

Regular Meeting of the Sandy Springs City Council was held on Tuesday, March 19, 2013, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Reverend Chris Lemley, Holy Innocents Episcopal Church, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:07 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

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

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos present .

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

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Sterling moved to approve the Regular Meeting agenda for March 19, 2013. Councilmember Fries seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 13-036)

1. Meeting Minutes:
 - a) March 5, 2013 Regular Meeting
(Michael Casey, City Clerk)

Motion and Vote: Councilmember Sterling moved to approve the Consent Agenda for March 19, 2013. Councilmember Paulson seconded the motion. The motion carried unanimously

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

Rezoning

(Agenda Item No. 13-037)

1. **201203163** - 5776, 5792, 5806, 5820 Glenridge Drive, *Applicant: Pulte Group*, To rezone the subject property from R-2 (Single Family Dwelling District) to TR (Townhouse Residential District) to allow the development of 33 townhomes

Director of Community Development Angela Parker stated the two rezoning requests on the agenda are for townhome projects on Glenridge Drive. The projects are two distinct and separate townhouse development applications. There is one lot in between the proposed townhome projects which the owner has recently acquired. The applicant is requesting withdrawal of the applications in order to apply under one case for one unified cohesive development. Staff recommends withdrawal of the applications.

Pete Hendricks, Representative of the applicant, stated the applicant is now able to file one comprehensive application that will include the additional property. He requested that Council approve the withdrawal of these two applications.

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

Motion and Second: Councilmember DeJulio moved to approve the withdrawal of the application at the request of the applicant for rezoning 201203163 - 5776, 5792, 5806, 5820 Glenridge Drive, *Applicant: Pulte Group*, to rezone the subject property from R-2 (Single Family Dwelling District) to TR (Townhouse Residential District) to allow the development of 33 townhomes. Councilmember Paulson seconded the motion.

Councilmember Gabriel Sterling asked if the items need to be voted on separately.

City Attorney Wendell Willard recommended voting on the items separately.

Councilmember John Paulson asked Mr. Hendricks if he is aware of the upcoming Planning Commission meeting on March 21st and the City Council meeting on April 16th.

Mr. Hendricks stated he is aware of the upcoming meeting dates.

Councilmember Dianne Fries stated neighbors have issues with the back side of the property. She suggested the buffer be an attractive fence or a wall and not a chain link fence.

Councilmember Sterling stated there has been concern that the south side of the properties should look as if they are front facing. It would be nice to have something similar to that as opposed to having decks on the back of the building facing into the adjoining neighborhood. He asked if the applicant could administratively withdraw the application without coming before Council.

City Attorney Willard stated Council has to vote for approval of the withdrawal. This way a penalty will not be imposed on the applicant when filing a new application.

Mr. Hendricks stated prior to the public advertisement of the rezoning, the applicant has a unilateral right to withdraw. Once the application has been advertised, the applicant has to come before Council.

Councilmember Chip Collins asked if another one of Mr. Hendricks clients has made progress regarding the development on GlenForest Road.

Mr. Hendricks stated his clients are mutually aware of the joint interest they have in the entryway of the GlenForest subdivision. His medical office client is working on negotiations regarding the entrance.

Councilmember Collins asked if this item will come back before Council at the same time as the item that involves Mr. Hendrick's medical office building client.

Mr. Hendricks stated at this point both items are scheduled to be heard before Council on the same day. He believes the community would like traffic studies completed and would need more time to review before the item comes before Council again.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 13-038)

2. **201203193** - 5850, 5866, 5880 Glenridge Drive, *Applicant: Pulte Group*, To rezone the subject property from R-2 (Single Family Dwelling District) to TR (Townhouse Residential District) to allow the development of 25 townhomes

(Presented by Director of Community Development, Angela Parker)

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

Motion and Vote: Councilmember DeJulio moved to approve the withdrawal of the application at the request of the applicant for rezoning 201203193 - 5850, 5866, 5880 Glenridge Drive, *Applicant: Pulte Group*, to rezone the subject property from R-2 (Single Family Dwelling District) to TR (Townhouse Residential District) to allow the development of 25 townhomes. Councilmember Fries seconded the motion. The motion carried unanimously.

Reapportionment

(Agenda Item No. 13-039)

3. Resolution to consider an amendment to the Charter of the City of Sandy Springs, Georgia, to reapportion the electoral districts of the City pursuant to the 2010 census

City Attorney Wendell Willard stated Council was provided with a resolution that addresses the statutory requirement for the City regarding reapportionment. Councilmember Sterling assisted with the electoral district changes in order to maintain the margin of change. The change margin was 4.66% of population between districts. This proposed amendment will require two readings. If approved tonight, the proposed amendment will come back to Council at the April 2nd meeting for the second reading. This will have completed the requirements for the reapportionment of the districts in contemplation of the forthcoming election of the new City Council and Mayor.

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

Councilmember Chip Collins asked about a split precinct and if a voter receives a different ballot based on where they live.

City Attorney Willard stated when the individual goes to vote, the registration information will show which ballot the voter should receive.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-039, Resolution to consider an amendment to the Charter of the City of Sandy Springs, Georgia, to reapportion the electoral districts of the City pursuant to the 2010 census. Councilmember Fries seconded the motion. The motion carried unanimously. This was the first of two votes required to amend the City Charter.

Resolution No. 2013-03-16

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 13-040)

1. Consideration of the Extension of the Atlanta Grand Bohemian Hotel Land Disturbance Permit under Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs

(Director of Community Development, Angela Parker)

Joseph Foltz, attorney for Kessler Enterprise, Inc., stated the hotel name is the Sandy Springs Grand Bohemian Hotel. Since he was last before Council, the lending markets have become less strict. This is a project of considerable magnitude for construction lenders. Equity sources are very interested in Sandy Springs. The applicant has re-commissioned a market study to test the hotel rates and proposed occupancy. There are very good numbers coming from the Sandy Springs Hospitality reports. The applicant is hopeful to start construction during the first quarter of 2014.

Councilmember Chip Collins asked where the proposed hotel location is compared to the new Hines development.

Mr. Foltz stated he is not familiar with the details of the Hines development proposal, but the location confirms Kessler Enterprise's judgment in selecting a location.

Councilmember Karen Meinzen McEnerny asked how many rooms the hotel will have.

Mr. Foltz responded 275 hotel rooms.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-040, extension of the Atlanta Grand Bohemian Hotel Land Disturbance Permit under Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-041)

2. Agreement with Sandy Springs Farmers Market, Inc. for 2013

Assistant City Manager Eden Freeman stated for the fourth year in a row this is the operational agreement between the Sandy Springs Farmers Market, Inc. and the City. Market Manager Lee Thompson is in attendance if Council has any questions about the agreement.

Councilmember John Paulson asked if the Farmers Market trying to obtain nonprofit status will affect this agreement.

Assistant City Manager Freeman responded no.

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 13-041, an agreement with Sandy Springs Farmers Market, Inc. for 2013. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-042)

3. Consideration of a Resolution to Approve the Purchase and Finance of New Equipment for the Fire Rescue Department

Finance Director Karen Ellis stated at the last Work Session meeting staff provided a presentation proposing the replacement of six fire trucks. The trade-in value of the vehicles is about \$1.2 million. There was also a recommendation to procure financing with SunTrust Bank at a rate of 1.52%. Staff recommends approval of the resolution and to provide the City Manager the authority to enter into a lease purchase agreement for the purchase of the equipment.

Mayor Eva Galambos asked if the agreement includes the lending portion.

Finance Director Ellis responded yes.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 13-042, a resolution to approve the purchase and finance of new equipment for the Fire Rescue Department. Councilmember Fries seconded the motion.

Councilmember John Paulson asked if Pierce Manufacturing Company is buying back the City's current fire truck fleet and if it is contingent upon the City financing through Pierce.

Fire Chief Jack McElfish stated Pierce plans on buying back the City's current fleet. The buyback of the vehicles is not contingent upon the City financing through Pierce.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2013-03-17

Councilmember Tibby DeJulio announced that the Sandy Springs Fire Department and Police Department received a \$13,800 grant from Firehouse Subs for river rescue equipment.

(Agenda Item No. 13-043)

4. Resolution authorizing change order ("Change Order") under contract with Motorola for the purchase of radio communications equipment, amending the contract to add the Cities of Alpharetta, Milton, and Roswell as parties and, accordingly, to make contract price adjustments, changes in equipment and modifications to the scope of the contract

City Attorney Wendell Willard stated at the December 18, 2012, City Council meeting Council approved a purchase order that only included the City of Sandy Springs. Sandy Springs wants to include the other cities as parties to the purchase order. Negotiations have been made with Motorola to the terms of the provision of the agreement. The financial obligations include that City will pay a specific dollar amount that has increased from the first proposed resolution. The City's responsibility will now be 29.68% of the total purchase price. The purchase price of the equipment has been divided between four cities. The House Bill to create the North Fulton Regional Radio System Authority passed the House and is now in the Senate for approval. The bill should be approved sometime next week.

Councilmember Gabriel Sterling asked if the \$7.87 million is the revised number with Johns Creek not being a part of the agreement.

City Attorney Willard responded yes.

Councilmember Sterling asked if the price changes in the future, would the change have to be approved by Council.

City Attorney Willard responded yes.

Police Chief Terry Sult stated the IGA is written not to exceed \$16 million. The City's total cost is less than \$4 million.

Councilmember John Paulson asked if \$12.8 million is the maximum price for the project.

City Attorney Willard stated the \$16 million is the maximum price.

Councilmember Sterling asked about the City's percentage of the cost.

City Attorney Willard stated the City's cost will be 29.68%

Police Chief Sult stated the City's projected amount is \$4,748,000. The change order includes everything except what is not covered under the State contracts. The overall projected cost of the project is \$14.7 million, which leaves about an eight to ten percent cost difference for contingency.

City Attorney Willard stated there will be a work order for construction of the cell towers and consulting fees with all costs being under \$16 million.

Councilmember Chip Collins asked about paragraph five of the change order that addresses adding Sandy Springs tower sites at Morgan Falls, COA FS 21, and Riverwood. He asked what the physical presence of the system will be in the City.

Police Chief Sult stated this agreement is for the North Fulton Radio System. Due to the City needing to lock in the discount costs, Council approved a City of Sandy Springs radio system as Phase I. Phase II is the approval of the North Fulton Radio System. This system is comprised of eight cell tower sites. Only three to four tower sites will need to be built. The radio system will also include nine channels. Currently, the City is not scheduled to build a tower within Sandy Springs, but instead plans to utilize existing towers.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 13-043, Resolution authorizing change order ("Change Order") under contract with Motorola for the purchase of radio communications equipment, amending the contract to add the Cities of Alpharetta, Milton, and Roswell as parties and, accordingly, to make contract price adjustments, changes in equipment and modifications to the scope of the contract. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2013-03-18

REPORTS

1. Mayor and Council Reports
2. Staff Reports

There were no reports by Mayor and Council or by City staff.

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION – Real Estate

Motion and Vote: Councilmember Sterling moved to enter into Executive Session to discuss real estate. Councilmember DeJulio 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 6:42 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 6:56 p.m.

Consideration of Approval of Purchase and Sale Agreement for 182 Hilderbrand Drive

Motion and Vote: Councilmember DeJulio moved to approve a purchase and sale agreement for 182 Hilderbrand Drive at the contract price of \$800,000. Councilmember Fries seconded the motion. The motion carried unanimously.

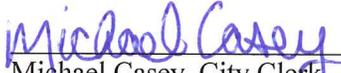
ADJOURNMENT

Motion and Vote: Councilmember Sterling moved to adjourn the meeting. Councilmember DeJulio seconded the motion. The motion carried unanimously. The meeting adjourned at 6:58 p.m.

Date Approved: April 2, 2013



Eva Galambos, Mayor



Michael Casey, City Clerk