

Regular Meeting of the Sandy Springs City Council was held on Tuesday, September 17, 2013, at 6:00 p.m., Mayor Eva Galambos presiding

INVOCATION

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

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:04 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

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Regular Meeting agenda for September 17, 2013. Councilmember Sterling seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 13-163)

1. Meeting Minutes:
 - a) September 3, 2013 Regular Meeting
 - b) September 3, 2013 Work Session*(Michael Casey, City Clerk)*

(Agenda Item No. 13-164)

2. Confirmation of Administrative Modification **201302757** - 145 Cliftwood Drive, *Applicant: Custom Sign Factory*, to delete condition 3.g. of Z87-0028 related to signage
(Angela Parker, Director of Community Development)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for September 17, 2013. Councilmember Paulson seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. PCID Update on PTO Program – Public Works

Director of Public Works Garrin Coleman stated this presentation is an update on a project that was brought to Council on February 7, 2012. This is a partnership between the City and the PCID. GDOT started a traffic optimization program called RTOP. This program has ten corridors of regional significance and one of those is Roswell Road. The program was successful and expanded to include major employment centers. PCID sought a grant, received the grant, and formed a five person committee that oversees the grant. The committee consists of one representative each from the cities of Sandy Springs and Dunwoody as well as DeKalb County and two representatives from the PCID.

Yvonne Williams, President and Chief Executive Officer of the PCID, thanked the Mayor, City Council, and City Manager. There was a vision of this project for three years and there has been a major return on investment. Mr. James, with Kimley-Horn, is in attendance this evening. Her staff can track statistics of what drivers are saving in fuel costs and travel time. This program includes a \$3 million grant and is in the first year of the project. The objective of the project was to improve traffic congestion in the Perimeter area. There are funding applications, a Sandy Springs resolution, and the PCID received a \$2.8 million grant from GDOT for this pilot program. This is a three year program with the cities of Sandy Springs, Dunwoody, and Brookhaven. The project will look at the fiber optic gaps and also the ability to tap into the City's traffic monitoring system and upgrade signal equipment. GDOT plans to highlight this program as a major pilot success story. The multi-jurisdictional connectivity is important because we do not travel and stop at boundaries. There are 76 traffic signals between the three cities. Sandy Springs is the signature traffic control monitoring system to support the program. The cities of Dunwoody and Brookhaven support the program with their resources. There are monitoring capabilities for remote access to the 69 traffic signals. Over 91% of the traffic signal system is now online. Ninety-five percent of the PTO system is communicating and being actively managed by Sandy Springs. There are thirteen cameras currently online in Sandy Springs and eight cameras in Dunwoody and Brookhaven will be online this fall. This will be the optimization of three major corridors that include Ashford Dunwoody Road, Peachtree Dunwoody Road, and Perimeter Center West/Abernathy Road. Future coordination will be phased into Phase II of the project as well as Phase III of the grant programs. The average vehicular delay is reduced in the corridors by 29%. Motorists using the corridors during the peak time are saving hours of travel time. The objective is to increase efficiency and improve safety in this area with partnerships and grant leverage. She will be presenting this progress report to the GDOT board in March 2014. The big win is the diverging diamond interchange that has been tied into the project and the Hammond half diamond ramp. She thanked the City and invited them to the grand celebration of the Hammond landscape. This project is now #4 in the nation in popularity.

Mayor Eva Galambos thanked Ms. Williams for the update.

PUBLIC HEARINGS

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

(Agenda Item No. 13-165)

1. **201301778** - 611, 641, 661 Mabry Road, *Applicant: Traton Homes. LLC*, to rezone from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for a 20 lot subdivision.

Councilmember Karen Meinzen McEnerny stated she needs to recuse herself from the Spalding Woods rezoning due to an imprudent email in which she stated her opposition to this case which unfairly prejudiced the applicant.

Manager of Planning and Zoning Patrice Dickerson stated this is a request to rezone the subject property from R2 single family to R4 to allow for a 20 lot subdivision. Staff is recommending approval conditional of the request to a level less than what the applicant is requesting. At the Planning

Commission hearing the applicant presented an 18 lot subdivision request. Based on that plan, the Planning Commission has recommended deferral of the case.

Nathan Hendricks, representative of the applicant, stated the applicant originally asked for a 20 lot subdivision. The City's Comprehensive Land Use Plan recommends residential development on the property at a density range of 2 to 3 units to the acre. The 20 lots would be 3 units to the acre. The applicant modified and revised the site plan down to 18 lots. The eighteen lots average 13,490 square feet to the lot. In addition, the lots that are facing Mabry came through with eighty percent of each of the lot frontages directly across from Mabry. There was a strong desire to reasonably have the lots on the southerly side of Mabry not be out of sync with the northerly lots. There is a representative of the homeowners from the northern side of Mabry that recommends support of the eighteen lot plan. There is still a disconnect with staff's recommendation and with comments coming from the community. Deferral of the application at this time in order to engage with City staff and the community would be a benefit. The parties can see if there is the ability to come closer to a plan that everyone supports. He asked Council to defer the application back to the Planning Commission and then come back to Council for consideration.

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

Kevin Best, 7080 Glenridge Drive, stated he is a twenty-six year resident of Sandy Springs. His home is about 200 yards from this proposed development. He and his wife moved to Spalding Woods subdivision in order to be in an older residential area. They sought a neighborhood with a distinctive character, architectural variety, trees, and low density housing. The proposed development is essentially part of Spalding Woods. At an R4 level there is nothing about it that is consistent or compatible with what currently exists in Spalding Woods. He respects the applicant's desire to make money, but that is probably the applicant's only desire. The proposed development at R4 is not in the best interest of the people that would live there, given ingress and egress safety issues. The proposed development is also not consistent with stated policies and objectives of Spalding Woods. It is impossible to reconcile an R4 development at this location with concepts like protecting established neighborhoods and preserving trees. Approval of this application would be a defacto admission that there is no serious intent to enforce or abide by these types of policies. In reviewing the applicant documents there was a list of twenty-five objections that were raised by the community. These issues include density and lack of compatibility with Spalding Woods. One issue is the ingress safety issues associated with the proposed driveway serving ten to twelve homes off a dangerous area off Glenridge Drive. There is only one reason that the public supports the proposed development and it is the potential increase in property values. If personal financial gain is the only reason to support the development, then in reality there is no reason to support it.

Mayor Galambos asked if Mr. Best has anything to say regarding the deferral possibility.

Mr. Best responded no.

Robert Barger, 680 Mabry Road, stated he and his wife have lived in their home for twenty-eight years. Having lived through the Fulton County experience, he does not want to see this repeated again. He thanked the Mayor and Council for leading the community past that. Many voted to incorporate Sandy Springs due to concern for the neighborhoods. The residents want the neighborhoods to remain protected and free from the arbitrary zoning decisions that were made by Fulton County. The neighborhood wants to maintain its status as a protected neighborhood and maintain the same density. A protected neighborhood should remain as it is stated in the City's Comprehensive Land Use Plan. The neighborhood has documented their feelings as part of the agenda package. A survey was done in the neighborhood. The results of the survey are overwhelmingly to maintain the density as it is now and to

remain a protected neighborhood. He asked Council to review this and listen to the neighborhood's wishes.

Ebel Reyes, 215 Brackenwood Circle, stated this is he and his wife's second home in Spalding Woods. They lived in their first home for ten years, which is located on North Green Drive. His family loves Spalding Woods because it has a lot to offer. His current home is on a half-acre lot at .494 acres. The acreage of their previous home was similar in size. Most of the homes in Spalding Woods are indeed on similar half acre lots. He welcomes the applicants desire to build infill houses. He would like the homes to be built on lots similar to the lots in Spalding Woods. Page 4 of the agenda item shows current density in Spalding Woods of 1.35 homes per acre. The proposed development of 18 homes, where three currently exist, will be twice that density at 2.7 homes per acre. This development being in the middle of Spalding Woods would be out of place. These large "cookie cutter" style homes will be built on very small lots with a retention pond. This would degrade Spalding Woods special character. He was under the impression that a protected neighborhood status is designed to prevent this type of high density infill from happening. With respect to a poll that was recently taken by Spalding Woods Homeowners association members, the majority voted against this high density infill. He encourages the development of infill property, but the developers must keep lot sizes similar to what currently exists. He asked that Council deny this applicant's request. He asked that Council move forward with the decision instead of deferring to the Planning Commission.

Tochie Blad, 7320 Hunters Branch Drive, stated she lives in The Branches, which is also a protected neighborhood. There has been a lot of success in her community with similar homes being built on the same size lots. The area being discussed was platted together and is all Spalding Woods. If this application is approved, it is opening this up to other communities such as The Branches and Mount Vernon Woods. This is not the area for this type of development. If the traditional ranch homes need to be removed and other homes constructed, that is an option. Sandy Springs became a City to stop some of the infill and unyielding development.

Trisha Thompson, 145 River North Drive, stated she is the Zoning Chairman of the Sandy Springs Council of Neighborhoods. Spalding Woods is a protected neighborhood and that is enforced. This is a major plank of the upcoming election campaign. The proposal is even being called a subdivision. She asked that Council vote to deny this application before moving on to the consideration of deferral.

Mr. Hendricks stated this property is not a part of Spalding Woods. To the other side of Glenridge and on the northerly side of Mabry there is R4A zoning that is in place. The applicant has undergone more than the normal amount of surface water retention evaluation associated with rezoning. The issues and problems that exist in place in the area have been known to the applicant. Through the applicant's review and analysis of the situation there is a detention pond recipient of surface water flow. This will not only be able to serve the proposed development, but will also be a benefit to the problems that exist in the area. With the level of housing being proposed by the applicant, the upper \$600,000 to upper \$700,000 is not a cookie cutter development. These homes would be a good value enhancement to the area. As noted earlier, the purpose of infill development is to not be terribly out of sync with the development in the area. The development on the westerly side of Glenridge is zoned CUP with minimum lot sizes of 18,000 square feet. The present plan of the application results in 18 lots with an average lot size of 13,490 square feet. The modification and adjustments were made to the lots that are on the southerly side of Mabry in order to come up with what is suggested as to the protected neighborhood initiative with the lot width being 80% of the lots directly across the street. There will be merit to the deferral to be able to continue the dialog with the applicant being engaged and engaging the sellers. He requested the application be deferred and go back to the Planning Commission and then come back to Council for final consideration.

Mayor Galambos closed the public hearing.

Councilmember Gabriel Sterling stated he is happy to see the residents from Spalding Woods to hear their voices this evening. He sent an email out to about 150 Spalding Woods residents. He is loath to see politics introduced directly into this application by having his opponent and the head of Sandy Springs Council of Neighborhoods asking Council to deny this application. That is not how the City does business at all. A deferral to the Planning Commission has been asked for in the past due to lack of timing. The Planning Commission is asking to look at the 18 unit staff recommended plan, which they have not had a chance to review, yet. He could move to deny this item and not get a second or get a second and have the motion voted down. It would be politics and it would be silly. He is here to govern the majority of the people he has talked to in Spalding Woods who want something done with the three lots. The Spalding Woods residents believe that 18 units are way too many. He will defer this item to the next City Council meeting so there can be more conversations between the sellers, developers, and the neighborhood. Having the Sandy Springs Council of Neighborhoods zoning chairman call to ask him what to do on this application is even more offensive.

Motion and Second: Councilmember Sterling moved to defer Agenda Item No. 13-165, 201301778 - 611, 641, 661 Mabry Road, *Applicant: Traton Homes, LLC*, to rezone from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for a 20 lot subdivision, to the November 19, 2013, City Council meeting. Councilmember Fries seconded the motion.

Councilmember John Paulson stated this survey was interesting in that 119 people responding to this survey is impressive. Forty-six percent think 13 units is acceptable, twenty-six percent think 15-16 units would be acceptable, and the staff recommendation is that 14 units would be acceptable. It appears 13-14 units are about right for the lot sizes. This application is worth revisiting and sending back to the Planning Commission, but in the meantime everyone should talk about what can be acceptable for both sides.

Councilmember Dianne Fries stated 18 units is trying to pack too many units on a lot. She hopes the applicant is open-minded when moving forward with discussions with the neighborhoods.

Councilmember Sterling stated there are three existing wells on that land. He asked staff to look at the hydrology reports. There are questions about the potential of being on septic versus sewer. Fulton County just placed a new moratorium that anything smaller than an acre being on septic again cannot be redone.

Manager of Planning and Zoning Dickerson stated the property may be existing septic, but the property would have to be changed to sewer.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 13-166)

2. **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 is a request to rezone the subject property from R2 single family to R3 for the development of a five lot subdivision. Staff and the Planning Commission are recommending denial of the request. Following the Planning Commission hearing the applicant submitted a request to change the application to remove one of the parcels and change the request to allow for R2A zoning for a two lot subdivision on the remaining parcel. Staff has not done a full analysis of that, but did include in the staff report they will support the change.

Jeff Spillane, applicant, stated he grew up on the parcel at 4920 High Point Road, which is less than 2 acres in size. He originally approached the neighbor John James who has slightly over one acre of land

about combining the two parcels into a tract slightly over three acres in size. This request was asking for five half acre lots. They thought it was consistent with the neighborhood. He spoke to every neighborhood that abuts this piece of property letting them know what he planned on doing and asked for their support. Most neighbors were comfortable with the plan. Ron Malford has the most frontage. Mr. Malford has 330 feet of common space and he was comfortable with five lots. The other neighbors have concerns and would like to see two lots instead of three lots. He has now modified the plan to show two lots instead. Mr. James has withdrawn his property, 4940 High Point Road, from the request. Only 4920 High Point Road will be involved in the redevelopment to R2A of two lots.

Mayor Eva Galambos asked if the only thing left on the petition is Mr. Spillane's lot. She asked what the size of the lot is.

Mr. Spillane responded yes. The size of the lot is just less than two acres.

Mayor Galambos asked what the size requirement is for R2A zoning.

Mr. Spillane stated R2A by the Sandy Springs code is 27,000 square feet.

Councilmember Karen Meinzen McEnerny stated each lot is averaging 40,000 square feet.

Mr. Spillane responded yes. He used Ron Grudger as his surveyor and asked for the parcel to be split into two lots. Mr. Grudger suggested he apply for R2A zoning.

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

Brian Wilson, 575 Highbrooke Drive, stated he and his wife reside south of the subject parcel. He is here on behalf of the eleven individuals that wrote and signed a letter in the agenda package that support the two lots on the 4920 property. He asked if the James property is no longer on the petition, will it be subject to the twelve month ban in bringing another zoning case to Council.

Manager of Planning and Zoning Dickerson stated if Council chooses to remove 4940 High Point Road from the action, it will be able to come back to the City for a rezoning immediately. This action would be considered a withdrawal and not a denial.

Mr. Wilson stated he spoke to Mr. Spillane on a few occasions and Mr. Spillane stated he would be using public sewer on the property. There is currently no public sewer adjacent to just his property, but instead he will need to get access through the James property. He asked if Mr. Spillane's intent is to get an easement to build a sewer.

Mayor Galambos asked if R2A zoning requires sewer connections.

Manager of Planning and Zoning Dickerson stated the county requires anything less than one acre to have sewer connections. Mr. Spillane would have to work that out during the permitting process.

Mr. Wilson stated he is more than happy to endorse the two lot rezoning. He does not want to see the subdivision of Mr. James property come back through Council for the zoning process.

Mayor Galambos stated staff cannot give that guarantee, because City procedures would allow the application to come back before Council.

Mr. Wilson asked if the procedure allows for someone to file a case on a particular piece of property under a particular zoning and change that.

Mayor Galambos stated the application may be withdrawn today.

Councilmember Karen Meinzen McEnery stated Council could decide not to approve the withdrawal.

Councilmember Fries responded that is true. Council is allowed to make the decision to withdraw that one property. Council can pass that as a motion and then whoever owns that property has the ability to refile a rezoning application and come back before Council. Council could also approve to not separate the two property addresses and move to defer both, or approve the application, or deny it.

Councilmember Meinzen McEnery stated the application could be allowed to be withdrawn with prejudice, which means the application for that property could not come back for a year.

Assistant City Attorney Cecil McLendon stated the City rules allow if an applicant requests withdrawal of a zoning application, Council can approve that. One applicant could ask to withdraw and amend a petition and move the other petition active. The rules on that are not discretionary. If the application is withdrawn there is no time limit, if action is taken there is a time limit.

Mr. Wilson stated the neighbors endorse two lots on this property, but were surprised to see the James property being developed as part of it and there is concern about that. There is a design issue with the sewer. An area along High Point Road will be required to be removed and many trees will come down.

Councilmember Chip Collins asked if Mr. Wilson's preference would be that the other property be subject to the twelve month period before refileing.

Mr. Wilson responded yes.

Councilmember Collins stated that seems reasonable to him, since the other property owner was part of the original application. The property owner of 4940 High Point Road is not in attendance this evening to even request withdrawal of the application. He would support an approval of 4920 High Point Road and denial of 4940 High Point Road, so the owner is subject to the twelve month time period.

Bill Gannon, 505 Taunton Way, stated the High Point Civic Association's position on this issue is they would prefer to maintain an R2A along High Point Road. The Association supports the individual affected neighbor's opinion. The Association does not have an issue with Mr. James. When an individual withdraws from a zoning case, it has been rare that Council has taken something with prejudice. The Association does want development in this area, but not over development. This is dramatically different than the previous zoning case. On Peachtree Dunwoody Road, Mr. Hendricks had a client that wanted thirteen homes on one site. The market handled that situation and there will now be one home.

Mayor Galambos called for public comments in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

Councilmember Tibby DeJulio stated the west side of High Point Road has been protected and preserved as one acre lots at R2 zoning. If Council approves this application at R2A, this will be a precedent for any new applicants.

Assistant City Attorney McLendon stated that will always be a factor to bring into the conversation. The question of whether the zoning would have to be done on the other side of the street would depend on that particular case. When referring to precedent, if that means something absolutely happens in the future, absolutely not, but it would be relevant.

Councilmember DeJulio thanked Mr. Spillane for changing the request to two parcels. The other piece of property his parents owned on the corner has been developed as a one acre house with a very beautiful home. On that side of High Point Road there was a need and demand for larger lots and larger homes.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 13-166, 201301810 – 4920 High Point Road, *Applicant: Jeffrey C. Spillane*, to rezone the subject properties from R2 to R-2A to allow for the construction of two (2) single family lots approximately 1 acre in size, conditioned to the site plan received by staff on August 30, 2013, and to withdraw the portion of the application pertaining to 4940 High Point Road. Councilmember Fries seconded the motion.

Councilmember John Paulson stated he finds it awkward to punish the applicant that originally joined the application and then decided he did not want to move forward.

Councilmember DeJulio stated from his understanding this gentleman had no previous intention of selling his property or moving from his property and was only doing this because the property owner next door was.

Councilmember Gabriel Sterling asked if the property will be zoned R2A because it is not quite R2.

Manager of Planning and Zoning Dickerson stated the applicant cannot meet the one acre lot size requirement for R2. The lots are not quite half an acre; one is a little bit smaller than the other one.

Councilmember Collins stated in balancing everything, it is not fair to subject the neighbors to the possibility of having to go through this process starting as early as next month. The twelve month waiting period is entirely fair. Mr. James had an opportunity to convince Council why he should be allowed to withdraw from the application or convince Council as to a specific zoning on this property, but he chose not to. In the law there is a price for filing lawsuits and then dismissing them and costs are to be paid before filing again and sometimes you cannot refile at all. The message needs to be sent if an individual is going to put staff and the neighbors through the process of a zoning case, then they need to see the case through and attend the hearing or there is a consequence.

Friendly Amendment to the Motion: Councilmember Collins offered a friendly amendment to the motion to deny, instead of withdraw, the rezoning of 4940 High Point Road. Councilmember DeJulio accepted the friendly amendment. Councilmember Fries withdrew her second to the motion. Councilmember Meinzen McEnery then seconded the original motion.

Councilmember DeJulio asked if Council can deny half of the property and approve the other half of the property.

Assistant City Attorney McLendon responded yes. It is in Council's discretion once the application is before Council.

Councilmember Meinzen McEnery stated she will speak on the motion as amended. Having gone through the JLB/Windsor Parkway situation, she does understand the toll on the neighbors, the neighborhood, the Sandy Springs Council of Neighborhoods, and staff when Rezoning keep coming back. The crazy thing about some of the zonings that are in the residential neighborhoods is the fact that a property can be R3, but the lots can be much larger than 18,000 square feet. In this case, directly to the east of Mr. Spillane's property is 560 High Brook Drive, which is zoned R3, but is a 37,000 square foot lot. This lot is zoned at a lower density than Mr. Spillane's property. There are three lots in this area that are about 37,000 square feet. She urged staff when looking at the zoning to look at the size of the lot. She likes the fact the zoning is being conditioned to specific size lots. That would be what is stated in the future, if there is a precedent. She is slightly concerned about the R2A. As long as the property is

conditioned to the size of the lots, she will support the application as well as the denial of the James property.

Councilmember Dianne Fries stated on the other request there was a zoning application that was not followed through with. This application is just changing. The application is changing in a fashion that works well with the neighborhood. She does not feel that the other applicant just disappeared on this application. The other applicant paid fees on this application and will have fees to pay to the City if they come back again with a new application. Mr. James knows what type of zoning will be expected for this property. She doubts Mr. James will apply for this zoning type if Council is not approving it this evening. She does not support the amendment that was presented due to it being an unnecessary punishment.

Councilmember Sterling asked what the lot sizes are for both properties for the site plan that was submitted August 30th. If both properties are zoned R2A, could one property be zoned R2 and one zoned R2A and still have the lot sizes, without having to change the zoning designation.

Manager of Planning and Zoning Dickerson responded no. One lot is 27,000 square feet.

Councilmember DeJulio stated the lot size has to be 37,000 square feet.

Councilmember Sterling asked how large are the actual lots.

Manager of Planning and Zoning Dickerson stated 27,000 square feet is the R2A minimum size for a lot.

Councilmember Sterling asked how big are the actual lots.

Councilmember DeJulio asked what are the sizes of the two lots that are before Council.

Manager of Planning and Zoning Dickerson stated the numbers are wrong on her documents. One lot is shown at 35,000 square feet.

Councilmember Meinzen McEnerny stated the difference between 86,000 and 35,0000 is 52,000 square feet.

Councilmember Sterling asked why 52,000 square feet would be allowed for the R2A zoning.

Manager of Planning and Zoning Dickerson stated the City will require right-of-way dedication, so she believes the surveyor has taken that into account.

Councilmember Sterling asked if the right-of-way is for sidewalk.

Manager of Planning and Zoning Dickerson responded yes, and any road improvements. This would reduce the size of the lots. One lot size is 36,000 square feet and the other is 27,000 square feet.

Councilmember Meinzen McEnerny stated she is not satisfied with those math numbers.

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

Councilmember Fries asked Mr. Spillane if he knows the size of his lots.

Mr. Spillane stated he has been working with Ron Gudger. This was a plan he put together and he suspects Mr. Gudger made an error in the actual calculation. The plan shows less acreage than what is truly there. There is 1.982 acres in the original plan for 4920 High Point Road. Revisions were being

made to the plan to see if he could get approval from the neighborhood. This was the last site plan Mr. Gudger drew and he emailed it to City staff in a timely manner in order to distribute it to Council.

Councilmember Fries asked if it would be appropriate to make a substitute motion to defer this item to the next City Council meeting until staff can clarify the square footage of the properties.

Assistant City Attorney McLendon stated that can be done.

Substitute Motion and Vote: Councilmember Fries moved to defer Agenda Item No. 13-166 201301810 - 4920 & 4940 High Point Road, *Applicant: Jeffrey C. Spillane*, to rezone the subject properties from R2 to R-3 to allow for the construction of five (5) single family homes to the October 1, 2013 City Council meeting. Councilmember Paulson seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

(Agenda Item No. 13-167)

1. Lost Corner House Stabilization Design

Director of Recreation and Parks Ronnie Young stated several months ago through the City's procurement process the City engaged the Macallan Group as the design/build contractor for the renovation of the Miles house. The goal was set to protect the integrity and historic value of the house and upgrade the structure to meet current building codes. This would allow the facility to be used for public meetings and recreation programming. In order to accomplish this goal, staff concentrated on the following issues: moisture elimination, mold elimination, asbestos elimination, and no damage to the historic significance of the building. The planning process included staff, design professionals, Friends of Lost Corner, Sandy Springs Conservancy, and others from the community. Being presented tonight is the design plan and asking Council for questions, input, and further direction. One option for the property is to move into the complete upgrade and stabilization of the facility in order for it to meet current codes and be used by the general public. The other option would be to spend less money on the stabilization, but it would not meet codes and could not be used by the general public. There has been discussions regarding the restrooms in the basement of the house to service the outside users of the park. There are three options that could be used for the restrooms that would service users of the property. The restrooms could service the walkers, general park users, and the community garden users. Included in the presentation is the addition of two restrooms in the basement of the home. This fits with the design and is the most inexpensive way to provide restrooms with sewer, electricity, heat and water. Option two would be to use outdoor porta potties. Option three is what is being shown on the screen. This is an actual picture of the restrooms that will be placed in the Big Trees Park. The only difference is these restrooms can be located away from the house at the northern end of the park closer to the trail. There is a cost difference between the restrooms in the house and the free standing restrooms.

Jay Rhoden, representative of The Macallan Group, stated he is the principal of The Macallan Group. They have worked with Director of Public Works Garrin Coleman and Director of Recreation and Parks Young for about one year on this project. This is a design/build contract. The Macallan Group is a full service general contractor located in the metro Atlanta area. His company has also partnered with KW Architecture. The Macallan Group has historical preservation experience. One project that his firm completed was the Clarkston, GA, City Hall annex. He referenced the slide of the historic house from the 1880's that was donated to the City. The project cost was about \$600,000 for renovation. This project is similar to the condition and age of the Miles house. He referenced the photograph of Lee Farm Barn in Gwinnett County, GA. The Macallan Group took apart the 5,000 piece barn, moved it ten miles, and reconstructed the entire barn. He referenced a photograph of a full scale city block in downtown Roswell, GA that dates back to the 1880's.

Mayor Eva Galambos asked Mr. Rhoden to specify the location of the renovation in Roswell.

Mr. Rhoden stated the renovation is located near Sloan, Vickery, and Mill Street, adjacent to a city park and east of the Roswell square. The existing old mill buildings were preserved as well. The floors were lowered and new construction was added around it. He worked with the Historic Preservation Commission and the City of Roswell to preserve the existing structure. Townhomes were then built out of the existing structures and five new townhomes were added for a total of nine units. He referenced another photograph of a 1920's building in Ansley Park called One South Prado. This project was an interior renovation. He referenced a slide that includes the history of the Lost Corner project. He referenced the current elevation photos of the Miles house as it exists today. There are issues with the house that have been addressed. The initial phase of work has been completed which is the design phase of the proposed project. Mr. Wehrell will discuss the renderings of the new floor plan. The last slide of the presentation is a conceptual breakdown on the costs.

Kye Wehrell, representative of The Macallan Group, stated the project is exciting due to the historic nature of the home and property. Looking at the site and building involved taking the proposed budget and trying to do the least amount to the property to preserve it and the home. The purpose is to preserve the home as it always has been, but also to give it a refreshed look. The project was analyzed in trying to make it ADA accessible, stabilize it, and make it code compliant. The project has a variety of things going on that are not code compliant and not safe. The existing roof structure is undersized. The existing roof rafters are bridged down to the ceiling joints which are plaster. The roof is sagging which causes the ceiling to sag, creating a domino effect through the whole house. The floor framing is undersized for the stands and that is sagging. There was a great deal of effort spent trying to determine what to do with the roof to stop the sagging and address other issues the home has. The best thing to do is to preserve the building with a new finished look. When looking at the existing photos compared to the finished look there will not be much difference. The reality is most everything about the windows and stucco will be fixed, doors will be replaced, lighting fixtures, plumbing, and electrical will be updated. Anything within the interior of the house that does not meet building code will be upgraded, but period specific to match the bungalow craftsman style home that it is today. There is a leaded glass tracing window on the home that will be kept on the home and worked in with the new windows. The existing roof will be removed and replaced with a new roof that will be able to support itself and not bear on the other ceiling joints in the house. The existing roof slopes, finishes, eave bracketing details, and exposed rafter tails will all be matched to the original. On the main level all fireplaces will be left and the floors will be refinished as they are. All the rooms would be basically in the same configuration that they are today. Regarding ADA compliance, one cannot enter the front door due to a six inch step on both two front entry doors. Altering the front patio is cost prohibitive and not something to do on a project like this. A ramping system will be integrated that will be a landscaped ramp that berms along the existing natural stone walls and comes to a side entry door that will be level to the building. This is the best solution to have the least amount of impact. The rooms within the building will remain the same. For code compliance, two restrooms are needed that are ADA accessible instead of the one that is not ADA accessible. He referenced the main level drawing where two restrooms will be added. That area was an existing room that will be converted into a hallway. The existing bathroom was converted into a storage furniture closet for future functions. He is trying to make the building useable and also trying to access and use the social hall, the meeting room, and library space.

Councilmember Karen Meinzen McEnerny asked if Phase II includes the current kitchen area.

Mr. Wehrell responded yes. The fireplaces will be kept the same, the floors will be refinished, and existing plaster ceiling will be left in place. When the new roof is put in place, it will be able to beam across the existing ceilings and resupport those from above.

Councilmember Gabriel Sterling asked if the chimney is fine and will be left in its current state.

Mr. Wehrell stated the existing chimney is okay. There is some cracking that will need to be repaired. The fireplace in the rear is in disrepair. It has a lot of damage and water is currently coming into the chimney. The proposal is to cut the chimney off below the roof line and keep the fireplaces within as they are. This would fix the current mold issues and stop the water from coming in. Right now the lower level and main level are having a lot of water damage to the floor system.

Mayor Galambos asked if the fireplace would still be useable.

Mr. Wehrell responded not the one at the rear of the house. The main two fireplaces in the meeting room and social hall would be usable.

Councilmember Meinzen McEnery stated the fireplace in the rear of the house is the oldest one. She asked what the age of the back part of the house is.

Mr. Wehrell stated that portion of the house probably dates back to the 1850 to 1912 time period. The oldest portion of the house is the basement and that fireplace. The masonry of the fireplace is one thing, but it has an insert of work that was done at a much later period of time.

Councilmember Meinzen McEnery asked if the front fireplace was built in 1912.

Mr. Wehrell stated the two front fireplaces were built in 1916. The walls that are darkened on the plan are proposed new walls. Everything else as far as room space is to remain as it is, other than refinishing the floors, fixing plaster on the walls, ceilings, and refinishing or installing new electrical fixtures and outlets.

Councilmember Meinzen McEnery stated she does not see on the plan where any plaster walls that are currently in place will remain.

Mr. Wehrell stated all the plaster walls will stay as is. The only walls that will change are the ones associated with the restrooms and the storage closet in the back right corner. The walls are hatched in dark black on the drawing. The light gray or medium gray are existing walls.

Councilmember Tibby DeJulio stated the only change in that one room is the closet in the back room that will be turned into two bathrooms with a hallway.

Mr. Wehrell responded correct. The library will be the same configuration as it is today, the meeting room will be the same, as well as the social hall. The back area which is noted as Phase II construction is the location of a room and kitchen today.

Councilmember Dianne Fries asked if these restrooms will be used when the facility opens.

Mayor Galambos stated she thought the restrooms would be accessible from the outside.

Mr. Wehrell stated there will be main level restrooms. The basement area also has two restrooms that were added in to be accessible from the exterior.

Mayor Galambos asked if there will be four restrooms all together.

Mr. Wehrell responded yes.

Councilmember John Paulson stated when entering the basement restrooms one cannot enter the house, only the two restrooms.

Mr. Rhoden stated the only access to the restrooms is from the exterior. This is the cheapest way to provide a restroom on the site without constructing a free standing building.

Councilmember DeJulio stated the structure will be protected because one cannot enter the structure from the basement restrooms.

Mr. Wehrell stated for the main and lower level the proposal is to not go outside of the existing main footprint at all. None of the exterior walls are changing. For the basement plan the only rooms that are changed or new are the two restrooms. The main portion of the basement, which is the lower center portion that wraps around the fireplace, is the area that currently has a dirt floor. The proposal is to install a waterproof membrane barrier and concrete floor in order to stop the moisture from coming into the rest of the building. The laundry room has the cooking area in the back end of the cellar. There is a slab in the laundry area, but there is not one in the cellar area. There was discussion of using a dehumidification system in that area and replacing the damaged wood. This area would be mostly left untouched.

Mr. Rhoden stated on this level an entire new structural system will be installed to support this level. Some of the historic feel needs to be maintained. The columns are made of lumber that will be reinstalled, but will not be structural in nature, since steel structural members will be installed.

Councilmember Meinzen McEnery asked if the floors will be dug out, so the height of the room will be the same after installing the concrete floor.

Mr. Rhoden responded yes. Some of the charm and character of the whole space is when walking around and bending over there is a six foot eight inch clearance down to four foot three inches across the area. Some of the area will be dug out, but the idea is to maintain some of the same feel and preserve it. The raw timber will be installed again, the workshop table, and everything down there now. The age and nature of the items will be nice to have back in the space. There are areas in the basement where there have been name writings on the floor joists. That will be left exposed and visible.

Councilmember Meinzen McEnery asked if she is correct that she saw new dormers going on top of the building.

Mr. Wehrell stated that is a proposed idea. The building is a bungalow style and it is typically the nature of the roof to have dormers. Portions of the main social hall do not have dormers on the roof.

Councilmember Meinzen McEnery asked if dormers are being added to the historic property.

Mr. Wehrell responded yes. Those two dormers that are shown on the front portion of the home are new.

Councilmember Meinzen McEnery asked why they are being suggested.

Mr. Wehrell stated the house itself was originally a bungalow home. The dormers will be installed to add light and create the character of what would have been more classic of the home.

Councilmember Meinzen McEnery stated this is embellishing the lily. This is a historic property. Less should be done to change it to someone's idea of what a bungalow should be. The renovation should be kept simple.

Mr. Wehrell stated the rationale was the classic form of the building. There are many buildings that someone may not have installed dormers on because they could not afford them at the time. If someone asked him to identify the first thing he would remove from this project, he would say the dormers. The

dormers were not there originally and he added them to add character to a larger mass of the roof, which would be typical of the craftsman bungalow style home.

Mayor Galambos stated in general you are trying to preserve the original design as much as possible.

Councilmember Meinzen McEnerny stated the dormers were not there originally and this is not money the City needs to spend. The dormers should be removed.

Councilmember Fries stated if the original builder did not have the money to install the dormers, maybe they did not have the money for the whole house. Should the City guess what the original builder had in mind and build it. The City should not add the dormers.

Councilmember Meinzen McEnerny stated Council loves the house the way it is. Mr. Wehrell is doing a wonderful job in keeping the home the way it is to be enjoyed for another 100 years. This company's background and experience on the relative projects is impressive. The barn interior was restored and the exterior was left as is. She is glad to see in the drawings that the importance has been recognized to preserve the layout of the existing rooms and walls.

Mr. Wehrell stated he likes the idea of Council communicating their thoughts about the house. The objective was to preserve the house and stabilize it.

Councilmember Fries stated at the side of the house shown on the proposed stabilization there are double windows. She asked if those are existing and are just being renovated.

Mr. Wehrell stated the dormer that is over the social hall is the one that Council was talking about removing.

Mayor Galambos asked about the cost of the project.

Mr. Rhoden stated the cost is a detailed estimate.

Councilmember Fries asked how much of the project can be completed with \$400,000.

Mr. Rhoden stated the goals of the project are preservation and also to open up the resource to the community for use. The cost would make the entire structure useable with the exception of the back kitchen area, which is the Phase II area. Eighty to eighty-five percent of the project would be complete.

Councilmember Fries asked about the restrooms.

Mr. Rhoden stated the four restrooms are included in the cost.

Mayor Galambos asked how much of the total cost is in the City's budget.

Director of Recreation and Parks Young responded about \$382,000.

Councilmember Meinzen McEnerny stated there is an elevation on the rear of the home that does not show a dormer, which shows in the picture. If you look at a picture of the existing building, there is a dormer that sticks out.

Director of Recreation and Parks Young stated for the proposed project two dormers will be added.

Councilmember Meinzen McEnerny stated the home should be left as close to original as possible, which means leave the dormer that is there now.

Councilmember DeJulio asked why the dormer was removed from the proposed plan.

Mr. Wehrell stated there are a variety of issues. That dormer was built at a later period and has aluminum awning windows that probably came from the 1960's. The dormer did not quite fit the roof. If the whole roof were to be built again, spending the money for that size dormer does not seem to accomplish anything, being the attic will not be accessible. This attic is not a useable attic.

Mr. Rhoden stated the dormer can be added back to the proposed plan.

Councilmember Fries stated if the restroom was built in the 1960's, she would not mind the back dormer not being put back on. She does not want to add the new dormers to the front.

Mr. Wehrell stated on the right side elevation there is also another dormer that was built at a way later period of time. There is so much that has to be done on the interior of the building to bring it up to code and stabilize it.

Mayor Galambos stated this project is currently over budget.

Councilmember Meinzen McEnerny stated Sandy Springs has first class parks in the community. The options included for the proposed restrooms are: semi below grade and not visible from many of the activity areas; temporary port-a-potties; or adding a first class restroom facility similar to the other City parks. She asked which would be the safest for families, children, and ladies to use.

Director of Recreation and Parks Young stated excluding the cost, the free standing restrooms would be the safest.

Councilmember Meinzen McEnerny stated for a first class park this project should include the free standing restrooms. This option would be safe and comfortable for people to use.

Mayor Galambos asked Councilmember Meinzen McEnerny if she considers Island Ford Park, which probably gets more visitors than any other park in the City, a first class park.

Councilmember Meinzen McEnerny responded no. Safety and restrooms are very important to families that use the facilities.

Mayor Galambos stated families of all ages visit Island Ford Park. The restrooms are inside of a building. They are located in the back of the log cabin house.

Councilmember Meinzen McEnerny stated those restrooms are in a building. The Miles home proposed restrooms are outside of the building below grade. They are only accessible from outside, farthest away from the gardens.

Mayor Galambos stated the Island Ford restrooms are accessible from the exterior as well.

Councilmember Meinzen McEnerny stated the City's standards that have been used for the other parks are the standard that should be used in the future when the City has the money for this park.

Mr. Wehrell stated the single use restrooms are safer than a multi stall restroom. If a facility is built with standalone stalls and someone enters the facility, they have no idea if there may be someone dangerous in

the stall next to them. When opening the door on the proposed restrooms for the home, there is nothing there but a toilet and sink. The door will be locked when the restroom is in use. These restrooms will be safer.

Councilmember Meinzen McEnery asked what about the scenario when the user opens the restroom door and a dangerous person is right outside the door waiting for the person to leave.

Councilmember Sterling stated this seems like a problem looking for an issue. The restrooms could be installed for the \$18,000 and functional for a period of time. If the park ends up getting used a lot, Council could decide to install a restroom similar to the one at Big Trees. In the future, when more money is available, that can be done. The proposed restrooms are better than a porta potty.

Councilmember Meinzen McEnery stated this would be a waste of \$18,000.

Councilmember Sterling stated it will not be a waste of money, because the restrooms will be used.

Councilmember DeJulio stated when Mrs. Miles first showed the City the property, she was very concerned about keeping the property accurate. The standalone restrooms are not representative of 1916, when her father built the house.

Councilmember Fries stated the single restrooms are the safest restrooms. The park is only open dusk until dawn. Dangerous people usually come out at night when the park is closed. Even with the standalone restrooms, a child should not be left to use the restroom alone. She asked about the photograph of the standalone restrooms that will be located at Big Trees. She cannot imagine twenty people needing to use the restroom at the same time.

Councilmember Meinzen McEnery stated the proposed restrooms for Big Trees are smaller than the restrooms at Morgan Falls Park.

Mayor Galambos stated the restrooms are a huge budget issue and budget is not being discussed this evening. No final decisions will be made until such a time when Council will review the budget to pay for the project. The restrooms will not be discussed anymore until a budget discussion occurs.

Councilmember Chip Collins stated there are historic buildings that have been retrofitted for public restrooms. These restrooms seem appropriate for the building. At Abernathy Greenway the restrooms are too big and now these restrooms are too small. The cost of a restroom being \$18,000 seems like a deal compared to the \$300,000 and three years it has taken to get restrooms in Big Trees. Council should first go with the \$18,000 option and if it's not safe or functional enough then consider a standalone restroom.

Councilmember Fries asked about the amount that is budgeted for the restrooms.

Mayor Galambos stated there is \$382,000 left in the budget for the whole project.

Councilmember Fries asked if the project has to wait until staff can find the other \$20,000 or can they begin the project.

Mayor Galambos stated when the dormers are removed from the plan the cost may come below the \$408,000. She asked the staff to work on the numbers.

Director of Recreation and Parks Young stated the Macallan Group may be able to reduce the cost with adjustments. He will speak to the City Manager about moving money from one of the other capital projects to get this project started.

Councilmember Fries stated there is no reason to wait until next July for the extra \$20,000.

Mayor Galambos asked Director of Recreation and Parks Young to get a cost that will work for this project by the next City Council meeting.

Mr. Rhoden stated he can go back and suggest some value engineering.

No action was taken on this agenda item.

Council took a five minute break at this point in the meeting.

(Agenda Item No. 13-168)

2. Consideration of Approval of the Issuance of the RFQ for the City Center Master Developer

Assistant City Manager Bryant Poole stated that staff presented a draft request for qualifications for selection of the master developer at the August 20th Council meeting. In that meeting Council gave consensus to release the draft RFQ for public review and comment. The due date was September 10th. Staff received eleven comments from various firms. The RFQ cover page where it stated "professional services of a master developer to assist the City of Sandy Springs" was changed to state "master developer to partner with the City of Sandy Springs and development of City Center". Under Section 1 of project overview an additional sentence was added to describe the Fidelity National Bank property. The ownership came to City staff and discussed potential partnerships with the developer. In Section 2.03 under professional services staff added more detail describing what those services would entail. Also indicated on exhibits A and B is the location of the Fidelity National Bank. Staff also received good comments from Councilmember Collins. Council received this evening a revised page 6 from the RFQ. In Section 2.02 developer qualifications, section A was changed adding language to imply the City wants a local or nationally experienced developer. Item D was deleted since there was a similar previous sentence. If this item is adopted by Council this evening, staff will release the final RFQ tomorrow. On September 26th at the Heritage Center staff will hold a presubmittal conference. This is where the RFQ/RFP process will be discussed focusing on items important to the City and answering questions. Upon completing the meeting, what occurred in the meeting will be published for public record. The RFQ responses will be due October 25th. Staff will then begin review of the responses. Before Council now is a resolution to authorize the process to procure the services of a master developer for the City center project.

Mayor Eva Galambos asked if up until now the City has not received any responses to the RFQ.

Assistant City Manager Poole responded that is correct. This is just the information stage point. If Council adopts this item tonight, staff will then formally release the RFQ out to the public.

Councilmember Tibby DeJulio asked if staff received any feedback from the draft RFQ.

Assistant City Manager Poole stated staff received eleven comments from four different firms.

Councilmember Gabriel Sterling asked if the firms were all local.

Assistant City Manager Poole responded generally yes.

Councilmember Sterling stated he does not want to slow down this process at all and staff should move forward. He is concerned the City has limited its ability to only look at the private sector later on. The City has looked at a public/private partnership to build out the civic facility in which the City would potentially be a permanent tenant. This would help the overall financing. He asked if the RFQ is released as is, does it limit the City's ability to work with someone to build the civic facility and the City cannot obtain bonds for the facility in the future. The RFQ is only written for the private sector section for the three lots B, C, and D.

Councilmember Dianne Fries stated she asked the City Manager about this and he stated it does not tie the City's hands.

Councilmember Sterling asked if the RFQ will limit the firms that will consider it. The RFQ does not have the public option of this being a permanent or near permanent potential cash flow source for this type of project, to where the City could lease out the property and own it at the end.

Mayor Galambos stated the fact that the City is not including anything about the financing aspect of the project could limit the City.

Councilmember Sterling stated he is referring to the public sector of the RFQ. The private sector financing is discussed in the RFQ. He asked if the City is limiting itself to firms who look at the RFQ and do not see the fifty year tenant, but instead see the same risk as with any development.

Mayor Galambos stated that could easily be changed by including the phrase that would open it up to financing the public facilities, too.

Councilmember Sterling stated that would open up the other section of land as well.

Assistant City Manager Poole stated City and legal staff can clarify the language.

Councilmember John Paulson stated this is a request for qualifications. If the City requests qualifications for the private sector, the responders may not be qualified to participate in the public sector.

Councilmember Sterling added potentially.

Mayor Galambos stated one sentence is needed stating the City is not limiting the possibility of future financing, even to the public sector.

Councilmember Fries asked if Council can make a motion to approve the issuance of the RFQ and move forward with the addition of that language and have staff correct the language.

Assistant City Attorney Cecil McLendon stated the resolution states the RFQ will be substantially in the form of the attached. If Council approves the resolution with that direction, staff will ensure the language provides the flexibility to expand the scope.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 13-168, approval of the issuance of the RFQ for the City Center Master Developer with the inclusion of language which opens up the scope of both public and private financing of facilities. Councilmember Fries seconded the motion.

Friendly Amendment to the Motion: Councilmember Paulson offered a friendly amendment to the motion to include the addition of the language "and development" following "private financing". Councilmember Sterling accepted the amendment.

Vote on the Motion as Amended: The motion carried unanimously.

Resolution No. 2013-09-54

Councilmember Collins asked if at the end of the RFQ, when responses are received, staff will select a certain number of qualified applicants.

Assistant City Manager Poole stated staff did not set a specific number.

Councilmember Collins asked if five firms are qualified, would the RFP be limited to those five firms only.

Assistant City Manager Poole responded yes.

NEW BUSINESS

(Agenda Item No. 13-169)

1. Acceptance of Grant Award 2013-DJ-BX-0668 from the Office of Justice Programs, Bureau of Justice Assistance

Assistant City Manager Eden Freeman stated staff submitted a grant application to the Department of Justice on July 3, 2013 for the Byrne JAG in the amount of \$15,384 to purchase and install an X-ray machine in the Council chambers. Staff received notice that the award had been approved on August 28th, which is a quick turnaround for the Department of Justice. Before Council this evening is a request to approve the acceptance of the award as well as a resolution to amend the FY14 budget to add this item.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 13-169, Acceptance of Grant Award 2013-DJ-BX-0668 from the Office of Justice Programs, Bureau of Justice Assistance. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2013-09-55

(Agenda Item No. 13-170)

2. a) Report on Sandy Springs Tree Canopy – Angela Parker

Director of Community Development Angela Parker stated this report was intended to be presented as part of the tree fund recommendation. The analysis was completed by GIS Analyst Josh Lontz. There were several tree canopy studies done in the past for the City. The three studies were done using Landsat satellite imagery. This is thirty meter resolution data. Each pixel is roughly a ninety square foot area. The study was done by the UGA Institute ecology natural resource laboratory. The data is good, but the resolution is not great. City of Sandy Springs staff and GIS Analyst Lontz completed the work which included three trips to Athens, GA. The 2008 study was run by the team at UGA and GIS Analyst Lontz calculated the percentage. That percentage in 2008 was 51.82% tree canopy cover. The imagery for the 2010 study is much more accurate data in which each pixel represents 1 meter. The distance went from ninety square feet to 3 square feet. There are seven panels for the City. GIS Analyst Lontz took each panel and pulled the information onto two screens. The pixel data was on one screen and the infrared photography was on another screen. Each pixel was graded and that was used to calculate the 2010 canopy cover. This study is much more accurate. This tree canopy is 59.02% for 2010. In order to compare to the earlier studies, which were done with thirty meter pixels, GIS Analyst Lontz took the one meter pixel data and moved it to ten meters and then thirty meters. The difference when looking at the information with the one meter data is about a percentage point. She referenced the old tree canopy studies done in 1991, 2001, 2005, 2008, and 2010. The 2010 data is much more accurate. Staff has discussed what caused this differential of tree canopy from 59% in 1991, down to 52% in 2008, and then increased in 2009. There was an increase in construction, which caused many lots to be cleared of trees. Since then, trees have been planted and there has been a lot of rain recently. The Landsat satellite is

available every three years. Staff believes the data will be collected again in two to three weeks. Staff should be able to get that data at the end of 2013 or early 2014. Staff will create another analysis with one meter pixels using the higher resolution.

Councilmember Gabriel Sterling asked if UGA purchases the data or if the City does.

Director of Community Development Parker stated the data comes from the National Agriculture Inventory program.

Councilmember Dianne Fries asked if staff zooms in on the one meter pixels.

Director of Community Development Parker responded yes. The work is done with City resources. The federal taxes pay for the data. The UGA Institute of Ecology has tremendously helped the City in this process. The studies will allow the City to develop a target canopy study. From the 2010 to 2013 data staff will be able to compare where the City is losing more canopy. Staff will be able to see what areas of the City need enhanced regulations. This could enable a very targeted tree planting program with tree funds and an ordinance that addresses specifics. The City has the potential to develop an award winning program based upon real data.

Mayor Eva Galambos asked if it is too early for the City to do a press release now.

Director of Community Development Parker responded no.

Councilmember John Paulson asked who knows what the tree canopy percentage is in Seattle, WA. He looked it up online today and that number is 22%. The tree canopy percentage in Portland, OR is 29%. These are major metropolitan cities. He asked how Sandy Springs compares with urban suburbs adjacent to major cities. Fifty-nine percent seems like a high number, which is good.

Councilmember Karen Meinzen McEnerny stated the handout she gave to Council shows the 2007 Atlanta data for the tree canopy.

Councilmember Dianne Fries stated this is fantastic information and the City's tree canopy number is a good number. The area in District 1 is the national forest and it is very dense with trees.

Mayor Galambos asked what two years the maps represent.

Director of Community Development Parker stated one map represents the 2008 study that shows thirty meter pixel data. The other map is the 2010 study that shows one meter pixels.

Councilmember Tibby DeJulio stated by looking at this data the tree ordinance currently in place seems to be successful. There are areas of the ordinance that need updated. He asked if 60% of City land is covered by trees.

Director of Community Development Parker stated there is impervious surface that may be covered with trees and that area is counted in the data.

Councilmember Sterling stated as much as he wants to praise the City tree ordinance, there was a downturn in the economy and there was not much construction for several years, so trees grew. To that extent, there has been a successful growth of trees from the tree plantings. There is now more redevelopment. He agrees with staff looking at the tree ordinance, especially in the redevelopment areas. One reason cities care so much about trees is because they are filters for our water. He spoke to the City arborist about giving different ratings to different types of trees. Planting a pine tree is not as good as planting an oak tree, due to filtration. Using this data and looking at where the water runoff is getting worse, staff can encourage and help subsidize proper planting to get better water and tree canopy at the same time.

Councilmember Meinzen McEnery stated by looking at where the City is not and looking at the two maps, it is obvious the tree canopies are in the neighborhoods. Anything the City can do to help preserve the canopy in those areas will be to the long term benefit of air quality, water quality, and reducing heat effect.

No action was taken on this report.

b) Consideration of Approval of Recommended Uses for Tree Bank Funds

Assistant City Manager Eden Freeman stated after the August 20th City Council meeting staff circulated an electronic ballot to Council. This ballot included the suggested priority projects to rank. The results of the rankings are in the agenda package. The agenda item memo gives the results of the ranking and also the summary of the tree fund. There is \$116,983 in the tree fund account as of July 2013. Funds are not added to that account except on a quarterly basis. There is a recap of the priority projects on the memo. Council's number one priority project is the Abernathy/Roswell Road island. That is the area across from the new townhomes at the intersection of Abernathy and Roswell Road. The number two project is the City Center street trees. The other projects in order of priority include Springs Crossing landscape, Fig Island, and Glendridge Drive. The remaining dollars will go towards Glenridge Drive.

Councilmember Dianne Fries stated she mentioned to the City Manager that the fringe trees planted near the bridge on Northridge need a new home. She suggested the trees could be replanted at Big Trees.

Councilmember Meinzen McEnery stated Big Trees has a board meeting and she will discuss it with them. Fringe trees don't grow more than forty feet tall. These trees are not canopy trees.

Councilmember Fries stated Big Trees has a lot of canopy trees. A few under story trees would be nice by the restrooms.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 13-170, the recommended Uses for Tree Bank Funds. Councilmember DeJulio seconded the motion.

Councilmember Meinzen McEnery stated she feels very strongly that a lot of the tree bank money comes from offsite mitigation, where the developer of a particular lot chooses not to replant to the thirty percent standards, so they pay into the tree fund. She is distressed seeing canopy tree loss going towards shrubbery on traffic islands instead of replanting trees. Some of the items ranked do have trees and some do not. All tree bank money should go towards tree canopy replacement.

Councilmember Sterling stated one point mentioned for Fig Island is the striping around the island. He asked if there is any possibility of using these funds to destroy the asphalt and expand the greenspace.

Assistant City Manager Bryant Poole stated staff can look and see if that option would affect traffic movement.

Councilmember Chip Collins stated this should have been addressed last time. As much as he likes beautifying the traffic islands, Councilmember Meinzen McEnery does make a valid point about the use of the tree funds. If the funds are due to the loss of trees, it seems the purpose would be to replace the trees. Using money not to plant trees, but instead to plant shrubs or landscaping, should be evaluated.

Councilmember Sterling stated he does not disagree with Councilmembers Meinzen McEnery or Collins. There are trees on many of the traffic islands and no trees on others. For the long term he wants

to use the tree bank money to go towards the planting program for the future. The City has priorities today where the money can be used.

Councilmember Collins stated Council ranked this item and this program should move forward. Council should consider for the future establishing a real policy on what to do with the funds.

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

(Agenda Item No. 13-171)

3. Nomination of a Member to the Economic Development Advisory Committee

Mayor Eva Galambos stated one person left the Economic Development Advisory Committee. Mr. Jim Comerford, who is the chairman of the committee, has recommended Mr. DeFoor. She does not know Mr. DeFoor, but she trusts Mr. Comerford's recommendation. Mr. DeFoor is in the real estate business. His resume is very astounding and he is a Sandy Springs resident.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 13-171, the nomination of Dan DeFoor to the Economic Development Advisory Committee. Councilmember Fries seconded the motion.

Councilmember Karen Meinzen McEnery stated Mr. DeFoor has an outstanding record and will be a decided asset to the committee.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2013-09-56

Councilmember Collins stated he wants to clarify to the public what the Economic Development Advisory Committee is. He has seen a few emails attempting to portray the committee as anti-neighborhood. The purpose of this committee is to help the City redevelop Class C apartments, help the City be realistic in downtown redevelopment, and filling empty retail and office space. These are goals that everyone in the City can support and identify. It is wrong to portray the committee as anything but a positive thing for the City, neighborhood, and citizens.

Mayor Galambos thanked Councilmember Collins for the comments. The Economic Development Advisory Committee has been a tremendous asset in advising the City in how to deal with the apartments that have the highest crime rates.

REPORTS

1. Mayor and Council Reports

Councilmember Gabriel Sterling stated the 24 hours of Booty bicycle race will be held October 5, 2013. This event is to raise money for the Cancer Center at Children's Healthcare of Atlanta. The race will be held through Mount Vernon Woods neighborhood. The Mount Vernon Presbyterian School is hosting the event. Last year \$191,000 was raised and this year there are hopes to raise almost \$250,000. Atlanta Falcons football player Curtis Dimitroff will be riding the first loop of the race.

Councilmember Dianne Fries stated the Mayor's Gala will be held October 10th honoring Mayor Galambos. The charity the Mayor chose for the proceeds to go to is the Anne Frank Exhibit in Sandy Springs.

2. Staff Reports

a) July Financial Report – Karen Ellis

Finance Director Karen Ellis stated in the agenda package this evening is the July financial report. This is the first month of the fiscal year. Some activity was pushed back into June as the City is currently undergoing an audit.

Councilmember John Paulson stated under City Clerk contractual services the report shows that almost \$300,000 was spent in July. He asked what that amount was for.

Finance Director Ellis stated that amount is the first installment for the 2013 election.

Mayor Eva Galambos stated some of our professional service amounts that the City usually disperses were not dispersed in some of the departments. She asked why this occurred.

Finance Director Ellis stated the City contractors bill in arrears. All the payments paid in July are actually June invoices. There is only one contractor the City paid, so that is what is shown.

Mayor Galambos stated the sales tax income numbers are still low. This is probably due to the automobile sales tax. She asked if staff received anything from the county that looks like title money.

Finance Director Ellis responded no, not yet. The numbers are down compared to last year, but historically looking at previous years, the numbers are in line. She reached out to the Georgia Department of Revenue to see when the City will receive this money. The City should receive the money in January.

Mayor Galambos stated the State started collecting the taxes on April 1st, but the City won't receive the money until January.

Finance Director Ellis stated once the money is collected, it goes to Fulton County for calculation. Fulton County then checks the numbers to make sure they are correct before dispersing funds to the jurisdictions.

Councilmember Chip Collins stated the City is not quite halfway through the Abernathy Greenway project, yet there is \$900,000 in the fund balance. He thought last month there was a fund balance of \$2 million.

Finance Director Ellis stated there is an encumbrance. Once the City awards the contract to the landscaping company that money is encumbered and the funds are considered spent, even though the expenses are not yet fully paid. The \$900,000 is the amount after the contract has been completed. The payment to the company will not show as an actual expense until the money is paid out.

Mayor Galambos stated the encumbered amounts are not reported to Council.

b) Registered Voter List Update – Michael Casey

City Clerk Michael Casey stated he was maintained contact with the Fulton County Department of Registration and Elections. This morning he received an email from the Registration Manager. The email stated all of the corrections for the Sandy Springs addresses have been entered into the State voter registration system. The Secretary of State sends an update of the voter file to Fulton County on a daily basis. He is hopeful that as soon as tomorrow or in the next two days Fulton County will have access to the Sandy Springs data, which will be sent to him. Staff will then analyze the corrections for accuracy.

Mayor Eva Galambos stated that is a very prompt response.

City Clerk Casey stated Fulton County is working diligently to try and correct the issues. There have been state wide issues that have been reported in the media regarding the new voter registration system.

PUBLIC COMMENT

Robert Barger, 680 Mabry Road, asked that Council revisit the Mabry Road flooding analysis report. The report is designated CES4009.01, dated 30 July 2012. This report states the Mabry Road storm drainage system is undersized and inadequate for the area. Tremendous flooding occurs at this location. If there is less than ten minutes of an intense rain, there is severe flooding. There is a creek and part of the drainage system is open and part is underground. The creek can rise from a trickle to five feet in less than ten minutes. The report recommends some of the drainage pipes that are now eighteen inches in diameter and thirty-six inches in diameter be expanded to sixty inches. The reason this becomes more important is due to the prospect of new development in the area. The drainage system is overwhelmed now.

Mayor Eva Galambos stated the City Public Works and Community Development Departments look at these problems as they evaluate any zoning requests.

Mr. Barger stated the cost for implementation is \$440,000. Perhaps the City could create a special drainage district and then issue municipal debt. The \$440,000 could be amortized over thirty years, which would be about \$16,000 a year.

Councilmember Karen Meinzen McEnerny asked if Mr. Barger submitted this idea to the Public Works Department.

Assistant City Manager Bryant Poole stated both City departments will review this issue.

Councilmember Tibby DeJulio asked if there is flooding in the homes.

Mr. Barger stated there has been one proposal for his neighbor where the City offered the neighbor \$40,000 to build a retaining wall. The neighbor may have accepted the offer, but now is not sure if he wants to build the retaining wall. The wall would take the water that is flooding his basement and direct it to his next door neighbor's basement.

EXECUTIVE SESSION – Litigation and Real Estate

No Executive Session was held.

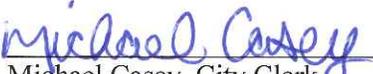
ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 8:43 p.m.

Date Approved: October 1, 2013



Eva Galambos, Mayor



Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

September 13, 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 13th day of September, 2013, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

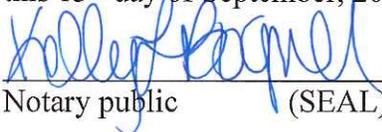
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any 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, Mayor

Sworn to and subscribed before me,
this 13th day of September, 2013.



Notary public (SEAL)