

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, February 18, 2014, at 6:00 p.m., Mayor Rusty Paul presiding**

**INVOCATION**

Reverend Chris Starr, Church of the Atonement, offered the invocation.

**CALL TO ORDER**

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

**ROLL CALL AND GENERAL ANNOUNCEMENTS**

**City Clerk Michael Casey** reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

**Mayor:** Mayor Paul present

**Councilmembers:** Councilmember John Paulson, Councilmember Ken Dishman, Councilmember Graham McDonald, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Andy Bauman present.

**PLEDGE OF ALLEGIANCE**

Mayor Rusty Paul led the Pledge of Allegiance

**APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Sterling moved to approve the Regular Meeting agenda for February 18, 2014. Councilmember Paulson seconded the motion. The motion carried unanimously.

**CONSENT AGENDA**

**(Agenda Item No. 14-030)**

1. Meeting Minutes:
  - a) February 4, 2014 Regular Meeting
  - b) February 4, 2014 Work Session

*(Michael Casey, City Clerk)*

**(Agenda Item No. 14-031)**

2. Acceptance of the Agreement to Purchase Real Estate on the HAWK Signal Sidewalks Project  
*(Garrin Coleman, Director of Public Works)*  
**Resolution No. 2014-02-14**

**Motion and Vote:** Councilmember Paulson moved to approve the Consent Agenda for February 18, 2014. Councilmember Bauman seconded the motion. The motion carried unanimously.

**PRESENTATIONS**

There were no presentations.

## **PUBLIC HEARINGS**

### **(Agenda Item No. 14-032)**

1. **201302885** - 183 Mystic Place, *Applicant: Alan N. Larsen*, to rezone from O-I (Office & Institutional District) conditional to O-I (Office & Institutional District) for the development of an office building, with concurrent variances

**Manager of Planning and Zoning Patrice Dickerson** stated this item was deferred from the January 21, City Council meeting. At this time staff recommends withdrawal of the request, per the request of the applicant.

**Alan Laren, 4684 Roswell Road**, stated he is requesting withdrawal of his application.

**Mayor Rusty Paul** called for public comments in support of the application. There were no public comments.

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

**Graydon Florence, 480 Mount Vernon Hwy**, stated due to the withdrawal request, he has no comments.

Mayor Paul closed the public hearing.

**Motion and Vote:** Councilmember DeJulio moved to approve the withdrawal of Agenda Item No. 14-032, 201302885 - 183 Mystic Place, *Applicant: Alan N. Larsen*, to rezone from O-I (Office & Institutional District) conditional to O-I (Office & Institutional District) for the development of an office building, with concurrent variances. Councilmember Dishman seconded the motion. There was no Council discussion. The motion carried unanimously.

### **(Agenda Item No. 14-033)**

2. **201303645** - 0, 320 & 336 Mt. Vernon Hwy, *Applicant: Mount Vernon Estates, LLC*, to rezone from R-1 (Single Family Dwelling District) to R-2A (Single Family Dwelling District) to develop 8 single family lots, with a concurrent variance

**Manager of Planning and Zoning Patrice Dickerson** stated this is a request to rezone the subject property from R-1 single family to R-2A, for the development of eight single family lots with a concurrent variance. Staff is recommending approval conditional of the rezoning request and the concurrent variance. The Planning Commission heard this item at the January meeting and is recommending approval subject to staff conditions.

**Nathan Hendricks, representative of the applicant**, stated the reason for the request is to develop an eight lot single family detached residential subdivision. The plan will be 1.37 units to the acre. The subject property is contiguous to R-2A zoning to the east. The De Claire subdivision fully supports this application.

**Mayor Rusty Paul** called for public comments in support of or in opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

**Motion and Second:** Councilmember McDonald moved to approve Agenda Item No. 14-033, 201303645 - 0, 320 & 336 Mt. Vernon Hwy, *Applicant: Mount Vernon Estates, LLC*, to rezone from R-1 (Single Family Dwelling District) to R-2A (Single Family Dwelling District) to develop 8 single family lots, with a concurrent variance. Councilmember Sterling seconded the motion.

**Staff conditions:**

1. To the owner's agreement to provide the following site development standards:
  - a. Variance from Section 6.3.3.B. to reduce front yard setback from sixty (60) feet to forty (40) feet for lots 3,4,5, and 6.(CV201303645 #1)

**Councilmember John Paulson** asked if Mr. Hendricks has received any feedback from the property owners of the small property to the right of the subject property.

**Bobby Webb, 206 Stewart Drive**, stated the future plan is to take that as a separate piece of property and potentially develop it as well.

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

**Ordinance No. 2014-02-03**

**(Agenda Item No. 14-034)**

3. **201303646** - 0 Northwood Drive (northeast corner of Northwood Drive and Lake Forrest Drive), *Applicant: 4625 PTD, LLC*, to rezone from O-I (Office and Institutional District) to TR (Townhouse Residential District) to develop 11 townhomes, with concurrent variances

**Manager of Planning and Zoning Patrice Dickerson** stated this is a request to rezone the subject property from O-I conditional to TR townhouse residential for the development of 11 townhomes with concurrent variances. Staff recommends approval of the rezoning and concurrent variance request. This item was heard at the January Planning Commission meeting and the Commission recommended approval subject to staff conditions.

**Nathan Hendricks, representative of the applicant**, stated the property falls within the live/work community area. The suggestion is for residential development up to 20 units to the acre. The 11 lots in this request will result in a density of 8.52 units to the acre. During the application process, there was community comment on whether the end unit would be able to have window treatments, so it will not appear as a solid wall.

**Brad Hughes, 11 Lumpkin Street, Lawrenceville, GA**, stated windows will be on the side of the building, if you are on Northwood looking at the property. These windows will be consistent with the ones on the front of the townhomes.

**Mayor Rusty Paul** called for public comments in support of or in opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

**Motion and Second:** Councilmember Bauman moved to approve Agenda Item No. 14-034, 201303646 - 0 Northwood Drive (northeast corner of Northwood Drive and Lake Forrest Drive), *Applicant: 4625 PTD, LLC*, to rezone from O-I (Office and Institutional District) to TR (Townhouse Residential District) to develop 11 townhomes, with concurrent variances. Councilmember Dishman seconded the motion.

**Councilmember Andy Bauman** asked if a condition needs to be added to address the windows.

Manager of Planning and Zoning Dickerson responded yes.

**Amended Motion and Second:** Councilmember Bauman moved to approve Agenda Item No. 14-034, 201303646 - 0 Northwood Drive (northeast corner of Northwood Drive and Lake Forrest Drive), *Applicant: 4625 PTD, LLC*, to rezone from O-I (Office and Institutional District) to TR (Townhouse

Residential District) to develop 11 townhomes, with concurrent variances, and an additional condition that states, "on the south facade of the unit facing Northwood that there be at least two (2) windows along that facade." Councilmember Dishman seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Townhomes units and associated accessory uses at a density of 8.52 units per acre or 11 units, whichever is less.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on November 1, 2013. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for 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.
3. To the owner's agreement to provide the following site development standards:
  - a. A variance from section 7.2.3.G to reduce the perimeter setback from forty (40) feet to thirty (30) feet on the west side and from forty (40) feet to fifteen (15) feet in the front and rear (CV-201303646 #1).
  - b. **The south elevation (Northwood Drive) shall have two (2) functioning windows.**

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

**Ordinance No. 2014-02-04**

**(Agenda Item No. 14-035)**

4. **201303679** - 875 Johnson Ferry Road, *Applicant: Emory University*, to rezone from O-I (Office and Institutional District) to O-I (Office and Institutional District) to allow 42,000 square feet of Office and Institutional uses

**Manager of Planning and Zoning Patrice Dickerson** stated this is a request to rezone the subject property from O-I to O-I to allow the existing 42,000 square foot office building to remain in its current condition. Staff and the Planning Commission recommend approval.

**Nathan Hendricks, representative of the applicant**, stated Emory University was in the process of considering a contract by one of the doctors who has an office in this building to purchase the building. During the due diligence period, it was determined the amount of square footage that was built on the ground was several thousand square feet in excess of the square footage approved in the original zoning.

**Mayor Rusty Paul** called for public comments in support of or in opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

**Motion and Second:** Councilmember DeJulio moved to approve Agenda Item No. 14-035, 201303679 - 875 Johnson Ferry Road, *Applicant: Emory University*, to rezone from O-I (Office and Institutional

District) to O-I (Office and Institutional District) to allow 42,000 square feet of Office and Institutional uses. Councilmember Sterling seconded the motion.

**Councilmember John Paulson** asked if the applicant has the correct number of square feet.

Mr. Hendricks responded yes.

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

**Ordinance No. 2014-02-05**

**(Agenda Item No. 14-036)**

5. **201303686** - 4890 Northland Drive, *Applicant: David L. Kuniansky*, to rezone from R-2 (Single Family Dwelling District) to R-2A (Single Family Dwelling District) to develop 2 single family lots, with a concurrent variance

**Manager of Planning and Zoning Patrice Dickerson** stated this is a request to rezone the subject property from R-2 to R-2A for the development of two single family lots with concurrent variances. Staff recommends withdrawal of the request per the applicant's request.

**Ellen Smith, representative of the applicant**, stated Mr. Kuniansky is a Sandy Springs resident and resides near the subject property that he owns. Initially, the applicant submitted an application to rezone the property from R-2 to R-2A with a long term proposal of replacing the existing single family home with two new single family homes, one of which he would live in. This proposal is consistent with future land use plans and the density met the City standards. Staff and others raised concerns with the request to the consistency of the proposed development. There were also concerns about a requested stream buffer ordinance variance that was requested for two hardwood trees to remain on the property. The applicant has been working to address these concerns and proposed an alternative site plan. She requested withdrawal of this application without prejudice. The applicant plans on considering his options and at the appropriate time, if he decides to pursue his plan, to come back with an appropriate site plan that his neighbors prefer.

**Mayor Rusty Paul** called for public comments in support of the application. There were no public comments.

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

**Bill Gannon, 505 Taunton Way**, stated he represents the High Point Civic Association. The Association is against zoning that is below R-2, and prefers one home be placed on the two acres. Previously, a developer wanted to place thirteen homes on one lot. The neighborhood has reservations about cutting lots in half. There are water issues that need to be factored in on the subject property.

Mayor Paul closed the public hearing.

**Motion:** Councilmember DeJulio moved to deny Agenda Item No. 14-036, 201303686 - 4890 Northland Drive, *Applicant: David L. Kuniansky*, to rezone from R-2 (Single Family Dwelling District) to R-2A (Single Family Dwelling District) to develop 2 single family lots, with a concurrent variance. The motion failed for lack of a second.

**Councilmember Tibby DeJulio** stated the reason why he moved for denial rather than a withdrawal is because that property has excessive flooding whenever there is any rain. The applicant needs to come up with a plan to address this flooding.

**Motion and Vote:** Councilmember Sterling moved to approve the withdrawal of Agenda Item No. 14-036, 201303686 - 4890 Northland Drive, *Applicant: David L. Kuniansky*, to rezone from R-2 (Single Family Dwelling District) to R-2A (Single Family Dwelling District) to develop 2 single family lots, with a concurrent variance. Councilmember Paulson seconded the motion. The motion carried unanimously.

**(Agenda Item No. 14-037)**

6. **201303719** - 6545, 6555, 6555 (rear) Roswell Road, *Applicant: V&V Land, LLC*, to rezone from C-1 (Community Business District) to C-1 (Community Business District) to allow restaurant and commercial uses, with concurrent variances

**Manager of Planning and Zoning Patrice Dickerson** stated this is a request to rezone the subject property from C-1 to C-1 to allow restaurant and commercial uses with concurrent variances. The item was heard at the Design Review Board meeting and the Board recommended approval. Staff recommends approval conditional of the three zoning requests and concurrent variances 1-5, and denial of concurrent variance #6. The Planning Commission heard this item at the January meeting and recommends approval subject to staff conditions with the additional condition there be additional plantings at the southwest corner of the property to screen the rear of the building.

**Ray Smith, representative of the applicant**, stated V&V Land is a local franchisee of Zaxby's. This property is located along Roswell Road and is not in very good shape. The applicant plans on tearing down the carwash and the old Arby's building. He displayed the latest site plan drawing that was received just today. There are plans for nice landscaping in the front and placing Evergreen trees in the back of the property. Faux windows have been placed on the building plan to make the plan more attractive. He displayed what the brick will look like. The drive thru will be located in the rear of the building. The noise level of the drive thru speaker will be at a low volume. Staff recommended approval of all but one of the variances. The first variance that was not approved is the second wall sign on the north facing elevation of Zaxby's. The reason for this sign is because Roswell Road goes down in elevation and there is a curve that makes the sign not visible. The third sign is needed due to the visibility and moving the building close to the street. The applicant has sought a variance for the 60% window requirement. The building is in harmony with the intent of the City ordinance. The ordinance requires 70% brick and 60% windows and that is impractical for this plan. The other variance request is for the buffer in the rear. There is already enough buffer in this area. There is also a variance request to increase the maximum parking spaces to 43 and a variance to decrease the roof height from 25 feet to 18 feet. The reason for this is because Zaxby's has a standard building height. Another variance request is to waive the interpacel access with Pep Boys due to the elevation difference. He asked that Council approve the C-1 conditional zoning along with the requested variances, including the sign variance to add the third sign.

**Mayor Rusty Paul** called for public comments in support of or in opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

**Motion and Second:** Councilmember Sterling moved to approve Agenda Item No. 14-037, 201303719 - 6545, 6555, 6555 (rear) Roswell Road, *Applicant: V&V Land, LLC*, to rezone from C-1 (Community Business District) to C-1 (Community Business District) to allow restaurant and commercial uses, with concurrent variances, with staff conditions, and with two additional conditions:

- 1) Physical or planting screening on the northwest corner behind the Zaxby's building to sufficiently shield headlights to the adjoining neighborhood as decided by the Director of Community Development
- 2) Conditioned to the site plan as submitted and the elevation as shown at this Council meeting.

Councilmember Dishman seconded the motion.

Staff conditions:

1. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on December 5, 2013. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for 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 the elevation plan received by the Department of Community Development on February 18, 2014. Said elevations plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved elevations plans to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for Building Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
2. To the owner's agreement to provide the following site development standards:
  - a. Variance from Section 4.23.1 to reduce the fifty (50) foot rear buffer to ten (10) feet along rear property line and to zero (0) for the access to the rear portion of the property. (CV-201303719 #1)
  - b. Variance from Section 12. B.8.A.3 to the maximum number of parking space permitted from 37 to 43 spaces. (CV-201303719 #2)
  - c. Variance from Section 12.B.8.E.2 to decrease the minimum height from 25 feet to 18 feet. (CV-201303719 #3)
  - d. Variance from Section 103-72 of the Sandy Springs Development Regulations to delete the requirement for interparcel access to the property to the south. (CV-201303719 #4)
  - e. Variance from Section 33.22.C to reduce the 10 foot setback to 0 feet. (CV-201303719 #5)
  - f. Variance from Section Section12B.8.F.2.c to reduce the 60% transparent glazing on the ground floor façade to 18%. (CV-201303719 #7)
  - g. Southwest elevation of the building shall be screened from street view subject to the approval of the Sandy Springs Arborist.
  - h. Screening shall be installed along the northwest property line to screen the neighboring properties from headlights subject to the approval of the Director of Community Development.

**Councilmember Gabriel Sterling** stated this is obviously a huge step forward for Roswell Road in comparison to the old Arby's building and the very run down carwash. He asked that staff make sure the car headlights from Zaxby's business patrons do not shine on the homes behind Zaxby's. In the future, when the land is sold, there are overlay restrictions on the property that require this item to come before Council again. This is a car oriented development and the City will not get a better use in the near future other than having the highest end fast food restaurant at this location.

**Councilmember Tibby DeJulio** stated Mr. Smith mentioned another commercial use and asked if he was referring to when Zaxby's decides to leave this location.

Mr. Smith stated for the applicant to achieve what he wanted to with this deal, the whole property was placed under contract.

Councilmember DeJulio asked what will happen with the rest of the parcel.

Mr. Smith stated currently there is nothing planned with the parcel, but his client plans on selling the parcel for another property owner to develop.

**Councilmember John Paulson** stated interparcel access would be a problem, because people would have to walk through the drive thru lane. He asked where the third sign will be located.

Manager of Planning and Zoning Dickerson stated the sign would be on the north elevation of the building facing into the driveway. This is the front of the building.

Mayor Paul stated when one is driving south on Roswell Road the sign would be visible.

Councilmember Paulson asked what signage is allowed and what is not.

Manager of Planning and Zoning Dickerson stated in the main street district a business is allowed either two wall signs or a wall sign facing Roswell Road and a monument sign. The applicant has chosen to have the monument sign and the wall sign facing Roswell Road and they are also asking for an additional sign.

Councilmember Sterling stated his normal inclination would be to allow the applicant to have the third sign. The overlay district allows for one sign facing Roswell Road as well as a monument sign. He asked if there is a concern for setting precedence inside the main street overlay and if a blade sign or something similar could be used instead.

Manager of Planning and Zoning Dickerson stated that sign would already be allowed by right and would not need a variance.

Councilmember Sterling asked if the applicant can have a monument sign, a blade sign, and the sign on the front of the building.

Manager of Planning and Zoning Dickerson responded yes. The blade sign counts against the wall sign's square footage. The applicant has a certain square footage they can have for the wall sign. If they have a blade sign it would take away from the total square footage allowed.

Councilmember Sterling stated the applicant's options are to have the blade sign and the sign facing Roswell Road or the monument sign facing Roswell Road. He wants to give the applicant the option to have the blade sign instead.

Manager of Planning and Zoning Dickerson stated the applicant has the option for the blade sign today.

**Vote on the Motion:** The motion carried unanimously.  
**Ordinance No. 2014-02-06**

### **UNFINISHED BUSINESS**

#### **(Agenda Item No. 14-038)**

1. Reconsideration of the December 17, 2013 City Council action to defer the Overlay District Amendments to the March 18, 2014 City Council meeting and Deferral of the Overlay District Amendments to the March 4, 2014 City Council meeting

**Director of Community Development Angela Parker** stated this item is not requesting Council to approve the overlay district amendments, but instead is asking Council to change the date that they would consider these amendments for action. The rationale behind this is because there are a number of projects that are considering applying and the question is what standards they follow for their designs. There are also current projects for which the determination needs to be made of whether they are to go to the Design Review Board.

**Mayor Rusty Paul** stated there was a question raised as to whether this is a reconsideration in a parliamentary sense, and it is not.

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 14-038 and amend the December 17, 2013, City Council action to defer the Overlay District Amendments to the March 18, 2014, City Council meeting by changing the date of deferral from March 18<sup>th</sup> to the March 4, 2014, City Council meeting. Councilmember Dishman seconded the motion. The motion carried unanimously.

### **EXECUTIVE SESSION – Litigation and Real Estate**

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss litigation and real estate matters. Councilmember Bauman seconded the motion. The motion carried unanimously with Councilmember Paulson, Councilmember Dishman, Councilmember McDonald, Councilmember Sterling, Councilmember DeJulio and Councilmember Bauman voting in favor of the motion. Executive Session began at 6:58 p.m.

**Motion and Vote:** Councilmember DeJulio moved to adjourn Executive Session. Councilmember Paulson seconded the motion. The motion carried unanimously with Councilmember Paulson, Councilmember Dishman, Councilmember McDonald, Councilmember Sterling, Councilmember DeJulio and Councilmember Bauman voting in favor of the motion. Executive session adjourned at 7:23 p.m.

### **NEW BUSINESS**

#### **(Agenda Item No. 14-039)**

1. Proposed Resolution to Approve an Amendment to the Intergovernmental Agreement between the City of Sandy Springs and the City of Johns Creek (“IGA”) for the Provision of 911 Communications Services through ChatComm, to Provide for a Five (5) Year Term Extension Pursuant to Article 6 of the IGA

**City Attorney Wendell Willard** stated the City has been in a joint venture with the City of Johns Creek and the ChatComm Authority, which is a 911 service. This item is a contract that comes up for renewal in August 2014.

**Councilmember John Paulson** asked about the potential for the City of Dunwoody to join the Authority.

**City Manager John McDonough** stated Dunwoody is already a subscriber. The language of the IGA allows the addition of members as subscribers or capitalized members.

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 14-039, a Resolution to Approve an Amendment to the Intergovernmental Agreement between the City of Sandy Springs and the City of Johns Creek ("IGA") for the Provision of 911 Communications Services through ChatComm, to Provide for a Five (5) Year Term Extension Pursuant to Article 6 of the IGA. Councilmember Dishman seconded the motion. The motion carried unanimously.

**Resolution No. 2014-02-15**

**(Agenda Item No. 14-040)**

2. Appoint Member to the Hospitality Board (Kevin King)

**Mayor Rusty Paul** stated there is an expired term on the Hospitality Board. He nominated Kevin King, who is a Sandy Springs resident and has long been active with and in the City. He is currently a member of the Board of Ethics and submitted his resignation in order to be considered for appointment to the Hospitality Board.

**Motion and Vote:** Councilmember DeJulio moved to approve the nomination of Kevin King as a member to the Hospitality Board. Councilmember McDonald seconded the motion. There was no Council discussion. The motion carried unanimously.

**Resolution No. 2014-02-16**

**(Agenda Item No. 14-041)**

3. Consideration of Approval to Purchase the Property Located at 161 Mount Vernon Highway (Eric Bern Parcel)

**City Attorney Wendell Willard** stated this is a contract that has been negotiated with Mr. Bern for the acquisition of the property for roadway that will be used as a connective road from the City Center location to the Heritage area. There was extensive negotiation and the contract has been approved at a cost of \$1 million for the property and \$137,000 to aid in relocation of his business and the cost of moving.

**Councilmember John Paulson** asked if this agreement ties the City to the new location of Mr. Bern's business.

City Attorney Willard responded no.

**Motion and Vote:** Councilmember McDonald moved to approve Agenda Item No. 14-041, Approval to Purchase the Property Located at 161 Mount Vernon Highway (Eric Bern Parcel). Councilmember Sterling seconded the motion. The motion carried unanimously.

**Resolution No. 2014-02-17**

**(Agenda Item No. 14-042)**

4. Resolution to authorize the use of eminent domain to acquire property located at 6087 Roswell Road, Sandy Springs, Georgia, Parcel ID: 17-0089-LL-0009-0512 and 6094 Boylston Road, Sandy Springs, Georgia, Parcel ID: 17-0089-LL-0009-0397, for public road purposes

**City Attorney Wendell Willard** stated this item addresses the road plan for the City Center and specifically a connecting road between Roswell Road and Boylston Road. This road is at the northern end of the property known as Griffin 6075 Roswell Road Partners, LLC. There is potential development of the property for which the property owners are asking for a land disturbance permit. Council has to

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA  
FULTON COUNTY

February 18, 2014

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Russell K. Paul, Mayor of the City of Sandy Springs, who on oath says that to the best of his knowledge and belief, on the 18<sup>th</sup> day of February, 2014, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Discussion or voting on real estate matters pursuant to O.C.G.A. 50-14-3(b)(1);

Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.



Russell K. Paul, Mayor

Sworn to and subscribed before me,  
this 18<sup>th</sup> day of February, 2014.

*Michael D. Casper*  
Notary public





make the decision on whether to move forward with the connective road and have the City acquire the land prior to the issuance of any permits.

**Motion and Second:** Councilmember DeJulio moved to approve Agenda Item No. 14-042, a Resolution to authorize the use of eminent domain to acquire property located at 6087 Roswell Road, Sandy Springs, Georgia, Parcel ID: 17-0089-LL-0009-0512 and 6094 Boylston Road, Sandy Springs, Georgia, Parcel ID: 17-0089-LL-0009-0397, for public road purposes, through the use of a declaration of taking. Councilmember Paulson seconded the motion.

**Councilmember Gabriel Sterling** stated this is a different kind of eminent domain compared to that required for other areas in the City Center and is exclusively for the purpose of building out the road.

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

**Resolution No. 2014-02-18**

## REPORTS

### 1. Mayor and Council Reports

**Mayor Rusty Paul** thanked staff for their efforts during the second winter storm. He commended Council for their communication with their constituents. He also thanked the residents of Sandy Springs who stayed home during the event.

### 2. Staff Reports

#### a) December 2013 Financial Report – Finance Director Karen Ellis

**Councilmember Gabriel Sterling** stated the City is at about 44% of the adopted budget in terms of expenses. He asked if there is any anticipated large event in the cash flow to bring the budget to normalcy, or is the City that good at managing money.

**Finance Director Karen Ellis** stated unexpected events are provided for in the contingency area. Most of the surplus is coming from revenues.

**Mayor Rusty Paul** stated the impact of the storms is not in the December financial report. He asked how the storms may have impacted the City financially.

**City Manager John McDonough** stated the cost is probably around \$250,000. The first storm cost the City in excess of \$100,000. Council will be updated at a future meeting.

Councilmember Sterling asked about the financial management request.

Finance Director Ellis stated with FDIC insurance being limited to \$250,000 per institution, the City is limited to \$3 million to invest in CD's. She attended a presentation held by the office of the State Treasurer, which is GA Fund 1. They provided interesting options for investment pools. She will be updated with more investment information which she will then share with Council.

#### b) Update on Architectural Services Selection Process – City Manager John McDonough

**City Manager John McDonough** gave a PowerPoint presentation on the Architectural Services Selection Process and related issues.

**Councilmember Tibby DeJulio** asked if Dr. Parker was formerly the President of Rosser International.

City Manager McDonough stated he does not know the answer to that question, but he will check on it.

**Councilmember John Paulson** stated Council discussed some of the company's previous projects, the size of those projects, and what the fee was for the projects.

City Manager McDonough stated that information is in the draft letter that will go out tomorrow. The costs of the projects ranged in the millions of dollars. There was a consensus of Council to select Cooper Carey; Rosser International; and Smallwood Reynolds Stewart and Stewart for the short list.

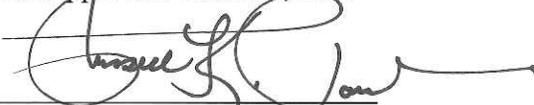
### **PUBLIC COMMENT**

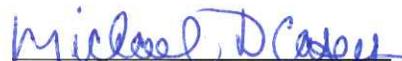
There were no public comments.

### **ADJOURNMENT**

**Motion and Vote:** Councilmember DeJulio moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:53 p.m.

Date Approved: March 4, 2014

  
\_\_\_\_\_  
Russell K. Paul, Mayor

  
\_\_\_\_\_  
Michael D. Casey, City Clerk