Regular Meeting of the Sandy Springs City Council was held on Tuesday, January 21, 2014, at 6:00 p.m., Mayor Rusty Paul presiding

INVOCATION

Rabbi Ellen Nemhauser, Congregation Or-Hadash, 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 January 21, 2014. Councilmember Paulson seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 14-006)

1. Meeting Minutes:
   a) January 7, 2014 Regular Meeting
   b) January 14, 2014 Special Called Meeting
   (Michael Casey, City Clerk)

(Agenda Item No. 14-007)

2. Acceptance of the donation of a right of way deed on the T-6012-1 Mt. Paran Road Sidewalk Project (19 Mt. Paran Road NE)
   (Garrin Coleman, Director of Public Works)
   Resolution No. 2014-01-02

(Agenda Item No. 14-008)

3. Acceptance of the donation of a right of way deed on the T-6012-1 Mt. Paran Road Sidewalk Project (11 Mt. Paran Road)
   (Garrin Coleman, Director of Public Works)

Resolution No. 2014-01-03

(Agenda Item No. 14-009)

4. Acceptance of the donation of a right of way deed on the T-6012-1 Mt. Paran Road Sidewalk Project (15 Mt. Paran Road)
   (Garrin Coleman, Director of Public Works)
   Resolution No. 2014-01-04

Motion and Vote: Councilmember Sterling moved to approve the Consent Agenda for January 21, 2014. Councilmember Dishman seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

City Clerk Michael Casey read the rules for the Public Hearings segment of the meeting.

Rezoning

(Agenda Item No. 14-010)

1. **201302537** - 195 Chaseland Road, *Applicant: Chaseland Associates, LLC*, to rezone from O-I (Office and Institutional District) to O-I (Office and Institutional District) to construct a 625 square foot detached garage in the rear of the property

Manager of Planning and Zoning Patrice Dickerson stated this item was deferred from the November City Council meeting. Since that meeting, staff and the Planning Commission have recommended withdrawal of the application at the request of the applicant.

Gary Unell, applicant, requested withdrawal of the 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.

Allen Andrew, 6530 Wright Circle, stated he is the President of the Whispering Pines neighborhood and is in attendance on behalf of the neighborhood to accept the withdrawal of the application.

Mayor Paul closed the public hearing.

Motion and Vote: Councilmember Sterling moved to approve the withdrawal of Agenda Item No. 14-010, 201302537 - 195 Chaseland Road, *Applicant: Chaseland Associates, LLC*, to rezone from O-I (Office and Institutional District) to O-I (Office and Institutional District) to construct a 625 square foot detached garage in the rear of the property. Councilmember Paulson seconded the motion. There was no Council discussion. The motion carried unanimously.

(Agenda Item No. 14-011)

2. **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 December City Council meeting, at which time staff and the Planning Commission recommended approval

conditional of the case. Prior to the last City Council meeting there was an issue raised regarding the ownership of the property. The applicant requested a deferral of the application at that time. At this time, the applicant is requesting an additional deferral and staff is recommending deferral.

Todd Cohen, representative of the applicant, stated the applicant is requesting a 90 day deferral until the ownership situation can be resolved.

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 defer Agenda Item No. 14-011, 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, for 90 days. Councilmember Bauman seconded the motion.

Councilmember Tibby DeJulio stated he thought that in the past Council has taken a position where they do not get involved in the legal ownership of property like this.

City Attorney Wendell Willard stated at the City Council meeting in December the issue of ownership arose. The applicant asked for a thirty day deferral to resolve the issue. The City received a letter on January 20th from the lawyer representing Mystic Place, LLC, claiming the ownership of the property is not with Mr. Larsen. Mr. Larsen may be a part owner within the LLC, but he is not the manager. He suggested speaking to the applicant's representative and suggested they withdraw the application, resolve the issue, and then come back to Council with the proper application.

Mr. Cohen stated instead of having to reapply and start the process over, he is requesting a deferral.

City Attorney Willard asked why 90 days is needed to resolve the issue.

Mr. Cohen stated he cannot speak to that, because it is between the two lawyers of the property owners. The reason the thirty day deferral was requested was because the property owner did not know about the issue, since it was brought up only five minutes before the item was presented at the last City Council meeting. Mr. Larsen's counsel suggested this 90 day deferral request.

Councilmember Andy Bauman asked if any of the principles of the company are in attendance.

Mr. Cohen responded no.

City Attorney Willard stated denial of the application will require the applicant to wait 9 months to file another application.

Councilmember Gabriel Sterling stated he would prefer the applicant not have to start the process over again.

City Attorney Willard stated Council usually does not approve deferrals for that length of time. In this case there is no understanding why that length of time is being requested.

Councilmember Sterling stated the deferral is to figure out the ownership issue. This issue should be cleared up in less than 90 days. He suggested a sixty day deferral.

Councilmember John Paulson stated he received a letter today. Mystic Place claims that they reached out to Mr. Larsen, who has not responded to their request for dialogue and negotiation. He suggested this application be withdrawn until the ownership issue can be figured out.

City Attorney Willard stated if the application is withdrawn, the applicant can refile the next day, but will have to go through the entire process.

Mayor Paul stated the approximate wait period is sixty days, if the application is withdrawn, and ninety days if the application is deferred.

Councilmember Sterling added or the deferral can be sixty days without having to go through the Planning Commission again.

Councilmember DeJulio asked if Mr. Cohen has the authority to withdraw the application.

City Attorney Willard responded usually that is done by the applicant.

Councilmember Sterling withdrew his original motion.

Councilmember Bauman stated ownership issues should be resolved before zoning applications are filed with the City. If the ownership issue can be resolved, he does not want the applicant to have to go through the application process all over again.

Councilmember Sterling stated Council is only hearing from one side that negotiations seem to be going nowhere.

Motion and Second: Councilmember Sterling moved to defer Agenda Item No. 14-011, 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 for 30 days, to the February 18th City Council meeting. Councilmember Bauman seconded the motion.

Councilmember Ken Dishman stated Council has a choice to deny the application, which would restart the process for the applicant following a twelve month waiting period, or a deferral. Given that the applicant is not here today, a thirty day deferral is appropriate.

Mayor Paul suggested in thirty days the client and all the parties come before Council to get this application resolved.

Vote on the Motion: The motion carried 5-1, with Councilmember DeJulio voting in opposition.

Use Permit

(Agenda Item No. 14-012)

3. **201302561** - 5855 Riverside Drive, *Applicant: Tabula Rasa*, to increase the number of students from 70 to 150 and to allow a 10,000 square foot addition to the existing church

Manager of Planning and Zoning Patrice Dickerson stated this item was deferred from the November City Council meeting due to an issue raised by the diocese for the Presbyterian Church. It was indicated the church will be closing and offering the property for sale to the applicant. At this time, the applicant is requesting an additional deferral pending working out those issues.

Nathan Hendricks, representative of the applicant, stated the current church owner is planning on closing the church. The intent of the church was to reach out to the applicant and discuss the purchase of the property. In mid-February there may be another church entity. The same framework would stay in place where the applicant will share space with the church. Alternatively, there may not be another church entity, and in that case the applicant would step up to be a purchaser of the entire piece of property. He requested a sixty day deferral in order to determine if there will be a new church. Timing is

very critical for the applicant for the entitlement under the use permit. This is why the time frame needs to be close to the purchase and sales agreement with a contingency that the applicant is able to get her entitlement.

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.

Trisha Thompson, 145 River North Drive, stated Tabula Rasa has had a long history of coming before Council; first, for the church property and then for two expansions. A previous application of Tabula Rasa that was before Council was presented by Attorney Ellen Smith, who during the course of final arguments did say they changed the business to be a church school under the St. Andrews Presbyterian Church. She is worried that this application may not be closely monitored or defined. She does not want to see the property divided up in order for the applicant to be able to afford the purchase price. She is not asking for a withdrawal or denial, but instead asking for Council to be familiar with all of the facts before making a decision.

Mr. Hendricks stated he has no problems in working with Ms. Thompson to address the concerns and questions she has raised.

Mayor Paul closed the public hearing.

Motion and Second: Councilmember Paulson moved to defer Agenda Item No. 14-012, 201302561 - 5855 Riverside Drive, *Applicant: Tabula Rasa*, to increase the number of students from 70 to 150 and to allow a 10,000 square foot addition to the existing church for 60 days, to the March 18th City Council meeting. Councilmember DeJulio seconded the motion.

Councilmember John Paulson stated he reviewed the correspondence and emails that state the last sermon will be January 12th and the church closure will need to be accepted by the Presbytery at their February 26th meeting.

Councilmember Gabriel Sterling asked if the City can legally say what can be done with the property.

City Attorney Wendell Willard stated the City's only concern is that the parcel the school is on meets the requirements of the City code.

Councilmember Sterling stated the history of Tabula Rasa started before he was on the Council. He asked if it is a standalone school with the potential of an allowable use on the parcel as it is now.

Manager of Planning and Zoning Dickerson responded not at this moment. The applicant would have to apply for a use permit as a standalone. This use permit is asking for a school attached to the church.

Councilmember Sterling asked if the applicant would have to file a new use permit, besides this one that is before Council now.

Manager of Planning and Zoning Dickerson responded no. The applicant could amend this application. The legal description submitted with the application covers the whole property.

Councilmember Sterling asked if the use of the property discusses the number of students.
City Attorney Willard stated the number of students is included in the application.

Councilmember Andy Bauman asked if the 150 student maximum is 150 students in the school at one time.

City Attorney Willard stated that number would be the actual enrollment in the school.

Councilmember Bauman asked if Council could condition the application.

City Attorney Willard stated the City does not want to get into the obligation of policing the properties.

Vote on the Motion: The motion carried unanimously.

Zoning Modification

(Agenda Item No. 14-013)

4. **201303511** - 540 Trimble Lake Court, *Applicant: Chituru Adele*, to modify condition 3.a. of Z99-0063 to allow a pool within the perimeter setback, with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this item is a zoning modification request to allow a pool within the perimeter setback of the subject property with a concurrent variance that will allow the pool in the front yard. This lot is a double frontage lot. By technical definition it does not have a rear yard and a pool would not be permitted. The applicant is proposing the pool will be in the backyard of the house for functional purposes and cannot be seen from the second street the property has frontage on. Staff is recommending approval conditional of the request.

Danny Franke, contractor for the applicant, stated he operates Custom Pools of Atlanta and has been contracted by the Adele family to build a swimming pool in their rear yard. Because there is a street behind their property, he is requesting a variance. The pool will not be visible from public right-of-way or the street.

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. 14-013, 201303511 - 540 Trimble Lake Court, *Applicant: Chituru Adele*, to modify condition 3.a. of Z99-0063 to allow a pool within the perimeter setback, with concurrent variances, as conditioned by the Planning Commission. Councilmember Dishman seconded the motion. There was no Council discussion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:

    a. Single family detached dwellings and accessory uses and structures.

    b. No more than 49 total dwelling units, at a maximum density of 1.54 dwelling units per acre, whichever is less, based on the total acreage zoned.

    c. The minimum lot size shall be 18,000 square feet.

    d. The minimum heated floor area per dwelling unit shall be 2,500 square feet.

    e. At no time ever will there be a golf driving range, clubhouse, swimming pool, tennis courts or parking lots associated with the impending golf club and no more than three (3) full golf holes and two (2) partial golf holes will reside on the Property. (Private Agreement)

2. To the owner's agreement to abide by the following:

a. To the revised site plan received by the Department of Environment and Community Development on July 2, 1999. 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 ace prior to the issuance of the first Certificate of Occupancy.

3. To the owner's agreement to the following site development considerations:

a. Development standards:

Minimum perimeter setback: 40 feet, except on lots #18 and #46, as depicted on the site plan referenced in condition 2.a., and Lot 47 will be 22 feet where the swimming pool encroaches, and except Lot 15 will be 15 feet where the swimming pool encroaches as shown on the site plan dated received October 22, 2013 by the Department of Community Development.
Minimum front yard: 30 feet
Minimum side yard (interior): 7 feet
Minimum side yard (adjacent to a street): 10 feet
Minimum rear yard: 40 feet
Minimum lot width at the building line: 70 feet
Minimum street frontage: 30 feet

b. No more than 2 exit/entrances on South Trimble Road with the closest curb cut to Peachtree Dunwoody Road to be located a minimum of 300 feet from the right-of way of Peachtree Dunwoody Road. Curb cut locations and alignments are subject to the approval of the Fulton County Traffic Engineer.

c. No access shall be allowed from Peachtree Dunwoody Road.

d. No lot shall be allowed direct access from South Trimble Road or Peachtree Dunwoody Road.

e. Sidewalks shall be provided along Peachtree Dunwoody Road and South Trimble Road.

f. Provide 40-foot wide building setbacks measured from the centerlines of pipelines.

g. No grading, except as required for access crossings, and no new structures shall be permitted within the existing pipeline easements and additional setbacks, as required in Condition 3.f. Silt fencing and other protective measures shall be permitted in accordance with the Fulton County Tributary Protection Resolution, Fulton County Soil Erosion and Sedimentation Control Ordinance, and the Georgia Soil Erosion and Sedimentation Control Law.

h. Prior to the approval of a Land Disturbance Permit, the applicant shall clearly delineate the pipelines, the easements, and the additional setbacks, as required in Condition 3.f., on Land Disturbance permit construction drawings, and shall stake the boundaries on site, based on the additional setback required in Condition 3.f. Boundaries shall remain clearly marked throughout land disturbing activities on the site.

i. All recreational and other areas which may be held in common shall be maintained by a mandatory Homeowners Association, whose proposed documents of incorporation shall be submitted to the Director of the Department of Environment and Community

Development for review and approval prior to the recording of the first final plat.

j. For all exterior lots, if metal poles are used as deck supports, said poles must be enhanced with brick, stone, stucco, or other facing which would be architecturally consistent with the house. (Private Agreement)

k. Decks should not extend into the required perimeter setback. (Private Agreement)

l. Internal private streets must be constructed and maintained, at a minimum, to Fulton County standards.

m. Should Fulton County ever be petitioned to assume ownership and maintenance of the private streets, that prior to dedication of the streets, they must be brought to acceptable standards of Fulton County for similar roads of similar age, subject to the approval of the Director of Public Works.

n. Applicant will provide necessary easements for ingress and egress for police, fire, emergency vehicles and all operating utilities.

4. To the owner's agreement to abide by the following requirements, dedication and improvements:

a. Dedicate at no cost to Fulton County along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Fulton County 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 allow the necessary construction easements while the rights-of-way are being improved:

30 feet from centerline of South Trimble Road;
45 feet from centerline of Peachtree Dunwoody Road or as may be required for intersection improvements at South Trimble Road and Peachtree Dunwoody Road.

a. Improve roadways along the entire property frontage with curb and gutter per Fulton County standards or as may be approved by the Fulton County Traffic Engineer and/or the Georgia Department of Transportation.

b. Provide a deceleration lane for each project entrance or as may be required by the Fulton County Traffic Engineer.

c. Provide a left turn lane for each project entrance or as may be required by the Fulton County Traffic Engineer.

5. 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 with the Department of Environment and Community Development, to meet with the Fulton County Traffic Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.

b. Prior to the application for a Land Disturbance Permit with the Department of Environment and Community Development, arrange an on-site evaluation of existing specimen trees/stands, buffers, and tree protection zones within the property boundaries

with the Fulton County Arborist. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.

c. To contact the Director of Public Works, prior to the application for a Land Disturbance Permit with the Department of Environment and Community Development, to meet with the Fulton County Drainage Engineer. A signed copy of the results of these meetings will be required to be submitted along with the application for a Land Disturbance Permit.

d. At the time of submittal for a Land Disturbance Permit and after the approval of the Preliminary Plat, the engineer/developer is required to provide written documentation verifying on-site evaluation and any other necessary downstream constraints.

e. Provide documentation (cross-section, profile, etc.) as to the existing conditions for all natural streams/creeks within the boundary of the project. Show, by documentation, the appropriate erosion protection of the stormwater conveyance system.

f. The developer/engineer is responsible to demonstrate to the County by engineering analysis, that the developed land use (proposed development) stormwater runoff conditions are controlled at the maximum predeveloped land use level, so that downstream properties/conveyance systems are not impacted or aggravates existing flooding/drainage nor creates new drainage/flooding problems off-site.

g. Prior to application for a Land Disturbance Permit, the developer/engineer shall submit to the Stormwater Management Section of the Department of Public Works a stormwater concept plan. The stormwater concept plan shall be preliminary drawings describing the proposed location of storage facilities, discharge paths, downstream and upstream constraints and other matters with potential stormwater implications.

6. For relief from Section 19.3.15.B.1 of the Zoning Ordinance to allow a pool to be located in one of the lot's two front yards. (CV 201303511).

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2014-01-01

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 14-014)

1. Consideration of Approval of a contract to construct Project T-0012, Roswell Road Streetscape from Johnson Ferry to Abernathy (GDOT Project P.I. 0006728) Subject to Validation and Approval by the Legal and Finance Departments

Director of Public Works Garrin Coleman stated this item is to award a contract to Tople Construction in the amount of $1,226,716 to construct the streetscape project on Roswell Road from Johnson Ferry to Abernathy Road. This is a GDOT funded project, so the City will split the cost 80/20 with GDOT in a reimbursable format. The engineers cost estimate was $1,265,180 for the project.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 14-014, a contract with Tople Construction to construct Project T-0012, Roswell Road Streetscape from Johnson Ferry to Abernathy (GDOT Project P.I. 0006728) Subject to Validation and Approval by the Legal and Finance Departments. Councilmember DeJulio seconded the motion.

Councilmember Gabriel Sterling stated Tople Construction is not the lowest bidder and is fourth from the bottom of the list. He asked why this company was chosen.

Director of Public Works Coleman stated the other three companies had technical faults with their bids and did not meet the requirements of the bid document.

Councilmember Andy Bauman asked if it is permissible for staff to go back to the three companies for clarification of their bid submittals.

City Attorney Wendell Willard stated the companies either meet the qualifications or they do not.

Councilmember John Paulson stated the cost of the project is just below what was budgeted by the City.

Councilmember Sterling asked what the timeline is on the project, once it begins.

Director of Public Works Coleman responded probably eighteen months.

Councilmember Graham McDonald asked what landscaping will be done.

Director of Public Works Coleman responded street trees and small hedges.

Councilmember McDonald asked if there is already a section of the roadway where this has been done.

Director of Public Works Coleman stated he believes some of the area has already been redone by developers. There are currently two parcels under construction.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2014-01-05

(Agenda Item No. 14-015)

2. Budget Amendment for FY 2014 Budget

Finance Director Karen Ellis stated this budget amendment is in regards to fiscal year 2014. There were assumptions made for fiscal year 2014 from which there was an excess of surplus, according to the City reserve requirement. Staff would like to reallocate those funds to two projects on the capital fund budget. There was also general housekeeping done in the general funds of certain line items and projects.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 14-015, a Budget Amendment to the FY 2014 Budget. Councilmember McDonald seconded the motion.

Councilmember Gabriel Sterling stated part of the budget was discussed at the Council Retreat. He asked if the money will all be placed in the capital project funds. He asked about $100,000 going to replace the $20 million fund reserve and if the other $150,000 was to go to a specific project.

Finance Director Ellis stated the money will be moved accordingly. The $800,000 is now represented in the slope repair. Council made the motion at a previous meeting to place money in the Lake Forest slope repair. This is actually placing the money in that spot, rather than showing it as a negative in the reserves.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2014-01-02

(Agenda Item No. 14-016)

3. A Resolution to Authorize the Second Phase of a Two Phase Process to Procure the Services of a Master Developer for the City Center Project

Director of Economic Development Andrea Hall stated this item was presented at the Council Retreat and is the next step with the RFP. Council gave direction to staff to make changes to the proposed RFP and the changes have been done. There have been other changes made since Council received the agenda package. The intent of the RFP is to allow flexibility and creativity in terms of the responses from the five respondents from the RFQ. On page 5, under the Updates to City's Approach to Project Implementation, the RFP is asking respondents to address potentially being able to provide services to the City in terms of building and managing the construction process for the public piece as well. On page 7, it states the City will reserve the right to alter the scope of responsibilities to negotiate final project team members. Also on page 7, Section 2 e., there is now language that acknowledges the project is to be clarified at this point in the process. On page 8, it asks the team to look at a proposed project timeline in terms of the public/private component. Components 2, 3, 4, and 5 relate to adding to the RFP the ability for the developer to perform services on behalf of the City for the construction of all public portions of the project. One page 9 under Section 4 it lists changes under the evaluation criteria. In the RFP process, after the respondents submit the RRP, there will be in person presentations and interviews of all from the prequalified list. Following the interviews, the City will evaluate the criteria. The selection committee will make a recommendation to Council. The final selection will be made by Council. There will be final contract negotiations with a Master Developer in the form of a development agreement and the agreement will come before Council for approval. On page 11 in Section 8 there is a change that relates to the timeline. Staff felt additional time was needed following the proposal conference for written questions and to include adequate time for the City to respond.

Motion and Second: Councilmember Paulson moved to approve Agenda Item No. 14-016, a resolution to authorize the Second Phase of a Two Phase Process to Procure the Services of a Master Developer for the City Center Project. Councilmember Sterling seconded the motion.

Councilmember John Paulson stated on page 5 under Parcel Description, on line 3 after "Block B", the "and" should be removed. The RFP states the Master Developer should negotiate with the owners of Block B. He asked if staff has given the respondents the information on who the owners are.

City Manager John McDonough responded yes. The property owner also has all five names of the companies and is in the process of contacting the short list of RFQ developers.

Councilmember Paulson asked about Lifestyle / Concierge Programming on page 7.

City Manager McDonough stated it is anticipated that the developer will continue to own the property. Many of the companies have expressed that they have experience in owning the properties they develop. A key component is that the space is active.

Councilmember Paulson asked if there is any situation where a developer will build the buildings, but not own the property.

City Manager McDonough responded yes, that could happen.

Councilmember Paulson asked if companies will be penalized if they don't answer the Lifestyle / Concierge Programming question.

City Manager McDonough stated it will not be the difference of whether the company is awarded the contract or not. Everything else being equal, this portion could differentiate between the companies.

Councilmember Paulson asked about Section 3 which states the criteria for the selection process is the most responsive offeror, as opposed to using the term proposer.

City Manager McDonough stated Section 4 is the Evaluation Criteria. In taking all the criteria into consideration, the committee will do an evaluation of the proposals. The groups will be interviewed by City staff members who will write up strengths and weaknesses for all.

Councilmember Paulson asked if the term offeror covers the City.

City Manager McDonough stated it will give the City flexibility.

Councilmember Paulson stated Section 8 includes the proposed schedule of events. The time from when the questions are due and when the proposals are due is a long time. He is concerned the City will receive questions a month later and the response to the questions will change the offeror's proposal.

City Manager McDonough stated City staff usually responds to the questions within 48 hours. Staff wants to keep the lines of communication open as long as possible in order to receive feedback, due to the importance of this project.

Mayor Rusty Paul asked if it is made clear that questions can be submitted at any time throughout the process.

City Manager McDonough responded yes.

Councilmember Andy Bauman asked if any feedback has been received regarding the time table.

City Manager McDonough responded no. Staff anticipates there will be feedback at the pre-proposal conference.

Councilmember Gabriel Sterling stated at the bottom of page 5 it reads that the City will be responsible if it does not choose a partner to build the parking for their project. He asked if the City will build all the parking with City funds.

Director of Economic Development Hall stated she does not believe that is the intent. Staff is trying to leave this area open to see how the companies propose putting together the financial deal. Components 2 through 5 state regardless of how the project is financed, the City wants to hear if the company will be interested in managing the construction process for that.
Councilmember Sterling asked about owner occupied properties.

Director of Economic Development Hall stated that is addressed in Sections 2 and 4.

Councilmember Sterling stated there have been discussions that the City may own the land and then enter into a long term lease to have continual right over the land. Has this been discussed as an option?

Director of Economic Development Hall stated the City needs to be offered a market based value for the land, whether that is a sale of the land or a lease.

Councilmember Sterling asked how quickly a developer can complete the project.

City Manager McDonough stated staff is interested in the companies giving the City an insight on what their approach is for completion.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2014-01-06

(Agenda Item No. 14-017)

4. Consideration of a Resolution to Adopt the City's FY 2015 Priorities

City Manager John McDonough stated this item was discussed at the Council Retreat. There was a consensus of the City Council that public safety, transportation, recreation and cultural enhancement, natural resource protection, community appearance, downtown development, and economic development should be the adopted priorities. This resolution would adopt those priorities as the FY 2015 priorities. Staff recommends Council approve the resolution.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 14-017, a Resolution to Adopt the City's FY 2015 Priorities. Councilmember Dishman seconded the motion. There was no Council discussion. The motion carried unanimously.
Resolution No. 2014-01-07

(Agenda Item No. 14-018)

5. Consideration of Appointments to Sandy Springs Hospitality Board

Mayor Rusty Paul stated he has not yet spoken to Mr. Alterman, whose term has expired. Mr. Alterman will continue to serve until his replacement is appointed or he is reappointed. He recommended adding Tom Mahaffey, who is the President of the Sandy Springs Chamber of Commerce, to replace former Councilmember Fries on the Sandy Springs Hospitality Board.

Motion and Second: Councilmember Paulson moved to approve the nomination of Tom Mahaffey to fill the expired term of Dianne Fries; and the nomination of Mayor Paul, to fill the expired term of former Mayor Eva Galambos, to the Sandy Springs Hospitality Board. Councilmember DeJulio seconded the motion.

Councilmember Ken Dishman stated he has been very impressed by Tom Mahaffey's approach with the Chamber of Commerce.

Mayor Paul stated Mr. Mahaffey is also the Executive Director of the Sandy Springs Restaurant Association.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2014-01-08

(Agenda Item No. 14-019)

6. Discussion of Non-profit Funding Policy

Mayor Rusty Paul stated based on what he heard at the Council Retreat, there was a feeling among Council that staff should reexamine the policies on how the City funds nonprofits. He asked that there be a two week moratorium on accepting donations until staff has the opportunity to bring back to Council a policy on how to fund nonprofit organizations in the City.

Motion and Second: Councilmember Paulson moved to place a two week moratorium on non-profit funding actions while staff clarifies what is required to submit for a grant from the City and what is required of the recipients afterwards. Councilmember DeJulio seconded the motion.

Mayor Paul stated the purpose of this is to make sure there are objective proposals for nonprofits. Second, the City should require a full and complete financial accounting of the proceeds in order to know exactly how the funds were expended. There has been a long standing City belief that funds from the City should go towards programmatic initiatives and not operational expenses. There is a need to clarify what the City is asking for when the City gives money to outside groups and exactly the financial reporting and accounting that is required back to the City to know the funds were expended properly.

Councilmember Gabriel Sterling asked if there are any nonprofit organizations scheduled to receive money in the next two weeks.

Assistant City Manager Eden Freeman stated there are no pending disbursements.

Councilmember Sterling asked if the moratorium will serve a purpose.

Mayor Paul stated the purpose is to have the moratorium as short as possible, so there is no disruption in fund disbursements.

Councilmember Sterling stated when the existing nonprofit policy was adopted the organizations were required to submit their financials to the City, but not necessarily audited financials, because that is costly.

Assistant City Manager Freeman stated Councilmember Sterling is referring to the competitive program. This procedure is not in place for the directly appropriated programs.

Councilmember Sterling asked about Keep North Fulton Beautiful.

Assistant City Manager Freeman stated that organization is paid quarterly and they submit reports quarterly as well.

Mayor Paul stated that falls outside of the programs being discussed with this policy. That is a contractual program.

Councilmember Tibby DeJulio asked if staff can look at ways for some of these organizations to raise their own funds.

Mayor Paul stated he hopes that the nonprofit funding will be an annual evaluated process based on what Council desires.

Councilmember Andy Bauman asked if the intent is that monies that have already been allocated will be potentially held up subject to the new policy, if there is one, for the remainder of this fiscal year.

City Manager John McDonough stated it will be up to the direction of Council. If the event has already taken place and the payments have not yet been processed, the City is obligated to process the payments as long as the City is provided with the financial reports. For events that have not yet taken place, it is up to the subjective review of Council.

Councilmember Bauman asked that staff consider nonmonetary support of organizations. This came up recently with the Film Festival. He mentioned City sponsorship from the City and the use of City light poles for advertising of the events.

Councilmember Sterling stated Council made a decision to set aside $50,000 for competitive bidding and only $47,300 was distributed this year. He votes against this every time, because he does not believe that a 501(c)(3) should receive direct contributions from the City. There is murkiness in the policy regarding the larger scale organizations such as the Community Action Center. About three years ago, there was a vote of Council that the City enter into a contract with them for services rendered to meet the needs of the

City's poor. He is not sure what the City money is used for regarding the Sandy Springs Youth Sports. The Heritage Sandy Springs contract is a joint contract between the City and Heritage. It was decided by Council to have a contract for The Anne Frank Exhibit. It was also decided by Council to allocate funds to The Sandy Springs Perimeter Chamber. The Sandy Springs Cycling Challenge and Heritage were two organizations that received funding under the previous City contractor and that money almost exclusively went towards City services. All of these events, with the exception of the Sandy Springs Festival, are free events for the City. With almost every one of these there is a contract that requires the organization to submit financial documents to the City. He would like to phase out the competitive process over time in order for the organizations to raise funds on their own.

Councilmember Paulson stated there are organizations the City has agreed to distribute money to for this fiscal year. He asked that whatever new policy is developed be effective for FY15, that the commitments made for this year remain the same. He asked for clarification of the reasons the City provides contributions and what is required of the recipients of contributions.

City Attorney Wendell Willard stated he put language in the policy for protection of the Council and City in regards to monetary contributions for organizations.

Councilmember Bauman stated he agrees with the City requiring reporting requirements.

Mayor Paul stated there is no standard financial reporting from every nonprofit that receives City funds and the City needs this in order to know how the funds were expended. He asked that staff look into the City giving non-monetary support to nonprofits.

Mayor Paul restated Councilmember Paulson's motion to approve Agenda Item No. 14-019, directing staff to come back to Council in two weeks with a recommended policy on the City's Non-profit Funding processes.

Vote on the Motion: The motion carried unanimously.

REPORTS

1. Mayor and Council Reports

There were no reports from the Mayor or Council.

2. Staff Reports

There were no staff reports.

PUBLIC COMMENT

There was no public comment.

Motion and Vote: Councilmember DeJulio moved to recess the Regular meeting to hear the Work Session agenda items. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting recessed at 7:23 p.m.

Councilmember Paulson left the meeting at 7:57 p.m.

Motion and Vote: Councilmember DeJulio moved to end the recess and resume the Regular meeting. Councilmember McDonald seconded the motion. The motion carried unanimously. The recess ended at 7:58 p.m.

EXECUTIVE SESSION – Litigation and Real Estate

Motion and Vote: Councilmember Sterling moved to enter into Executive Session to discuss litigation and real estate matters. Councilmember DeJulio seconded the motion. The motion carried unanimously, with Councilmember Dishman, Councilmember McDonald, Councilmember Sterling, Councilmember DeJulio and Councilmember Bauman voting in favor of the motion. Executive Session began at 7:58 p.m.

Motion and Vote: Councilmember Bauman moved to adjourn Executive Session. Councilmember Sterling seconded the motion. The motion carried unanimously, with Councilmember Dishman, Councilmember McDonald, Councilmember Sterling, Councilmember DeJulio and Councilmember Bauman voting in favor of the motion. Executive session adjourned at 8:35 p.m.

ADJOURNMENT

Motion and Vote: Councilmember Sterling moved to adjourn the meeting. Councilmember Bauman seconded the motion. The motion carried unanimously. The meeting adjourned at 8:35 p.m.

Date Approved: February 4, 2014

Russell K. Paul, Mayor

Michael D. Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

January 21, 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 21st day of January, 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 21st day of January, 2014.

Notary public (SEAL)

KELLY L. BOGNER
NOTARY PUBLIC
MY COMMISSION EXPIRES OCTOBER 20, 2016
FULTON COUNTY, GEORGIA