

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

INVOCATION

Rabbi Eytan Kenter, B’Nai Torah, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:00 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

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

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos present

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

PLEDGE OF ALLEGIANCE

Boy Scouts Troup from #463 led the Pledge of Allegiance

PUBLIC COMMENT

Andy Bauman, 775 Lake Summit Drive, stated regarding the Lake Forrest road closure, the slope conditions have become dangerous for traffic. Based on the emails he received, not everyone agrees with the total road closure. When one road is closed there is an impact on other roads such as Stewart Drive and Maryanna. He hopes staff will be mindful of the reaction to the necessary closing of Lake Forrest Drive. He implores the City to act with the greatest speed possible when repairing the road. The work should be done with efficiency, economics, and safety in mind for the road repair. This road affects many drivers every day during their commute. He thanked staff for their hard work.

Eric Bern, 775 Mabry Road, stated he owns Eric Bern studio in Sandy Springs. He thanked the Mayor and Council for allowing him to speak. His family moved to Sandy Springs over thirty years ago, and around that time he opened his first studio in Hammond shopping center. Twenty-two years ago he purchased the location where his studio is now located. He turned a 50 year old house into an attractive customer design studio. It was the smartest business decision he made. His business has prospered because of the location. The business has been successful due to a combination of good photography and hard work. The presence of his building reassures his clients that his business will stay for a long time. Perhaps this is why the Mayor complimented him that his business has become an institution in Sandy Springs. His studio has great visibility from the road. He uses the building to its best ability and utilizes the greenspace beside it to create his artwork. There are twenty-foot ceilings in the building that are used for studio lighting. He built his own private park in order to create beautiful outdoor portraits. He plans on working at this location for the rest of his life. Beyond that, he envisions leaving a legacy to his

children. All of this became threatened last December when he saw the proposed plan for the City Center project. The plan shows a road that will run right through his building. Since that time, he spent many hours calling people, researching, and lobbying. He designed a plan that several Councilmembers have expressed to be a viable solution on how he could remain at his current location. The City has spent over \$300,000 to create the Master Plan. He presented a drawing for the audience to view. He referenced a map of the current plan by Goody Clancy with two changes. After reading through the City Center plans, the idea is to create a vibrant, pedestrian friendly place where people can eat, walk, shop, and live. The Blue Stone Road extension was designed for connecting the future City park and amphitheater. He proposed the City could construct a wide, beautiful, inviting, sidewalk beside his property line instead of a road that would go through his building. The walkway would enhance pedestrian mobility. The sidewalk would make a safe and more direct route connecting two of the most important areas of the project. This would alleviate the need for additional roads in a small compact area. The walking path would cost considerably less money than a road. Pedestrians could walk along a beautifully landscaped path connecting to Mount Vernon sidewalk. The sidewalk could also be used to walk to a greenspace at the proposed City Center. The proposed road could be placed on Mount Vernon Highway. The design would aid the flow of traffic coming and going from the parking deck from Mount Vernon and Hildebrand. His plan would place the road perfectly between Roswell Road and Sandy Springs Circle instead of fifty feet from Sandy Springs Circle. The Master Plan was approved by six Councilmembers and Mayor Galambos. Many proposed plans are likely to be modified or changed. He asked that Council consider his proposed change. The Mayor worked extremely hard for the City to become incorporated. The City Council now has a dream of a vibrant City Center for the citizens to enjoy and be proud of. We are all motivated to make this dream happen. His dream was to build a studio in the middle of Sandy Springs. He has accomplished this through hard work. He would like to work with the leaders of the City to make the proposed solution become the reality of tomorrow.

Jennifer Harper, Program Manager of Perimeter Community Improvement District (PCID), thanked the Mayor and Council on behalf of the PCID and PCID President Yvonne Williams. The City will enter into an agreement with GDOT for grant funding that would pay for the landscaping at the Hammond at GA 400 interchange. The PCID is proud of the gateway to central Perimeter. The new landscaping will continue to create a strong statement attracting of companies coming to Georgia and the City of Sandy Springs. She thanked the City for its continued partnership on these projects.

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember DeJulio moved to approve the Regular Meeting agenda for August 6, 2013. Councilmember Fries seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 13-133)

1. Meeting Minutes:
 - a) July 16, 2013 Regular Meeting
(Michael Casey, City Clerk)

(Agenda Item No. 13-134)

2. Consideration of the Acceptance of the Permanent Drainage Easement (7485 South Spalding Lake Drive)
(Garrin Coleman, Director of Public Works)

Resolution No. 2013-08-42

Motion and Vote: Councilmember DeJulio moved to approve the Consent Agenda for August 6, 2013. Councilmember Fries seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Presentation to the City and Police Department from 400 Hospitality Highway Century Ride

Eric Broadwell, Bike Roswell, presented a plaque to the Mayor and Council. This plaque is a picture from Roberts Drive while the bicyclists were riding on GA400. There were over 1,500 cyclists in the race. He also presented a plaque to the Sandy Springs Police Department and a \$1,000 donation to the Sandy Springs Police Benevolent Fund.

PUBLIC HEARINGS

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

Ad Valorem Tax Rate (Final Public Hearing and Adoption)

(Agenda Item No. 13-135)

1. An Ordinance of the Mayor and Council of the City of Sandy Springs, Georgia, to Fix the Ad Valorem Tax Rate of the City of Sandy Springs for Fiscal Year 2014; and for Other Purposes

City Manager John McDonough stated this item has been properly advertised. Two of the required three public hearings have been held on the millage rate. The recommended millage rate is 4.731 mills and has been this rate since the inception of the City. This number was utilized for anticipated tax collection for fiscal year 2014.

Mayor Eva Galambos called for public comments in support of or in opposition to the ordinance. There were no public comments. Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-135, an Ordinance of the Council of the City of Sandy Springs, Georgia, to Fix the Ad Valorem Tax Rate of the City of Sandy Springs for Fiscal Year 2014; and for Other Purposes. Councilmember Paulson seconded the motion. The motion carried unanimously.

Ordinance No. 2013-08-18

Alcoholic Beverage License

(Agenda Item No. 13-136)

2. Approval of Alcoholic Beverage License Application for Slope's BBQ of Sandy Springs at 200 Johnson Ferry Rd Sandy Springs, Georgia 30328. Applicant is Glenn McDaniel for Consumption on Premises Wine & Malt Beverage

Finance Director Karen Ellis stated this item is a new alcohol beverage license application for consumption on premises of wine and malt beverage for Slope's BBQ. The applicant has met all requirements and staff recommends approval.

Mayor Eva Galambos asked if the business has a new owner.

Councilmember Gabriel Sterling responded no.

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

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 13-136, Alcoholic Beverage License Application for Slope's BBQ of Sandy Springs at 200 Johnson Ferry Rd, for consumption on premises of wine & malt beverage. Councilmember Sterling seconded the motion. The motion carried unanimously.

River Corridor

(Agenda Item No. 13-137)

3. **RC-13-05SS** (2915 Coles Way)

Director of Community Development Angela Parker stated this is an application for the construction of a pool within the river corridor. Staff recommends approval.

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

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-137, RC-13-05SS (2915 Coles Way). Councilmember Paulson seconded the motion. There was no Council discussion. The motion carried unanimously.

(Agenda Item No. 13-138)

4. **RC-13-06SS** (4900 Riverview Road)

Director of Community Development Angela Parker stated this application is for the construction of a single family residence and it is consistent with the River Corridor act. Staff recommends approval of the application.

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

Councilmember Chip Collins asked if this is the item that Council has been receiving emails on recently.

Councilmember Karen Meinzen McEnery responded no. The location of this address is adjacent to East Palisades Park.

Motion and Vote: Councilmember Meinzen McEnery moved to approve Agenda Item No. 13-138, RC-13-06SS (4900 Riverview Road). Councilmember Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-139)

5. **RC-13-07SS** (965 River Overlook Court)

Director of Community Development Angela Parker stated this River Corridor application is for a swimming pool. Staff recommends approval.

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

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 13-139, RC-13-07SS (965 River Overlook Court). Councilmember Collins seconded the motion. There was no Council discussion. The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 13-115)

1. Consideration of Approval of June 18, 2013 City Council Regular Meeting Minutes

City Clerk Michael Casey stated at the July 16, 2013 Regular City Council meeting it was approved to move the June 18th minutes from the consent agenda to the regular portion of the agenda. Due to the length of that meeting the approval of the minutes was deferred to this evening. The motion to move the minutes from the consent agenda was made by Councilmember Fries.

Councilmember Dianne Fries stated her concern is regarding a motion she made on June 18, 2013 for a zoning project. She was not clear when she used the term "hiccup" and that was part of her motion. She would like to clarify what she meant. There is a sidewalk that Council wants to be added. The "hiccup" is that the property owner, Hines, does not own the property where the sidewalk will be installed. That property is owned by the general office complex. The "hiccup" is that the motion should have stated Hines is to work with the third party and City staff in order to get the sidewalk installed.

Motion and Vote: Councilmember Fries moved to amend page 8 of the June 18, 2013 City Council Regular Meeting Minutes, regarding the motion on Agenda Item No. 13-106, to include a clarification that states, "sidewalks shall be constructed along the north side of Northpark Place subject to the approval of the third party owners and the Director of the Department of Community Development." Councilmember Sterling seconded the motion. The motion carried unanimously.

Councilmember Karen Meinzen McEnerny stated this is a great idea. The motion will not require the third party property owners to actually install the sidewalk.

Mayor Eva Galambos responded no.

Councilmember Meinzen McEnerny stated the parties will try to install the sidewalks and hopefully Hines will pay for them.

Councilmember Tibby DeJulio stated all that will be clarified is the minutes, not the action.

Motion and Vote: Councilmember Sterling moved to approve the June 18, 2013 City Council Regular Meeting Minutes as amended. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-140)

2. Consideration of Award of the FY 2014 Capital Resurfacing Contract

Director of Field Services Charlie Roberts stated this item is to consider an award for the 2014 capital resurfacing contract to Northwest Georgia Paving in the amount of \$3,315,930.55. The contract consists of 19 miles of resurfacing to be completed this fall and next spring.

Councilmember John Paulson asked if Northwest Georgia Paving has previously done work for the City.

Director of Field Services Roberts stated the company is currently doing work for the City. The work is going extremely well and staff is very pleased with the current results.

Mayor Eva Galambos stated the amount is over what Council allocated in the budget.

Director of Field Services Roberts stated the amount is a combination of the FY14 capital resurfacing funds and FY13 LMIG funds. Both programs have been combined into one. This also includes the \$598,000 the City received from GDOT.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 13-140, award of the FY 2014 Capital Resurfacing Contract to Northwest Georgia Paving. Councilmember Meinzen McEnery seconded the motion.

Councilmember Karen Meinzen McEnery stated questions have come up recently regarding curbs and gutters and moving stormwater off the City streets. She mentioned Spruill Springs and Hardeman Road nearby. She asked how staff addresses curb and gutters on streets that have been resurfaced so many times that the curbs aren't high enough to convey stormwater down the street. She asked if the specifications require the contractor to mill down the surface so the existing curb and gutter will work.

Director of Field Services Roberts stated included is variable depth milling, which allows the contractor to go down to the original base, especially where the roads have been overlaid many times. Sometimes the old granite curb has to be raised by the City before the contractor works on the road. Before the paving contracts begins, the City tries to fix the broken curbs.

Councilmember Dianne Fries stated she wants the City to place a "tick" mark in the contract with the paving companies so that if they pull off of a site, they will feel the pain if they do not come back in a timely fashion. She asked staff about the paving that was done early on near inception of the City. She asked if some paving companies are better than others.

Director of Field Services Roberts stated it is hard to figure out what contractor was used for the paving of a particular street, due to there being so many previous paving contractors.

Councilmember Fries asked if moving forward staff can judge the quality of work after each paving contractor completes a project. Some roads that were paved not long ago are already not in the best shape.

Director of Field Services Roberts stated the paving result has more to do with what is under the asphalt than what was paved on top. Some of the roads in the City are very old.

Councilmember Fries stated some of the roads she has questioned might have been marginal roads that should have been rebuilt versus repaved.

Director of Field Services Roberts stated that is correct.

Councilmember Meinzen McEnery stated she knows the City has records that show which contractor paved what section of road. Staff could research this.

Councilmember Gabriel Sterling stated the condition of the road is not necessarily due to the contractor that paved the road before, so it is hard to evaluate.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2013-08-43

Councilmember Chip Collins asked when this contract will begin.

Director of Field Services Roberts stated this contract was awarded late. There are almost 90 roads on the list, which totals about 20 miles. Staff asked the contractor to complete thirty percent of the work by the end of November with the final 70% due by the end of April 2014.

Councilmember Meinzen McEnery asked if the contractor chooses where they will begin the work.

Director of Field Services Roberts stated staff asks the contractor to generate a logical way to move through the City when doing the work.

Councilmember Paulson asked if the contractor can complete more than 30% by the end of November.

Director of Field Services Roberts stated that is a possibility, but it depends on the weather.

(Agenda Item No. 13-141)

3. Authorize the Mayor to Sign the Memorandum of Agreement with Georgia Department of Transportation for the Hammond Drive at SR 400 Landscaping Project

Director of Public Works Garrin Coleman stated this grant is a reimbursement to the City in the amount of \$258,281.55. The money would come to the City and then go directly to the PCID. The City will receive the records and ensure the construction has been completed to standards.

Councilmember Gabriel Sterling asked who besides City staff evaluates the work.

Director of Public Works Coleman stated GDOT would have to view the work and certify that everything has been installed.

Mayor Eva Galambos asked if this includes all the trees that were planted.

Director of Public Works Coleman responded yes. The work also includes the sod and shrubs.

Councilmember Karen Meinzen McEnery asked if the new billboard in the area will impact the beautiful plantings.

Director of Public Works Coleman responded no.

Councilmember Chip Collins asked if the work has already been completed.

Director of Public Works Coleman responded yes. This is a reimbursement for the work that was done.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-141, to authorize the Mayor to Sign the Memorandum of Agreement with Georgia Department of Transportation for the Hammond Drive at SR 400 Landscaping Project. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2013-08-44

(Agenda Item No. 13-142)

4. Consideration of CH2MHill Incentive Application

Director of Economic Development Andrea Hall stated CH2MHill is currently located in Sandy Springs at the NorthPark building. They are considering a consolidation and expansion of office space. Sandy Springs is one of two locations the company is considering moving to in the metro area. If CH2MHill relocates in Sandy Springs, they would move from the NorthPark location to the Embassy

Row buildings at 6600 Peachtree Dunwoody Road. They plan on committing to a seven year lease of 85,000 square feet with an estimated tenant build out of \$2 million, not including furniture, fixtures, and equipment. The company would retain 381 employees in Sandy Springs, relocate an additional 85 employees to the City from elsewhere in the metro area, and add more than 15 new employees for a total of 445 employees in Sandy Springs. The employees would have an average salary above the average wage level for Sandy Springs of \$66,092. Under the current policy CH2MHill would qualify for a building permit fee waiver of approximately \$10,000 and two years worth of business occupational tax waivers at \$55,000 a year for a total waiver of approximately \$120,000. The last time an incentive request was before Council, Council mentioned they want to review the current incentive policy. This item is on the Work Session agenda this evening. However, this application was received under the existing policy. Staff recommends approval of this application.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 13-142, CH2MHill Incentive Application. Councilmember Fries seconded the motion.

Councilmember Karen Meinzen McEnerny asked if the \$2 million includes tenant improvements.

Director of Economic Development Hall responded yes. There is additional furniture, fixtures, and equipment on top of that amount.

Councilmember Meinzen McEnerny stated also listed in this item is the amount of funding Council has approved in the past for various tenants. She asked how much of the \$116 million of investments in the four or five incentive requests was tenant improvements.

Director of Economic Development Hall stated the total amount of incentive programs that Council has already approved, not including the pending application for this evening, is approximately \$1.7 million. The real property tenant improvement investment and new construction is worth about \$116 million.

Mayor Eva Galambos asked if that number includes construction.

Councilmember Meinzen McEnerny asked how much of the \$116 million was tenant improvements.

Director of Economic Development Hall stated the only business that had new construction was Cox Enterprises of approximately \$100 million. Approximately \$16 million in tenant improvement value for all of the other incentives has been approved.

Mayor Galambos stated Graphic Packaging included about \$5 million that was not tenant improvements.

Director of Economic Development Hall responded yes. Graphic Packaging had about \$3.6 million in new building construction and approximately \$3.8 million in tenant build out.

Councilmember Meinzen McEnerny asked if Cox Enterprises included tenant improvements in the \$100 million.

Director of Economic Development Hall responded no. The \$100 million estimate was for new construction.

Councilmember John Paulson stated on the bottom on page 2 of the memo it states pursuant to the incentive policy a public hearing is required prior to action by the City Council. He asked if a public hearing needs to be held.

City Attorney Wendell Willard stated if the policy requires a public hearing, comments from the public should be taken.

Councilmember Meinzen McEnery stated the FASB accounting laws were changed more than twenty years ago. It was recognized that landlords were amortizing tenant improvements, not over the firm term of the lease of ten to fifteen years, but were depreciating the tenant improvements over the entire life of the asset. FASB states the value that the landlord is receiving is for the income stream related to the firm term of a lease. Tenant improvements, like leasing commissions, are amortized over the firm term. Her intention when she approved the incentive program was to give incentives for real capital items such as roofs, expansions of buildings, and lobby upgrades, things that actually extend the useful life of the building. This is similar to how the City of Roswell defines it in their incentive policy. She will not support the application, because it is against her viewpoint that tenant improvements are not what Council is seeking here.

Councilmember Gabriel Sterling stated the City adopted a policy. Two other companies were given incentives by using the City's current policy. It would be unfair for a company that applied for the incentive under the current policy to not be approved. This application should be approved. The City has an existing economic incentive policy that should be followed.

Mayor Galambos stated the City has some uncertain economic incentive policy rules. When the incentive program discussion first began she made a point of saying she does not want this to become a contest between real estate brokers for property in Dunwoody and Sandy Springs as to who can get the best terms in filling a building to full occupancy. The build out is part of the negotiating for the rent and not a capital improvement. Council made a point with Graphic Packaging that the improvement has to be a physical capital improvement. The City was remiss in not putting all this information in writing. She hopes this confusion will be cleared up later on this evening during the Work Session.

Councilmember Dianne Fries stated there have been discussions and a difference of opinion from Councilmembers on how to interpret what was approved. This application should be approved. Since another application was received by the City, a hold should be placed until the ordinance is modified properly.

Councilmember Paulson asked if a public hearing is required for this item.

City Attorney Willard responded yes.

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

Councilmember Fries asked if Council has to take action in order to place a hold on the City accepting any more economic incentive applications at this time.

City Attorney Willard stated a moratorium should be placed on the economic incentive applications.

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

City Attorney Willard stated a time limit should be placed on the moratorium. He asked if there are any other pending incentive applications.

Director of Economic Development Hall stated there is one pending application.

Motion and Vote: Councilmember Fries moved to place a moratorium on the acceptance of any new economic incentive applications from August 7, 2013 through September 3, 2013. Councilmember Sterling seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-143)

5. Approval for Contract to Purchase 226 Mount Vernon Hwy (Waffle House)

City Attorney Wendell Willard stated this item is the sales contract that has been negotiated with Waffle House. This is one of the major parcels involved with land acquisition for the City Center project. Staff has negotiated the price at \$1.150 million. The price includes the property purchased, equipment costs, and moving the business to a new location. The City is allowing the continued use of the property as a business until January 1, 2014. The business has a new building currently under construction on Roswell Road.

Councilmember Dianne Fries asked if the cost includes relocation fees.

City Attorney Willard responded yes. The price includes any costs that are associated with relocation.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-143, a contract to Purchase 226 Mount Vernon Hwy (Waffle House). Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-144)

6. Approval for Contract to Purchase 6218 Roswell Road – Home-Grown Industries of Georgia, Inc., (former Mellow Mushroom)

City Attorney Wendell Willard stated this item is another property that is included in the City Center project. This property is known as the Mellow Mushroom property. This would be the second parcel the City has acquired that fronts Roswell Road. Mellow Mushroom is no longer in business. The company that purchased the property is Home-Grown Industries of Georgia, which is the parent company of Mellow Mushroom. The purchase price is \$400,000. The owner desires to retain the use of the property until the end of the year. They plan on holding a reception at the location in order to celebrate their 40th year in business. This location was one of the original locations for Mellow Mushroom. For both of the contracts staff will do the final work for Phase II investigation. The closing of the contracts will be conditional upon what is discovered from the investigations.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-144, a contract to Purchase 6218 Roswell Road from Home-Grown Industries of Georgia, Inc., (former Mellow Mushroom). Councilmember Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-145)

7. Consideration of Lake Forrest Slope Stabilization Improvements

City Manager John McDonough stated staff wants to provide Council with an update on the latest activity on Lake Forrest Drive and then make recommendations regarding a timeline and issues related to procurement.

Director of Public Works Garrin Coleman stated staff recently received the final geotechnical report on the Lake Forrest slope. A United Consulting representative is in attendance to answer any detailed questions that Council may have regarding the soil and findings in the report. Nine additional borings were obtained. Seven of them were taken on the road shoulder immediately in front of the steep face of the slope as well as two on top of the slope. The borings in the bottom slope hit rock anywhere from two feet to sixteen feet deep, on the shoulder of the road. This could impact any foundations that are built, if

walls are to be built. On the top of the slope rock was not reached until twenty feet deep in one hole and thirty-seven feet deep in the other hole. The slopes highest point is forty-two feet. There is less rock on the rock face than what was anticipated. There is little to no substantial rock in the rock face. At this point, mechanical stabilization is being considered.

Councilmember John Paulson stated an issue he wanted to pursue was if in fact the slope was competent rock with a small amount of soil to be stabilized. That is a different design than if the rock has changed to soil. The reason for the borings was to see how competent the rock is in the slope face. He hoped a majority of it was competent and it would not require a structure to retain all of the slope. There is a soil column 20 to 30 feet deep that will have to be taken into account for the design and stabilizing of the soil mass on top of the rock. This makes the design more complicated and more costly.

Director of Public Works Coleman stated there is about 500 to 550 feet of total length of the rock and it varies from 0 to 42 feet in height. The total square footage is around 15,000 square feet.

Councilmember Tibby DeJulio asked what is mechanical stabilization.

Director of Public Works Coleman stated mechanical stabilization is the construction of walls.

Councilmember Karen Meinzen McEnerny asked if staff thought of making the slope a 2:1 ratio instead of using mechanical stabilization.

Director of Public Works Coleman stated if the slope were changed to a 2:1 ratio, that would cause the slope to be at the back door of the properties on top of the slope.

Councilmember Paulson stated in some cases the property line of the properties is over the boundary of where the slope has eroded. To make the slope flat would be removing some of the homeowner's property. The question for the designer now is how high the wall should be in order to have a stable slope. There will be a combination of wall and slope with the proposed solution. The more slope there is, the more backyard the City will have to take, but the lower the wall will be.

Mayor Eva Galambos asked if the slope will end at the back doors of the homes.

Director of Public Works Coleman responded yes. If the slope is graded all the way back at a 45 degree angle, it would end at the back doors.

Councilmember Meinzen McEnerny asked if the homes are a part of the Lake Forrest Summit or Quarry Lake neighborhood.

Director of Public Works Coleman responded Lake Forrest Summit. There are three houses that will be affected.

Mayor Galambos asked if staff has spoken to these homeowners, yet.

Director of Public Works Coleman responded yes, but staff has not discussed this report with the homeowners yet. Instead, staff wanted to brief Mayor and Council first and then will reach out again to the homeowners.

Councilmember Gabriel Sterling asked if this issue is the property owners, since it is on their property.

Director of Public Works Coleman stated he will defer that question to City Attorney Willard.

Mayor Galambos asked if the houses are in danger of sliding.

Director of Public Works Coleman stated the homes are 70 to 80 feet from the top of the rock bank.

Councilmember Dianne Fries stated she believes that Lake Forrest Drive was installed before the homes were built.

Mayor Galambos stated the street was built before Sandy Springs was incorporated.

Councilmember Meinzen McEnery asked if Council will be asked to approve moving forward with this.

Director of Public Works Coleman stated he will address that question this evening.

Councilmember DeJulio asked if the City has anything in place when a builder proposes new construction for these issues to be considered, so these problems will not occur in the future.

Director of Public Works Coleman responded yes. He will defer the question to Director of Community Development Parker. There is the meetings with applicants where staff reviews the flood plain and other items. This particular development was permitted by Fulton County.

Councilmember Paulson stated this is not the only near vertical or vertical rock in the City. By doing the soil borings, at least now there is a process in place to where staff can have other rock cliffs analyzed.

Director of Public Works Coleman stated the City has received eight phone calls within the past twelve months on this type of issue. Regarding this particular slope, there was concern there was a water source in the surface, but there isn't. The increased rain may have caused the rock and soil slides.

Councilmember Chip Collins asked if the borings were done into the hill.

Director of Public Works Coleman responded no, they were done straight down on top of the bank. The access to the top of the bank was constrained by the fact there are properties at the top.

Santanu Sinharoy, P.E., Senior Vice President/Senior Geotechnical Engineer, stated on the south side of the slope the boring went down forty feet before rock was reached.

Councilmember Collins asked if the rock erodes from top to bottom or where it is cut into the hill.

Mr. Sinharoy responded it is a combination of both. Most of the material on the slope has already been weathered into soil. The heavy rain within the last twelve months contributed to the erosion of the slope.

Councilmember Collins asked if there is any idea of the pace of the erosion.

Councilmember Paulson stated when rock is exposed to water over time, it reverts back to soil.

Director of Public Works Coleman stated one recommended mechanical stabilization technique includes the soil nail. The cost for that technique is from \$60 to \$70 per square foot with an additional cost for an aesthetic face, which can cost another \$30 per square foot. The total cost for this technique would be about \$800,000 to \$1.5 million, if the whole rock face is repaired. Once the detailed design is looked at, the height can be determined. These numbers are estimates at this point.

Councilmember Meinzen McEnery asked if the soil nail wall photograph in the presentation has been aesthetically improved.

Director of Public Works Coleman responded no. The other option is the gravity type wall. Three main types of gravity walls include the poured concrete, stone, or masonry unit. Behind these walls requires more excavation, so there would be more impact to the properties behind the wall. This option is a cheaper solution per square foot. With either solution property easements will be required.

Councilmember DeJulio asked which method is more effective and longer lasting.

Director of Public Works Coleman stated both are permanent solutions.

Councilmember Collins asked how much property will need to be acquired for the gravity wall solution.

Director of Public Works Coleman stated that will be determined during the design process. Typically, there will need to be 20 to 40 feet behind the wall. The property will be placed back to its original condition after the wall is built.

Councilmember Fries asked about the aesthetics of the nail wall.

Director of Public Works Coleman stated the aesthetics will cost \$30 per square foot.

Councilmember Meinzen McEnerny stated the facing can be granite rubble to match the City's other granite walls.

Mayor Galambos stated this project will use all of the contingency money.

Director of Public Works Coleman responded yes. Staff wants to be aggressive with the time schedule. Several things that could impact the construction schedule are works hours and possibly allowing weekend work.

Mayor Galambos stated the neighbors will probably put up with the nuisance of the work in order to open the road again.

Director of Public Works Coleman stated he agrees. There is currently a three year old survey that will be used to begin the design. He asked Council to consider the use of emergency procurement in moving forward with the consulting and the construction contracts. Staff would look to award the design contract tomorrow, if possible. He will have a detailed proposal from URS tomorrow. URS is committed to have the design complete in three weeks. This design depends on not needing any more soil borings or much additional survey work.

Councilmember Meinzen McEnerny asked for the end of construction date.

Director of Public Works Coleman stated he does not have that date available at this point.

Councilmember Paulson stated the end date of construction depends on what the contractor comes across during the design phase. The objective is to rebuild the slope as quickly as possible to not allow time for the slope to erode anymore.

City Manager McDonough referenced a slide on the presentation regarding the Georgia Code that deals with exceptions for procurement. The City's purchasing policy addresses occasions that arise, which would require immediate action to purchase items to prevent the disruption of operations. The slope erosion is a situation that constitutes a threat to health, welfare, safety, and the soundness of public property. He proposed that Council allow staff to move forward with this option. Staff would like to

award the design phase to URS. The design time has already been changed from three months to twenty-one days.

Councilmember Fries stated if URS is mentioned in Council's motion and staff does not choose URS, this item will have to come back before Council again for approval.

City Manager McDonough stated he has the authorization to move forward with this item under the City's code. The company used may not end up being URS.

Motion and Second: Councilmember Meinzen McEnery moved to authorize the City Manager to take the necessary actions to award the design contract as expeditiously as possible for the Lake Forrest Drive slope stabilization project utilizing an emergency procurement under the City's purchasing policy. Councilmember Fries seconded the motion.

Councilmember Meinzen McEnery asked if the company that has done the analysis so far is URS.

City Manager McDonough responded no, that consultant is United Consulting.

Vote on the Motion: The motion carried unanimously.

City Manager McDonough stated he discussed with Assistant City Manager Bryant Poole, that even before completion of the design staff should consider choosing three companies that are preapproved by GDOT that have the capability to perform this type of work. He will confer with Assistant City Manager Poole and Director of Public Works Coleman, listen to their recommendations and make a determination. Staff will pick three companies and once the design process has started, staff will bring the three firms to City Hall to get them acquainted with the design early on in the process, so they can begin their cost estimates. Staff would then give them the final specifications for the project and solicit three proposals from those companies. This allows staff to expedite the process. A recommendation will be brought back to Council to make a final selection.

Motion and Second: Councilmember Meinzen McEnery moved to authorize the City Manager to use the GDOT prequalified vendors list for the Lake Forrest slope stabilization project in order to expedite the award of a construction contract during the design phase of the project, if possible. Councilmember Fries seconded the motion.

Councilmember Meinzen McEnery asked how long this project will take from start to finish.

Councilmember Paulson stated the design can be done in three weeks. Contractors measure how long a project will take by how many square feet a day they can build. For large jobs 1,000 to 1,500 square feet a day can be constructed. For small compact jobs such as this, 300 to 400 square feet a day may be constructed. Optimally, the construction will take at least two months.

Vote on the Motion: The motion carried unanimously.

Councilmember Sterling asked if both lanes on Lake Forrest Drive will be closed.

City Manager McDonough stated staff received the report on the previous Friday. The report on the slope was worse than expected and drivers continue to drive the wrong way by disregarding the one way signs. The road will be closed until the slope is repaired. Staff notified the school districts in order to modify the bus routes.

Councilmember Meinzen McEnery asked if there is any way to make a one lane road on the west side of Lake Forrest Drive.

City Manager McDonough stated the west side of Lake Forrest Drive is not in good enough condition to do that.

REPORTS

1. Mayor and Council Reports
2. Staff Reports

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION – Litigation and Real Estate

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss litigation and real estate matters. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session began at 7:21 p.m.

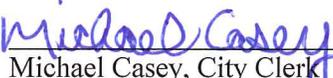
Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 8:12 p.m.

ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 8:12 p.m.

Date Approved: August 20, 2013


Eva Galambos, Mayor


Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

August 6, 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 6th day of August, 2013, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

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

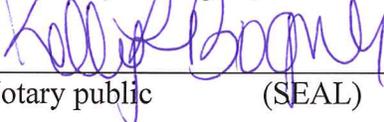
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any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

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



Eva Galambos, Mayor

Sworn to and subscribed before me,
this 6th day of August, 2013.



Notary public (SEAL)

