

Regular Meeting of the Sandy Springs City Council was held on Tuesday, August 21, 2012, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Rabbi Josh Heller, B’Nai Torah, offered the innovation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:03 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 McEnerny present.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance

(Agenda Item No. 12-197)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for August 21, 2012, with the deletion of Agenda Item No. 12-215, Executive Session – Litigation. Councilmember Sterling seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 12-198)

1. Meeting Minutes:
 - a) August 7, 2012 Regular Meeting
 - b) August 7, 2012 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 12-199)

2. Consideration of a Donation for Lost Corner Park
(Cecil McLendon, Assistant City Attorney)

(Agenda Item No. 12-200)

3. Consideration of Approval and Authorization for the City Manager to Execute a Contract to Construct the Abernathy/Johnson Ferry Underground Detention Project Subject to Validation and Approval by the Legal and Finance Departments

(Kevin Walter, Director of Public Works)

Resolution No. 2012-08-53

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for August 21, 2012. Councilmember Paulson seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Recognition of Sandy Springs Youth Track and Field National Champ – Mayor Galambos

Mayor Eva Galambos asked Kamran McIntosh-Ross to the front. This summer, Kamran competed in the USA Youth Outdoor Track and Field Championships in the 200m race. He set a national record for his age group running a record breaking 28.96 seconds. He began participating in the City's Recreation and Parks program in 2010, including gymnastics, martial arts, and track and field. Kamran became a Georgia Recreation and Parks Association State Champion in the 50 meter dash and the standing long jump in the boys' age 7-8 group. During the USA Nationals, Kamran finished 1st in the 100 meter with a time of 14.12 seconds, and 3rd place in the long jump with 12ft 10 inches. She congratulated Kamran for all of his accomplishments.

2. Proclamation for Sandy Springs Conservancy – Mayor Galambos

Mayor Eva Galambos read the proclamation which states "The Sandy Springs Conservancy recognized the opportunity to secure a remarkable and historic property from a private landowner, Ms. Margaret Miles, who wished to protect and preserve her land in perpetuity. The Sandy Springs Conservancy invited The Trust for Public Land, a national non-profit dedicated to "conserving land for people," to partner with SSC to help secure the property for public use in a manner in keeping with the owner's wishes. The SSC and The Trust for Public Land worked tirelessly to craft the contract agreement and raise funds to secure the property. The two organizations received donations from private donors and worked with the City to receive a grant from the State of Georgia's Land Conservation Program. Under former Director Curt Soper, the State of Georgia's Land Conservation Program recognized the special nature of this project, which perfectly matched the program's goals and objectives. Upon the death of Ms. Miles in 2008, The Trust for Public Land transferred the deed and the property to the City of Sandy Springs, to be used in perpetuity as a park to be known as Lost Corner Preserve. The City of Sandy Springs recognizes and commends the Sandy Springs Conservancy, the Trust for Public Land and the State of Georgia Land Conservation Program for their assistance in securing Lost Corner Preserve. She proclaimed August 21, 2012, Lost Corner Preserve Day in the City of Sandy Springs. She invited Linda Bain and Mr. Soper to the front.

Curt Soper, Georgia Director of The Trust for Public Land, stated he had the pleasure of addressing the audience in his former role with the State of Georgia. He recognized the Miles Family and the Sandy Springs Conservancy. The City has participated financially and has done a great a job managing the preserve.

3. CALEA Accreditation for Sandy Springs Police Department - Chief Lou Dekmar, Chairman of the Commission on Accreditation of Law Enforcement Agencies (CALEA)

Chief Lou Dekmar, Chairman of the Commission on Accreditation of Law Enforcement Agencies (CALEA), stated he appreciates the opportunity to celebrate the accreditation of the Sandy Springs Police

Department. Having been an assessor for ten years and a Commissioner for nine years, he has had the opportunity to review and write hundreds of assessment reports. The Sandy Springs Police Department report clearly demonstrates and describes an agency committed to community policing and professional partnerships. Whether an elected official, Chief of Police, police officer, or an employee providing services, the City is better enabled to serve various constituents effectively and fairly as a result of the accreditation process. For the police officers, accreditation standards ensure fairness in the disciplinary process, address officer safety issues, and provide operational guidelines. For police management, the accreditation standards provide processes that ensure high liability tasks are reviewed, critical issues are identified, strategic planning is addressed, and proper analysis and policy revisions occur. For elected officials, the accreditation standards ensure confidence that their public safety agency is utilizing best and accepted law enforcement standards, provide for citizen involvement in community policing, and ensure business practices are conducted in a manner that reduces liability. All of this ultimately impacts the community and the citizens being served, ensuring appropriate and professional police services while safeguarding civil rights. He congratulated the Sandy Springs Police Department for its success.

The Commission on Accreditation of Law Enforcement Agencies (CALEA) was founded in 1979 by four organizations that recognized the need for national standards. Initially, over 1,000 standards were generated, which over time have been modified to the present 165 standards. The standards address all aspects of law enforcement from the nature and type of equipment an agency uses to the protection of constitutional rights and issues involving use of force. The standards are continually reviewed and updated to stay current with technology, contemporary practices, and evolving case law. The Commission is composed of twenty-one members, eleven of which are law enforcement practitioners. The other ten members are representatives of the city, county, court, State legislators, and the private sector. Once an agency decides to embark on the path of accreditation, the agency receives a copy of the standards and begins a process of self-assessment. The process generally takes about three years in generating policies, procedures, written directives, and then conducting training to ensure all aspects of the written directives are covered. At the point the agency believes it is in compliance with all the standards, a team made up of law enforcement practitioners comes to the department and reviews compliance by reviewing reports, policies, directives, conducting interviews, participating in ride-alongs, and receiving public input. The assessment team completes a detailed report and that report is assigned to a reviewing Commissioner. The Commissioner and a panel of Commissioners then question the agency. After considering the report and an appearance by the agency before the panel, a decision is made as to whether or not the agency should be accredited. In the case of the Sandy Springs Police Department, the decision was obvious, resulting in the department receiving unanimous support for accreditation. The most significant aspect of the CALEA process is the opportunity for outside practitioners to come in and make an objective assessment of the agency. There are over 18,000 law enforcement agencies in this country and less than 1,000 are accredited. Many agencies are reluctant to have outsiders review their work processes and detail any deficiencies the agency may have. The process involves risk and requires the department to be open to change, so that they can demonstrate they conduct business in a manner that meets contemporary law enforcement standards. The Sandy Springs Police Department has opened themselves up to peer review and scrutiny and as a result will be better able to serve their community. The CALEA process results in a department that is better able to serve its community and demonstrate a commitment to professionalism by a defined set of objective standards. The Sandy Springs Police Department embraced what CALEA refers to as the spirit of accreditation, using the accreditation process as a tool to increase performance, service, and agency professionalism. The department recognizes that to be successful they must develop and foster trust and support from the citizens they serve. He read the following section from the report, "The Sandy Springs Police Department is a professional law enforcement agency providing quality service to the citizens of Sandy Springs. It enjoys a high level of community support and works closely with neighboring agencies to maximize resources. The Sandy Springs Police Department now joins the ranks of accredited agencies and stands as a leader in professional police services." He presented the Sandy Springs Police Department with the accreditation award and asked Police Chief Sult, police staff, and Mayor Galambos to step up the front.

Police Chief Terry Sult thanked Mayor Galambos and Council for their support.

Chief Lou Dekmar, (CALEA), read the accreditation award and also presented Captain Fraker with an award for his work as an accreditation manager.

(Agenda Item No. 12-201)

EXECUTIVE SESSION – Litigation

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss pending or potential litigation. 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 began at 6:26 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 7:28 p.m.

PUBLIC HEARINGS

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

Alcoholic Beverage License

(Agenda Item No. 12-202)

1. Approval of Alcoholic Beverage License Application for Aldi Inc (Georgia) at 6336 Roswell Rd Sandy Springs, Georgia 30328. Applicant is Adam Lynn for Retail/Package Wine and Malt Beverage

Revenue Supervisor Brandon Branham stated this item is a new application for retail/package wine and malt beverage. The applicant has met all requirements and staff recommends approval.

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 Collins moved to approve Agenda Item No. 12-202, Alcoholic Beverage License Application for Aldi Inc (Georgia) at 6336 Roswell Rd., for Retail/Package Wine and Malt Beverage. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-203)

2. Approval of Alcoholic Beverage License Application for Hammocks Trading Company at 7285 Roswell Rd Sandy Springs, Georgia 30328. Applicant is Jason Sheetz for Consumption on Premises Wine, Malt Beverage, and Distilled Spirits

Revenue Supervisor Brandon Branham stated this item is a new application for consumption on premises of wine, malt beverage, and distilled spirits. The applicant has met all requirements and staff recommends approval.

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

Jason Sheetz, 7285 Roswell Road, stated he is one of the owners of Hammocks Trading Company and is excited to be a part of the community.

Mayor Galambos complimented Mr. Sheetz for the work that was done to the front of his property.

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

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-203, Alcoholic Beverage License Application for Hammocks Trading Company at 7285 Roswell Rd., for Consumption on Premises of Wine, Malt Beverage, and Distilled Spirits. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-204)

3. Approval of Alcoholic Beverage License Application for Moondog Growlers, LLC at 6690 Roswell Rd, Suite 310 Sandy Springs, Georgia 30328. Applicant is Eleanor R. Benson for Retail/Package Malt Beverage

Revenue Supervisor Brandon Branham stated this item is a new application for retail/package, and malt beverage. The applicant has met all requirements and staff recommends approval.

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 Sterling moved to approve Agenda Item No. 12-204, Alcoholic Beverage License Application for Moondog Growlers, LLC at 6690 Roswell Rd, Suite 310, for Retail/Package Malt Beverage. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 12-205)

4. Approval of Alcoholic Beverage License Application for Wyndham Atlanta Perimeter - Galleria at 6345 Powers Ferry Rd Sandy Springs, Georgia 30339. Applicant is Bobby Clyde Bryant Jr. for Consumption on Premises Wine, Malt Beverage, and Distilled Spirits

Revenue Supervisor Brandon Branham stated this item is a change of management. The application is for consumption on premises of wine, malt beverage, and distilled spirits.

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 Fries moved to approve Agenda Item No. 12-205, Alcoholic Beverage License Application for Wyndham Atlanta Perimeter - Galleria at 6345 Powers Ferry Rd., for Consumption on Premises of Wine, Malt Beverage, and Distilled Spirits. Councilmember Sterling seconded the motion. The motion carried unanimously.

Community Development

(Agenda Item No. 12-206)

5. **RZ07-021/CV07-020/U07-008** - 5775 & 5795 Glenridge Drive, *Applicant: MGLP Lakeside, LLC*, Pursuant to the direction of the Court and as required by state law a public hearing will be held regarding the zoning of the subject property

Councilmember Tibby DeJulio requested the regular 10 minute time for each side be extended to 15 minutes.

Mayor Eva Galambos approved extending the time for each side to 15 minutes.

Director of Community Development Angela Parker stated this property has been before Council three times, in 2007, 2009, and for this proposal in 2010. The square footage and mixed use on the site has varied amongst the proposals. In 2007, a case came before City Council and was denied in 2008. This proposal called for 300 residential units, 1.1 million square feet of office space, 50,000 square feet of retail, and a 200 room hotel. There was also a request to exceed the height with a maximum height of the office building at 16 stories, residential at 5 stories, an 8 story hotel, and a variance related to surface parking. In 2009, City Council reinitiated a zoning on the property. This zoning called for 520 residential units, 8,000 square feet of restaurant front space, 770,000 square feet of office space, and a 42,000 square foot accessory commercial building. With that proposal, a use permit was filed for 16 stories for the office building and a 7 story request for the residential building. This proposal was denied by City Council in August 2010. The case went to court and in May 2012, a consent order was issued by the court. The proposal before Council tonight calls for 520 residential units, 8,000 square feet of free standing restaurant space, 700,000 square feet of office space, and 42,000 square feet of accessory commercial space. There is also a use permit that would exceed the existing height that requests 16 stories for an office building and a 7 story maximum height for residential buildings. This case was heard in July 2012, and deferred to tonight's meeting. During this time there have been a couple of changes to the zoning conditions that staff recommends be approved. City staff has advertised the zoning proposal in both the Sandy Springs Neighbor and the Northside Neighbor. City staff additionally posted a notice on the property. There has been a change to the buffer along Glenridge Drive. In the conditions recommended by staff, the buffer would be forty feet wide and supplemented with additional plantings to ensure there is a visual screen along Glenridge Drive. The City arborist would be involved in the approval of the plantings. The plantings in this buffer would minimize the critical root zone of the existing trees along Glenridge Drive. The other change staff has made to the zoning conditions relates to the southbound turn lane and the access lane to I-285. This item was discussed as a part of the impact on the medical office building. The zoning condition has been revised so the turn lane would begin south of the existing driveway of the medical office building. Additionally, the westbound entrance ramp improvement would be completed prior to the issuance of the first certificate of occupancy for this development.

Attorney Laurel Henderson, Representative of the City of Sandy Springs, stated while the application shows 750,000 square feet of office and commercial space, 700,000 square feet is proposed for office use, with the remaining 50,000 square feet being commercial, of which 8,000 can be a free standing restaurant. There were negotiations towards settlement of this case at court. The conditions before Council this evening are a result of the discussions. Because a proposed compromise in 2009 was not approved by Council, the plaintiff's counsel requested the agreement be made by consent order. The judge signed a consent order requiring the proposal to be reheard by Council.

Richard Robbins, 999 Peachtree Street Atlanta, GA, Representative of the applicant, stated he has been the trial counsel on this case. The applicant is an affiliate of MetLife. MetLife is a company that has invested millions of dollars into real estate in Georgia. The company has demonstrated they can build quality developments and bring jobs to the area. MetLife would like to invest more into this community, with Council's approval. The applicant participated in discussions regarding the medical arts building and agrees to the conditions. He requested that Council abide by the court order. The applicant is asking the City to honor its own land use plan that was adopted in 2006 or 2007. This Council stated the appropriate development for this property is live/work community and live/work regional. The proposal in front of Council this evening is consistent with the City's land use plan. The applicant is committed to the community and this investment. The applicant has negotiated for five years with staff, Councilmembers, and the neighbors. The compromise is not a financially successful compromise, but the applicant has agreed to it anyways. The applicant has decreased the density of the property from 1.1

million to 700,000 square feet of office space. The decrease in office space may have resulted in a decrease of \$10 million in rent that could have been received annually. The applicant understands the traffic concerns and agrees to spend money on traffic improvements outside the property to assist with the traffic issues. Whenever there is redevelopment, there will be traffic issues. Decreasing the density by 400,000 square feet reduces several thousand potential car trips a day. The applicant has gone above and beyond the City code and what the land use plan recommends to satisfy issues while maintaining a viable development for the applicant. MetLife understands the existing zoning and the City's land use plan and agrees with the guidelines the City has set. He asked that the City rezone the property with the revised conditions presented to Council by staff.

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

Pete Hendricks, 6085 Lake Forrest Drive, stated two years ago he was engaged by the owners of the Glenridge medical office building to represent their interest in this matter. Since that time, he has quoted from the staff review analysis report as to the traffic safety issues for the property, if this zoning proposal is approved. The traffic will cause an unsafe and hazardous condition accessing this particular property. His client met with the applicant and is pleased condition 3.g. has been amended. The issue of the traffic volume would come from the approval of the application. His client appreciates the amendment and modification to condition 3.g., which will help with the access to this property.

Doug Dillard, Weissman, Nowack, Curry & Wilco, Representative of the Glenridge Hammond Neighborhood Association, stated he is not sure the neighborhood has been involved in the meetings regarding the resolution of this case. He suggested a transition that is sensitive to the residential uses that are across Glenridge Drive from the subject property. The forty foot landscape buffer is inadequate. The consent order suggests Council reconsider the application, but it also limits the discretion. The court directs that Council not consider anything less than the parameters in Exhibit I of the consent order. In zoning, a court cannot tell Council how to exercise legislative discretion. The court will retain jurisdiction to determine whether Council exercised their discretion in a constitutional manner. He sent an analysis letter to staff stating case law and suggested conditions the neighborhood would like considered. In the neighborhood's opinion, the City is not bound by paragraph 3 of the consent order. The City can consider other conditions that might create balance and protection of the neighborhood. The neighborhood suggests that a 100 foot buffer with a 25 foot building setback be used instead of the 40 foot buffer suggested by the plaintiff. His client is concerned that there was no public hearing relative to authorization to counsel to agree to the minimum standards in the order. There must be a public hearing for the reconsideration of zoning. If there was a delegation to counsel to enter into the agreement without a public hearing, it would violate the zoning procedures law. His client is concerned with condition 'e', and if the zoning proposal would be conforming to the policy and intent of the land use plan. While consistent with the land use plan, the project is not in conformity with the protected neighborhood and transitional area policies of the plan, due to the lack of sufficient traffic mitigation. These policies call for proper transition from commercial areas into established single family neighborhoods. The traffic impacts that the proposal will have on the surrounding transportation system and existing developments will affect the Glenridge Forest neighborhood. The 100 foot buffer suggested by the neighbors provides some of the transition and mitigates some of the impact on the neighborhood, but it will not eliminate the increased development. Another condition of zoning suggests Council adopt the site plan. The site plan discusses a 4 story limitation on the residential buildings. The site plan shows one of the five existing buildings on the site. What the site plan does not show is the similar building on the south side which will still remain. The applicant is intending to build an apartment building on the southside with the remaining five-story building still there. Before a land disturbance permit is issued, a landscape plan should be required that would indicate how the buffer will be enhanced. He requested the conditions of zoning be amended with his client's requests attached to the analysis.

Doug Falciglia, 5925 Brookgreen Road, stated he finds it interesting that the conditions of zoning keep changing. The application is now a proposal of 750,000 square feet of office space. The neighbors met with MetLife to resolve the concerns regarding the buffer. The proposed buffer at forty feet would change the character along Glenridge Drive. There is concern the four story buildings will loom over Glenridge. There is anticipation that development will continue on Glenridge Drive and there may be residences and apartments all the way to the park. The medical building across from the subject property has a setback of about 150 feet and it does not impose on the topography. He read the following from the original zoning application of the property "Great pains are taken to preserve the beautiful tall trees in the area. Extraordinary efforts have been made to blend the development into the surrounding neighborhood. A 150 foot buffer of landscape is provided along Glenridge." The neighbor is asking for a 100 foot buffer with a 25 foot setback off of that. That transitional buffer is important to the neighborhood. He asked for individuals that are in support of the buffer request to please stand.

Mr. Robbins stated he is pleased with the response from the medical building. The applicant understands the concern and he is glad the plaintiff has agreed to the revised condition to satisfy the concerns. The plaintiff has issues with access, but that is beyond the applicant's control. Mr. Dillard has been involved with this case for one week. Four hours before this evening's meeting he suggested dramatic changes to the site plan and conditions without any expert review. The proposed site plan and conditions fully comply with the City code and land use plan. It is not appropriate to suggest that Council disregard a court order with Mr. Dillard's suggestions. An issue that was discussed is the buffer. The applicant lowered the density of the site plan to try to satisfy issues of open space, green space, buffer conditions, and height limitations. The City's code requires 35-40 feet of front buffer and the proposed conditions meet that. Mr. Dillard suggested placing on the applicant a condition three times greater than the City's required code. The applicant has agreed to place additional shrubbery to have as much greenspace as possible. The applicant also agreed to a height limitation of 4 stories along the property line, which will reduce visibility. The applicant has worked long and hard with staff for a plan that makes economic sense. He asked that Council rezone the property in accordance with the revised conditions presented by staff.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 12-206, RZ07-021/CV07-020/U07-008 - 5775 & 5795 Glenridge Drive, *Applicant: MGLP Lakeside, LLC*, with conditions. Councilmember Fries seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and associated accessory uses at a density of 26,893 square feet per acre or 700,000 square feet, whichever is less.
 - b. One (1) freestanding restaurant at a density of 307.34 square feet per acre or 8,000 square feet, whichever is less.
 - c. Residential and associated accessory uses at a density of 19.98 units per acre or 520 units, whichever is less.
 - d. Accessory commercial uses at a density of 1,613.52 square feet per acre or 42,000 square feet, whichever is less. Said accessory commercial uses shall be contained entirely within either the

office buildings and/or the residential buildings. Exterior entrances and signage shall be prohibited.

- e. The maximum height for new office buildings is dependent on the location of the buildings with respect to the curved line dividing the property into two portions as shown on the site plan referenced in condition 2.a. For any new office building to the right of the line and within the southeastern wedge closest to the intersection of Ga.-400 and I-285, the maximum height shall be sixteen (16) stories, exclusive of any penthouses for mechanical equipment. (U07-008). For any new office building to the left of the line and to the north and west of the wedge, the maximum height shall be eight (8) stories, exclusive of any penthouses for mechanical equipment. (U07-008).
- f. The restaurant shall have a maximum height of one (1) story.
- g. The residential building shall have a maximum height of 80 feet (7 stories) except that the building shall not exceed 60 feet (4 stories) along the Glenridge Drive frontage (west elevation), excluding any penthouses for mechanical equipment. (U09-009) Any residential buildings shall meet the design standards of the Sandy Springs Overlay District (Article 12B).
- h. The following uses are prohibited: Amusements, Indoor; Assembly Halls; Automotive Parking Lots; Automotive Specialty Shops; Church, Temple or Other Place of Worship; Funeral Homes; Garage, Automobile Repair including painting, body repair and overhaul of major components; Group Residences; Gymnasiums; Landscaping Business; Garden Center; Lawn Service Businesses; Millinery or Similar Trade whenever products are sold commercial, exclusively on the site where produced; Motels; Personal Care Homes; Plant Nurseries; Repair Shops not involving any manufacturing on the site; Research Laboratories; Service Stations; Stadiums; Theaters; Recycling Centers, Collecting; Automotive Garage; Automotive Repair Garage; Automobile & Light Truck Sales\Leasing; Batting Cage, Outdoor; Bowling Alley; Car Wash; Check Cashing Establishment; Drive-in Theater; Drive-thru banking facilities; Garage, Automobile Repair; Laundry and/or Dry Cleaning Plant Distribution Center; Pawn Shop; Plumbing Shop associated with commercial sales; Skating Rink; Tinsmithing Shop; Self Storage/Mini; Self Storage/Multi; Drive-thru restaurants.

2. To the owner's agreement to abide by the following:

- a. To the site plan dated June 11, 2012 and received by the Department of Community Development on June 12, 2012 (as entered pursuant to the Court Order of May 14, 2012). Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:

- a. The minimum design standards are:
 - Minimum front yard: 40 feet
 - Minimum side yard: 10 feet
 - Minimum rear yard: 10 feet
 - Minimum internal setback: 0 feet
 - Minimum landscaping and buffering between uses: 0 feet
 - Minimum heated floor area per dwelling unit: 700 square feet

- b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Glenridge Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
- c. No less than 34% of the site shall be maintained as open space of which 15% shall be green space.
- d. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with adjacent properties. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained; permanent easements shall be recorded allowing for future interparcel access along the entirety of the boundary of the adjacent properties, prior to the issuance of an LDP.
- e. The owner/developer shall update the existing signalization to accommodate the new roadway configuration at the project entrance and provide pedestrian access consistent with current city standards. Said signalization and pedestrian access shall be subject to the approval of the Public Works Department as part of the LDP and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- f. The owner/developer shall install a dedicated northbound right turn lane to serve project entrances on Glenridge Drive. Location and design of said lane shall be subject to the approval of the Public Works Department as part of the LDP and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- g. The owner/developer shall install southbound right turn lane from Glenridge Drive onto I-285 westbound ramp. The lane will begin to the south of the existing driveway for the building located at 5730 Glenridge Drive, and the lane taper will begin at the point of tangency of the existing driveway at the travel lane. Location and design of said lane shall be subject to the approval of the Public Works Department as part of the LDP and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- h. The owner/developer shall install a parallel lane on the westbound entrance ramp from Glenridge Drive onto I-285. Location and design of said lane shall be subject to the approval of the Georgia Department of Transportation and shall be installed prior to the issuance of the first Certificate of Occupancy for the development.
- i. No outparcel shall have direct access to Glenridge Drive.
- j. To modify the surface parking landscape island requirement to provide for an alternate landscaping plan by maintaining the existing surface parking landscaping as shown on the site plan referenced in condition 2.a. (CV07-020)
- k. The tree buffer at the western boundary line of the property abutting Glenridge Drive, shall be retained as configured on the latest site plan as presented to the City with rezoning application RZ09-010/U09-009/CV09-019 as measured from the dedicated right-of-way. The buffer will be forty feet (40') in width and will be supplemented with understory plantings to provide enhanced visual screen of the development from Glenridge Drive. Plantings will be made subject to

approval of the Sandy Springs Arborist and will be located to minimize any adverse impact on the critical root zone of existing trees in the buffer.

Councilmember Tibby DeJulio asked when MetLife purchased the property.

Mr. Robbins responded 2006.

Councilmember DeJulio stated he believes Mr. Robbins used the terms "ludicrous and unsupported" and that Mr. Robbins stated the property was purchased based on the City's land use plan, but that was not adopted until 2007. That information is not true. Also mentioned was the forty foot buffer. In 2007 or 2010 there was a larger buffer proposed than forty feet. MetLife is not planning on removing the buildings and bought the property before the City had a land use plan. He asked if MetLife considered the City's future land use plan, so they could make a profit on the property.

Mr. Robbins stated the land use plan was being developed and passed in 2006 and reviewed in 2007.

Councilmember DeJulio asked Mr. Robbins if he received the modifications four hours before this meeting.

Mr. Robbins stated he received the modifications more like one hour before the meeting. The applicant is certain of the implications of the modifications.

Councilmember Gabriel Sterling asked if the forty feet buffer is the City's current code.

Director of Community Development Parker stated the requirement would be a forty foot setback along Glenridge Drive from the new dedicated right-of-way.

Mayor Galambos asked if that is per the City's code.

Director of Community Development Parker stated the City's code requires a forty foot setback. This particular zoning requires a forty foot buffer along Glenridge Drive.

Mayor Galambos stated the City code requires a setback and the buffer is additional.

Councilmember Karen Meinzen McEnerny stated she agrees that this issue is not whether or not MetLife is a great company. She used to work at MetLife, which is a great company. There are positives to the redevelopment. The site plan is not in compliance with the City's February 2007 Comprehensive Land Use Plan. The City does not have a defined term in the policy called transit orientated development. That was in the Fulton County comprehensive plan and discusses higher density within half a mile of a MARTA station. The land use map is inconsistent with the policies as the policies portion do not provide for Transit Oriented Development areas as it does on the map. She is not sure it was wise for a highly sophisticated investor to purchase a site without contingencies on the zoning. Her concern is the lack of transition to the protected neighborhoods. Mr. Robbins stated that MetLife cannot afford to add to the buffer. The 520 apartment units could be built at a taller height level than seven stories. She will vote against this zoning, since it is inconsistent with the City's Comprehensive Land Use Plan.

Councilmember Chip Collins stated he appreciates the presentation from both sides and MetLife trying to reach a resolution. He takes an order from the court very seriously. He agrees with Mr. Dillard that the consent order does not compel Council to vote a certain way. The consent order requires that Council rezone the property in a constitutional manner. The order also requires Council to consider the rezoning according to the minimum parameters. The City is required to hold a public hearing on this item. The

court would not require a public hearing and seek input from the public if Council's decision was already predetermined. Nowhere does it state that Council will be in violation of the consent order if they do not vote a certain way. He commends MetLife in mitigating the traffic issues and working with the medical building. The neighborhood has an issue with the buffer. The apartments will be looming over the Glenridge neighborhoods. The City does have a buffer policy, but he believes the forty foot buffer can be modified to comply with the land use policy. The City's policy is to protect the character and integrity of existing neighborhoods, delineate boundaries, and address the interface between protected neighborhoods and commercial areas. An 80 or 100 foot buffer would provide the transition needed. Because Council can only consider the minimum standards that are attached to this order, he cannot support the application.

Councilmember Dianne Fries stated this item is a difficult situation for everyone. She thanked the City's legal team for assistance.

Councilmember Sterling stated the City does not have transit orientated development (TOD), but there is live/work regional and live/work community, which are defined in the City's Comprehensive Land Use Plan. MetLife may have given up millions of dollars of revenue and the medical center is still worried about traffic issues. He does not think that anyone involved has operated in bad faith and to imply otherwise is inappropriate. He will be voting to agree with the court order.

Vote on the Motion: The vote was split 3 -3 with Councilmember DeJulio, Councilmember Collins, and Councilmember Meinzen McEnery voting in opposition to the motion. Mayor Galambos voted in support of the motion to break the tie. The motion carried 4-3.

Ordinance No. 2012-08-28

(Agenda Item No. 12-207)

6. **RZ12-004/CV12-004** - 5975 Mitchell Road, *Applicant: St. James Anglican Church, Inc.*, Rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) with concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this is a rezoning request that was deferred by Council at the June 2012, City Council meeting and was before the Planning Commission in July. Following the meeting, staff received information regarding a dispute involving members of the church on who has authority to sign for the application. Staff is recommending deferral of the application to the September Planning Commission meeting and then back to Council in October to allow the parties to work out the issue. The Planning Commission also recommended deferral.

Pete Hendricks, 6085 Lake Forrest Drive, stated he has provided staff with a copy of a letter from the attorney representing the applicant. The letter states that the two parties are working together on the authority issue. He requested deferral of this application.

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

Jerry Erbesfield, 27 Ridgemere Trace, stated he is President of the Ridgemere Homeowners Association. He supports the delay in order to give the two parties a chance to reach an agreement on this application.

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

Ellen Smith, Holt Ney Zatcoff & Wasserman, representative of the church, stated she represents the members of the church that do not support the application. She is here in support of the deferral request.

She asked her clients who are against the rezoning of the property to raise their hands. Her clients want to continue operating the church at this property. The By-laws for this property have requirements in order to approve the sale of the property or to approve a rezoning. The Board of Vestry and the membership of the church did not vote. The church is working in good faith to try to resolve this issue. There are members of the church who are strongly opposed to the rezoning and sale of the property.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Sterling moved to defer Agenda Item No. 12-207, RZ12-004/CV12-004 - 5975 Mitchell Road, *Applicant: St. James Anglican Church, Inc.*, Rezone from R-1 (Single Family Dwelling District) to R-5A (Single Family Dwelling District) with concurrent variances, to the October 16, 2012, City Council meeting. Councilmember Fries seconded the motion.

Councilmember Chip Collins asked if the City has had a situation before where there was a question of the authority of a corporate applicant for rezoning.

City Attorney Wendell Willard stated he does not recall there being a previously similar situation. This will be a judicial issue that the parties will need to resolve in a court of law.

Councilmember Collins asked what will be done in sixty days when the application comes back before Council.

City Attorney Willard stated this application was signed by an individual who is asserting he has the authority, on behalf of the owner, to present the application. The City is probably in a position to honor the application, unless there is a court order stating that is not the case.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 12-208)

7. **RZ12-007/CV12-010** - 4579 Roswell Road, *Applicant: Community Funeral Service, LLC*, To rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional, with Concurrent Variances, to allow the location and operation of a funeral home in the former church building

Manager of Planning and Zoning Patrice Dickerson stated this is a request to rezone the subject property from O-I conditional to O-I. The rezoning would allow the addition of a funeral home use on the property in the former church building and to maintain the existing auction facility. When the case was presented to the Planning Commission, staff recommended approval conditional, but at the meeting additional information was received from the neighborhood. The information concerns the auction house and the parking. After the Planning Commission meeting, staff revised the recommendation to denial. Since the denial, the applicant has provided additional information about modifications to the plan to provide additional parking and also other changes to the proposal. Because of the changes, staff is recommending deferral of the case to the September 18, 2012, City Council meeting. The Planning Commission recommended denial of the case at the July meeting.

Mayor Eva Galambos asked if the Planning Commission had the information about the new changes.

Manager of Planning and Zoning Dickerson responded no.

Councilmember Tibby DeJulio asked what the Planning Commission vote was on this item. Manager of Planning and Zoning Dickerson stated the vote was unanimous for denial.

Ellen Smith, Holt Ney Zatzoff & Wasserman, representative of the applicant, stated she is here on behalf of Community Funeral Service. Three items the Planning Commission are concerned with are parking, the mixed use of the property, and aesthetic/landscaping. She disagrees with the Planning Commission's position. Since that time, the applicant has reviewed parking studies for funeral homes. A nearby funeral home has a parking variance currently of twenty-five percent. The current proposal increases the number of parking spaces on site by twenty-two. All fixed seating will be removed from the sanctuary building. The applicant has reduced the required number of parking spaces for the funeral home to fifty-nine. The property is over parked for the two uses that are being proposed. Currently, the site plan has a requirement of 119 parking spaces. The applicant is proposing to provide 106 parking spaces. A parking variance on the property would allow the property to have 99 parking spaces. The applicant has provided a rendering of the aesthetics. The building on the property is one of the oldest buildings in Sandy Springs. The applicant is proposing a use that is extremely quiet six days out of seven. If the existing church were open, there are 300 seats in the sanctuary building. The City code would require 89 parking spaces. The applicant is providing 106 parking spaces. The applicant would provide 178% of parking that would be required for Paul Brown Gallery 63, and would provide 180% of the parking that would be required for the proposed funeral home use. There is a shared parking agreement in place and conditions the applicant agrees to. She asked this application not be sent back to the Planning Commission and requests a 30 day deferral instead.

Mayor Galambos asked where people will sit if all the pews are removed.

Ms. Smith stated there are temporary chairs that can be used.

Mayor Galambos asked if there will be as many chairs as there are seats in the pews.

Ms. Smith responded there may be that many seats. The applicant has attempted to address the technical requirements of the zoning.

Mayor Galambos called for public comments in support of the application. There were no comments from the public.

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

Jane Kelley, 4590 Windsor Park Place, stated the neighborhood is disappointed that the applicant is asking for a deferral.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Fries moved to defer Agenda Item No. 12-208, RZ12-007/CV12-010 - 4579 Roswell Road, *Applicant: Community Funeral Service, LLC*, To rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) conditional, with Concurrent Variances, to allow the location and operation of a funeral home in the former church building, to the September 18, 2012, City Council meeting. Councilmember DeJulio seconded the motion.

Councilmember Tibby DeJulio asked if Ms. Smith has been meeting regularly with the neighbors.

Ms. Smith stated a pre-application meeting was held at the property and there have been a number of communications. When the applicant asked for a meeting after the item was heard before the Planning Commission, the applicant was politely declined that opportunity.

Councilmember DeJulio asked Ms. Smith to make every effort to meet with the neighbors.

Ms. Smith responded absolutely.

Councilmember Karen Meinzen McEnerny asked if the HighPoint Civic Association took a position on this matter.

Ms. Kelley responded yes, they are asking for a denial.

Councilmember DeJulio asked what the request for denial is based on.

Ms. Kelley stated the neighborhood concerns include inadequate parking, mixed uses, the shared parking arrangement, inadequate buffers with residential areas, and diminished property values.

Councilmember DeJulio asked if the neighborhood would be willing to meet with the applicant.

Ms. Kelley responded yes.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 12-209)

8. **ZM12-007** - 5995 Barfield Road, *Applicant: MidCity Real Estate Partners, Inc.*, To modify conditions 11 and 14 of Z80-0043 to allow redevelopment of the property

Manager of Planning and Zoning Patrice Dickerson stated this item is a request to modify conditions of Z80-0043 related to signage and a landscape strip on the property. Staff recommends approval conditional of the request.

Woody Galloway, The Galloway Law Group, representative of the applicant, stated the property is currently zoned O-I. Thomas Eye Group has contracted to purchase the property and intends to relocate their practice to the site. There are two conditions the applicant is asking to be changed. The first is to delete the five foot landscape strip along the northern property line. MidCity is buying the entire property, which is eight acres, but this application is for two acres of the property. The second request is to delete the signage condition, which restricted the signage. Thomas Eye Group is interested in having signage exposure off of GA400. This area is a growing medical corridor. Northside Hospital is going to buy and redevelop the property north of this location.

Councilmember Tibby DeJulio stated many of the properties on Roswell Road have inter-parcel connectivity. He asked about the applicant working with the hospital to have interparcel connectivity.

Mr. Galloway stated with the topography, it may be difficult to have inter-parcel connectivity at this site.

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 Second: Councilmember Sterling moved to approve Agenda Item No. 12-209, ZM12-007 - 5995 Barfield Road, *Applicant: MidCity Real Estate Partners, Inc.*, To modify conditions 11 and 14 of Z80-0043 to allow redevelopment of the property. Councilmember DeJulio seconded the motion.

Staff conditions:

1. To the petitioner's site plan received by the Planning Department April 1, 1980 and to the petitioner's agreement to submit to the Director of Planning for his approval, prior to the issuance of a grading permit, a revised site plan incorporating the stipulations of the enumerated conditions listed below.
2. To the petitioner's agreement that the subject property will be used for a maximum of 27,200 gross square feet of floor area for offices.
3. To the petitioner's agreement to submit to the Director of Planning for his approval, prior to any defoliation of alteration to the site, a grading plan and such other engineering documents as may be required by the Department of Public Works including hydrological study to be submitted prior to grading, soil sedimentation and erosion controls while the project is under development, and provisions for water retention and the method of continuing maintenance of these facilities if required. This applies to the developer, to all builders, and to any and all sub-contractors, as well as material and equipment suppliers associated with development and building.
4. To the petitioner's agreement to submit to the Director of Planning for his approval, prior to the issuance of a Certificate of Occupancy or permanent power, a detailed landscape plan. And further, to the petitioner's agreement that said landscaping as approved by the Director of Planning shall be in place within six (6) months after the issuance of the Certificate of Occupancy or the connection of the permanent power.
5. To the petitioner's agreement that the exterior of all concrete blocks will be coated with an architectural treatment (i.e., epoxy, stucco, brick veneer, etc.) or an alternate solution that may be approved by the Director of Planning.
6. To the petitioner's agreement to pay all necessary tap-on fees, front footage assessment and pro-rated share of sewerage extensions as determined by the Fulton County Public Works Department.
7. To the petitioner's agreement to connect to metropolitan water and public sanitary sewer available to the site.
8. To the petitioner's agreement to apply for and received the necessary variances from the Fulton County Board of Zoning Appeals prior to any development activity occurring in order to perfect the zoning, and to the petitioner's understanding that if the required variances are not received, any development must be in accordance with all requirements of the zoning district.
10. To the petitioner's agreement to dedicate at no cost to Fulton County 50 feet of right-of-way from the existing centerline of Hammond Drive as well as to allow the necessary construction easements while that right-of-way is being improved.
11. To the petitioner's agreement to landscape the setback along both Barfield Road and Hammond Drive. as well as to provide a minimum 5-foot landscape strip along the northerly property line.
12. To the petitioner's agreement to provide a minimum 40-foot wide natural, undisturbed buffer, replanted where sparsely vegetated, adjacent to the Georgia Highway 400 right-of-way.
13. To the petitioner's agreement that the intensity of any lighting and advertising on this site shall not be more than 1.3 lumens measured at the property line.

- ~~14. To the petitioner's agreement to limit the signage to one project identification monument on Barfield Road and on Hammond Drive, both of which shall be restricted to a maximum height of 8 feet and a maximum size of 20 square feet in surface area, and further to the petitioner's agreement that there will be no wall or roof signs.~~

Councilmember DeJulio asked if the applicant is buying the other portion of the property, but not asking for it to be rezoned at the same time.

Mr. Galloway stated both properties are zoned. This request is just the modification of conditions. The conditions on the property to the north are acceptable as things stand. The applicant is buying 6075 Barfield Road which will be used for parking, but may have potential for expansion in the future.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2012-08-29

UNFINISHED BUSINESS

(Agenda Item No. 12-210)

1. Current Project Status for the MARTA Funded Projects Currently Programmed in the Transportation Improvement Plan (TIP) and a Resolution to Approve a Second Amendment to the IGA between the City of Sandy Springs and MARTA

Director of Public Works Kevin Walter stated at the last City Council meeting there was a request of Council to approve a one year extension of the agreement with MARTA. Council had questions about project categories and schedules. Included in this agenda package is a revised memo that details the schedules of what will be and what has been accomplished. Staff is fully committed to completing all these projects prior to the end of 2013, especially the bus shelters.

Mayor Eva Galambos asked if the MARTA bus shelter design is still undetermined.

Councilmember Dianne Fries stated MARTA has the paperwork from 2007 and 2008 and is working towards approving the bus shelter design that Council has approved twice.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 12-210, A Resolution to Approve a Second Amendment to the IGA between the City of Sandy Springs and MARTA. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Resolution No. 2012-08-54

(Agenda Item No. 12-211)

2. Consideration of the acceptance of a Limited Warranty Deed, Easement Agreement, and Governmental Encroachment Agreement for Fee Simple Property on property located in land lot 83 & 84 of the 17th District, Fulton County, City of Sandy Springs, Georgia

Assistant City Attorney Cecil McLendon stated this item is a request to approve the conveyance of the deeds necessary to move forward with the project for Morgan Falls Road to Overlook Park. The deeds will be from Georgia Power to the City. There is a limited warranty deed which conveys the right-of-way necessary. This item also has the necessary temporary easement agreement for construction as well as the permanent easement agreements in order to build the project. Also included will be an encroachment agreement at the corner underneath the power lines as opposed to a right-of-way agreement. This agreement has been worked out with Georgia Power and they have retained the rights in the encroachment area.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 12-211, Acceptance of a Limited Warranty Deed, Easement Agreement, and Governmental Encroachment Agreement for Fee Simple Property on property located in land lot 83 & 84 of the 17th District, Fulton County, City of Sandy Springs, Georgia, subject to legal and staff inquiry on the issue. Councilmember Fries seconded the motion.

Councilmember Karen Meinzen McEnerny asked if any of the fee simple property contemplated to be acquired contains any hazardous monitoring wells.

Deputy Director of Public Works Garrin Coleman stated not to his knowledge.

Councilmember Meinzen McEnerny stated wells are located on the same side of the road as the golf course.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2012-08-55

NEW BUSINESS

(Agenda Item No. 12-212)

1. Consideration of a Resolution to Amend the Rules and Procedures for the City Council Meetings and Public Hearings

City Clerk Michael Casey stated at the August 7, 2012, City Council meeting there was a discussion on possibly amending the rules and procedures to change the public comment period allowed at City Council meetings. The proposed change in time would be from five minutes per individual speaker to three minutes per speaker. Additionally, the consensus was to add a public comment period near the beginning of the meeting at the first City Council meeting of the month. This would enable public comment for three minutes per individual up to a maximum total of eighteen minutes. Additional modifications to the rules and procedures were precipitated by recent changes in the Georgia Open Meetings and Open Records laws.

Councilmember Dianne Fries stated this item includes changes other than what was discussed at the previous City Council meeting, even though the changes are in the State law.

City Attorney Wendell Willard stated the document prepared includes changes in the Georgia law dealing with open meetings and they were included in this item. If Council is not comfortable approving these changes, a Work Session can be held for this item first. One item that was changed was Section 14 (b), which deals with the publishing of the agenda. The language of the current law states the agenda is to be published as far in advance of a meeting as reasonably possible. The City's practice on this has always been at least twenty-four hours.

Councilmember Fries asked about Section 2 (c).

City Attorney Willard stated this language is from the current law dealing with the purpose of when an Executive Session can be conducted. The prior language the City had adopted dealt with the limitation that only the purchase of real estate could be discussed and not the sale of real estate. The proposed change would include that all real estate transactions can be discussed.

Councilmember Fries stated she sees where the changes have been taken out of the language, but she does not see where all real estate transactions can be discussed.

City Attorney Willard stated the specific language can be added back into the resolution.

Councilmember Fries asked if the reference to the State law should be included in the resolution.

City Attorney Willard stated if Council wishes to do so, that can be done.

Councilmember Karen Meinzen McEnerny stated clarifying what is and what is not allowable to be discussed regarding real estate transactions would be helpful. She appreciates the change made in Section 14 (d). She asked if Council would consider adding the following words "and published on the City website."

Councilmember Gabriel Sterling stated he does not believe the language needs to be included in the resolution just to repeat State law. The State law may change at some point and that would require the City to change its code.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-212, Resolution to Amend the Rules and Procedures for the City Council Meetings and Public Hearings, with language in Section 14 (d) to state "and published on the City website". Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

Resolution No. 2012-08-56

(Agenda Item No. 12-213)

2. Economic Development Plan

Jim Comerford, Chairman of the Economic Development Advisory Committee, stated the Committee, commends City government for its foresight and leadership in taking this initiative in creating an economic development strategy and policy. The Committee thanks the Mayor, City Council, and City staff. He introduced Graham McDonald, the Vice Chair of the Committee. The next steps are to implement the objectives of the plan. He invites active participation from all of City Council and interested citizens.

Graham McDonald, Vice Chair of the Economic Development Advisory Committee, stated the Committee has identified seven goals to accomplish the plan. Goal number one is to attract and recruit corporations and small businesses that will contribute to a diverse local economy through the creation of jobs that require a well-educated and skilled workforce. Goal number two is to retain and expand corporations and small businesses already located in Sandy Springs by delivering expedient and customer friendly city services and maintaining a competitive rate of taxation. Goal number three is to recruit and sustain international business and investment to Sandy Springs. Goal number four is to develop and sustain business districts that contribute to the overall quality of life of the City of Sandy Springs by obtaining optimal rates of occupancy for retail and office buildings. Goal five is to create a focus for community activities including the arts and recreation through creation of an innovative City Center. Goal number six is to develop and preserve neighborhoods that are attractive to families and individuals, safe, aesthetically pleasing, and stable. Goal number seven is to craft and implement a marketing and advertising campaign targeting both domestic and foreign businesses, and focusing on the favorable business climate, quality of life and focused redevelopment efforts (including City Center) in Sandy Springs. The Committee's belief is that by bringing together the neighborhoods, businesses, and City services a more rounded and attractive quality of life can be created.

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 12-213, Economic Development Plan. Councilmember Fries seconded the motion. The motion carried unanimously.

Mayor Eva Galambos stated Mr. Comerford already reached out to promote the goal that is related to arts, recreation, and quality of life. Mr. Comerford put the City in touch with the President of Oglethorpe University, who suggested the school theatre partner with the City. Art Sandy Springs is looking forward to meeting with Oglethorpe University.

(Agenda Item No. 12-214)

2. Authorization to Acquire Property Under Grant HMGP 1858-0006

Assistant City Manager Eden Freeman stated last year, Council authorized staff to submit an application to the Federal Emergency Management Agency (FEMA) to purchase six substantially damaged properties. These properties have received continual damage as a result of flooding. The City purchased the six properties and is in the process of demolishing those six. FEMA saw fit to award the City funding for an additional five homes that have been damaged. Staff has negotiated purchase agreements with four of the five property owners and those four properties are before Council this evening. The first property is 5201 Powers Ferry Road, appraised at \$490,000. Each homeowner will be required to contribute fifteen percent of the negotiated purchase price as their match for the grant. The City will not be providing matching funds for any of the home purchases. The second property is 145 North Mill Road, at an appraised value of \$495,000. The next property is 845 Windsor Parkway, with an appraised value of \$240,000. The reason why the appraised value on this property is lower than the other properties is because it was purchased as a result of a foreclosure after the flood damage occurred. The final property is 835 Windsor Parkway, at an appraised value of \$492,000.

Mayor Eva Galambos asked if the Windsor Parkway homes are contingent.

Assistant City Manager Freeman responded yes. The parcels do not include 825 Windsor Parkway, because an agreement has not been reached with the property owner. These homes are considered historic ranch homes and the properties have to undergo a historic preservation review. The City has started this process with FEMA and GEMA. The first step is for the City to purchase the homes. Once the homes have been purchased and demolished, the property has to be returned to its natural state. When the grant is closed out, the City can seek approval to do something else with the properties. City staff has had preliminary conversations with GEMA and they would be amenable to greenspace.

Councilmember Tibby DeJulio stated the neighborhood has asked if this area can be made into a community garden.

Assistant City Manager Freeman stated that is something that staff can seek approval for.

Councilmember Chip Collins asked if the City has already demolished homes under this grant.

Assistant City Manager Freeman stated four of the six original properties purchased have been demolished.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 12-214, Authorization to Acquire Property under Grant HMGP 1858-0006. Councilmember DeJulio seconded the motion. The motion carried unanimously.

REPORTS AND PRESENTATIONS

1. Mayor and Council Reports
 - a) Appointment to Stormwater Advisory Team

Motion and Vote: Mayor Galambos nominated Lee Duncan to serve as a member of the Stormwater Advisory Team. Councilmember Fries moved to approve the appointment of Lee Duncan to the Stormwater Advisory Team. Councilmember DeJulio seconded the motion. The motion carried unanimously.

3. Staff Reports

PUBLIC COMMENT

Barbara Malone, 240 Colewood Way, stated on behalf of the public, she thanked Council for approving Agenda Item No. 12-212. Bob Nadolski from Mountaire Springs Neighborhood Association was not able to attend this evening. He has had discussions with staff regarding the detention facilities at Abernathy Park. She read the following into the record for Mr. Nadolski "This road project's purpose is to facilitate Cobb County traffic travelling on Johnson Ferry at the River to and from the Perimeter business district, i.e. to funnel traffic from Cobb to DeKalb through Sandy Springs. Improper design was pointed out to the City of Sandy Springs and GDOT in August of 2009. This improper design has been redirecting of runoff flow from one basin to another. GDOT chose not to correct the problem. Alternate designs were offered that would send the flow back to the proper basin through the drainage feature on the southside of Abernathy for minimal cost, but this was not considered. City staff states that the underground detention structure the City is paying to install is designed for 100 year storm events. In small areas such as this intersection, a storm that averages out over a large area as a 100 year event could be a much larger event. Therefore, the detention system can be overwhelmed. Consultants had recommend changes and some of them may have been made. Actual field investigation work by the City is needed to confirm whether or not this was done. Not correcting the improper design that was pointed out in 2009 is the reason for the continued concern for the Mountaire Springs neighborhood."

(Agenda Item No. 12-215)

EXECUTIVE SESSION – Litigation

There was no Executive Session.

(Agenda Item No. 12-216)

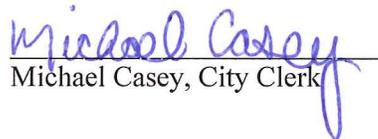
ADJOURNMENT

Motion and Vote: Councilmember Sterling moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 9:26 p.m.

Date Approved: September 11, 2012



Eva Galambos, Mayor



Michael Casey, City Clerk