

Regular Meeting of the Sandy Springs City Council was held on Tuesday, October 1, 2013, at 6:00 p.m., Mayor Eva Galambos presiding

INVOCATION

Rabbi Ron Segal, Temple Sinai, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:00 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 Eva Galambos present

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery present.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance

PUBLIC COMMENT

There were no public comments.

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Regular Meeting agenda for October 1, 2013. Councilmember Sterling seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 13-172)

1. Meeting Minutes:
 - a) September 13, 2013 Special Called Meeting
 - b) September 17, 2013 Regular Meeting
 - c) September 17, 2013 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 13-173)

2. Consideration of the Acceptance of the dedication of a Right of Way Deed as part of the zoning requirements (1800 Spalding Drive)
(Garrin Coleman, Director of Public Works)
Resolution No. 2013-10-57

(Agenda Item No. 13-174)

3. Acceptance of the Donation of a Right of Way Deed on the T-6012-1 Mt. Paran Road Sidewalk Project (101 Mt. Paran Road)
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2013-10-58

(Agenda Item No. 13-175)

4. Acceptance of the Donation of Right of Way Deeds on the T-6012-1 Mt. Paran Road Sidewalk Project (141, 151 and 161 Mt. Paran Road)
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2013-10-59

(Agenda Item No. 13-176)

5. Approval for the Mayor to sign the List of Roadways approved by Georgia Department of Transportation for Speed Limit changes
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2013-10-60

Motion and Vote: Councilmember DeJulio moved to approve the Consent Agenda for October 1, 2013. Councilmember Fries seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Proclamation - Red Ribbon Week

Mayor Eva Galambos asked Young Marine Jared Wilhite to the front. Mayor Galambos read the proclamation which states, "Red Ribbon Week was established by Congress in 1988 to encourage a drug free lifestyle and involvement in drug prevention and reduction efforts. October 23-31 2013 has been designated National Red Ribbon Week, which encourages Americans to wear a Red Ribbon to show their support for a drug free environment. Businesses, government, schools, law enforcement, students, and parents will demonstrate their commitment to healthy, drug free lifestyles during Red Ribbon Week. The Metro Atlanta Young Marines organization is helping to promote Red Ribbon Week in Metro Atlanta. The City of Sandy Springs commends the Metro Atlanta Young Marines for promoting Red Ribbon Week. The City of Sandy Springs encourages citizens to participate in drug prevention education and awareness activities, not only during Red Ribbon Week, but throughout the year." She proclaimed October 23-31, 2013, Red Ribbon Week in the City of Sandy Springs.

PUBLIC HEARINGS

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

(Agenda Item No. 13-177)

1. **201301810** - 4920 & 4940 High Point Road, *Applicant: Jeffrey C. Spillane*, to rezone the subject properties from R-2 (Single Family Dwelling District) to R-3 (Single Family Dwelling District), to allow for the construction of five (5) single family homes

Manager of Planning and Zoning Patrice Dickerson stated this item was deferred from the last City Council meeting due to a discrepancy on the survey that was provided to staff. After analyzing the legal description for the property and the square footage numbers indicated on the survey for the two lots in question, the legal description did match that. The error that was noted at the meeting was a typo related to the total acreage, although the square footage indicated was correct. The total acreage is about 1.58 acres. One of the two lots would be at 27,000 square feet and the second lot would be at 36,000 square

feet. Staff recommends denial of the original request, but will support the modification of the request for the two lots on the single property.

Mayor Eva Galambos asked if staff supports the rezoning to R2A.

Manager of Planning and Zoning Dickerson responded yes.

Jeffrey Spillane, 379 Sacred Heart Way, Dawsonville, GA, apologized for the confusion two weeks ago. When he referenced the site plan he was looking at the acreage amount and not the square footage. The surveyor calculated the square footage correctly, but wrote down the wrong number for the total acreage.

Councilmember John Paulson asked if this is the division of one lot into two properties.

Mayor Galambos responded yes, to the R2A zoning.

Councilmember Gabriel Sterling stated there is still the other lot that Council has to make a decision on.

Mr. Spillane stated he spoke to the property owner of the other lot, John James. He told Mr. James about the discussions he had with Council. Mr. James does not care either way how Council decides to handle his property and he will not be bringing this back before Council as an application.

Councilmember Chip Collins asked what Mr. James's property address is.

Mr. Spillane stated Mr. James property is 4940 High Point Road.

Mayor Galambos called for public comments in support of the application.

Bill Gannon, 505 Taunton Way, stated he wants to address Councilmember Collins point about whether Mr. James should receive the prejudice of a one year delay before he could apply again. The High Point Civic Association's opinion is Mr. James should not receive the one year penalty. On a previous zoning change, Mr. Hendricks wanted to change one property into thirteen homes, which never made it to Council for a vote. The Association did not agree to that without prejudice. The neighbors did not want the development and wanted a one year delay. The Association explained to the neighborhood why they do not want a one year prejudice. Within four months that property owner made a deal to construct one home. Even though Mr. James says he has no deal now, a developer may give him a deal. The Association does not want neighbors being penalized.

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

Brian Wilson, 575 Highbrook Drive, stated the issue over the acreage is a bit more confusing and controversial to those that live in the area. This is the fifth meeting he has attended for this proposed plan. He had two phone calls with Mr. Spillane. In every one of those meetings he was told the property acreage was 1.98 acres. For .02 of an acre, he does not see why there would be any opposition to putting two lots here. Since the property is actually smaller at only 1.5 acres, there are concerns about precedent or the opportunity for development at the church property across the street. The position of the individuals he represents is they are withdrawing their support for the two lot plan. The neighborhood has a concern about the treatment of the second lot, and not that the penalty should be imposed. Those two lots are adjacent to an existing sanitary sewer line and the street abutting 4940 High Point Road. The property being discussed tonight was going to be split into two lots. The Fulton County sewer district stated they will require the property to be connected to the sanitary sewer, so there will be no septic

systems on those properties. In order to connect to the sanitary sewer they will have to cross the James property, unless they are allowed to go through the right-of-way at High Point Road. The concern is if confronted with the granting of an easement, Mr. James may come to the City and file another application. This would cause the neighborhood to be involved with another four to five meetings and create angst over the issue. The outstanding issue on the sewer has not been resolved, unless Mr. Spillane has procured an easement for the sewer.

Mr. Spillane stated he has not decided which route he will take regarding the sewer. He will have engineers analyze the most efficient way to accomplish the sewer issue. Mr. James is comfortable with Mr. Spillane installing a sewer line through his property. Once this project is further into the development process, that issue will be handled.

Mayor Galambos closed the public hearing.

Councilmember Tibby DeJulio asked how large the property is.

Manager of Planning and Zoning Dickerson stated the property is approximately 1.58 acres.

Councilmember DeJulio asked how large the lots will be.

Manager of Planning and Zoning Dickerson stated one lot is 27,000 and the other is 36,000 square feet.

Councilmember Collins asked about the amounts in acreage.

Councilmember Paulson stated one lot is a half-acre and the other is three quarters of an acre.

Councilmember DeJulio stated the problem he has with this is the west side of High Point Road. The City has been very protective of this area and the one acre lots. The application is for .2 under an acre, while the other lots are approximately an acre. Mr. Spillane was denied the ability to subdivide a property four to five years ago that has recently been developed into a house and sold for \$1.4 million. He is familiar with Mr. Spillane's piece of property, which is a gorgeous property. He would hate to see the property split. He is against this application, which is a bad precedent. If Council approves this, many other property owners along High Point Road could decide to divide their properties. This would be a great loss to the character and preservation of the neighborhood.

Motion and Second: Councilmember DeJulio moved to deny Agenda Item No. 13-177, 201301810 - 4920 & 4940 High Point Road, *Applicant: Jeffrey C. Spillane*, to rezone the subject properties from R-2 (Single Family Dwelling District) to R-3 (Single Family Dwelling District), to allow for the construction of five (5) single family homes. Councilmember Meinzen McEnery seconded the motion.

Councilmember Dianne Fries stated comments were made about the west side of High Point Road. On the documents given to Council the west side is at 1.5 units per acre.

Councilmember Karen Meinzen McEnery stated this is the west side of High Point Road, not the west side of this parcel. The whole west side of High Point Road is zoned R2.

Councilmember Fries stated lots that are located next to High Point Road are zoned R3.

Councilmember Meinzen McEnery stated many of those lots are 37,000 square feet.

Councilmember DeJulio stated all the lots fronting on High Point Road are at an acre and some are larger than one acre.

Councilmember Meinzen McEnery stated her comments are in support of a denial for this application. On page five of the report staff clearly stated this proposal is inconsistent with the Comprehensive Plan. The Plan calls for protection of existing neighborhoods and projects to be developed in a scale similar to surrounding properties. Properties along the west side of High Point, are typically one acre or larger. In this case, the proposed lots are 27,000 square feet and 36,848 square feet in size. Neither of these lots are one acre in size. If this application is approved, it will establish a precedent so that all of the property owners north and south of this one will also try to subdivide their properties. That is not protecting the character and integrity of existing neighborhoods per the City's land use policy.

Councilmember Gabriel Sterling stated he is not sure that was intended for this particular application. It was for all five lots. He asked based on these two lot sizes, where is the other .3 acres.

Manager of Planning and Zoning Dickerson stated the .3 acres is the right-of-way dedication at almost 5,000 square feet.

Councilmember Sterling asked if both of the proposed homes will front High Point Road or will one front High Brook.

Mr. Spillane stated one home will front on High Brook and will be a corner lot.

Councilmember Sterling asked if there will be a driveway and a home facing High Brook Drive.

Mr. Spillane stated one house will front on High Brook and the other will front on High Point Road. The 36,000 square foot lot would front on High Point Road, which is the northern lot.

Councilmember Collins stated the larger lot will front High Point Road exclusively and the smaller lot will be on High Brook Drive. He asked what the lot sizes are on High Brook.

Mr. Spillane stated the lots are typically half of an acre in size.

Councilmember Meinzen McEnery stated several of the lots are 37,000 square feet to the west and south.

Councilmember Collins stated the proposed lot would be smaller than most of the lots on High Brook Drive.

Manager of Planning and Zoning Dickerson stated the lots on High Brook range from the minimum of 18,000 square feet for the R3 zoning up to 30,000 square feet.

Councilmember Collins stated he wonders how this zoning case can be differentiated against any precedent. The larger lot on the west side of High Point will not be an acre. The second lot is not a High Point Road lot, but instead is a High Brook lot, since the driveway will be on that road. This lot will keep up with the rest of the lot sizes on High Brook.

Councilmember Meinzen McEnery stated the lot on High Brook would not be in keeping with the other lots on High Brook. The three lots directly to the west of the new High Brook lot are both 37,000 square feet in size.

Manager of Planning and Zoning Dickerson stated that is part of the range of lot sizes on that street. The R3 zoning allows a minimum of 18,000 square feet for lot size.

Councilmember Sterling stated that is for zoning, but the future land use plan states R2.

Manager of Planning and Zoning Dickerson stated that is correct. The lot would be a half acre lot which is the R2A zoning.

Councilmember Sterling stated there will be a half an acre lot and a three quarter acre lot while the desire is to keep the lots on High Point Road at one acre.

Councilmember DeJulio stated on the east side there have been developments. A promise made to the neighborhood when he was on the High Point Civic Association years ago was to keep the west side of High Point Road to one acre lots. There was other development on the east side of High Point Road.

Councilmember Sterling asked how large are 4876 and 4890 High Point Road.

Manager of Planning and Zoning Dickerson stated those lots are about 18,000 square feet and are zoned R2.

Councilmember Sterling stated the existing lots are zoned R2, but are non-conforming. There are existing lots that are a half acre in size.

Manager of Planning and Zoning Dickerson responded correct.

Councilmember Collins asked what the High Point Civic Association says about the change of the lots.

Mr. Gannon stated at this point he does not have a comment.

Councilmember DeJulio stated this request was going to be a small decrease in lot size. If approved, this will set a precedent all along High Point Road. We do not want to change the character of the neighborhood so that a lot of houses will be constructed.

Mr. Spillane stated he understands Council does not want to set a precedent. There are lots along High Point Road on the west side that are not one acre in size. There is already a mixture of zoning throughout this area, although there is the R2 zoning classification, the lots are not one acre in size. This issue is controversial and he believes Council does not want to approve this application thinking the neighborhood will penalize Council for it. He asked that Council consider what common sense would dictate. He originally wanted three lots and met with all the property owners. The property owners did not agree with three lots, but instead agreed with two. He and his siblings are trying to sell this property and get the most value out of the property. Two lots versus one lot will not equal the same amount. He asked that Council do the right thing regarding this application. He had a survey that was a few tenths of an acre less. He plans on building nice homes that will be a value to the neighborhood. The person that is most affected by this possible change is not here this evening. Ron and Marty Malford were fine with three lots. Quite a few of the nearby properties are half an acre, but they want his property to remain at one acre. He would be surprised if the Mayor and Council do not approve his application because of a few tenths of an acre difference on the survey.

Councilmember Paulson stated when the lot was almost two acres, the plan seemed fine. The proposal is now at 1.6 acres instead of 1.9 acres. The small lots facing High Brook Drive have somewhat of the same acreage. The lot on High Point Road is 36,000 square feet. This would be a good development and he is in favor of it.

Councilmember Collins stated the twenty percent difference in acreage size is meaningful. The fact that the neighbors and Council thought that Mr. Spillane's lots would be almost one acre is compelling. He is inclined to deny this application. One thing he heard that is worthy of obtaining additional facts is if the west side High Point Road properties are truly one acre lots. If not, and there are half acre and $\frac{3}{4}$ acre lots, then it changes things. He would support a deferral, unless this information can be presented by staff this evening.

Councilmember Fries stated when this application was before Council last time the Planning Commission had not seen the proposal. Council last deferred the item to this evening's meeting because the numbers

were not correct. She does not want to penalize the applicant. This application involves a family and finances. In good will, the applicant is trying to do what will fit with the neighborhood.

Substitute Motion and Second: Councilmember Fries moved to defer Agenda Item No. 13-177, 201301810 - 4920 & 4940 High Point Road, *Applicant: Jeffrey C. Spillane*, to rezone the subject properties from R-2 (Single Family Dwelling District) to R-3 (Single Family Dwelling District), to allow for the construction of five (5) single family homes, to the November 19, 2013, City Council Meeting. Councilmember Meinzen McEnery seconded the motion.

Councilmember Meinzen McEnery stated it is a great idea to understand completely what the acreage is; the size of the lots and not just the zoning on the west side. She would like to hear if the deferral will allow the High Point Civic Association additional time to look at the correct numbers. If she had been paying taxes on her family's property, she would question the tax assessor if the number is higher. This is a situation for which Council needs accurate information.

Councilmember Fries stated this will give the High Point Civic Association time to review the proposed plan. The last the Association knew, the proposal was three lots and it would be denied.

Mayor Galambos asked if staff has the information that Council requested available today.

Manager of Planning and Zoning Dickerson responded no.

Vote on the Motion: The motion carried unanimously.

UNFINISHED BUSINESS

(Agenda Item No. 13-178)

1. Approval for Lost Corner House Upgrade

Director of Recreation and Parks Ronnie Young stated as a follow up to the discussion and input received at the last City Council meeting he asked Macallan Group to make a modification to the upgrade to the Miles House. The modification is to take off the two dormers that they had proposed on the east and west side of the front portion of the house and leave the original dormers. There is presently a dormer on the west and south sides of the house. He asked that Council approve the design that was presented at the last meeting with these changes. He received a call from Macallan Group who agreed to decrease their price quote by \$7,000. The total cost quote is now \$401,000 for the upgrade. There is currently \$387,000 in the budget for the project. He requested to be allowed to transfer \$75,000 from the capital project at Bluestone, F0002, and move it to P0015, Lost Corner Preserve. This amount will fill the cost difference currently at \$14,000 and allow \$61,000 in contingency to complete the project.

Mayor Eva Galambos asked if there is \$75,000 left in the Bluestone funds.

Director of Recreation and Parks Young responded yes.

Councilmember John Paulson asked why the whole \$75,000 is needed.

Director of Recreation and Parks Young stated \$14,000 is needed for the difference and at least \$61,000 for contingency.

Councilmember Paulson stated fifteen percent for contingency seems like a lot.

Director of Recreation and Parks Young stated moving forward with the project the contractor may run into issues that were not anticipated due to it being an old building. If the money is not used, the money will stay in the project fund balance and could be used on the trails or other upgrades in the park.

Councilmember Paulson stated so the budget goes from \$380,000 to \$455,000.

Mayor Galambos stated the change in the amount would have to be approved by Council. She asked if the use of the \$75,000 would come back before Council.

City Manager John McDonough stated that Director Young provides him with updates on all Recreation and Parks projects and on expenditures.

Mayor Galambos asked if Council would be authorizing the \$75,000 to be automatically spent.

City Manager McDonough stated Director of Recreation and Parks Young would come to him with a recommendation and provide Council updates with suggestions of how money is to be spent.

Councilmember Gabriel Sterling stated in concept he does not mind this change, but this seems like a large contingency amount. He asked if there are any other needs in the Recreation Department for capital projects and if there is enough money to finish the bathrooms at Big Trees or trails. He asked what the estimated time frame is for this project.

Director of Recreation and Parks Young stated if the money is relocated to the Lost Corner project and there is a need for the money elsewhere, he would come back to Council for approval to move the money. The completion of renovating the house will take six to eight months. It will take three to four weeks to get the Macallan Group under contract and on site.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 13-178, the Lost Corner House Upgrade, and also move \$25,000 from the Bluestone F0002 project to the P0015 Lost Corner project, and also move \$50,000 from the Bluestone F0002 project into capital improvement contingency funds to be reviewed at the mid-year budget review. Councilmember Paulson seconded the motion.

Councilmember Karen Meinzen McEnery stated there are other needs in the park systems; specifically the John Ripley Forbes Big Trees Forest Preserve. The Big Trees budget has never received an increase. She is delighted to see the bathrooms will be in place by December 2013. There is no extra money to do landscaping or tree planting around that cleared out area. The money that is budgeted will pay for the restrooms, concrete pad, and sidewalk. There is not even enough money for hay. She would like to see some of the \$50,000 contingency funds used for the landscaping of that area.

Councilmember Fries stated this money can be reviewed at the mid-year budget review. The restrooms have to be installed first and then construction on the Miles home. At this time Council should not get into where the money should be spent at Big Trees.

Councilmember Sterling stated he appreciates the spirit of the motion. His concern is at first the contingency was too high and now the contingency amount may be too low.

Friendly Amendment to the Motion and Vote: Councilmember Sterling offered a friendly amendment to the motion to move \$37,500 to the Lost Corner project, and \$37,500 back to capital contingency funds earmarked for the Recreation and Parks Department. Councilmember Fries accepted the friendly amendment.

Councilmember Chip Collins asked how much is usually included for contingency for construction projects.

City Manager McDonough stated it depends on the project. For this project there are a lot of unknown factors due to it being a very old home. The \$37,500 can get the project started and if there are any changes, they will be brought back to Council.

Councilmember Tibby DeJulio stated he is in favor of splitting the difference, but wants to be sure it does not slow down the process of upgrading the home. Preservation and protection of this home are of the utmost importance. If there are any contingencies, they should be brought back to Council immediately in order to find the money instead of delaying the project.

Vote on the Motion: The motion carried unanimously.

NEW BUSINESS

(Agenda Item No. 13-179)

1. Consideration of Renewal of Agreement for the Gas South Municipal Alliance Program

Assistant City Manager Eden Freeman stated this is the renewal for the second year of the Gas South Municipal Alliance Program. In August 2011, the City entered into the first agreement and that agreement was renewed in 2012. It is now time to renew the agreement, should Council decide to approve this item. The agenda item material gives background information about the program. The City receives a \$12 upfront finder's fee for every residential account that is opened under this program and a \$24 finder's fee for every commercial account. The City also receives a payment for each account that continues under the program as the City continues with the program. The baseline account numbers decrease, which means the royalties that come to the City increase over time. Phil Weatherly with Gas South is in attendance this evening. She referenced a slide in the presentation prepared by Gas South that shows projections of the program growing over time in Sandy Springs. There are nine other municipalities, one county, six electric membership corporations, and one civic organization that currently participate in this program. If Council chooses to renew the agreement, it will be a one year agreement.

Mayor Eva Galambos asked how much money the City received last year.

Assistant City Manager Freeman stated last year the City received \$20,843. To date, for both years, the City has received \$34,843 and only expended about \$2,554. That amount was used to bring the Varsity food truck to City Hall as a thank you to staff that worked long hours in response to the storm in June 2013.

Phil Weatherly, Gas South representative, stated Gas South is very proud to be associated with Sandy Springs. Over the past two years the dynamic is a very strong sense of community and well aligned with Gas South's goal to be a community energy provider.

Councilmember John Paulson asked if any other companies came to the City asking to offer a program for electric or gas services.

Assistant City Manager Freeman responded no.

Motion and Vote: Councilmember Sterling moved to approved Agenda Item No. 13-179, Renewal of Agreement for the Gas South Municipal Alliance Program. Councilmember Fries seconded the motion. The motion carried unanimously.

Councilmember Dianne Fries thanked Gas South for being a good advocate for the community and being involved. It is great to see a company embrace the community like they do.

Councilmember Sterling stated Gas South supports the Sandy Springs Society Elegant Elf, the Sandy Springs Festival, the Sandy Springs Challenge, and the Community Action Center's Food and Fun Festival.

Mayor Galambos asked that the Gas South bills be mailed in a Gas South envelope and not a City of Sandy Springs envelope.

(Agenda Item No. 13-180)

2. Consideration of Acceptance of Grant Award GA-2014-000-00286 from Governor's Office of Highway Safety for H.E.A.T Unit

Assistant City Manager Eden Freeman stated this is the acceptance of a grant award from the Governor's Office of Highway Safety to continue the operation and funding of the Sandy Springs Police Department's H.E.A.T. unit. This funds the DUI enforcement efforts in the City. The City is receiving \$75,700. The grant requires a 50% cash match which is met through the existing officer's salary and benefits. This is the fifth year the City has received this grant award.

Councilmember Tibby DeJulio asked what H.E.A.T stands for.

Assistant City Manager Freeman stated H.E.A.T. is Highway Enforcement of Aggressive Traffic.

Councilmember Gabriel Sterling stated he is confused by two numbers on the memo. One is \$101,600 and \$75,700, and then a 50% cash match which would be \$151,400.

Assistant City Manager Freeman stated staff applied for a \$101,000 grant and the City was asked to reduce the request, which reduced the amount to \$75,700. The \$75,700 is the federal dollars the City will receive. The City is required to provide 50% of the \$75,700 in a cash match.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-180, Acceptance of Grant Award GA-2014-000-00286 from the Governor's Office of Highway Safety for H.E.A.T Unit. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2013-10-61

(Agenda Item No. 13-181)

3. Consideration of Approval of a contract to construct Project T-0040, Glenridge Widening Project Subject to Validation and Approval by the Legal and Finance Departments

CIP Unit Manager Marty Martin stated earlier this month staff opened bids for project T-0040. This is a capital project between the intersections of Royervista Drive and High Point on Glenridge Drive south of I-285. R.J. Haynie was the lowest of the five bidders at \$564,668. The first project began as a sidewalk program project in FY10. Staff began design studies on the project at that time. Georgia Power, who owned the four parcels south of Glenridge between Royervista and High Point, decided to get out of the home rental business and demolish the homes on the property. Opportunities became available for the City to look at something larger and more impactful than a simple sidewalk project and this is where T-0040 began. The design began on the project earlier this year and right-of-way was secured from Georgia Power to build the project through an encroachment agreement. The utilities will relocate because this is a roadway widening based on franchise agreements. With the bid opening the bid costs were higher than the money budgeted for the project. The current working estimate was off by about \$140,000. The amount is 20% higher, which reflects a trend that staff has seen for the past two small sidewalk projects where the low bid is truly at the budget estimate. Typically, the low bid is expected to be lower than the

working estimate. The database the City has tracks two years of history of construction bidding. As market prices are now rising, the database needs to catch up with those.

Councilmember Dianne Fries asked if staff has plans to make those adjustments.

CIP Unit Manager Martin responded yes. Staff will try to forecast a trend with the upcoming bid openings on where the costs are headed. The FY10 project was tabled due to a lack of funds for construction purposes with the anticipated inception of project T-0040. The project funds still remain in the sidewalk program available for work at this site as Council approved for the FY10 program. Staff recommends awarding the contract to R.J. Haynie pending further review of legal staff and reallocation of funds out of the sidewalk program for the earlier project to fulfill the bid requirements.

Mayor Eva Galambos asked if there is money in the capital project for the widening of Glenridge.

CIP Unit Manager Martin responded yes, and the sidewalk program.

Mayor Galambos stated the City has money for the sidewalk, but is there additional money for the widening.

CIP Unit Manager Martin responded yes, there is \$434,000 available in the capital program budget for T-0040 and the sidewalk program money will address the shortfall.

Councilmember Fries asked if staff wants to move the money to project T-0040 for the sidewalk in this area, which is in the same area, to combine the whole project.

CIP Unit Manager Martin responded yes.

Councilmember Chip Collins asked if there is a sidewalk in this project right now.

Councilmember Tibby DeJulio responded yes. The project was only going to be a sidewalk and now it is going to be road widening and the sidewalk.

Councilmember Gabriel Sterling asked if the \$140,000 was allocated specifically for this section.

CIP Unit Manager Martin responded yes. The area will become a consistent lane structure to the medical complex.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-181, Approval of a contract to construct Project T-0040, Glenridge Widening Project Subject to Validation and Approval by the Legal and Finance Departments. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2013-10-62

REPORTS

1. Mayor and Council Reports

City Manager John McDonough stated staff has one last tornado warning siren site to be located near North Springs High School. The siren will be across from the high school to the west side of Roswell Road. Staff found a parcel of property and the owner is willing to sell. The agreed upon compensation is \$4,500. An action item for this property will be before Council in two weeks.

Councilmember Gabriel Sterling asked where the property is located.

City Manager McDonough stated there is a gas pipeline that sticks out of the ground that has an orange cap on it and the property is right next to that, before reaching the intersection.

Councilmember Sterling asked if this property is behind the Ray Boyd properties.

City Manager McDonough stated this property is behind a commercial property and right next to a residential property. The person selling it is a residential property owner. This area is on the south side of Dalrymple towards Roswell Road.

Councilmember Chip Collins asked if any homes will be in direct line of site of the tornado siren.

City Manager McDonough stated the only homeowner that will be able to directly view the siren is the gentleman selling the property. The siren will be surrounded by trees.

2. Staff Reports
 - a) Second Registered Voter List Analysis

City Manager John McDonough stated City Clerk Michael Casey has been working on updating the voter registration list in which significant progress has been made. There are still about 400 errors in Districts 5 and 6 that are being worked on. Staff will have another update on this item in two weeks.

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION – Litigation and Real Estate

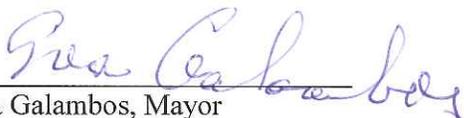
Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss litigation and real estate matters including Director of Community Development Angela Parker. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session began at 7:06 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 7:27 p.m.

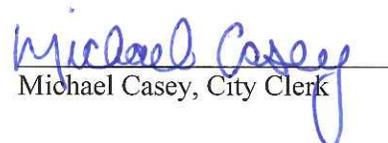
ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 7:27 p.m.

Date Approved: October 15, 2013



Eva Galambos, Mayor



Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

October 1, 2013

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 1st day of October, 2013, 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.

Eva Galambos

Eva Galambos, Mayor

Sworn to and subscribed before me,
this 1st day of October, 2013.

Kelly L. Bogner

Notary public (SEAL)

