmember Fries moved to approve the meeting agenda. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Consent Agenda

(Agenda Item No. 09-063)

1. Meeting Minutes:
 - a. December 9, 2008 Regular Meeting
 - b. January 13, 2009 Work Session*(Michael Casey, Interim City Clerk)*

(Agenda Item No. 09-065)

2. Approval of An Ordinance to Amend the Code of the City of Sandy Springs to Rename the Board of Zoning Appeals (BZA) to the Board of Appeals (BOA)
Ordinance No. 2009-03-12
(Wendell Willard, City Attorney)

Motion and Vote: Councilmember Fries moved to approve the consent agenda. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

Presentations

Proclamation - Mt. Vernon High School Presbyterian Boys Basketball Team

Mayor Galambos read and presented a Proclamation to the Mt. Vernon High School Presbyterian Boys Basketball Team, Coach Curtis Berry and Assistant Coach Jeff Kasher.

PUBLIC HEARINGS

Rezoning

**U08-016/U08-017/CV08-033 - 6025 Glenridge Drive, Applicant: Lutheran Church of the Apostles - A use permit to allow construction of an 8,770 square foot addition to the existing church and a use permit to allow a day care facility, with concurrent variances.
Ordinance No. 2009-03-13**

Assistant Director of Planning & Zoning Patrice Ruffin stated that the applicant is requesting two (2) use permits to construct an 8,770 square foot addition to the existing church building and the existing day care facility. The applicant is also requesting five (5) concurrent variances.

Staff is recommending conditional approval of the two (2) use permits and five (5) concurrent variances.

The petition was heard at the December 23, 2008 Design Review Board meeting. The Board recommended approval.

The petition was heard at the February 19, 2009 Planning Commission hearing. The Commission recommended approval of the application subject to staff conditions amended to limit the roof peak of the proposed addition to the same height of the existing bell tower.

Rik Galpin, Representative, Ashford Engineers, Inc., 1870 The Exchange, introduced Senior Pastor Paul Furlow, the applicant. The Church acquired this property in July 1959. The church has been at this location for 50 years. Over the years the church has undergone various upgrades. In 1975 there were piping and septic improvements in the building. In 1982 the church extended the building westerly and added additional parking. In 1999, the church added a two story, more parking and built a storm water detention facility, as well as other improvements. It has been 10 years since the church made improvements and it is now ready for another upgrade.

The congregation provides numerous benefits to the citizens of Sandy Springs and has been a good neighbor offering faith and support. In order to modernize their facility, to retain and grow their congregation the Church proposes this expansion project.

The existing building has an approximate footprint of 20,000 square feet. The existing sanctuary will house a congregation of approximately 175 members. The proposed 8,770 square foot Family Life Center will serve various functions and can accommodate 450 removable seats for regular services and special events. The main assembly room can also house athletic, theatric, music and social functions.

Additional parking is proposed to provide code compliance, 129 spaces for the potential 450 fixed seats, as these will be in place 95% of the time. The site has many mature trees, and in order to minimize removal of trees this design will include reconfiguration of the existing parking areas, and utilization of areas for compact car parking. Peaceful courtyards will be located between the new and existing structures, and will serve to upgrade and modernize the appearance of the entire Church.

Six concurrent variances are requested with this modification of Use Permit. The first variance requested is for an increase in the allowable height of the building from 40' to 45' to allow the roof height to be approximately the same as the existing bell tower (constructed prior to height restrictions). This height variance is required to meet the functional requirements of the interior of the space.

The second variance request is to delete parking lot landscape requirements within existing parking lots. As they attempt to minimize the additional pavement by reconfiguring the existing parking areas, the applicant requests a variance from complying with landscape islands in the existing parking area. This paved parking area is located behind the Church, is not visible from the streets and was constructed with the original Church many years ago with mature stand of trees along its edge. It does not appear justified to install islands and plant trees under the existing ones, or to remove mature trees so new ones can have sunlight.

The third variance is to allow 14 parking spaces in the 60' front yard setback. The church is attempting to minimize removal of existing wooded area, and requests this minimal number of spaces be allowed near the new sanctuary entrance to entice visitors and early arrivals and to accommodate those with other needs.

The fourth variance is to encroach into the required 25' buffer and 10' improvement setback with 5 parking spaces adjacent to one residential lot on the west side of the project. A letter from the adjacent property owner supports their use permits and does not object.

When the church built the daycare, they filled in the middle of the building and put up a small retaining wall with a four (4) foot fence on top of it. The City's Code requires a six (6) foot fence. It has been there 10 years. The age for this day school is 12 weeks to five (5) years so it seems safe enough and is in compliance with State Code. The church is not asking to do anything with the daycare facility, only requesting the City not require replacement of the fence.

The applicant and his firm met with Michael Barnett. City staff feels fairly confident that the applicant will comply with landscape requirements. They also met on site with Bennett White to discuss drainage. The building sits between two major drainage devices and will have underground storm water detention under the driveway up front.

The applicant and his firm met with Mark Moore to discuss transportation issues. The majority of staff's recommendations have to do with the right-of-way dedication and reservation. They have a 55 foot right-of-way dedication on Hammond and a 45 foot right-of-way on Glenridge.

The applicant has been before all boards and tonight is requesting City Council support the applicants use permit.

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

Brief discussion was held by City Council at this time.

Motion: Councilmember Fries moved to approve (Agenda Item No. 09-066) U08-016/U08-017/CV08-033 - 6025 Glenridge Drive, Applicant: Lutheran Church of the Apostles use permit to allow construction of an 8,770 square foot addition to the existing church and a use permit to allow a day care facility, with concurrent variances and with two changes in staff's recommendations; Condition 1. c. "Restrict the number of students enrolled to be no more than 135". Add a condition 1. d. "An annual report of enrollment is due to staff by August 15th of each year" and subject to the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Church and associated accessory uses in the existing structure at a density of 6,051.71 square feet per acre or 28,322 square feet, whichever is less.
 - b. The hours of operation for the day care facility shall be limited to:
Monday – Friday: 6:00a.m. To 7:00p.m.
 - c. Restrict the number of enrolled students to no more than 135.

- d. The school shall provide an annual report detailing total enrollment by August 15th of each calendar year, subject to the approval of the Department of Community Development.
2. To the owner's agreement to abide by the following:
- a. To the site plan received by the Department of Community Development dated December 2, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance 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 a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
- a. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Hammond Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - c. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.
 - d. Dedicate as right-of-way a forty-five (45) foot miter at the intersection of Glenridge Drive and Hammond Drive.
 - e. No more than one (1) exit/entrance on Glenridge Drive and one (1) exit/entrance on Hammond Drive or as may be approved by the Sandy Springs Traffic Engineer. Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
 - f. The maximum building height shall be forty-five (45) feet (CV08-033).
 - g. To delete the parking lot landscape requirement in the existing parking lot (CV08-033).
 - h. To allow parking within the required minimum front yard setback (CV08-033).
 - i. To allow the proposed parking area to encroach into portions of the required twenty-five (25) foot zoning buffer and ten (10) foot improvement setback along the west property lines (CV08-033).
 - j. To reduce the required six (6) foot opaque fence to the existing four (4) foot wooden fence (CV08-033).

Second and Vote: Councilmember Jenkins seconded the motion. The motion carried unanimously.

Zoning Modifications

ZM09-001/CV09-001 - 755 Mt. Vernon Hwy, Applicant: Paramount Real Estate Services/Mount Vernon Medical Center - To modify conditions of 1989Z-0166 to allow for construction of an additional driveway access to the existing parking lot, with concurrent variances

Ordinance No. 2009-03-14

Assistant Director of Planning & Zoning Patrice Ruffin stated that the applicant is requesting to modify two conditions of Fulton County Zoning case 1989Z-0166 to amend the site plan for the subject property and to allow for a reduction in the current required buffer along the east property line from 50 feet to 25 feet.

Staff is recommending denial of this request. However, staff did receive today a private agreement with the adjacent townhome. City Council was provided a copy of said agreement.

Alex Brock, Prime Engineering, Inc., 1888 Emory Street stated that the existing office building has a parking deck with existing parking lot at the rear of the property. The only access to the existing parking lot is through the parking deck. The only exit is to go back through the parking deck out to Mt. Vernon. The proposed project is to add an access drive to allow an exit from the lower surface parking out to Mt. Vernon. In order to install the drive and the grading associated with the drive, the applicant is requesting a modification for the 50 foot undisturbed setback to 25 feet in order to incorporate the grading for the stone along the drive.

At the CCIN meeting, the applicant met with representatives of the adjacent Autumn Chase Homeowners Association. It was discovered that there was a previous zoning application for this project in 2003. At that time, the project wasn't carried through by the owner and put on hold. At this time, the applicant is bringing it back with the same design as in 2003 with a few modifications. One modification is to add a shoulder along the drive which moves out the grading slightly. After that meeting, the applicant had several meetings with the Autumn Chase Homeowners Association to work out issues with the applicant's application. Basically, the Association wanted to ensure that additional landscaping was applied to the buffer to hide the proposed drive on the adjacent property and limit disturbance to the existing Maple Trees. The applicant will keep one row of Maples and remove four of the six inch Maples for the installation of the drive. The applicant is also removing kudzu along the property. The driveway width is limited to 16 feet plus 1.67 feet curbing and a four (4) foot shoulder. The setbacks are limited to 25 feet undisturbed buffer with a 13 foot improvement setback. Other additions made by the applicant are: irrigation for the landscaping; new eight (8) foot fence along the length of the drive and centered along the shoulder to hide cars entering and exiting the building; repair existing chain link fence along the property line and drainage detention. The current application has a hydrology report that will meet the City of Sandy Springs standards for detention for storm water. Any proposed lighting from the medical center parking lot will not be directed toward Autumn Chase and minimize the overflow of lighting.

The applicant is in agreement with the conditions set forth in the zoning agreement as well as the Autumn Chase Homeowners Association agreement. The agreement was forwarded to Ms. Ruffin.

Mayor Galambos called for public comment.

Rob Stein, 3500 Lenox Road, Attorney for Autumn Chace Homeowners Association stated that the terms have been resolved in agreement with the property owner. Council should have a copy of Exhibit A, dated March 12, 2009 with conditions. This property was rezoned in 1989 and Autumn Chase was part of negotiations for the rezoning in 2003. Agreement was reached on a set of conditions. The project did not move forward at that time. It was brought back in 2009 and other changes were made. The buffer provides protection between the buildings and the driveway for Autumn Chase. The applicant came back in 2009 and other changes were made. The Homeowners Association requested the revised landscape plan dated March 11, 2009 and terms dated March 12, 2009 be included in City Council's motion for approval.

Liz Gray, 230 The South Chase, President of Autumn Chace Homeowner Association stated that the Association is in agreement with this as long as the agreement and revised plan is included in the approval of this application.

Councilmember Paul stated that staff recommended denial of this application and asked if there were other factors besides the concerns raised by the neighborhood.

Mr. Ruffin stated that there were not any. The current requirement in the ordinance would be for a 25 foot buffer with a 10 foot improvement setback and this request would fall into that.

Ms. Ruffin gave an overview of Exhibit A to the Mayor and City Council.

Brief discussion was held by City Council.

Motion: Councilmember Fries moved to approve (Agenda Item No. 09-067) ZM09-001/CV09-001 - 755 Mt. Vernon Hwy, *Applicant:* Paramount Real Estate Services/Mount Vernon Medical Center with the following changes: Condition 3.a. "50 feet wide with a 10 foot improvement setback adjacent to the south property line and 25 feet with a 13 foot improvement setback along the eastern property line except for "Area B" as shown on the Landscape Plan, dated March 17, 2009. Add the landscape plan dated March 17, 2009 as a condition and include all conditions in the private agreement and subject to the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property to the following:
 - a. Office and accessory uses at a maximum density of 30,000 square feet of gross floor area per acre zoned or a total gross floor area of 105,000 square feet, whichever is less.
 - b. Limit the height of the office building(s) to no more than 5 stories and the height of the parking deck(s) to no more than 3 stories, for a total effective building height not to exceed 8 stories.

Said building and parking deck are to be located as shown on the site plan referenced in condition 2a. The parking deck location shall be a minimum of 120 feet from the south property line if a variance for a reduction in the required parking to 3.6 spaces per 1000 gross square feet of floor area is approved. If the variance is not approved, then the parking deck location shall be located a minimum of 60 feet from the south property line as shown on the site plan received by the zoning department on 1/06/2009.

2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Environment and Community Development on January 6, 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. To submit to the Director of Public Works for his approval, prior to any defoliation or alteration of the site, a land disturbance application which shall include a grading plan including phasing, a hydrological study, a separate soil sedimentation and erosion control plan, and proposed provisions for permanent storm water retention and the method of continuing maintenance of these facilities.
 - c. To submit to the Director of Public Works for his approval, prior to the approval of a Land Disturbance Permit, a detailed landscape and/or tree protection plan for all required buffers, landscape strips, and tree protection zones. Said landscaping for each phase of development shall be in place within 90 days after the issuance of a certificate of occupancy or the connection of permanent power for each phase provided, however, that all landscaping shall be in place prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the final phase of the development.
3. To the owner's agreement to the following site development considerations:
 - a. Provide a natural buffer, undisturbed except for approved access and utility crossings,

improvements, and replanting where sparsely vegetated and subject to the approval of the City of Sandy Springs Arborist, adjacent to the following property lines and in the widths shown (the width of buffers shall be measured from the limits of construction for existing and proposed public roadways as applicable):

50 feet wide with a 10 foot improvement setback adjacent to the south property line and 25 feet wide with a 13 foot improvement setback along the eastern property line except for "Area B" as indicated on the Landscape Plan submitted March 17, 2009, which shall remain a 50-foot buffer, to allow for construction of a driveway, or as may be approved by the Director of Community Development.

The owner/developer shall replant the 25 foot buffer along the eastern property boundary where it is sparsely vegetated, subject to the approval of the Sandy Springs Arborist.

- b. Provide a 40 foot wide landscape strip outside of the new dedicated right-of-way of Mount Vernon Highway. Said landscape strip shall be planted with shrubs, a minimum size of 3 gallons upon installation, planted at a minimum spacing of 3 feet on center, and trees, a minimum 3 inch caliper upon installation, planted at a minimum spacing of 30 feet on center. Plantings shall be subject to the approval of the City of Sandy Springs Arborist.
- c. Provide adjacent to the following property lines in the widths shown, a landscape strip, planted with shrubs, a minimum size of 3 gallons upon installation, planted at a minimum spacing of 3 feet upon center, and trees, a minimum 3 inch caliper upon installation, planted at a minimum spacing of 30 feet on center. Plantings shall be subject to the approval of the City of Sandy Springs Arborist: 10 feet wide on all property lines adjacent to non-residential zoning.
- d. Provide a minimum 6-foot high 100% opaque, solid wood fence or masonry wall, subject to the approval of the City of Sandy Springs Arborist and the Director of Community Development, along the entire length of the west and south property lines, and along the east property line adjacent to any surface parking area. Said fence/wall is to be located outside of any public right-of-way and interior to any required landscape strips and/or buffers, or as may be approved by the Director of Community Development and the City of Sandy Springs Arborist. The finished side of said fence/wall shall face the exterior property lines.
- e. Provide a 4-foot high landscaped earthen berm with a maximum slope of 3 to 1 combined with landscaping so as to achieve visual screen of at least 6 feet in height, subject to the approval of the Director of Community Development, along the entire length of Mount Vernon Highway (except for approved access crossings), said improvements to be located outside of any public right-of-way and within the required landscape strip.
- f. Any exterior illumination on the site shall not exceed 1.2 foot candles on any property line adjacent to a residential use or zoning district, nor will the light source be directly visible from adjoining residential properties.
- g. Screen lighting sources for all surface and deck parking such that no light source is directly visible from any residential property line.
- h. No more than two (2) exits/entrances on Mount Vernon Highway to be located a minimum of 250 feet from any other curb cut, on either side of said road. The westernmost curb cut shall be limited for service entry only and shall be a right-in/right-out only. Curb cut location and alignment are subject to the approval of the City of Sandy Springs Traffic Engineer.
- i. Provide certified documents that show the 2-, 10-, 25- and 100-year respective storm water flows will not be exceeded by reason of the proposed development. Such documents shall include

hydrologic and hydraulic calculations indicating the respective storm water discharges at all points on the perimeter of the proposed development and at critical off-site drainage facilities as determined by the developer and subject to the approval of the Director of Public Works. Said certification shall be made by a Professional Engineer experienced in the design and evaluation of hydrologic and hydraulic systems and certified to practice such in the State of Georgia.

- j. Design required on-site storm water detention facilities to provide 125% storage capacity for all storms up to and including the 100-year storm and such that they are not located within any required buffers, landscape strips, or on required parking and loading areas. Stormwater discharge facilities shall be designed and located in such a manner as to mitigate impact on adjacent, down slope properties. Said facilities shall be located within the required easements, shall be placed underground in-so-far as practical and shall tie into existing storm water facilities in the Aberdeen Forest subdivision. The location and release rate for said facilities are subject to the approval of the Director of Public Works.

(Administratively modified on January 15, 1991 to allow a portion of the underground detention facility to encroach into the 10 foot improvement setback as necessary, subject to approval of the Acting Arborist.)

- k. The exterior of all concrete blocks shall be coated with an architectural treatment (e.g., epoxy, stucco, brick veneer, etc.)
 - l. The exterior of any parking structure shall be coated with an architectural treatment (e.g. epoxy, stucco, brick veneer, etc.) or an alternate solution such that the structure will be compatible with the existing development on adjacent-properties as may be approved by the Director of Public Works.
 - m. Any parking structure shall include exterior concrete planting boxes of a similar finish to the main structure, running the length of each floor, at or above the third story above finished grade. Such planting boxes shall be at least 30 inches in depth and shall be used for planting of landscape materials; including ground cover which will be expected to drape over the sides of the boxes, subject to the approval of the City of Sandy Springs Arborist.
 - n. Limit the free-standing project identification signage on the entire property to no more than one unlighted, double-faced pole sign/monument sign adjacent to Mount Vernon Highway not to exceed a height of 4 feet from finished grade measured from the base of the sign structure.
 - o. No roof signs are permitted.
 - p. Provide landscape islands throughout the surface parking areas, including a minimum 10 foot wide landscape island at the end of each parking bay and 5 foot wide landscaped island for each 150 feet of length. Said parking islands must be planted with shade trees, subject to the approval of the Fulton County Arborist.
 - q. Provide and maintain off-street parking on the subject property during the entire construction period.
 - r. Provide inter-parcel access to adjacent property(ies) as may be required by the Director of Public Works.
 - s. Locate all trash dumpsters internal to the development and provide 100% opaque screening around said dumpsters subject to the approval of the Director of Community Development. Said dumpsters shall not be located within buffers, landscape strips or parking and loading areas.
4. To the owner's agreement to abide by the following requirements, dedications and improvements:

- a. Dedicate at no cost to the City of Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide a minimum of 55 feet of right-of-way from the centerline of Mount Vernon Highway, and dedicate at no cost to the City of Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as improve said road 32 feet from center of road to back of curb along the entire property frontage, and further to allow the necessary construction easements while the right-of-way is being improved (U89-105).
 - b. Provide a deceleration lane for each project entrance or as may be approved by the City of Sandy Springs Traffic Engineer.
 - c. Connect to metropolitan water and public sanitary sewer available to the site as well as pay all required tap-on fees, front footage assessments and the pro-rated share of the cost of public utility extensions and the cost of Nancy Creek relief sewer system as determined by the Department of Public Works.
 - d. Provide designated fire lanes adjacent to all structures and provide water mains, fire hydrants and access for fire-fighting equipment as required by the City of Sandy Springs Fire Department.
 - e. Design required on-site storm water detention facilities such that they are not located within any required buffers, landscape strips, or on required parking areas.
 - f. Construct sidewalks along entire property frontage within the right-of-way of Mount Vernon Highway. Said sidewalks shall be in prior to the issuance of a Certificate of Occupancy or the connection of permanent power for the development.
 - g. Provide a 12' wide minimum entrance gate and a 40' outside turning radius to the entrance.
 - h. Frontage improvements will be required at time of LDP to conform to planned improvements for Mt. Vernon Highway. This work may include installation or modification of curb and gutter, median island, and/or striping.
5. Participate in off-site transportation improvements necessary to accommodate increased traffic generated by the proposed development. These improvements may include, but are not limited to the following:
- a. New southbound on and off ramps in the northwest quadrant of the Ga. 400/Abernathy Road interchange.
 - b. Six (6) through lanes on Abernathy Road extending from a point midway between the northbound ramp exits from Ga. 400 to the existing median located west of the new southbound ramp exit from Ga. 400 and fully actuated signalization on Abernathy Road at the new southbound on and off ramps.
 - c. One (1) additional lane to the northbound ramp onto Ga. 400 from Abernathy Road and one additional free right turn lane onto said ramp from Abernathy Road, beginning at Peachtree-Dunwoody Road.
 - d. The extension of Mt. Vernon Highway to Barfield Road as a 6-lane section.
 - e. The widening of Abernathy Road to six (6) lanes to Barfield Road.
 - f. The construction of a 2-lane collector-distributor system parallel to Georgia 400.

- g. The construction of a new interchange at Georgia 400 between Abernathy Road and Spalding Drive.

(Added in 1989)

The construction of 2-lane on and off ramps from Georgia 400 to Hammond Drive.
Abernathy Rd. to Peachtree-Dunwoody Rd. from Barfield Rd.
GA 400 Extension (utilities) to I-285 from I-85 GA 400 Spalding Drive
Interchange (new) to Abernathy Rd.
GA 400 NB On-Ramp to Abernathy Rd.
GA 400 On and Off Ramps to Abernathy Rd.
GA 400 SB On and Off Ramps to Abernathy Rd.
Glenridge Dr. to New Glenridge Connector from Douglas Rd.
Glenridge/Perimeter Connector Ext. to Peachtree-Dunwoody Rd. from Johnson Ferry Rd.
Mt. Vernon Hwy. to Barfield Rd. from Glenridge Dr.
Mount Vernon Hwy. to SR 400 from (bridge)
Mount Vernon Hwy. to SR 400 Bridge from Barfield Rd.
Peachtree-Dunwoody Rd. to Hammond Dr. from Spalding Dr.
Peachtree-Dunwoody Rd. to Hollis Cobb Dr. from Johnson Ferry Dr.
Peachtree-Dunwoody Rd. to Spalding Dr. from Abernathy Rd.
Spalding Dr. to Ga. 400 to Peachtree-Dunwoody Rd.
Signalization

Upon resolution of City Council, the City of Sandy Springs may substitute or add roadway projects to the identified improvements which add capacity to serve the development. In the event the City of Sandy Springs adopts an impact fee resolution, participation in the costs of off-site improvements does not prevent the City from imposing such additional impact fees as a condition of the issuance of a building permit, provided that such participation shall be credited against impact fees due.

Prior to issuance of each Land Disturbance Permit, the owner shall provide to the City of Sandy Springs monies for transportation improvements to the area equal to the square footage contained within a building proposed pursuant to said Land Disturbance Permit. Costs shall be based on the following rates subject to the Engineering News Record Index beginning from the approval date of these petitions, and adjustment by the Sandy Springs City Council:

\$0.58 per gross square foot of office floor area
(updated to \$0.53 in 1989, account #321-540-5402-6175-4101)

\$1.25 per square foot of commercial floor area of accessory uses

The Sandy Springs City Council may adjust the above-stated rates pursuant to any public policy change in said rates as adopted by the Sandy Springs City Council for the general development area within which the project is located.

- 6. To the owner's agreement to abide by the following:
 - a. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit, to arrange with the County Arborist an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries.
 - b. To maintain as a minimum, the tree density requirements as prescribed by the City of Sandy Springs Tree Preservation Ordinance Administrative Guidelines, either through the retention of existing trees, or tree replacement, in perpetuity.
 - c. To the revised conditions of zoning/covenants identified as "Exhibit A" submitted on March 17, 2009, as follows:
 - 1. Revised Landscape Plan. Construction of the added driveway shall be in strict conformance

with the landscape plan prepared by Horlander Design Associates, Inc., dated April 13, 2003 revised March 11, 2009, entitled Landscape and Buffer Improvements for Mount Vernon Medical Center ("Revised Landscape Plan"). The Revised Landscape Plan includes items/obligations for the Owner such as:

- (a) Supplemental additions of designated landscape elements.
- (b) Allowed removal of trees designated on Revised landscape Plan.
- (c) Nondisturbance of the remainder of the maple trees located in Area A (Areas A and B are as designated on the Revised Landscape Plan) and nondisturbance of the trees located in Area B – other than necessary pruning and maintenance work.
- (d) Kudzu, brush and dead trees/undergrowth to be removed throughout Areas A and B, including from the chain link fence.
- (e) Driveway to be maximum of sixteen (16) feet wide curb to curb, plus up to a total of 1.67 feet of curbing and up to four (4) feet of shoulder beyond the eastern curbing. The fence (item 3 below) shall be placed approximately in the middle of the shoulder.
- (f) As to Area A, the current natural undisturbed buffer to be modified from its current fifty (50) feet to a twenty-five (25) foot buffer plus an additional thirteen (13) foot improvement setback. The 50-foot buffer shall remain for Area B.
- (g) The added landscape elements shall be planted no later than thirty (30) days after substantial completion of the driveway provided this shall be extended for delays due to inclement weather and seasonal planting requirements.

2. Irrigation/Fertilization. The Owner of the Subject Property shall include automatic electric irrigation and regular fertilization so as to promote survival and maximum growth of all bushes and trees.
3. New Fence. The Owner shall repair the chain-link fence which is adjacent to the property line in those areas where it has been damaged by fallen trees.
4. Current Fence. The Owner shall repair the chain-link fence which is adjacent to the property line in those areas where it has been damaged by fallen trees.
5. Maintenance/Replacements. Owner shall perform ongoing maintenance of Areas A and B to a consistently high quality standard, such maintenance to include, but not limited to: (1) seasonal installation of mulch, pine straw, or similar materials and (2) annual deep root injection/fertilization, pruning, and evaluation of maple trees (by a certified arborist) located in Area A. If any trees and/or bushes die or are otherwise removed, then the Owner of the Subject Property shall replace such trees and bushes with ones of a similar size, spread, character and variety as those set forth on the Landscape Plan with the replacement being approved by the Sandy Springs City Arborist.
6. Drainage. The Owner shall provide that all drainage shall continue to flow into the existing retention facility on the Subject Property.
7. Lighting. Any new lighting on the Subject Property shall not face the Autumn Chace Community and shall be recessed and directed inward and downward (as with lights on current upper deck) using environmentally sensitive fixtures which shall be shielded so as to avoid light spillage onto the Autumn Chace Community. The fixtures shall not be

visible from the adjacent Autumn Chace Community.

Second and Vote: Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried unanimously.

Impact Fee Appeals

IFA09-001 - 5600 Roswell Road (SR9), Applicant: The Prado, LLC - Appeal to the Sandy Springs Mayor and City Council regarding the Department of Community Development impact fee calculation for the development

Assistant Director of Planning & Zoning Patrice Ruffin stated that staff is recommending deferral of this impact fee appeal at this time. Staff received a letter from the applicant indicating that they wanted to continue to work with staff on calculation of the fees for the property.

Ted Sandler, 6400 Powers Ferry Road stated that Prado has provided new information to staff and is still working to resolve differences. They are requesting a deferral in order to continue reviewing the numbers.

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

Motion and Vote: Councilmember Meinzen McEnery moved to defer (Agenda Item No. 09-068), IFA09-001 - 5600 Roswell Road (SR9), Applicant: The Prado, LLC - Appeal to the Sandy Springs Mayor and City Council regarding the Department of Community Development impact fee calculation for the development to the April 21, 2009 Regular Council Meeting. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

IFA09-002 - 1115 Abernathy Road, Applicant: Kessler Grand Bohemian Atlanta, LLC - Appeal to the Sandy Springs Mayor and City Council regarding the Department of Community Development impact fee calculation for the development

Assistant Director of Planning & Zoning Patrice Ruffin stated that this site is located on the east side of Peachtree-Dunwoody Road, on the north side of Mount Vernon Highway, and on the south side of Abernathy Road. The property is zoned C-1 conditional under the Sandy Springs Zoning Case RZ06-024 and is currently undeveloped.

The applicant is appealing the Directors determination of the individual assessment and credits for system improvements. The staff determined that the intended use of the project would be most comparable to a retail/commercial use. Therefore the staff would not apply the individual assessment for the hotel to be considered as a multi-family residential use. The Public Works Department determined the traffic flow devices would be a project improvement and would not qualify for impact fee credits. The property was eligible for a fifteen percent (15%) credit on the transportation portion of the impact fees for the Hotel's proximity to MARTA.

Joe Foltz, Kessler Grand Bohemian, LLC, 4570 Runnemedede Road stated that Kessler Grand Bohemian are owners of a unique tract of property, which is an island created by the Fulton County Condemnation of Peachtree-Dunwoody Roads some years ago. It is bounded by Abernathy, Mt. Vernon and Peachtree-Dunwoody Roads.

This project is a 275 room, twenty-one (21) story hotel. It is fully completed in construction drawings. If they had the opportunity to close \$80,000,000 construction financing, they would be underway. They have been delayed by the credit market at this particular time.

The site plan has some unusual features. In addition to the three major roads, they have a MARTA Station at the northern end of this property. The development of this property had to take into account both the MARTA usage and a tunnel that exists on the northern end of the property parallel to Abernathy.

Mr. Foltz stated that he did a comparison report between city staff and Kessler's calculations in regards to the impact fee numbers. He reported for New Construction – Hotel: calculation based on 275 rooms. Public Safety: \$119,075 based on the property being treated as a retail/commercial property. The Public Safety section of the Sandy Springs Impact Fee Ordinance does not have a hotel/motel category. It has a residential category and a commercial/retail category. This section of the ordinance says you have to use the most comparable type for purposes of this computation. Kessler believes the most comparable property type to hotel rooms is multi-family residential property or apartment which renders a calculation of \$45,000 instead of \$119,000.

Transportation – Traffic Study calls for a reduction based on a bypass rate at the hotel. Once people are in the hotel they are not making more vehicle trips and this yields \$87,000 rather than \$333,000.

Restaurant - 400 seat (staff) - 200 seat (Kessler)

200 seat restaurant - Public Safety Impact Fee – Commercial/Retail has square footage use for a restaurant.

Calculation: \$3,570.09 rather than \$173,200 by using square footage calculation rather than a unit calculation.

Staff's calculation of credits with respect to System Improvements: Transportation - \$84,098.00 is the result of work they are doing at Peachtree-Dunwoody and a number of right-of-ways. Sandy Springs staff has asked Kessler to create medians that will extend tapers and prevent left turns being taken out of the property. Kessler Grand Bohemian is also doing signalization as well as creating an additional through lane going north on Peachtree-Dunwoody Road and is spending \$402,000 to make enhancements to the MARTA Station. They will take 25% of that expenditure, probably \$100,000 and add that to the \$84,000 for other traffic system improvements which gives them \$184,000 in credits.

Take the \$50,000 parking reduction under the Zoning Ordinance as calculated by staff and with the following results:

Hotel total: \$333,150.52

Restaurant total: \$49,872.79

Total Credits: \$234,711.75

Total Impact Fee: \$148,311.56

Mr. Foltz submitted to City Council Schedule 1, Traffic Control and Calming within Peachtree-Dunwoody Road and Mount Vernon Road and Schedule 2, Developer Expenditures to Enhance MARTA Station.

Councilmember Jenkins directed staff to look at several of the items Mr. Foltz mentioned. Particularly, the fact we are missing a whole category in Public Safety. Look at moving it from retail/commercial to multi-family, which seems to be the most logical place. She also wants staff to look at whether or not these are system improvements or site improvements. It appears to her that going from a one lane on Peachtree-Dunwoody heading north to two lanes would make this a system improvement. She directed staff to look at barriers, to change the seating of the restaurant from 400 to 200 seats and put Public Safety in the Transportation categories. She is not sure if Mr. Foltz is correct in regards to going by square footage or not or if it should go by another calculation. She asked staff to bring City Council back a report after everything has been done.

Councilmember MacGinnitie asked staff for details on why commercial/retail was picked.

Ms. Ruffin stated that based on the definition of commercial use verses residential use. Because the hotel/motel has less than a 30-day stay, this would qualify more on the commercial side than residential side.

Councilmember Meinzen McEnerny stated the zoning is still 400 seats. Does the restaurant capacity change?

Ms. Ruffin stated that whatever building permit they submitted would be based on the 200 seats, but the zoning would always be based on the 400.

Director of Community Development Leathers explained it is because they are applying for a 200 seat restaurant which is the fire capacity for the facility. When the applicant comes back and asks for additional seating then they will be asked for additional impact fees at that time.

Mayor Galambos stated that whatever Council decides to do we need to be sure that it is not precedent setting and that the City is not trying to accommodate one particular situation that occurs today. It has to be something we can live with in the future. Staff needs to take this into account as well. She is impressed by the fact that MARTA will reduce the traffic impact to some extent. She asked if that was taken into consideration in the numbers that show the generation of traffic.

Transportation Planner Moore stated that it was and that is what the 15% represents.

Mayor Galambos stated that if anyone benefits from this it is MARTA.

Motion and Vote: Councilmember Jenkins moved to defer (Agenda Item No. 09-069) IFA09-002 - 1115 Abernathy Road, Applicant: Kessler Grand Bohemian Atlanta, LLC - Appeal to the Sandy Springs Mayor and City Council regarding the Department of Community Development impact fee calculation for the development to the April 21, 2009 Regular Council Meeting. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Text Amendments

TA09-002 - An Ordinance to Amend Article 33, Signs

Assistant Director of Planning & Zoning Patrice Ruffin stated that based on comments received from the Council at the March 3, 2009 Work Session, staff is asking for a deferral to the April 21, 2009 Council Meeting in order to continue working with the City Attorney on the comments Council provided at that time.

Mayor Galambos reiterated the three concerns she has and asked staff to go back and look at it. She was surprised to see that "Banners" in non commercial would not have to observe the setback. She was also surprised to see that "Non Commercial Banners" could be 32 square feet, while everybody else's is limited to 24 square feet. She is concerned that "Non Commercial Banners" says an applicant can have three at a time and there is no constraint as to how many times you can have them.

Councilmember Jenkins stated that she was not at the Work Session meeting. Her biggest concern with this is the differentiation between commercial and non commercial and what is allowed for churches verses commercial properties. She thinks it is going to get the whole thing thrown out. She would prefer not to touch any of that. Anytime you start making differences, whether it's how big a sign can be or how many signs they can have for commercial property versus a church, you are asking for big trouble. She urged staff not to go that direction on this.

Mayor Galambos stated that the City Attorney is well versed in this and will give the City good advice on the issue. She does not think the word "church" was mentioned in the ordinance.

Councilmember Paul stated that there has been a proliferation of these things and they do not add much to the scenery of Sandy Springs. He wants to try and find a balance here. He believes that people are just putting up banners because they can and not for commercial purposes. It was Council's intention to allow special event type things. People are using them now just because they can.

Mayor Galambos stated that they could not do this, the time period is over. If you see banners now that exceed the 14 days and the three times a year, they are illegal. The question is if these are being enforced by Code Enforcement.

Councilmember Paul stated that he knows of one commercial banner up right now that in no way conforms to the City's Ordinance. It looks like a massed sail boat coming around the corner. He will speak with Ms. Leathers after the meeting.

Mayor Galambos called for public comment.

Betty Perry, 576 Hammond Drive, NE stated that she has a "Do Not Litter" sign on Hammond Drive, approved by the City. A neighbor has put one up also. She paid \$250.00 to have the sign put up and has a nice copper top on it. She can show everyone the horrific collection of junk people driving by throw in their yards along this two lane stretch of Hammond. This is where people clean out cars; dump their ashtrays, and franchise wrappers and paper cups. It is disgraceful the way people treat their neighborhood. Someone took down her sign without any warning. She tried to find out what happened to it and, no one would admit taking it. The sign was not found with the other signs the City collects. Eventually, it turned up without its brass top and was put back in the ground but not in concrete as she had it. She was happy to see the sign, because they really need it.

She questioned if there was some kind of approval sticker the City can give for approved signs. She loves what the Council is doing in cleaning up the City. She understands that if you honor an official litter sign you have responsibility for the entire street and she is unable to manage that much.

Mayor Galambos questioned if her sign helped when it is up.

Ms. Perry stated that she thinks it did. The week after her sign was removed, someone hit her flowerbed and plowed it all up, knocked her mailbox down that was in three feet of concrete and steel rods, and dragged it 50 feet down the street. She hopes to have her mailbox replaced. It's really a site along this area.

Mayor Galambos thanked Ms. Perry for bringing this to Councils attention. Staff will look into it and see what can be done. She explained to Ms. Perry that Hammond Drive is an area the City is looking at in terms of making changes and looks forward to her participation.

Motion and Vote: Councilmember Fries move to defer (Agenda Item No. 09-070), TA09-002 - An Ordinance to Amend Article 33, Signs to the April 21, 2009 Regular Council Meeting. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

**TA09-004 - An Ordinance to Convert the Board of Zoning Appeals to the Board of Appeals
Ordinance No. 2009-03-15**

Assistant Director of Planning & Zoning Patrice Ruffin stated that this item is related to the dissolution of the Construction Board of Appeals and consolidating its function in with the Board of Zoning Appeals. Staff is asking that all of the incidents in the Zoning Ordinance where BZA is mentioned be changed to the Board of Zoning Appeals.

The Planning Commission heard this at the February 19, 2009 Planning Commission hearing. The Commission recommended approval.

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

Motion and Vote: Councilmember DeJulio moved to approve (Agenda Item No. 09-071), TA09-004 - An Ordinance to Convert the Board of Zoning Appeals to the Board of Appeals. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**TA09-005 - An Ordinance to Adopt the City of Sandy Springs Zoning Map
Ordinance No. 2009-03-16**

Assistant Director of Planning & Zoning Patrice Ruffin stated that this is a change to the Zoning Map, to remove some standard language that had been used at the incorporation of the City. The City Attorney has requested that the information be removed from the map. Staff is recommending approval and the Planning Commission recommended approval at the February 19, 2009 Planning Commission Hearing.

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

Councilmember Meinzen McEnerny questioned staff if they knew the reason why Mr. Rupnow of the Planning Commission objected.

Ms. Ruffin stated that Mr. Rupnow had issues with properties that have split zonings. His feeling was this was an error on the City's part but, those zonings were carried over from Fulton County. Staff is working with Mr. Rupnow to resolve his issues.

Motion and Vote: Councilmember Paul moved to approve (Agenda Item No. 09-072), TA09-005 - An Ordinance to Adopt the City of Sandy Springs Zoning Map. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**TA09-006 - A Resolution to Adopt the City of Sandy Springs 2027 Comprehensive Plan Future Land Use Map
Resolution No. 2009-03-17**

Assistant Director of Planning & Zoning Patrice Ruffin stated that this is the same change heard on the previous item directed by the City Attorney and recommended for approval by the Planning Commission on February 19, 2009.

Mayor Galambos called for public comment.

Betty Perry, 576 Hammond Drive – asked if there would be changes made to the Land Use Plan.

Mayor Galambos explained there would not be any changes to the Land Use Plan and that City Council had already approved the plan in 2007. She further explained some language on the map needed to come off for legal reasons.

Bill Griffith, Roberts Drive – expressed his concern about changing zoning on Roberts Drive.

Councilmember Meinzen McEnerny questioned why Mr. Rupnow did not vote to support the change.

Ms. Ruffin stated Mr. Rupnow did not give any particular reason.

Motion and Vote: Councilmember Paul moved to approve (Agenda Item No. 09-073), TA09-006, a Resolution to Adopt the City of Sandy Springs 2027 Comprehensive Plan Future Land Use Map. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Consideration of Approval of a Contract to Construct Dunwoody Club Drive at Spalding Drive Intersection Improvements Project (T-0016)

Director of Public Works Angelia Parham stated that the City received six (6) bids for the construction of the intersection of Dunwoody Club Drive at Spalding Drive. This includes the construction of a dedicated right-turn lane on westbound Spalding Drive and associated traffic signal and striping improvements in that area.

Bids received were in the price range of \$266,150.50 to \$390,962.96. The City's Capital Project has \$443,775.00 available.

Staff recommends moving forward and authorizes the City Manager to approve the lowest qualified bid, once evaluated by the purchasing department and legal department.

Councilmember Fries questioned what steps are taken to make sure the bidder is qualified.

Ms. Parham explained that the first thing done is the evaluation of all the items and quantities to make sure there are no errors. References are checked on contractors and on projects they have constructed.

Councilmember Fries questioned if the low bidder had done any work for the City before.

Ms. Parham stated that this company did a lot of the City's sidewalk program.

Motion and Vote: Councilmember MacGinnitie moved to approve (Agenda Item No. 09-074), a Contract to Construct Dunwoody Club Drive at Spalding Drive Intersection Improvements Project (T-0016). Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

New Business

Amendment to Chapter 38, Article V, Sec. 38-139 of the City's Code of Ordinances to provide an exception to its provisions for a gathering or activity for which a validly issued event permit has been obtained from the City of Sandy Springs (the "City")
Ordinance No. 2009-03-17

City Attorney Wendell Willard stated that this section deals with allowing alcoholic beverages at neighborhood events and is intended to help neighborhood planning events with outside activities like block parties when using right-of-way. This speeds up the permitting process for these groups. The application will be on line so that people can make application on line. The rules and regulations for these types of activities will be on the City website. This is for "Bring Your Own Bottle"; no sale of alcohol is allowed at these types of events.

Motion and Vote: Councilmember Jenkins moved to approve (Agenda Item No. 09-075), Amendment to Chapter 38, Article V, Sec. 38-139 of the City's Code of Ordinances to provide an exception to its provisions for a gathering or activity for which a validly issued event permit has been obtained from the City of Sandy Springs (the "City"). Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

Intergovernmental Agreement Renewal for Animal Services between the City of Sandy Springs and the Fulton County Department of Health and Wellness

City Manager John McDonough stated that this item was not in Council's packet. A letter was received on March 9, 2009 and the County Manager asked for a response by March 13, 2009, which we were not able to do. The County Manager contacted him and asked if it could be brought forward to City Council this evening in order to give him a response tomorrow.

This Agreement is under the same terms and conditions as the City's existing Animal Control Ordinance. The City spent approximately \$72,472.00 on Animal Control in Sandy Springs as part of our prorate sharing of cost amongst 15 other municipalities in Fulton Council. It is staff's recommendation to extend this agreement for another year.

Mayor Galambos questioned the City Attorney if the City approves this extension and then Council does not approve the Anti Tethering Ordinance, will the City still be safe in having Animal Control Service from Fulton County?.

City Attorney Wendell Willard stated that the Anti Tethering proposal is one Commissioner's desire and is not a condition to this contract. The County will vote on this agreement tomorrow.

Solicitor Bill Riley stated that the Commission voted unanimously for the Anti Tethering.

Mayor Galambos stated that she wants to be sure the City is safe and will continue to have Animal Control service.

City Attorney Willard stated that it would be subject to the County Commissions approval, which is set up for tomorrow as one of their agenda items. He can only say, hopefully it will happen.

Councilmember Meinzen McEnerny made everyone aware of the procedures at the Animal Control facilities that the City is paying into. The facility has a three day hold policy. Dog and Cat food is provided for three days. The animals are either adopted or destroyed after that time. The Atlanta Humane Society recommends the hold policy be for seven days in order to give adequate time to find homes for animals. Providing care for another four days would cost twice as much. Also, the provision of our current service does not include any funding to improve the physical facility, which is considerably below standards.

Motion and Vote: Councilmember Paul moved to approve (Agenda Item No. 09-076), Intergovernmental Agreement Renewal for Animal Services between the City of Sandy Springs and the Fulton County Department of Health and Wellness. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried 5 – 1, with Councilmember Meinzen McEnerny voting in opposition.

Mayor Galambos announced that Public Comment would be heard before Staff Reports.

Public Comment

Bill Griffith, 9580 Roberts Drive commented on speeding hazards on Roberts Drive and cited examples of fatal accidents on the road. A temporary radar speed sign was put out in order to get people's attention. It did slow folks down while it was there. He asked that the City budget for at least four signs to cover the two bad sections of Road.

Mayor Galambos thanked Mr. Griffith and stated that after Public Works completes their analysis it will come before City Council.

Steve Kinney, 789 Hammond Drive requested that City Council open the Hammond Field for public use. He spoke about his use of the field in the past and asked that Council not defer this item to the Recreation and Parks Department. He believes 20 to 30 students would use this field daily. The field was used by a soccer league and then closed during the winter to rebuild turf.

Mayor Galambos explained that Council would speak with the City's Recreation Director for input on how that field is being used, by whom, and when, and will look into the matter.

Councilmember Meinzen McEnerny stated that she spoke with Mr. Young on the matter. The field was closed in the winter months so the grass could grow. The real answer is to devote \$600,000 in the budget for astro turf.

Ronald Sprinkle, 1664 Foresta Court, President Ashford Alliance Community Association, requested that the City contact Ashford Alliance Community Association whenever issues come up that could and would impact their community.

Mayor Galambos urged the Association to check the City's website for information.

Reports and Presentations

Staff Reports

Metrics Presentation

City Manager John McDonough explained that a series of updates will be held over the next several months related to metrics. CH2M HILL will give an overview of the process. Metrics have been developed for the Call Center. Next month an update on Public Safety, Police, Fire, E-911 and Ambulance service will be given and the following month an update on the City's General Service metrics. After the initial series of briefings staff will provide a semiannual update of metrics in these areas.

Bob Munro, CH2M Hill gave the following presentation:

What is the Asset Performance System (APS)?

Definition: APS is a System designed to Develop, Measure and Compare Performance of Assets (Human, Financial, Physical and Intellectual) across all of Municipal Services Operational areas.

Five Reasons to Implement APS

- To Deliver Levels of Service at Optimum Cost
- To Provide Performance Visibility through Technology
- To Drive Quality through Lean Six Sigma
- To Measure Results using Balanced Score Card
- To Continuously Improve through innovation

Proven Methodologies Combine for Innovation Solution to City of Sandy Springs Performance Management Program

- Measure Results through Balanced Score Card
- Customer Relationship
- Meet Level of Service
- Optimize Assets
- Learning & Growth
- Operational Efficiency

Methodology #1: Balanced Score Card

Purpose:

- To align business activities to the vision and strategy of the organization
- To improve internal and external communications
- To monitor organization performance against strategic goals

Methodology #2: Lean Six Sigma

Purpose:

- To improve product and process improvement
- To create breakthroughs in financial performance and customer satisfaction.

DMAIC Process Phases

How do we guarantee performance? C: Control Performance

What needs to be done? I: Improve Performance

What is wrong? A: Analysis Opportunity

How are we doing? M: Measure Baseline Performance

What is important: D: Define Opportunity

Lean Six Sigma DMAIC High-Level Process Overview

- Define – Align, Prioritize, Organize Dept. M, V2, Gs & O's, Contractual Obligation, Target
- Measure – How are we doing
- Analyze – How can we improve
- Improve – Are we doing better?

- Control – Continue

Lean Six Sigma Define Phase Results in Alignment Between City Goals, Objectives and Levels of Service

- House of Quality: Organize, Prioritized, Aligned
- City: Mission, Vision & Values
- Departments: Contractual Obligations
- City: Goals, Objectives & Targets
- Departments: Goals, Objectives & Target

APS Pilot Performance Data Report

- Department: Measurement of Characteristics
- Performance Metrics: Status
- Actual Compliance
- Measure
- Period

Mayor Galambos explained that a CH2M HILL OMI E employee has worked three years with Performance Measurements and asked why Council is only hearing about the starting of the process. She and Council are surprised that there is no output report with how the City is doing.

Mr. Munro explained that he has not got to that point of discovery, yet.

Councilmember Jenkins explained that at the City Council Retreat last year, Council discussed the City's desires with Rick Hirsekorn for over seven hours. Nothing was implemented. She hopes whoever attends the next Council Retreat will actually get things implemented.

Council had comments and questions on the results received back on performance.

Mr. Munro explained that there were some issues that are being investigated. He stated that there are always opportunities to improve.

Ms. Jenkins suggested that someone look into giving citizens the ability to file a report through the City website.

Councilmember Paul expressed his concern with the Public/Private partnership and requested a meeting with Mr. Munro. This is where the output needs to be set, based on the expectations of City customers.

Mr. Munro stated that there are three perspectives to look at: the first is completion of a citizen survey; the second is Mayor and Council survey; and the third is an internal survey to see what is being done well and what needs to be improved. This program should pick up on services that need improvement.

Councilmember Paul stated that he would like to meet with Mr. Munro and discuss his concerns with the Public/Private experiment.

Mayor Galambos stated that the City Manager did a report that explains very well what service delivery is all about. Council does not care about the input, only the output. She asked Mr. Munro to meet with the City Manager on output measures that need to be implemented with the metrics.

Report on shared Municipal Services insurance costs

City Attorney Wendell Willard stated that at the start of the City staff went through the process of getting agreements worked out with CH2M HILL. Mr. Hirsekorn and others involved with the preparation came to him with a concern that the corporation was getting into a field where they felt that they did not have sufficient

insurance coverage. They had received direction from the board not to go forward unless something was done on excess coverage. An arrangement was worked out where Sandy Springs would pick up the cost for the excess coverage. This began in December 2005. His understanding at the time was that other cities were coming on line and would also be involved with the need for their municipal services. As these cities became participants for services, they would also be participants under this excess liability, which was for \$45,000,000. The cost was to be shared based on an agreed upon formula, whether based on population or tax base or whatever. As other cities came on line, he began conversations with Mr. Rapson to get this issue resolved. To date, no resolution has been made. He is still trying to get information from CH2M HILL. The City started paying the \$345,000 and now the City is still paying \$176,000. The City is only supposed to pay half of the cost and the true cost is unknown. He has requested direct access to the Marsh Company, which is their insurer, to get the empirical data on what has been provided such as cost and size of insurance and how this is being paid. There have been several policies purchased by various cities, but there be but one policy. You carry one general liability and carry one excess liability. There may be some differing of cost based on exposure, but that shouldn't be something that adds up to what the City is paying. The City of Johns Creek has been paying \$250,000 for this policy coverage. We do not know how much Milton is paying but was told it was embedded in their contract. The City has concerns about the coverage and payment obligations with seven other cities. There should be some recognition of this coverage, having participation of cost.

Assistant City Manager Steve Rapson stated that in 2007 the City paid \$221,000. In 2008 Sandy Springs paid \$201,000. The City just received notification for 2009 to pay \$176,000. The CH2M HILL contract is built on a calendar year so we are straddling years the entire time because the City's fiscal year is different. When the City Attorney approached him, he spoke with CH2M HILL to see if there was a policy that covers all of the different cities. He spoke with Mr. Howell who was just as dismayed as he was, because it was expected to spread the insurance over all of the municipalities. He attempted to get a copy of the invoices and CH2M HILL would not share those with him. CH2M HILL has shared copies of the Riders that illustrate that the City is provided insurance under the contract. In addition to this, the City paid the insurance on a prorated basis over 12 months as opposed to the other municipalities that pay CH2M HILL one time in advance, which is what John's Creek and Milton do. The insurance is coming down each year as our risk factors and liability factors and exposures for us as a City progressed in the last three years. The only thing he does not know is whether there are any additional mark ups in regard to the invoices. He has not seen them. City Attorney Willard is trying to get the invoice and look at it from a legal perspective, so he can look at the proprietary information. In essence, it is buried in the contract and Mr. Willard can do it under the attorney/client privilege, so it can be verified.

Don Howell, CH2M HILL stated that when he left the Sandy Springs Project and went to the Johns Creek Project he was involved in the initial pricing for that project from the CH side and sat in the negotiations. Johns Creek actually requested that their insurance amount be fixed. They did not want to have the risk of premiums going up and down based on claims. Johns Creek contract was fixed at a \$250,000 amount. If the insurance premium happened to be \$350,000., then they would not have to pay any additional fee. If it was less than that, Johns Creek would not necessarily get a refund. Johns Creek wanted to put the risk on the company. In the case of Sandy Springs, the City did not want to do it that way, but wanted the actual cost. Sandy Springs contract was written for actual cost. At that point, Sandy Springs was one year old. He was told that the company called Marsh. Zurich is the underwriter for Marsh and they said we can be put in one policy, but we would have to have individual limits; \$45,000,000 for Sandy Springs, \$45,000,000 for Johns Creek. That is actually what has happened. They have required us to layer coverage on top of coverage. He did not think it was right and believed that was the basis of the conversation Mr. Hirsekorn had with Mr. Willard. He will talk with Mr. Hirsekorn to try and confirm exactly what his understanding was. The big issue with the original understanding with the City is the insurance company did not allow it, but it is one policy. For all of the cities Mr. Willard mentioned, it's about \$200,000,000 of coverage spread over all the cities. Sandy Springs premium has actually gone down as a result of the new cities joining into the pool, because the allocation reduces the premiums for Sandy Springs. Now the business has matured and the insurance company and CH2M HILL see that this can be a manageable risk. We are working with corporate to get the excess insurance liability coverage under the CH2M HILL Company Ltd., which is the overall parent company umbrella, in which case there would not be any excess premiums. The deductible jumps for the company from \$50,000 to \$500,000. Some formula is being looked at that would have some portion of a premium

each year from each of the cities that would go towards a deductible reserve account. It should be a significant reduction starting in 2010. As far as Mr. Willard's specific request, he was in Denver last week working with the appropriate person of Corporate Legal Council and sees no reason whatsoever that Mr. Willard can't be exposed to invoices, to Marsh, to Zurich to whomever will answer the questions. CH2M Hill has nothing to hide; there is no mark up on this. You have an actual cost contract and each year your premium is calculated and the City has been billed actual cost and it has come down each year. The goal is to make it disappear or mostly disappear in 2010.

City Attorney Willard stated that his conversation with Mr. Hirsekorn was that there was to be a sharing of the cost and with all due respect to Mr. Howell, there cannot be an additional policy within a policy. There is a policy of \$45,000,000. There may be Riders adding additional names of cities as they came on board, but it is not like stacking coverage. This is not a stacking coverage. The only insurer, the person who may be exposed, which is CH2M HILL one time. You may have various elements that may add into it as far as exposure, but could add a differing part of the premium because of greater risk. There is only one policy and only one limit. His concern is that there are six or seven participants in this and it is supposed to be recognized to his initial agreement. It was a verbal agreement but he felt strongly enough about it, because he trusts that CH2M Hill will live by their word. The City needs to be sure this premium is being divided up among the parties.

Mr. Willard recommended that the City suspend any further payments of this insurance until he is satisfied, the City Manager is satisfied and the Finance Director is satisfied.

Councilmember Paul stated that there is a certain challenge that comes with this model. One of these challenges is a degree of transparency that we as a government have to maintain. As a private entity you have certain privacy issues that you have to maintain. There are certain things that the City needs for transparency that may trump CH2M HILL's need for privacy. The City has to lean toward the side of transparency when those two things come into conflict.

Mr. Howell stated that this is an additional amount outside the lump sum and its supposed to be the actual cost and there should be no reason, whatsoever that this hasn't already been done.

Mr. Rapson stated that in the past CH2M HILL shared information and this is the only obstacle the City has had.

Mayor Galambos stated that Council would look at this issue again at the next meeting.

Update on Stimulus Eligible Projects – Jon Drysdale

Director of Public Works Angelia Parham stated that new information comes out on this everyday and staff is staying in contact with GDOT and ARC to stay on top of it.

Under the American Recovery Reinvestment Act there are several funding categories. The ones she will talk about are the Environment, Water and transportation.

Ms. Parham gave the following presentation:

Transportation Category

- Highway Infrastructure Investment

Highway Infrastructure Investment

- Total funding available - \$27.5 B
- Georgia's share - \$931.6 M
- Divided between GDOT (\$652.1 M) and MPOs (\$279.5 M)
- ARC's share - \$119.5 M
- ARC/GDOT will use a two phased approach
 - Phase 1 due to be processed by March 20, 2009 (ARC - \$46.9M and GDOT \$155.3 M)

- Phase 2 due to be processed by the end of Summer 2009 (ARC – (\$72.6 M and GDOT \$496.8M)
- Projects currently submitted and considered eligible
 - By ARC
 - SR9\Roswell Road repaving from Abernathy to Chattahoochee River (\$3.2 M)
 - By GDOT
 - Streetscape on Peachtree Dunwoody from I-285 to Abernathy PCID (\$1.9 M)
 - Sandy Springs Circle Streetscape from Cliftwood to Hammond (T-0006) (\$1.8 M)
 - Resurfacing I-285 mill and inlay from West Paces Ferry to Chamblee Tucker (\$81.0 M)

Page(s) 4 & 5 of Presentation are list of projects not eligible; each project has the reason why the project is not eligible. A lot of these are local projects and not in Transportation Improvement Plan (TIP) for the area. There has not been a call for any of the TIP Projects for two years now.

- Projects staff has asked for re-review of eligibility:
 - By GDOT
 - Roswell Road Restriping and Improvements at I-285 (T-0031) (\$500k)
 - Fulton Phase One Intersections (\$4.9 M)
 - Abernathy Greenway (T-0002) (\$13.9 M)

Next Steps for Transportation Projects

- Continue to coordinate with GDOT on stimulus project priorities
- Monitor recommended projects as submitted to GDOT Board daily
- Coordinate with GDOT Board Members and ARC contacts
- Monitor project lists announced via web page www.dot.ga.gov/gastimulus

Georgia Environmental Facilities Authority – (GEFA Funding)

- Projects submitted but not selected on initial review: (Projects that ranked high in the Brown Caldwell Study)
 - Marsh Creek – Stream Restoration of a highly eroded stream channel north of Abernathy (\$1M)
 - Crooked Creek – Retrofit to an older existing storm water structure near Grapevine Run ((\$620 k)
 - Nancy Creek – Water quality retrofit of a pond near Dunwoody Springs Drive (\$4.6 M)
 - Long Island Creek – Pond retrofit for pond located near Long Island Drive (\$1.0 M)
 - Sullivan’s Creek – Re-design and re-construction of an older flood control structure near Hope Road (\$350 k)

Georgia Environmental Facilities Authority – (GEFA Funding): 2nd Request – Green Projects

- Projects submitted and still under review
 - Construction of wetlands in the Nancy Creek Watershed between Peachtree Dunwoody Road and Windsor Parkway ((\$980 k)
 - Retrofit an existing detention pond in the Nancy Creek Watershed at Dunwoody Springs Road
 - Retrofit an existing detention pond in the Long Island Creek Watershed just south of Northwood Drive and Roswell Road (\$690 k)
 - Retrofit an existing detention pond in the Long Island Creek Watershed near Allen Road (\$303 M)
 - Retrofit an existing detention pond in the Long Island Creek Watershed near Glenn Errol Place (\$290 k)

Next Steps for GEFA Projects

- Continue to coordinate with GEFA and EPD
- Monitor recommended project list
- **GEFA has currently identified 182 projects worth an estimated \$288 M for \$17 M in available funds**
- Projects that have been accepted for funding were already underway with plan and specification review by EPD
- These funds are loans versus grants and are repayable at 3% interest rate for 20 years, 2% closing fee, and 40% subsidy and 60% subsidy for Green projects

Page(s) 12 & 13 of Presentation list background information.

Councilmember Paul stated that the City should look at the Energy funds legislation

Discussion on COPS Grant Funding – Terry Sult

Police Chief Terry Sult stated that the City is in the process of realigning the organization with the neighborhood and there are gaps that need to be met. This is an opportunity for COPS funding, but it also comes with strings attached. There is funding for 100% of the officers at a line level rate. It is 100% for three (3) years. The catch would be that the City has to maintain this staffing level for one (1) year in addition to the three (3). Failure to do so would make the City ineligible for any additional COPS funding for a three (3) year period. The deadline for filing is April 14, 2009. The department is recommending 11 positions to fill service and response levels, neighborhood alignment with the reorganization, traffic, school coordination and challenges in narcotics. The department has to think about the threats we will be faced with in the future, like drug trafficking. Staff will present this item to City Council with more details and for consideration of approval of a Resolution at the next City Council Meeting.

Councilmember Jenkins stated that she has tried to kill the COPS Program since 1994. She believes it to be a hoax. The Federal Government should have nothing to do with staffing levels for police and fire. This is the responsibility of City Council. If more officers are needed then we cut some program in our budget and give the department 11 additional officers. It does not follow what governments are supposed to do. She cannot support this item.

Mayor Galambos is in favor of this program.

Councilmember MacGinnitie questioned what the cost was of the 11 officers per year.

Assistant City Manager Steve Rapson stated that the COPS Program will pay for the police officers salary and benefits. Roughly, an incremental increase in the police budget of just over \$200,000 for the first three (3) years and at the end of third year all the equipment the City would have to buy would be paid off in a three year lease. The fourth year the cost will be \$400,000. The cost of one police officer for a one (1) year period is around \$110,000 and includes equipment, cars, and training.

City Manager John McDonough stated this item will come before City Council at the April 7, 2009 meeting.

Update on Geographic Policing – Terry Sult

Police Chief Terry Sult stated that the department agreed to realign the organization and would restructure to better fit with the community and with the neighborhoods. The department will be instituting some of these changes effective April 2, 2009. The department will form two (2) sectors; north sector Commander will be Lt. Bo Eskew and south sector Commander will be Lt. Scott Jamison. More details will be given to City Council at the next meeting.

Director of Community Development Nancy Leathers stated that the Morgan Falls Overlook Park has been an issue in terms of disturbance in the 50 foot state tributary buffer. When we removed the invasive vegetation from that area prior to the closure of the Land Disturbance Permit, that issue was raised by the Upper Chattahoochee River Keeper. The City has been asked by the Fulton County Soil and Water Conservation District to do a presentation tomorrow night and explain what the project is and what we are doing on it, and how we got to the point we are at. The presentation submitted to City Council is what staff will present tomorrow night. This issue arose because of the interpretation of two separate regulations, the State Regulation relating to the Tributary Buffer Ordinance and the Federal Regulation that comes under the Clean Water Act. It is the combination of these two things together that created this situation for the City.

City Council questioned who the reporter was that wrote the article and who the City can talk with on this matter.

Councilmember Paul suggested talking to Ken Foskit, Buckhead Editor at AJC.

Director of Community Development Leathers stated that an Open Records request came in for the notice of violation of this issue. The department did not have the notice of violation because it had not been issued. When Upper Chattahoochee River Keeper came in and made an Open Records request to EPD, this is the time the notice was issued. It was issued on March 4, 2009 and staff received it on March 5, 2009.

Councilmember Fries announced that Earth Hour sponsored by World Wild Life Federation wants to bring awareness to the global warming situation by asking everyone to turn off their non essential, non emergency lights for one hour on March 28, 2009, from 8:30-9:30 p.m.

Mayor Galambos gave an update on the City's relationship with China. The City has received separate interest from Shanghai becoming a Sister City of Sandy Springs. One is a suburb immediately adjacent to Shanghai to the north, which is a new area. The City heard last week that the central business district of Shanghai, which is a separate district governmentally, has an interest in becoming a Sister City with us. This is where the financial center of China is located. The City has two emissaries on their way to China that will be presenting the City's position and Sister City possibility. She believes there will be two Sisters City's for Sandy Springs in the Shanghai area.

Also, the India Chamber of Commerce spoke on the City's behalf to the Embassy in Washington to put the consulate in Sandy Springs. She believes the City has a good chance of getting the India consulate in Sandy Springs. She believes China and India are going to be trading partners in the long run and whoever gets in first and develops these relationships will see the economic benefits.

She is putting together a liaison committee because eventually someone from the City will have to travel to China. She would like for the businesses to pay for the trips.

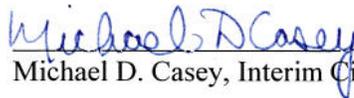
Adjournment

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Paul seconded the motion. The motion carried unanimously. The meeting adjourned at 8:55 p.m.

Date Approved: April 21, 2009



Eva Galambos, Mayor



Michael D. Casey, Interim City Clerk