

1 **The Regular Meeting of the Sandy Springs City Council was held Tuesday, July 16, 2019, at 6:12**
2 **p.m., Mayor Rusty Paul presiding.**

3
4 **CALL TO ORDER**

5
6 Mayor Rusty Paul called the meeting to order at 6:12 p.m.

7
8 **City Clerk Coty Thigpen** reminded everyone to silence all electronic devices at this time. Additionally,
9 those wishing to provide public comment are required to complete a public comment card. Public Comment
10 Cards are available online and at the Chamber entrance and submitted to the City Clerk before the meeting
11 begins.

12
13 City Clerk Thigpen called the roll.

14
15 **Mayor:** Mayor Rusty Paul present.

16
17 **Councilmembers:** Council Member John Paulson, Council Member Steve Soteres, Council Member Chris
18 Burnett, Council Member Jody Reichel, Council Member Tibby DeJulio, and Council Member Andy
19 Bauman.

20
21 **PLEDGE OF ALLEGIANCE**

22
23 Mayor Rusty Paul led the Pledge of Allegiance.

24
25 **PUBLIC COMMENT**

26
27 **Mayor Rusty Paul** asked if the City Clerk had received any public cards.

28
29 **Coty Thigpen, City Clerk** stated that there had been quite a few received.

30
31 **Gerardo Ortiz**, 1011 Pearl Point NE – As a resident of the Dunwoody Row community of Sandy Springs,
32 expressed concern with the City’s proposal to change the GDOT prepared toll access roads at the Mt.
33 Vernon bridge and Crestline Parkway access, a concept that will definitely affect the lives for our
34 community. Dunwoody Road consists of 48 beautiful, 3-story residential townhomes, clustered together
35 in the Savannah style village setting. The City’s proposed Crestline Toll Lane Access would take one of
36 our buildings out and eight homes and eight families with it. That means eight constituents will be displaced
37 by a project that is costly and detrimental to the living standard around the area. Not to mention the impact
38 to the property values of the remaining homes. After witnessing the commitment shown by Councilman
39 John Paulson at the June 18th meeting where he advocated for saving four homes that were being displaced
40 by this project at the Pitts Road / Northridge intersection, we are confident and hopeful that the same
41 attention will be given to our community by the City Council and our District Council representative. I
42 respectfully ask the City Council to go with the Georgia DOT’s preferred Toll Lane Access Road at Mt.
43 Vernon Intersection Bridge. Please refocus your efforts on enhancing the Mt. Vernon corridor and opting
44 for the approved GDOT project that does not require any Sandy Springs homeowner to be displaced or any
45 Sandy Springs home to be demolished and use those funds to improve for the common good of the Sandy
46 Springs residents and not affect them. Let’s have a win for the City and all of our communities.

47
48 **Kevin King**, 545 Forest Hills Drive, thanked Mayor Paul and members of the City Council. Spoke in favor
49 of the Resolution on the Cultural Center for the creation of the cultural center in partnership with the
50 Georgia Commission on the Holocaust. I’m also happy to say that Rabbi New, who just spoke and Brian
51 Gersurekowitz join me in this support. Albert Einstein said that a coincidence is God’s way of remaining
52 anonymous. So, was it a coincidence that just 3 days ago, Wall Street Journal published an article titled,

53 “The New Antisemitism.” In that article, there were three pictures: 1 of a protestor in England; 2 was a
54 vandalized Jewish cemetery in France; and 3 was of the marchers in Charlottesville with White
55 Supremacists. White Supremacists don’t like a lot of people and that’s the real point. Baseless hatred
56 against any group will spread to many other groups. I support the Cultural Center resolution for three
57 reasons: (1) it’s good for business. Georgia Commission for the Holocaust, including the Anne Frank
58 Exhibit, and other rotating exhibits will bring visitors to Sandy Springs hotels, restaurants and businesses.
59 When it’s opened in its new space, bigger, better parking, it’s going to bring a lot of people. In WWII in
60 Europe, about 11 million citizens died in Europe at the hands of Nazi Germany. In addition to 6 million
61 Jews, there were also Russians, Poles, Serbs, disabled Gypsies, homosexuals and political opponents.
62 Further, about 100,000 American soldiers died and 600,000 were injured. So, there’s a big piece of America
63 that would be interested in this program. The United States Holocaust Museum in Washington has been in
64 business since 1993 and has drawn millions of visitors. Most importantly, they just published their statistic
65 that 90% of their visitors were not Jewish. These programs have a broad appeal. (2) Education. I like
66 teaching, what is good about civil discourse and tolerance, and what is bad about intolerance, racism and
67 violence. Unfortunately, these still exist. The education of our school children is so important to prevent
68 further repetition. I understand there are some that think this is okay to do, that it is not a city government
69 function. But, it is. The state of Georgia has a government function when it runs the University of Georgia
70 system. The City of Atlanta has the Atlanta Public Schools. Fulton County has Fulton County schools.
71 Education is a government function; and the Georgia Commission on the Holocaust will educate a lot of
72 people. (3) The Holocaust was perpetrated by Nazi Germany; it was a government; it wasn’t a private
73 enterprise. It the function of government now to rebuke that and to teach the contrary.

74
75 **Maurice Hoetting**, 88 Long Island Place. I am a retired architect and I’ve lived in Sandy Springs for 40
76 years. I’m here because of the North End Redevelopment and the two RFPs (Request for Proposals) related
77 to that. The first RFP concerning four shopping centers. Why is the City spending taxpayer’s money on a
78 study for private property owners, when the owners should be paying for their own study? In addition, two
79 of the shopping centers already have the plans for renovation. Shortly after the North End Revitalization
80 Task Force was formed, I spoke with my City Councilman, Chris Burnett, about my concerns about possible
81 corruption. I was very concerned due to the lack of anticorruption provisions the task force mandated. We
82 now has a Task Force member whose employer is one of the owners of a shopping center in the RFP. This
83 is a major ethics violation for the City. A second concern relates to the RFP for the North End Trail. This
84 RFP is requesting a Detailed Master Plan for major trails in the North End. It is clear that the usage at some
85 parts of the trail may be very low. Everybody loves a trail but just because someone wants a trail, it does
86 not mean it would be used. Before the City spends taxpayer money planning new trails, they need to know
87 if they will be used and thus adjust by the cost. The City should consider two things due to the ethics around
88 the shopping center RFP, as a giveaway to the developer owners, this RFP should be cancelled. Second,
89 due to the lack of any serious preplanning of trail systems, this RFP should be put on hold until the City
90 has completed the necessary preplanning for the project.

91
92 **Gary Alexander**, 8235 Grogans Ferry. 10 years ago, I was sound asleep and the phone rang. It was Mayor
93 Galambos calling to let me know Tibby DeJulio just nominated me to bring the Anne Frank Exhibit to
94 Sandy Springs. I’d like to thank Tibby, for giving me that opportunity to do it. It has been very meaningful
95 to me. 6 million Jews died and that cannot happen again. Anne Frank was a unique force; she would 90
96 years old last month. For 90 years, her voice has been heard. Her voice has been tarnished, her voice has
97 been blamed. It was defaced in Berlin last week. But, her voice exists. We try to educate everybody
98 through the Holocaust Commission and through the Anne Frank Exhibit that there are better ways to deal
99 with controversy. Sally Levine does a great job at the Anne Frank Center. If you haven’t been there, you
100 should be there. In an effort to gain support, Chuck Berk and I have spoken to every Rabbi in the City of
101 Sandy Springs. We have support from 500 citizens who have signed the petition. Another 150 signed
102 another petition that they’ve asked for. We have 750 people from emails, from the Temple and any
103 synagogue we could. I’ve spoken with the Secretary of State’s office, got support from Gabe Sterling,
104 Dianne Fries and from Christopher Matthews, Assistant Superintendent of Fulton County Schools. We ask

105 for everybody's support for this. We will bring in a lot of money to Sandy Springs because a lot of people
106 will come to this exhibit. I also want to take time to thank my City Manager for a wonderful job he's done
107 for not just us, developing the Cultural Center, but developing what we are standing in her today.
108

109 **Sally Levine, 5920 Roswell Road.** Good evening, I am Sally Levine and I am the Executive Director of
110 the Georgia Commission on the Holocaust. Clearly, I have a bias in this issue about the Cultural Center
111 but I want to tell you about who we are and why this is a government enterprise. The Georgia Commission
112 on the Holocaust is not a Jewish agency, we are secular, we are non-partisan and we are a state agency. We
113 are here because of legislation. We were established by an Executive Order by Governor Joe Frank Harris
114 in 1986 and Governor Zell Miller reestablished us upon taking office. In 1998, the General Assembly
115 named the Commission a permanent state agency. We are one of only 13 states that have a state agency to
116 teach about the Holocaust. We are also one of various states that require teaching about the Holocaust in
117 our state standards. Everything we do not only educates our citizens but helps our students and our teachers
118 to teach about the message and the lessons of the Holocaust. Most recently, with the passage of Senate Bill
119 356, the Commission was mandated to build a state Holocaust memorial and we are here to preserve the
120 memory of the Holocaust, to promote public understanding of the history and to teach about the lessons
121 and how and why it could have happened. It's not just about the people who were targeted; it's also about
122 a people, the ordinary people, who made choices to allow this to happen. We will be bringing a lot to Sandy
123 Springs, aside from an Anne Frank Exhibition called "Anne Frank, the History for Today," which we will
124 be obtaining from the Anne Frank House. We are already in conversations with their Executive Director
125 about getting this new exhibition. We also have a relationship with the United States Holocaust Memorial
126 Museum. I am a Teacher Fellow for the United States Museum and they have already been in conversations
127 with us about bringing in traveling exhibitions. Those exhibitions bring thousands of people to them and
128 they will also help us with programming. In fact, we are already now submitting an application for an
129 exhibition to go into our library system. It's important, because we teach about our democracy and what
130 citizen responsibilities are in a democracy and what happens if they don't take their responsibility seriously.
131 The Holocaust gives us a framework for understanding, not only what happened in the past, but what is
132 happening now and in the future. It is dangerous if we remain silent and apathetic and indifferent to the
133 oppression of others. This exhibition will be transformative for Georgia citizens and for visitors to the City
134 go Sandy Springs.
135

136 **Chuck Berk, 5681 Long Island Drive,** I have never been involved in a project that has moved people as
137 much as the one we're talking about here today. As we went around and starting telling people about this,
138 there wasn't one person, once they learned what we were doing, that was against what we are doing tonight.
139 In fact, they all want to see how they could help. As we went around and talked to every Rabbi in the Sandy
140 Springs area, every one of them were so enthusiastic, they wrote letters. We talked to and got support from,
141 clergy all around the state and from the Board of Education of Fulton County. We got support from the
142 State Director for Christians United for Israel. We had a Petition that went out and after just approximately
143 a week, we had over 500 signatures of people in and around Sandy Springs saying that they supported this.
144 I had lunch today with a 93-year old, who is a survivor and D-Day veteran. When I told him about the
145 things we are going to put into this Cultural Center, you should have seen the look in his eye, at the
146 appreciation. What we're talking about is explaining the big picture of what the Holocaust is about, the
147 new Anne Frank Exhibit, is only let out to very few people and we will be one of the exclusive and only
148 people that has this Anne Frank Exhibit in the entire country. We're going to do an exhibit showing the
149 Georgia Holocaust survivors and liberators, including an African-American, William Alexander Scott III,
150 who was one of the people who took pictures there to reserve the memory. We're going to have an exhibit
151 on what Americans knew, because that's the most common question asked. One of the things that we are
152 charged with is providing education. In our Mission Statement, we say that we should be learning how and
153 why the Holocaust happened, and encourage us to reflect on the moral questions raised by this
154 unprecedented event.
155

156 **Lee Katz**, 5116 Ashmont Court – Thank you, Mayor Paul and council members. I am a volunteer to Friends
157 of the Holocaust Commission and I just wanted to say that I totally support the Cultural Center and project
158 that will bring thousands of people and lots of dollars into the Sandy Springs area.

159
160 **Robert Wittgustein**, 1146 Bordeau Court – Mayor and Council, I was appointed to the Holocaust
161 Commission Board by Speaker Ralston a number of years ago. I'm also a former Dunwoody City council
162 member. A number of years ago I had a call from DeKalb County CEO saying there's an Anne Frank
163 exhibit available and it needs to come to Dunwoody. You need to get on this right away. I still kick myself
164 that we didn't. In the end, there was a decision made that it should come to Sandy Springs. It has proved
165 to be a really significant thing for the City of Sandy Springs. The Cultural Art Center has the capacity to be
166 ground zero for activity in this area of the state. With your decision to put the Holocaust Commission and
167 the Anne Frank Exhibit here, you also get a bonus. That is the state's one and only Holocaust memorial.

168
169 **Steve Pepper** submitted a comment card, but asked not to speak and that it be put on record he is in support
170 of the Cultural Center.

171
172 Mayor Paul closed the Public Comment Period.

173
174

175 **APPROVAL OF MEETING AGENDA**

176
177 1. **19-223** Add or remove items from agenda

178
179 **Motion and Vote:** Council Member DeJulio moved to approve the meeting agenda for the July 16, 2019
180 City Council meeting. Council Member Burnett seconded the motion. The motion carried unanimously.

181 **CONSENT AGENDA**

182
183
184 2. **19-224** Meeting Minutes

185
186 1. June 18, 2019 Work Session
187 2. June 18, 2019 Regular Meeting
188 (*Coty Thigpen, City Clerk*)

189
190 3. **19-225** Convey an Easement to Georgia Power Company on property located at 0 Riverside
191 Bluff Court in support of Johnson Ferry Road at Riverside Drive Project T-7238, Sandy
192 Springs, Georgia
193 (*Marty Martin, Director of Public Works*)

194
195 4. **19-226** Acceptance of a Real Estate Agreement for the construction of the Carpenter Drive
196 Realignment Project
197 (*Marty Martin, Director of Public Works*)

198
199 5. **19-227** Acceptance of a Temporary Driveway Easement related to the Johnson Ferry Road
200 Sidewalk Project

201
202
203 **Motion and Vote:** Council Member Bauman moved to approve the Consent Agenda for the July 16, 2019
204 City Council meeting. Council Member Reichel seconded the motion. The motion carried unanimously.

205 **PRESENTATIONS**

206
207

208 **Mayor Rusty Paul** presented outgoing City Manager, John McDonough with a Proclamation highlighting
209 his fourteen years of service to the City as the first and only City Manager. The Proclamation will be
210 incorporated in these Minutes and are a part thereof.

211
212 **John McDonough, City Manager** thanked Mayor Paul and the City Council for their support, leadership
213 and guidance. Additionally, he thanked staff and assured Council that the City has built a great team and
214 will be in good hands. He remarked that he is going to miss everyone and wished the City the best of success
215 in the future.

216
217

218 **PUBLIC HEARINGS**

219 **FY2020 Budget**

220
221
222 6. **19-228** Ad Valorem Millage Rollback – 1st Public Hearing

223
224 **Karen Ellis, Finance Director** explained that ‘The Georgia Taxpayers Bill of Rights’ requires the City to
225 advertise a millage rate as a property tax increase if this rate is not fully rolled back. The impact of the
226 reassessment and reevaluations this past year resulted in a property tax increase of 3.05% following the
227 “rollback” calculation that evaluates total revenue collected from property taxes year to year. The FY2020
228 Budget proposes the adoption of a millage rate of 4.731 mills, which is the same millage rate the Sandy
229 Springs Charter permits and has remained unchanged since the inception of the City. Notice has been
230 advertised that the City of Sandy Springs will hold a public hearing and set the millage rate on the 6th day
231 of August 2019 at 6:00 pm at City Hall.

232
233 The Ad Valorem Tax Rate Public Hearing and Set Millage Rate for Fiscal Year 2020 for the City of Sandy
234 Springs, Georgia, for the 2019 calendar year, on property subject to ad valorem taxation by the City is
235 hereby fixed at 4.731 on forty percent (40%) of each \$1,000 of property subject to ad valorem tax by the
236 City. Said rate of \$4.731 on forty percent (40%) of each \$1,000 of taxable property is hereby levied.

237 **Invitation for Public Comment - None**

238
239
240 There will be no action taken this evening. The vote will be at the August 6, 2019 evening Meeting. The
241 second and third public hearing meetings are scheduled for 7:30 am and 6:00 pm, respectively, on August
242 6, 2019.

243 244 **Community Development**

245
246
247 7. **19-229** TA19-0001 - Development Code Text Amendments

248
249 **Catherine Mercier-Baggett, Planning and Zoning Manager** presented that this text amendment aims
250 primarily at correcting errors, clarifying the language of certain sections, and unifying the organization of
251 the text. It also proposes the re-inclusion of provisions allowing recreational facilities in Residential Estate
252 zoning districts, as it was in the first adopted version of the Development Code. This document is on our
253 website with full explanation of each item, as presented at the Mayor and City Council meeting.

254
255 **Mayor Rusty Paul** called for public comments in support of or in opposition to the application.

256
257 **Tochie Blad**, 7320 Hunters Branch Drive. Speaking on a section that wasn’t in that graphic. My
258 understanding is that it’s tabled and the draw back to that is if we don’t hear my opposition to it when, if it
259 does come back, you won’t know what the concerns were, and there were many concerns at the Planning

260 Commission. The recommended to deny all this section, Section 7.4.2 Recreation and Open Space. In
261 essence, it is allowing commercial use in a neighborhood and we have protected neighborhoods under the
262 Next Ten Policy. The Planning Commission was alarmed by this and remarked this is a backdoor approach.
263 Another commissioner said that this was dead wrong. One said this is fraught with untended consequences.
264 Of interest, this particular item did not appear to come from a property owner or developer. When pressed
265 by a Planning Commission member, a Planning staff indicated that this was ‘over our head’ and directed
266 by someone else. If the goal is to achieve laudable river access for public use, then the recommendation
267 would be that the City buy the land and create a park and use a commercial use in that fashion, rather a
268 public use for recreational use along the river. But, what’s worse than changing this code, is that there was
269 an end run around the process. This was buried in the Text Amendment packet and the Planning
270 Commission was shocked that this was done out of process. So, I think moving forward we need to look
271 at process and realize that it is a key component in good governance and we need to be careful what goes
272 into these packets. If they are advertised as minor text amendments, that they be presented that way.
273

274 Mayor Rusty Paul clarified that this was not ‘tabled’ because tabling would require a specific action by
275 Council. It was withdrawn.
276

277 **Motion and Vote:** Council Member Paulson moved to approve Agenda Item No. 19-229, TA19-0001 -
278 Development Code Text Amendments. Council Member Soteres seconded the motion. The motion carried
279 unanimously.
280

281 **Council Member John Paulson** spoke to clarify that the Planning Commission was in favor of what was
282 being presented before the Council this evening.
283

284 **Council Member Bauman** further clarified that the staff Memo does refer to the Section 7.4.2 the
285 Recreation and Open Space that Ms. Blad was just speaking of, and actually refer to it as a ‘denial’. Perhaps
286 she was referring to a statement about that clause being tabled until further notice, but staff does not table
287 items, Council does. Council is not tabling that item, it is not on the table; it is being withdrawn. If were to
288 come up, it would have to go completely through the process at some other point.
289

290 8. **19-230** U18-0010 - 5750 & 5730 Long Island Drive
291

292 **Catherine Mercier-Baggett, Planning and Zoning Manager** presented that the applicant requests a
293 conditional use permit to update the Springmont School’s master plan (projected timeline of 20 years). The
294 school has a previous use permit from 2005, case U05-0017. The school is proposing to maintain the
295 existing student maximum and the maximum square footage that was agreed upon during that process. The
296 2005 master plan was not fully implemented and the school is seeking an updated use permit to allocate the
297 maximum square footage differently.
298

299 The current proposal entails removing and replacing existing structures, as well as constructing one new
300 main building and expanding small buildings.
301

302 **Michael Mascheri**, 9040 Roswell Road, Suite 400, Atlanta 30350 came forward on behalf of the applicant
303 and is with Chapman Coyle Chapman Architects, which is representing the school. The school has been
304 part of Sandy Springs since the 1970s and has provided a unique educational experience during those few
305 decades. We’ve worked extremely closely with both the neighbors and the community over the past three
306 years as we’ve developed this plan; having informational meetings with a lot of the neighbors and also the
307 required formal meeting and community meetings as well. A lot of that feedback has been incorporated
308 into this plan. There has been a lot of positive response back from the community because of the process.
309 The primary focus is the car pool and stacking capacity. The plan includes reconfiguring the stacking on
310 the site and relocating our main entry to the southern curb cut to maximize stacking onsite to try to minimize
311 stacking as much as possible on Long Island Drive. The plan also includes additional parking to maximize

312 parking capacity onsite and to minimize any other issues within the community with parking on a daily
313 basis. Also included are improvements to the campus and the existing facilities through remodeling and/or
314 replacement due to the age and date of those facilities. They no longer meet the needs of the growing
315 curriculum in the program. As the curriculum continues to evolve, the programs evolve. Improvements of
316 those facilities will occur through a phasing process over the next 20-30 years. The goal is to maintain a
317 maximum of 350 student capacity, which was agreed upon back in 1995. Also, the applicant is in agreement
318 to comply with the maximum square footage of 49,808, which this plan reflects for that agreement. This
319 plan seeks to be both be an enhancement to the community and to the program, improving traffic circulation,
320 safety and providing a campus that will allow the school to continue to provide this academic experience
321 in the City of Sandy Springs. Regarding the GDOT, there have been extensive conversations with them
322 and they are in agreement that the next step would be to obtain an Encroachment Permit. They did discuss
323 potentially selling that property to us, but they are not able to because of the active project on I-285 at this
324 time.

325
326 **Ronda Smith**, 76 Long Island Place, came forward as President of the Sandy Springs Council of
327 Neighborhoods. I am not speaking in opposition as much as to the Use Permit Application. I come before
328 with clarity with respect to the request that Joe Hines made for additional conditions pertaining to parking
329 when the Planning Commission heard this case. Springmont School currently has 52 parking spaces and
330 has in the application agreed to increase the number of spaces to 64. The number of required parking spaces
331 to comply with the parking requirement today would be 100 spaces, but this reduced number of 64 was a
332 condition that was carried over from their previously approved Conditional Use Permit, and was also based
333 upon the fact that they won't have any high school-aged student drivers with parking needs. Additionally,
334 today, there are 12 to 15 parking spaces on a gravel road parking lot to the south and west of the existing
335 cottage building that are not included in that 64 space parking count. The current road configuration and
336 some of the paved parking spaces to the west of the Cottage Building are considered 'grandfathered' since
337 they exist today, but they do not comply with the 50' parking setback requirement in Section 7.4.1.H.1.b.
338 In an effort to make this portion of the parking compliant with the Development Code, at the time the
339 Cottage classroom is demolished, it is being requested that (1) the school be required to add 16 additional
340 paved parking spaces in the area where the Cottage classroom building currently stands. That was the red
341 condition; which is outside the 50' parking setback; and (2) that the school will remove the current non-
342 compliant paved parking and road portions to the south and west of the Cottage classroom building. At the
343 time of this proposal at Planning Commission, the applicant agreed to this condition. It is Council of
344 Neighborhood's hope that you will seek to include this condition in your approval, which supplements the
345 parking, moving the available number of spaces that much closer to the 100 required. It is our understanding
346 that the community has had concerns in the past with overflow parking on residential streets that occurs
347 during special events. Additional space, could in the future, limit that from occurring to the degree that it
348 is occurring today. In addition, the opportunity to remove the existing non-conformity is presenting itself
349 in this reconfiguration of the campus plan and if the applicant was in agreement at Planning Commission,
350 Council of Neighborhoods sees no reason to deter them from removing this non-conformity.

351
352 **Council member Bauman** asked that if the Applicant would like to provide a rebuttal.

353
354 **Steve Mascheri** clarified that the drive being referred to is the current gravel drive and would be eliminated
355 with the Cottage and the new parking as constructed. It's in regards to the current or existing paved drive
356 and the paved parking, which is required in order to make a turn-around on the site and not have a dead
357 end. There may be a need to better understand that concern. Any of the gravel drive that is beyond the 50'
358 setback would be eliminated. The existing paved parking and paved drive to the current turn-around would
359 have to remain in order to accommodate flow and fire access and emergency vehicle access.

360
361 **Motion and Vote:** Council Member Bauman moved to approve Agenda Item No. 19-230, U18-0010 -
362 5750 & 5730 Long Island Drive, a request for Conditional Use Permit, as described subject to the following
363 5 Conditions: (1) The implementation of the master plan must substantially comply with the site plan,

364 prepared by Pond & Company, dated March 26, 2019, received March 27, 2019; (2) The implementation
365 of this master plan is contingent upon the school's ability to obtain a permit from GDOT to allow their new
366 turnaround to encroach into GDOT right-of-way. If the GDOT encroachment permit is not approved, First
367 Montessori School of Atlanta (Springmont School), reserves the right to modify the master plan and locate
368 all improvement outside of the GDOT ROW and re-submit to the City for approval under a new Conditional
369 Use Permit; (3) Before a Certificate of Occupancy is issued for the building labeled as "Art/Music/Middle
370 School Building" on the approved site plan the "Existing Academic Building" must be demolished. In place
371 of the demolished structure, a new 16-space parking lot shall be installed in substantial accordance with the
372 updated Proposed Campus Master Plan received June 26, 2019; (4) The maximum allowable lot coverage
373 for the entirety of the site shall be 39.4%. The maximum allowable height shall be 40 feet; (5) The maximum
374 student capacity shall remain at 350 students. Council Member Paulson seconded the motion.
375

376 **Vote on the Motion:** The motion carried unanimously.
377

378 9. **19-231** U19-0002 - 1025 Mount Vernon Hwy - Request for Conditional Use Permit
379

380 **Catherine Mercier-Baggett, Planning and Zoning Manager** presented the request for a Conditional Use
381 Permit to allow an accessory day care use in the existing facilities and to remove a zoning condition related
382 to the wall from the previously approved Conditional Use Permit U18-0001, Northwest Unitarian
383 Universalist Congregation (NUUC). The applicant requests two Conditional Use Permits, as follows: 1.
384 To allow an accessory day care use for a total of 92 children. The Chalice House (smaller building on the
385 lot) will have 80 preschool children, and the main building will have two (2) rooms for 12 infants. The
386 hours of operation are proposed to be from 7AM to 6PM, Monday through Friday. No overlapping hours
387 of operation are anticipated between the church and the proposed day care. No additions or improvement
388 are proposed for the day care use. 2. To remove Conditional Use Permit condition number 3 to construct
389 an 18" to 24" tall concrete wall (stormwater detention structure) along the western side of the existing
390 parking lot, pursuant to U18-0001.
391

392 The site plan is the same as was presented last year. The proposal does not include removal of anything
393 except the wall that is highlighted. There are two existing buildings; of which, one is requested for
394 expansion.. There are 113 parking spaces on site. There is a detention pond on the north end of the property
395 and there is an existing playground.
396

397 In regard to the removal of Condition No. 3, the original use permit from last year was tied to a
398 recommendation that was a letter provided by the applicant's engineer. The wall was actually proposed by
399 the church to help mitigate runoff onto an adjacent property. There have not been any changes in the
400 conditions of the property or in the characteristics of the property since last year. The applicant claims
401 there is new information that was discovered about an easement. Staff maintains that this information was
402 available last year as well. Staff does not see a compelling reason to recommend approval of the removal
403 of the condition for the stormwater wall.
404

405 In terms of the day care use, it would be operated by the church itself or a third party, on their behalf. There
406 is no additional improvement to conduct that use. There would be a maximum enrollment of 92 children
407 spread throughout 10 different classrooms in two buildings. Hours of operation are Monday-Friday from
408 7:00 am to 6:00 pm. Staff recommendation, which is supported by the Planning Commission, is to deny the
409 Request to Remove the Condition from last year's U18-0001 that is related to the installation of the wall
410 and recommend approval of the Day Care as an accessory use. There are some proposed conditions that
411 carry over, such as maintaining some natural buffers and tying the development to the site plan and replace
412 vegetation removed due to installation of the wall.
413

414 One of them would be to plant the buffer standards between the playground and the property line. Also, to
415 add an opaque fence or wall in order to screen better from adjacent property's. The maximum attendance

416 would be set to 80 children pre-school age and 12 infants. The hours of operation will be as requested by
417 the applicant. Staff included a proposed condition to restrict the number of children to 25 in the playground
418 at any given time, just to appease the prevention of noise to the neighbors.
419

420 **David Stewart**, 1025 Mt. Vernon Highway, came forward as the President of the Board of Trustees at the
421 Northwest Unitarian Universalist Congregation (NUUC) to explain the request for a use permit for a day
422 care and to modify previous requirements to our other use permit last year. Since 1971, the congregation
423 has striven to be a good neighbor as houses and subdivisions surrounded the once isolated location. The
424 trees onsite have remained intact for environmental benefits. Northwest has not always taken the path that
425 would provide the greatest financial benefit. For example, when faced with a decision to install a cell phone
426 tower that would have great financial impact, the congregation turned it down because it was not popular
427 in the surrounding neighborhood. Instead of selling the property to real estate developers, the congregation
428 decided to stay and work within the existing constraints. Northwest wants to modify the use permit and
429 work to provide new services to our community, to bring in new members and become acquainted with
430 new friends that would utilize the day care facility. Any excess funds that would be generated from this
431 facility, would be used to fund the congregation's mission. Northwest's existing and future buildings were
432 clearly designed and constructed primarily for conducting organized religious services. Per the
433 Development Code of Sandy Springs, Associated Accessory Uses for religious organizations include day
434 cares. The request falls well within the explicit use of the property and is completely consistent with the
435 existing zoning. The Development Code specifically requires a separately acquired Conditional Use Permit
436 for daycares. We have provided all the information requested of us and therefore, ask that you approve this
437 request. Secondly, as part of our approved request to expand our main building last year, we were granted
438 a modification of our Conditional Use Permit. The process ended when the engineers met, inspected the
439 stormwater easement, and agreed that the problem lay in the existing infrastructure. Specifically, there is
440 no berm to direct the water to the dedicated Sandy Springs stormwater system. There has been no
441 maintenance on the existing drainage system and the drain was improperly sized. All these facts were
442 unknown to us at the time of the City Council's permit grant because we'd never seen the neighbor's
443 property. Subsequent to that meeting, there was non-significant interaction with the neighbor despite
444 repeated attempts on our part. We attempted to resolve this in good faith, and were not able to come to a
445 resolution, in part, because of the lack of a negotiating partner. This body specifically charged us with
446 negotiating with this neighbor. If we have to spend money on this problem, we would like to spend the
447 money helping to fix the run-off issue where it counts and get the run-off into the City system. Knowing
448 there is a means to mitigate potential downstream flooding, this token wall, would at this time be a waste
449 of money. We have a strong preference for helping with improvements to get the water into the inlet and
450 upsize the drainage pipe, if we are to the point to be required to mitigate the stormwater that flows across
451 our property from Mt. Vernon Highway. My final request to this Council today is that if you decide to keep
452 the condition as is, that you will write into our Use Permit that Northwest congregation is absolved from
453 future responsibility and liability stemming from the stormwater issues on the neighbor's property. In being
454 good neighbors, we did not intend to sign up to be the first line of liability for flood-induced stormwater
455 that drains through our property from Mt. Vernon Highway to the Sandy Springs drainage system.

456
457 **Brian Kay**, 1800 Parkway Place, Suite 700, Marietta GA 30067 , came forward on behalf of Atwell, the
458 civil engineer that the church hired for this analysis and evaluation of the property and explained he would
459 reserve the rest of his time for questions.
460

461 **Mary Anne Ericson**, 5274 Vernon Springs Trail, There is a definite lack of affordable child-care, so this
462 would be a great advantage. It also seems that the traffic wasn't at a place where it needed to be analyzed.
463 In my experience with childcare, there is a long period of time that people tend to drop their kids off and it
464 doesn't seem that 70 plus cars during a 2-hour period would cause a big problem. The advantages of having
465 the childcare would be better for the community.
466

467 **Brian Ericson**, 5274 Vernon Springs Trail, being that it is a spread out traffic pattern, the strong belief is
468 that it would have a very minimal impact on the traffic on Mt. Vernon. There really is a significant lack of
469 day care in our immediate area. Most of the options require a significant commute and there is an increasing
470 number of children in the area that would be able to take advantage of this and it would be a wonderful
471 facility.

472
473 **Cynthia and Tom Oastler**, 130 Riverwood Place NW – Property in question borders about 90% of our
474 front yard in terms of the church playground fence. We would not have bought this house if there had been
475 a day care center business next door that is so visible from our front yard. We have been good neighbors
476 thus far, even with the addition of running their outdoor playground for a summer program for children,
477 and even with the expansion proposal in June of last year. There is a day care available at Temple Sinai,
478 ½ mile from the church property already and they are planning to expend that day care. All eight homes
479 on Riverwood Place cul-de-sac signed a Petition against the church offering year round day care. We are
480 extremely disappointed the City Council is moving forward with this permit, which negatively impacts
481 neighbors in a well-established residential neighborhood. We further hope this is not a stepping stone for
482 the church to expand further or to become a school. Some factors to consider: esthetics – the wall or fence
483 will be visible on about 70% of the edge of our front yard. The Planning Commission’s recommendations
484 do not consider what a 6-8 foot wall or fence bordering about 70% of our front yard will look like. We ask
485 that the Council’s recommendation please add a statement requiring the church to work with us in the
486 selection process so that this barrier is not an eyesore on the side facing a residential homes and cul-de-sac.
487 I hope we correctly assume that, per Development Code, that the finished side of the fence or wall faces us.
488 Additionally, would like the church to share the cost of additional mature vegetation that will be needed to
489 hide the new taller barrier. Water drainage and erosion – a wall or fence on the north or eastern sides of
490 the church property must allow water drainage or it could cause more issues for our front yard. Noise – the
491 current playground is down in a ravine covered with trees where noise carries to the neighbor homes, ours
492 especially. We hoped the church would consider moving the playground to the Mt. Vernon Highway side
493 of the property next to the busy road and would mitigate noise levels for the Riverwood Place residents.
494 The planned 50’ buffer is only about 60’ feet from our front door, so we are very concerned with noise.
495 Traffic – our neighborhood is already experienced higher traffic with the Braves stadium. The additional
496 traffic to service up to 92 families, Monday through Friday, is less than desirable.

497
498 **Lisa Ediger**, 1095 Vernon Springs Court NW – Would like Council to consider making the church agree
499 to the agreement they made last year to build the wall. My husband and I just recently renovated our home
500 and we had several constraints on our property in order to get the variance and water mitigation systems
501 for that runoff onto the neighbor’s yards and into the street. Also, the playground is only 85’ from the
502 adjacent property, which is really pretty close. The fact that both engineers, church and City, agreed that
503 the drainage issue should be addressed.

504
505 **David Stewart, NUUC** – We have not done our hydrology study, but it seems that without a berm or drain
506 and because it has not been maintained; the slowing down of water at our parking lot is not going to change
507 the fact that the water will be standing in that same location that it already is.

508
509 **Brian Kay, Atwell**, as relates to the wall, the church was willing to work with this neighboring property
510 owner to remove the wall in favor of helping rebuild what should have been originally done. The request
511 to remove the condition is not to get away from all the conditions and not spend money, but to help the
512 actual issue at hand.

513
514 Mayor Paul closed the public hearing.

515
516 **Motion and Vote:** Council Member Bauman moved to adopt Agenda 19-231, U19-0002 - 1025 Mount
517 Vernon Hwy - Request for Conditional Use Permit, with the conditions that were presented by staff and
518 also with Denial of the Applicant’s request to remove a condition from last time where the subject wall was

519 required to be built. Council Member Reichel seconded the motion.

520

521 **Council Member Bauman** remarked that this is one where there is a permitted use and they are not
522 requesting a change of use. It is certainly widespread that many religious institutions do offer the service.
523 This facility has been there close to 50 years. In regard to the wall, there is nothing precluding the parties
524 from continuing to work together.

525

526 **Council Member Tibby DeJulio** questioned that the piping on the neighbor's property was undersized
527 and not maintained and wanted to clarify that it was not the City's responsibility.

528

529 **Dan Lee, City Attorney** confirmed it was not the City's responsibility.

530

531 **Council Member Chris Burnett** concerned about requiring dollars to be spent if this is not the best
532 resolution. Preference would have been for the parties to come forward with a resolution to the run off, if
533 not the wall. Also questioned if the City should set the maximum number of children on the playground or
534 if State law addresses that. Lastly, wanted to clarify that the City is not conditioning additional parking
535 requirements above what was presented in original plan.

536

537 Planning and Zoning Manager Mercier-Bagger responded that the walls are on the opposite side of the
538 property. The stormwater wall is on the parking lot side, while the playground for the day care would be
539 on the opposite side. As to the limit of 25 children, the number came from previous similar conditions in
540 other cases.

541

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

543

544 10. **19-232** RZ19-0001- 1190 & 1194 Hope Road - Request for Rezoning from RE-1 to RT-3

545

546 **Catherine Mercier-Baggett, Planning and Zoning Manager** presented this is a request a Rezoning of
547 two separate parcels on Hope Road. These properties are located at 1190 & 1194 Hope Road from RE-1
548 to RT-3 for the development and construction of approximately 14 townhomes (*this number is based on a*
549 *site plan that has not been fully reviewed by Staff*).

550

551 When the Planning Commission worked on the Next Ten, there was an anticipation that Hope Road would
552 be changing. There are several townhome properties around the two parcels, and the RT-3 zoning district
553 requested allows for detached, single-family homes. Planning Commission supported staff's
554 recommendations and is in agreement with staff's analysis. The zoning district change would remedy the
555 character area so both would be in harmony. Council has made revitalization of the North End a priority
556 and this project has the potential to fulfil this.

557

558 The site plan, as per the package, does not meet Code, so it is not tied to that specific site plan. The
559 neighborhood transitions would still apply. Both staff and Planning Commission recommend approval
560 without any conditions.

561

562 **Invitation for Public Comment**

563

564 **Milan Thorsby**, 1196 Hope Road, has lived at 1196 Hope Road for over 45 years. There are only 2
565 residents left with the RE-1 zoning. As residents of 1196 Hope Road, RE-1, we chose not to be included
566 in the zoning for RT-3. We want to call your attention to the protected neighborhood transition standards
567 that apply between 1194 and 1196 Hope Road. The standards require a buffer and should be shown on a
568 submitted site plan that was submitted on April 2, 2019, instead of a note of a variance. All parking should
569 remain on the development site and not on any public street. In addition to this, please note on Page 19 on
570 the Planning Zoning Staff Report, "...Staff does *not* recommend conditioning the decision to the site plan,

571 as it does not appear to meet Code.” It should be a conditional zoning with attached conditions to the
572 zoning decision to follow the required Neighborhood Transition Buffer as required by the Sandy Springs
573 Development Code.

574
575
576 **Gary Calicott**, 9825 Trace Valley, came forward as the applicant. I’ve lived in Sandy Springs for the last
577 20 years and have been a builder / developer in the Atlanta area for the last 40 years. Also present are Mr.
578 and Mrs. Nififorou, who are the property owners of these two small properties which total just under 1 ½
579 acres. The proposal is for rezoning from RE-1 to RT-3. The purpose is to build townhomes. The issue,
580 which is on the site plan, has to deal with the setbacks. There are only three properties along Hope Road
581 that are zoned RE-1. There is an issue concerning the variance or setbacks with these two properties if they
582 were to be zoned RE-1. Originally, the preference would have been to submit a variance request
583 simultaneously with the zoning, but staff said that wasn’t possible because rezoning comes first and then
584 the variance process. The proposed development is for moderately priced homes, which are high \$300s to
585 the low \$400s. The hope is at that price point, it will be attractive to members of the service community,
586 teachers and policemen to buy and live in the community. This plan is consistent with the comprehensive
587 plan and the remaining time will be left for rebuttal.

588
589 **Linda McCain**, 280 Dunwoody Creek Circle, remarked that the plan still requires additional variances.
590 The proposal will still need to go the Board of Appeals for approval of the setback variances next to the
591 homes that are adjacent to both of these properties being proposed. The City should not approve projects
592 that make the exception a new rule. There is a stream just west of one of the downhill properties, west of
593 the proposed site that feeds a stream that goes into the Chattahoochee River. Currently, during heavy rain
594 events, there is another retention pond, a townhouse development, that frequently overflows Hope Road.
595 It comes right back into that creek that goes into the Chattahoochee River. With the new development,
596 with the additional paving and density, there is going to be an additional runoff that feeds that adjacent
597 property, that would then go over into that creek that goes into the river. So, there is a concern. The
598 developer has discussed the fact that he will make sure that the retention pond would handle it, but the
599 concern is about the additional runoff because of the development. Another issue is that there’s going to be
600 an increase in property taxes with the proposed price point of the home. The developer also mentioned that
601 there are some changing plans in the corridor. That’s not widely known amongst the community. There’s
602 a lack of sidewalks in the community. With the current density, the electrical grid shuts down with every
603 major storm. There is spotty internet for the existing community. There is oversaturation on Hope Road
604 because it’s frequently used as a cut-through from people on Roswell Road as they commute to and from
605 their homes. Additionally, while there is support that these homes are targeted for the service industry
606 people, the development needs to be downsized. City Council had asked him what would be the median
607 incomes of some of those people. The elementary school teacher makes \$43,000 according to
608 payscale.com. These are Sandy Springs employees. A Sandy Springs police officer makes around \$45,000,
609 and that’s on glassdoor.com. A nurse make around \$67,000, according to AJC.com and the median income
610 for a Sandy Springs resident is \$71,000. It’s hard to afford a high \$300,000-\$400,000 townhome with those
611 salaries. The community and I do not support the changing in the zoning or in the plan, as presented tonight.
612 Considering the current single-family homes, the creek, the removal of all the trees, lack of ability to walk
613 down the street due to the oversaturation of traffic in the area, and the proposed development proximity to
614 our traffic light, there is no need for this density in this area without adequate stormwater control and
615 accommodating our neighborhood.

616
617 **Gary Calicott**, responded to the issue of housing affordability for the targeted service industry and
618 affirmed that the numbers work. Regarding stormwater, it is a situation that will be helpful because right
619 now, the flow goes from this property down to the neighbor below it and is spread out across the lot. This
620 will direct it more to the back where there a creek that can take the water.

621
622 Mayor Paul closed the public hearing.

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Motion and Vote: Council Member Soteres moved to approve Agenda Item 19-232, RZ19-0001- 1190 & 1194 Hope Road - Request for Rezoning from RE-1 to RT-3. Council Member Paulson seconded the motion.

Council Member Soteres clarified that the motion is to approve the rezoning, not the development, which will be subject to all of the building rules and regulations and zoning.

Council Member DeJulio asked for staff to clarify the process.

Planning and Zoning Manager Mercier-Baggett responded that after approval of the rezoning, the applicant would have to go through the permitting process, which includes a Demolition Permit, a Land Disturbance Permit, then building permits. The plan would be subject to a full plan review to verify that everything is in accordance with City code.

Council Member Paulson reiterated that the applicant still has to follow all the rules that apply to permitting in addition to a full plan review.

Mayor Paul responded that approving the rezoning request is not authorizing any waivers, variances, or other steps that would preclude them from being required to meet all of the City's land use ordinances and regulations. In order to obtain a variance, the applicant would have to go before the Board of Appeals.

Jim Tolbert, Assistant City Manager clarified that they would have the opportunity to pursue a variance, if they chose to do so, but it would have to be that process.

Final Vote: The motion was approved unanimously.

11. **19-233** RC-1902SS - 630 River Chase Ridge

Ginger Sottile, Director of Community Development, presented the application for a Metropolitan River Protection Act Certificate. Properties within 2000' of the Chattahoochee River are subject to the Chattahoochee River Corridor Protection Act. The regulations call for review and approval by the Atlanta Regional Commission (ARC), a public hearing and approval by the local governing authority, and issuance of a Metro River Certificate. The review focuses on whether the project is consistent with the Chattahoochee Corridor Plan, which limits clearing and impervious surface within the corridor. The property for this location is at 630 River Chase Ridge and is approximately 1250' from the Chattahoochee River. The applicant is seeking to construct a new two-car detached garage and increases the impervious coverage by 574 square feet. This is within the allowable limits within the vulnerability category C. ARC's finding is that this plan is consistent with the Chattahoochee Corridor Plan, therefore, the Department of Community Development recommends approval of this application.

Invitation for Public Comment

None

Mayor Paul closed the public hearing.

Motion and Vote: Council Member Burnett moved to approve Agenda Item 19-233, RC-1902SS - 630 River Chase Ridge. Council Member Reichel seconded the motion. The motion was approved unanimously.

12. **19-234** RC-19-03SS - 4955 Riverview Rd

675 **Ginger Sottile, Director of Community Development** presented that this was an Application for
676 Metropolitan River Protection Act Certificate. Properties within 2000' of the Chattahoochee River are
677 subject to the Chattahoochee River Corridor Protection Act. The regulations call for review and approval
678 by the Atlanta Regional Commission (ARC), a public hearing and approval by the local governing
679 authority, and issuance of a Metro River Certificate. The review focuses on whether the project is consistent
680 with the Chattahoochee Corridor Plan, which limits clearing and impervious surface within the corridor.
681 The property for this location is at 4955 Riverview Rd and is approximately 1150' from the Chattahoochee
682 River. The owner of the property proposes the subdivision of one lot into two lots, however there is no
683 other action contemplated, at this time. They are permitted to have about 100,000 square feet of land
684 disturbance and about 45,000 of impervious coverage amongst the D, E, and F Vulnerability Categories.
685 When, and if, the second parcel is developed, each parcel will share these numbers. So if the original house
686 is to remain, those portions that already exist, with coverage numbers, will be deducted from these totals
687 and the remaining balances can be applied to the remaining undeveloped parcel. There is no immediate
688 proposal to develop this second parcel. ARC's finding is that this plan is consistent with the Chattahoochee
689 Corridor Plan, therefore, the Department of Community Development recommends approval of this
690 application.

691

692 **Invitation for Public Comment**

693 None

694

695 Mayor Paul closed the public hearing.

696

697 **Motion and Vote:** Council Member Bauman moved to adopt Agenda Item 19-234, RC-19-03SS - 4955
698 Riverview Rd. Council Member Burnett seconded the motion. The motion was approved unanimously.

699

700

701 **NEW BUSINESS**

702

703 **13. 19-235 Enhanced Penalties for Hate Crimes Ordinance**

704

705 **Council Member Andy Bauman** presented a new ordinance for Hate Crimes in Sandy Springs. This
706 ordinance would provide enhanced penalties if a crime was alleged and proven to be a crime of hate or
707 bias under certain classifications. It is modeled after Federal and state legislation that exists, although not
708 yet in Georgia. The second part of the ordinance would have the SSPD compile report statistics related
709 to hate crimes in Sandy Springs under Federal Hate Crime standards and the International Association of
710 Chiefs of Protocols.

711

712 **Motion and Vote:** Council Member Bauman moved to adopt Agenda Item 19-235, Enhanced Penalties
713 for Hate Crimes Ordinance. Council Member DeJulio seconded the motion. The motion was approved
714 unanimously.

715

716 **Council Member Bauman** offered that on a night when Council is considering the Cultural Center
717 facility and the Anne Frank participation, along with Hospitality and Tourism and our Chamber, it is a
718 complete coincidence, but glad it is under consideration with many members of our community in
719 attendance in support of that. Secondly, this is an ordinance and more often than not, agenda items come
720 from staff or Council Members, but in this case, it is an ordinance that's being proposed from the
721 community. My first involvement with a Hate Crime was 3 or 4 years ago, when together with members
722 of the ADL, Shelley Rose and Steve Pepper, met with Wendell Willard who was then Chair of the
723 Judiciary Committee. He initiated this in Georgia and it has been carried on a bi-partisan basis, including
724 by State Legislator Deb Silcox as a sponsor. This really came from the citizens, representatives of the
725 ADL and other communities and I want to thank them and anybody else who's been involved and who

726 will continue to be involved and working with other municipalities and with the state to adopt this
727 important legislation.

728
729 **Council Member John Paulson** asked for clarification if and when the state passes a Hate Crimes
730 Ordinance if this ordinance sunsets because the state law supersedes it.

731
732 Council Member Bauman stated that this ordinance applies to municipal crimes, the state law will apply
733 to state crimes.

734
735
736 14. **19-236** Resolution to Approve an Amendment to the Intergovernmental Agreement between the
737 City of Sandy Springs and the City of Johns Creek ("IGA") for the Provision of 911
738 Communications Services through Chatcomm, to provide for a Five (5) Year term
739 Extension Pursuant to Article 6 of the IGA

740
741 **John McDonough, City Manager**, presented that the City entered into the Agreement in October 2008 to
742 activate, pursuant to the provisions of O.C.G.A. § 36-75-1, The Joint Public Safety and Judicial Facilities
743 Authority for the Cities of Sandy Springs, Georgia and Johns Creek, Georgia (operating as "Chatcomm")
744 for the provision of 911 communications services in the Cities of Sandy Springs and Johns Creek. The
745 Agreement sets forth the terms, obligations and responsibilities of the parties for the operation of
746 Chatcomm. At the December 21, 2010 regular meeting, the Mayor and City Council approved a first
747 amendment to the Agreement ("First Amendment") for the purpose of specifying the terms and conditions
748 for supplemental financial contributions to the Authority. At the February 18, 2014 regular meeting, the
749 Mayor and City Council further amended the Agreement ("Second Amendment") to provide for renewal
750 of the Agreement for an additional five (5) year period upon the same terms as the initial five (5) year
751 period, with no right of cancellation by either party prior to the end of the five (5) year period, as provided
752 in Article 6 of the Agreement.

753
754 The Cities of Sandy Springs and Johns Creek now desire to amend the Agreement ("Third Amendment")
755 to renew the Agreement for an additional five (5) year period, ending on July 1, 2024. The renewal again
756 stipulates that the Agreement may not be cancelled by any party prior to the end of the term for any reason.
757 The Third Amendment also amends Article 4 to set budgeted expenditures for each City based upon average
758 2016-2018 call volume, with a 3% annual escalator for years 2-5 (2021-2024). The Cities will share equally
759 in any surplus or shortfall for ChatComm.

760
761 **Motion and Vote:** Council Member DeJulio moved to adopt Agenda Item 19-236, Resolution to Approve
762 an Amendment to the Intergovernmental Agreement between the City of Sandy Springs and the City of
763 Johns Creek ("IGA") for the Provision of 911 Communications Services through Chatcomm, to provide for
764 a Five (5) Year term Extension Pursuant to Article 6 of the IGA. Council Member Soteres seconded the
765 motion. The motion was approved unanimously.

766
767 15. **19-237** Consideration of a Purchase and Sale Agreement for Property Located at 360 Hammond
768 Drive (Tax Parcel # 17-0071-0002-068-3)

769
770 **Marty Martin, Director of Public Works** - This property is part of the Hammond Drive TSPLOST/TS-
771 193 widening project (hereafter, the "Project"). In order to construct the Project, fee simple rights are
772 required over, under, and through the property located at 360 Hammond Drive within the City of Sandy
773 Springs. City Staff has been in negotiations to acquire the property by purchase. The property in question
774 is a single-family residence built in the 1950's on approximate .9 acre lot. It is located at the Hammond
775 Drive @ Harleston Road intersection in a predominately single-family residential area. City Staff has
776 negotiated a Purchase and Sale Agreement wherein the City may acquire the Property for the purchase price

777 of \$650,000.00. The house condition was scored as Average I this case, to be further evaluated by staff to
778 see if it will qualify for the Rental Program or not.
779

780 **Motion and Vote:** Council Member Burnett moved to adopt Agenda Item 19-237, Consideration of a
781 Purchase and Sale Agreement for Property Located at 360 Hammond Drive (Tax Parcel # 17-0071-0002-
782 068-3). Council Member Soteres seconded the motion. The motion was approved unanimously.
783

784
785 16. **19-238** Consideration of a Purchase and Sale Agreement for Property Located at 446 Hammond Dr
786 Drive (Tax Parcel # 17-0071-0002-061-8)
787

788 **Marty Martin, Director of Public Works** - This property is part of the Hammond Drive TSPLOST/TS-
789 193 widening project (hereafter, the "Project"). In order to construct the Project, fee simple rights are
790 required over, under, and through the property located at 446 Hammond Drive within the City of Sandy
791 Springs. City Staff has been in negotiations to acquire the property by purchase. The property in question
792 is a single-family residence built in the 1950's on approximate .46 acre lot. It is located along Hammond
793 Drive in a predominately single-family residential area. City Staff has negotiated a Purchase and Sale
794 Agreement wherein the City may acquire the Property for the purchase price of \$435,000.00.
795

796 **Motion and Vote:** Council Member Burnett moved to adopt Agenda Item 19-238, Consideration of a
797 Purchase and Sale Agreement for Property Located at 446 Hammond Drive (Tax Parcel # 17-0071-0002-
798 061-8). Council Member Reichel seconded the motion. The motion was approved unanimously.
799

800
801 17. **19-239** Consideration of a Purchase and Sale Agreement for Property Located at 6020 Glenridge
802 Drive (Tax Parcel # 17-0036-0002-009-1)
803

804 **Marty Martin, Director of Public Works** - This property is part of the Hammond Drive TSPLOST/TS-
805 193 widening project (hereafter, the "Project"). In order to construct the Project, fee simple rights are
806 required over, under, and through the property located at 6020 Glenridge Drive within the City of Sandy
807 Springs. City Staff has been in negotiations to acquire the property by purchase. The property in question
808 is a single-family residence built in the 1950's on approximate .83 acre lot. It is located along Hammond
809 Drive in a predominately single-family residential area. City Staff has negotiated a Purchase and Sale
810 Agreement wherein the City may acquire the Property for the purchase price of \$650,000.00.
811

812 **Motion and Vote:** Council Member Burnett moved to adopt Agenda Item 19-239, Consideration of a
813 Purchase and Sale Agreement for Property Located at 6020 Glenridge Drive (Tax Parcel # 17-0036-0002-
814 009-1). Council Member Paulson seconded the motion. The motion was approved unanimously.
815

816 18. **19-240** Acceptance and Approval of an Agreement to Purchase Real Estate related to the CDBG
817 Roswell Road Sidewalk Project
818

819 **Marty Martin, Director of Public Works** - Staff recommends that the Mayor and City Council accept
820 and approve an Agreement to Purchase Real Estate on that tract or parcel of land lying and located in Land
821 Lot 92 of the 17th District, Fulton County, Georgia. The property is owned by 5300 Roswell Road, LLC,
822 located at 5300 Roswell Road, Sandy Springs, Georgia. Staff was able to negotiate an amicable agreement
823 with the owners for the purchase Fee Simple Right of Way, 2-year Temporary Construction Easement, site
824 improvements, parking cost to cure with consequential damages for temporary loss of parking. The
825 property owner rejected the City's Fair Market Value (FMV) offer of \$145,800.00 and countered with
826 \$150,000.00, an additional \$4,200.00. When considering the costs of temporary loss of parking on the
827 Chevron Gas station / store during construction, staff agrees the 3 % increase above the City's FMV is

828 reasonable and recommends compensating the owner \$150,000.00 for the 3,000 sq.ft. of Right-Of-Way and
829 approximately 2,000 sq.ft. of construction easement.

830

831 **Motion and Vote:** Council Member Bauman moved to adopt Agenda Item 19-240, Acceptance and
832 Approval of an Agreement to Purchase Real Estate related to the CDBG Roswell Road Sidewalk Project.
833 Council Member DeJulio seconded the motion. The motion was approved unanimously.

834

835

836 19. **19-241** Acceptance of Prequalified Vendors for Geotechnical Services

837

838 **Marty Martin, Director of Public Works** - Staff recommends that the Mayor and City Council approve
839 the four (4) prequalified vendors for stand-geotechnical services. Any task with a quote of over \$250,000
840 will be brought back to Mayor and City Council for approval per the current adopted purchasing policy.
841 Ten responses were received to the on-call RFP. A committee of five staff members, using the established
842 scoring matrix, reviewed and evaluated the proposals based on the submitted pricing as requested. The top
843 four were selected to be on the on-call list based on a natural break between pricing criteria and the desire
844 to have several consultants under contract due to the term limits of five years. The four selected consultants
845 are: Universal Engineering; Goodwin Mills and Cawood (GMC); ECS Southeast, LLP; and Professional
846 Services Industries, Inc. (PSI).

847

848 **Motion and Vote:** Council Member Paulson moved to adopt Agenda Item 19-241, Acceptance of
849 Prequalified Vendors for Geotechnical Services. Council Member Soteres seconded the motion.

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851 **Council Member Paulson** offered that this is a continuation of what the staff has been doing for a while,
852 which is to have prequalified vendors so that each project doesn't have to be bid out. This is in an effort to
853 try to shorten the time frame between the start and end of a project.

854

855 **Final vote:** The motion was approved unanimously.

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857 20. **19-242** Consideration of Approval of a contract to construct Project CC-0010, Sandy Springs Circle
858 Streetscape, Hammond Drive to Mt. Vernon Highway, GDOT PI# 0010385

859

860 **Marty Martin, Director of Public Works**, presented that based on the review of the bids, staff
861 recommends award to Vertical Earth. The invitation to bid for construction of Project CC-0010, Sandy
862 Springs Circle Streetscapes, Hammond Drive to Mt. Vernon Hwy, was advertised for bids beginning May
863 15, 2019. A pre-bid meeting was held on May 29, 2019. Bids were received on June 19, 2019. Upon
864 administrative review of the bids, the City of Sandy Springs' Public Works, Purchasing and Legal staffs
865 recommended that award be made to Vertical Earth. The engineer's construction cost estimate was
866 \$2,526,806.41. Upon approval, the contract will go forward to the Georgia Department of Transportation,
867 since it is an 80 / 20 match with this project. GDOT's final approval of all bids and all items submitted in
868 response to the bid are appropriate and administratively correct before we get a report that they award it to
869 the contractor. This would signal the City's intent that we are ready to move forward. Notice to Proceed to
870 the construction contractor will be sometime in late October of this year. In conjunction with this, it is
871 anticipated that the City and Georgia Power mobilize within the next couple of weeks to begin the aerial to
872 undergrounds that need take place in support of this project as well. As relates to the budget, the City's
873 20% (\$500,000) is sufficiently programmed as part of the project. As to the contractor, Director Martin
874 reported that Vertical Earth has previously done work for the City, including the Brandon Mill project and
875 the construction of the Roswell Road and Glenridge Intersection.

876

877 **Motion and Vote:** Council Member Burnett moved to adopt Agenda Item 19-242, Consideration of
878 Approval of a contract to construct Project CC-0010, Sandy Springs Circle Streetscape, Hammond Drive
879 to Mt. Vernon Highway, GDOT PI# 0010385. Council Member Reichel seconded the motion.

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Council Member Paulson congratulated Director Martin on getting this project moved along.

Final Vote: The motion was approved unanimously.

21. **19-243** Resolution Appointing an Interim City Manager

Mayor Rusty Paul recommended that City Council approve the appointment of Peggy Merriss as the Interim City Manager for the City of Sandy Springs until a permanent replacement is found. Ms. Merriss is from the City of Decatur, which has done a phenomenal job under her tenure in redevelopment of the downtown area. Ms. Merriss is very well regarded among City Managers and the other professional staff, not only just in Georgia, but across the entire country. She comes highly recommended by the current City Manager, John McDonough.

Motion and Vote: Council Member Reichel moved to approve Agenda Item 19-243, Resolution Appointing an Interim City Manager, Peggy Merriss. Council Member DeJulio seconded the motion. The motion was approved unanimously.

REPORTS

Mayor and Council Reports

Mayor Rusty Paul announced he wanted to salute Sharon Kraun, Communications Director, who worked unbelievably hard on this, along with the efforts of Mr. McDonough and myself who lobbied the Georgia Municipal Association to change their rules to be able to do this. This award general requires 15 years of service to a municipal government by the recipient of this award. This recognition is for our founding Mayor and my predecessor, Eva Galambos, whom has been elected to the Georgia Municipal Association Hall of Fame. Mayor Paul shared he had been granted the privilege of going to see John Galambos on Memorial Day to let him know that Eva had been elected.

Mayor Paul said he wanted to thank GMA for bending the rules on our behalf so that this could occur. Mayor Paul thanked Mayor Pro Tem Paulson for accepting the award on behalf of the City.

Council Member Paulson shared that the award was presented at the business meeting on Monday and they made a fantastic profile of the late Mayor Galambos. The award was accepted gratefully on behalf of the City and the citizens.

22. **19-244** Staff Reports

1. April 2019 Financials

Finance Director Karen Ellis stated that included in the agenda package is the May 2019 financials. The City is currently at 11/12th of the year. Revenues are trending over budget for now. We still have some to accrue before the year-end. We are at 104-105%. General fund expenditures are at 82%, but again, we still have more to turn in for June, and then approve for the end of the year. Nothing else of note occurring in May. Not much else for June, other than accruals for the end of the year.

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2. Alarm Ordinance Update

Police Captain Dan Nable gave the False Alarm Reduction Program PowerPoint presentation. The ordinance went into effect June 19th. Prior to the 19th, there was a total of 353 alarm calls. After June 19th, the number went down substantially to 119. There was a total decrease of approximately 77% overall call volume. In other words, that's 77% less false calls that the police department has had to respond to and could concentrate on other true, legitimate law enforcement functions. On June 29th, where in the midst of searching for a lost child, the City received a verified alarm call at a construction site of an apartment complex on Roswell Road. Had the alarm not been verified, efforts likely would have been concentrated on the lost child. However, because the call was verified that it was a crime in progress, the patrol supervisors were able to better manage their manpower and respond to criminal activity in progress that resulted in 3 arrests of burglars. The alarm ordinance is having the desired effect.

3. General Government Services Transition Update

John McDonough, City Manager reported that the City has in-sourced a number of positions effective July 1. The total number of FTEs was 157. Of those, 127 actually transitioned and there were 30 openings, some prior to that transition date and some people just chose to find other employment or stay with their current employer, primarily in the area of Public Works. Those positions have been advertised and there are multiple interested people. In some cases, a couple hundred people for some of the jobs. So there's a lot of people looking for an opportunity to come and work with Sandy Springs. Staff is in the process of evaluating the Performing Arts Center positions, of which there are 24. They will continue for the time being working for the Collaborative in an outsourced method. Sean will work with the senior leadership team on making recommendations in the coming months on what is the best solution long term for those positions. On the offers that we made, which were 139, 127 accepted and 12 declined for a 91% acceptance rate. Effective August 15, Recreation and Municipal Court will become City employees. Additionally, it is estimated that the City will save approximately a half-million dollars more than originally estimated. The original estimates were about \$2.7 million annually, so this will put the total savings at well over \$3 million.

ADJOURNMENT

18. **19-246** Adjournment

Motion and Vote: Council Member DeJulio moved to adjourn the City Council meeting. Council Member Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 8:32 p.m.

Date Approved: July 16, 2019

Russell K. Paul, Mayor

Coty Thigpen, City Clerk