Regular Meeting of the Sandy Springs City Council was held on Tuesday, March 15, 2011, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Tom Van Laningham, Refugee Resettlement & Immigration Services of Atlanta (RRISA), offered the invocation.

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 cell phones and pagers at this time. Additionally, those wishing to provide public comment during either a public hearing or the Public Comment section 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 Dianne Fries, Councilmember Chip Collins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnerny were present. Councilmember John Paulson was absent. The District 4 Council seat is vacant.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance.

(Agenda Item No. 11-043)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for March 15, 2011. Councilmember DeJulio seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 11-044)

1. Meeting Minutes:
   a) March 1, 2011 Regular Meeting
   b) March 1, 2011 Work Session
   (Michael Casey, City Clerk)

(Agenda Item No. 11-045)

2. Approval of a Contract Modification to Construct Peachtree-Dunwoody Road at Spalding Intersection Improvement Project (T-0026)
   (Tom Black, Director of Public Works)
   Resolution No. 2011-03-15

(Agenda Item No. 11-046)

3. MOU for Abernathy Park Playable Art
   (Wendell Willard, City Attorney)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for March 15, 2011. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

PRESENTATIONS

Fire Chief Jack McElfish stated this Save Award is for an incident that occurred on August 7, 2010. A Sandy Springs Fire Rescue Station 4 crew responded to a motor vehicle collision where a car struck a telephone pole and rolled over. SSFR personnel were unable to locate a patient on scene, but noticed that the driver side of the vehicle had significant damage. There was evidence the driver sustained serious injuries. The Sandy Springs Police Department provided the address of the car owner and on their own initiative, Sandy Springs Fire Rescue crew relocated to the home of the owner. The driver was found with severe traumatic injuries and was unresponsive in the doorway of the home. The serious injuries required life saving measures and continued critical patient care. The patient was transported to the highest level trauma center. This patient's survival and recovery was dependent on the initiative of the Sandy Springs Fire Rescue personnel and their willingness to go above and beyond. The patient was able to make a full recovery. The following individuals participated in the rescue: Fire Rescue Technician II / Paramedic Nemanja Pavlovic and Fire Rescue Technician I / Josh Mohler, Dr. Beltran, Pat Flaherty, and Fire Chief Curry.

Fire Chief McElfish stated the next incident occurred on June 28, 2010. A Sandy Springs Fire Rescue Station 4 crew responded to a possible cardiac arrest. On scene, the patient was found with no pulse or respirations and the Health Care Facility staff was performing CPR. The Sandy Springs Fire Rescue Personnel and Rural Metro Ambulance crews immediately began working together. Crews maintained life saving CPR and began Advanced Life Support care. The Rural Metro Paramedics secured an advanced airway (a tube placed in lungs) and cardiac drugs and proper protocols were initiated by our emergency crews. The patient was transported to a local hospital and through a combination of early intervention, quality CPR, and outstanding teamwork, the patient made a full recovery. The following individuals participated in the rescue: Crew Chief Scott McColl, Fire Rescue Technician II / Clinton Strong, Fire Rescue Technician I / Josh Mohler, Fire Rescue Technician I / Rick Reeves, Fire Rescue Technician I / Paramedic Robert Miller, Fire Rescue Technician I / Adam Daniele, Paramedic/ Michael Rhodes, and EMT/ Jillian Higley.

Fire Chief McElfish introduced Dr. Beltran, who has been with the Sandy Springs Fire Department for almost two years, and Pat Flaherty who is the EMS Coordinator.

Fire Chief McElfish stated the last Save Award patient is Barbara Golsen. He called Mrs. Golsen and her husband to the front. On February 17, 2010, Sandy Springs Fire Rescue Station 2 and Rural Metro Ambulance crew responded to a cardiac arrest and found a female patient unresponsive at a local surgery center. On-site medical staff had started Advanced Life Support measures, restoring a pulse and breathing. On scene, Sandy Springs Fire Rescue personnel took over and continued care of the patient and prepared for transport. The patient was breathing with the assistance of an advanced airway, but during the course of treatment the patient again went into cardiac arrest. The patient was rapidly resuscitated due to the skill of our Sandy Springs personnel. The patient was transported to a local hospital and through a combination of early and effective CPR, along with the administration of Advanced Life Support medications and treatments, the patient was able to make a full recovery and enjoy a full quality of life. The following individuals participated in the rescue: Fire Rescue Technician II/ Paramedic Leanne Billew, Fire Rescue Technician II James Dycus, Fire Rescue Technician I Davy

Ford, Fire Rescue Technician I David Light, Fire Rescue Technician I Paul Thompson, Paramedic/ Laura Dews, EMT Dan Brown.

Mrs. Golsen, resident of Sandy Springs, thanked the Fire Department and Rural Metro for saving her life.

Fire Chief McElfish thanked the Mayor, Council, and the City Manager for their support. He also thanked James Laudermilk and Joe Hollingshead for having trained ninety-nine citizens as CERT volunteers.

Mayor Eva Galambos thanked Rural Metro and the Fire Department.

PUBLIC HEARINGS

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

(Agenda Item No. 11-047)

1. 13088- Approval of Alcoholic Beverage License Application for Food Mart Citgo located at 8779 Dunwoody Place, Sandy Springs, GA 30350. Applicant is Saleem Ali Sundrani for Retail/Package of Wine & Malt Beverage

Administrative Services Director Robert Logan stated the City received an application for a retail package license for the Food Mart Citgo located at 8779 Dunwoody Place. Staff has reviewed the application and recommends approval.

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

Councilmember Dianne Fries stated this Citgo has changed ownership many times since Sandy Springs became a City. She asked if staff knows why there have been so many changes of ownership.

Administrative Services Director Logan responded no.

Councilmember Fries asked if there is anything the City can do regarding frequent changes in ownership.

City Attorney Wendell Willard stated as far as being a licensed establishment to sell alcohol, there is nothing that can be done. The City cannot limit the number of times the ownership can change.

Councilmember Fries asked if staff checks to make sure the new owner has not been a previous owner for a certain number of years.

Administrative Services Director Logan stated a background check is performed.

Councilmember Fries asked how far back the background check goes.

City Attorney Willard stated if there is criminal conduct, it will show up in the background check.

Councilmember Fries asked if there is a time limit on the background check.

City Attorney Willard stated there is no time limit. The background check is conducted by name and date of birth. If there is more than one person with the same information, the Social Security Number is then checked.

Councilmember Fries asked if it would be possible to check the City's records to see if the applicant has submitted an application before.

City Attorney Willard stated even if someone has been an applicant before, the City does not have the authority to deny an application unless the previous application was turned down.

Councilmember Fries asked if as part of the City's application process staff can check if the applicant has been a previous owner of the business

City Attorney Willard stated this can be done. However, even if the applicant was a previous owner, he does not believe that would be a reason to prohibit or restrict the business license application approval.

Mayor Eva Galambos asked why previous ownership of the same business would be a questionable item.

Councilmember Fries stated this business has been up for a change of ownership annually.

City Attorney Willard stated there can be a scenario where a person sells a business to a second individual; the second individual defaults on the loan; and the former owner returns to take over the business. The former owner would again ask for a business license.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 11-047, Alcoholic Beverage License Application for Food Mart Citgo located at 8779 Dunwoody Place, Sandy Springs, GA 30350. Applicant is Saleem Ali Sundrani for Retail/Package of Wine & Malt Beverage. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-048)

2. **RZ10-011** - 5619 Lake Forrest Drive, *Applicant: Patrick Leonard*, To rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow additional uses beyond that previously approved

Assistant Director Planning and Zoning Patrice Ruffin stated this item was deferred by Council at the January 18, 2011, City Council Meeting. It was heard before the Planning Commission at the February meeting. The applicant is requesting to rezone the subject property from office and institutional conditional to allow for a daycare, general office, and clinic uses. Staff is recommending approval conditional of the request. The Planning Commission heard this item at the February meeting and recommended approval subject to alternate conditions, which can be found in the staff report.

Nathan Hendricks, Representative for Patrick Leonard, stated this application is to rezone a 22,000 square foot office building from an existing O-I classification. The applicant has requested approval of a daycare facility. The original request to accommodate 245 children has been changed to 200 children. One of the conditions that the Planning Commission listed is to restrict the use to a maximum of 8,000 square feet for clinical office medical use. The City's Comprehensive Land Use Plan suggests a live-work community, which the application complies with. The impact analysis states the zoning will not have an adverse effect on adjacent and nearby properties. Staff does not anticipate a significant impact on public services and facilities. The zoning proposal is in conformity with the land use plan. Staff noted the proposal lends itself to the overall intent of the live-work community for medium density mixed land

uses, residential and commercial. It is intended to serve a group of adjacent neighborhoods and to be compatible with low and medium density residential neighborhoods. A property owner located across the street from the applicant has written a letter in support of the application. She feels the combination of use for a daycare facility with the current zoning will result in less rush hour traffic. The children attending the daycare will be dropped off from 6:30 a.m. until approximately 9:00 a.m. or 9:30 a.m. The traffic flow may not be an absolute constant as to volume. The Planning Commission determined there would not be access off of Lake Forrest Drive. They want the landscape strip improved to buffer standards. The applicant submitted a letter agreeing with the eight additional conditions that were set forth by the Planning Commission. The gentleman that handles the leasing for the office building located at 6085 Lake Forrest Drive stated there is a total of 18,000 square feet and the owners occupy half. There is 9,000 square feet available for lease. Until two years ago, there was occupancy in excess of ninety percent commanding rental rates of $20 per square foot or more. Now, only thirty-eight percent of the available space is leased at an average rental rate of less than $15 per square foot. It is understandable why the applicant is requesting a rezoning of the property. The applicant owns the property and the applicant's wife will be operating the daycare facility. His intentions are to move his office to this location as well. Mr. Hendricks requested that Council approve the current application.

Mayor Eva Galambos asked for an explanation of the rendering of the building on the visual aid.

Mr. Hendricks explained where the daycare facility and the office building would be located in proximity to Northwood.

Councilmember Karen Meinzen McEnerny asked Mr. Hendricks to compare the diagram to the photo.

Councilmember Dianne Fries asked where the intersection and Lake Forrest Drive are located.

Mr. Hendricks explained where Lake Forrest Drive is located.

Councilmember Chip Collins asked if the sidewalk is along Northwood or Lake Forrest Drive.

Councilmember Fries stated the sidewalk is along Lake Forrest Drive.

Mr. Hendricks responded correct. Also, the long part of the building is perpendicular to Lake Forrest Drive.

Councilmember Fries asked if this is what the plan will look like.

Mr. Hendricks responded yes. This is what was presented to the Design Review Board. The property is within the Main Street Overlay. The Planning Commission has recommended that the landscape strip be planted to buffer standards, not landscape strip standards.

Councilmember Collins stated when this agenda item was deferred before; it was so a traffic study could be completed. The traffic study was to compare traffic under the existing zoning versus what is being proposed in this application. The traffic study he has seen does not appear to do that.

Mr. Hendricks stated the traffic expert is here to answer any questions.

Councilmember Fries stated we should hear public comment first.

Mayor Galambos stated she thinks this is part of the applicant's presentation that needs to be heard.

Teresa Epple, Traffic Engineer, Southeastern Engineering, stated she identified the traffic impacts of the change in the site plan compared to the trip generation under the existing site plan. This was then compared to the trip generation that is likely under the proposed daycare and office mixed use. The proposed daily and peak hour trip generation is higher. The potential for shared use between the office and the daycare was taken into consideration. The traffic peak was also considered. The peak times are when cars enter in the morning and leave in the afternoon. The entering and exiting of traffic is almost equal, which excludes the employees of the daycare. Based on trip generations, there is no significant difference between the two site plans for traffic operations.

Councilmember Collins asked if there was a report from the study.

Ms. Epple stated an entire report was not completed, but a summary was prepared. The traffic impacts from this plan to the previous site plan were compared.

Mayor Galambos asked how significant is defined for purposes of this report.

Ms. Epple responded as less than a five percent difference in traffic.

Councilmember Tibby DeJulio asked about the impact of changing access and egress.

Ms. Epple stated the full access on Northwood and Lake Forrest Drive was looked at, a right-in and right-out on Lake Forrest, and no access on Lake Forrest. There was no significant difference. From a traffic standpoint, having secondary access on Lake Forrest is the preferred alternative. A secondary access would eliminate twenty-five to forty-five percent of the traffic from entering the intersection. These numbers are based on 245 children.

Mr. Hendricks stated the study request was made by the Planning Commission and at that time the application was for 245 students with office use to include medical. As the Planning Commission revised the conditions, the number of students was lowered and the office medical use was eliminated.

Councilmember Fries asked if there should be public comment before all of this.

Mayor Galambos stated that explaining the traffic study is part of the presentation.

Councilmember Fries stated she understands, but these are questions Council would normally ask after public comment.

Councilmember Karen Meinzen McEnerny asked if the office building roof is peaked.

Patrick Leonard, the applicant, stated the original design of the building was redone and a peaked roof was added. A flat roof was placed on the building further away, because he did want the buildings to look the same. The daycare building has gone through the Design Review Board, but the other building plans have not.

Councilmember Meinzen McEnerny stated she would suggest the other roof be peaked as well. A flat roof is very uninteresting.

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

Susan Yeosock, 785 Lake Summit Drive, President of Lake Forrest Summit Community Association, stated the opposition to this application is usage driven as it relates to large a.m. and p.m.

traffic volumes at a small intersection. The average daily trips is not as significant as the a.m. and p.m. increase in trip numbers. She does not see how 150 cars can pass through this area properly during peak rush hours. The residents have not yet seen the impact from the recently approved zoning for Lifetime Fitness. Lake Forrest Drive is the only close northbound exit from this property. Scenario A, B, and C of the traffic data are traffic scenarios which could occur with the current zoning. The a.m. and p.m. numbers that are associated with the daycare usage at a count of 200 students can be calculated two ways. One is using square footage and the other is applying the number of students. For a daycare, the number of students is likely to be the best predictor. The zoning request shows a doubling or a tripling in the number of a.m. and p.m. vehicles versus the current zoning. The commercial uses listed do not serve the public interest. The DeKalb County Tax Commissioner's website shows the Primrose school in Dunwoody as a 6,000 square foot building on almost two acres. This is not a good comparison. This project is expected to add about 1,000 cars at this intersection five days a week. Citizens routinely face delays that originate from this location and extend about half a mile south to Stewart Drive. The City's redevelopment goals for Northwood are to encourage the consideration of properties for higher density. How can these goals be accomplished by allowing a small corner parcel to add a large number of rush hour trips immediately adjacent to an intersection? While daycare use is allowed in the Comprehensive Plan for the current property, this does not remove the fact that extra consideration needs to be given to any business that is directly across the street from a single family home designation. A general office or medical use is much more neighborhood friendly. The surrounding properties have not undergone a significant change to warrant this. This property has not been held to a zoning classification prohibiting the owner from developing it. The current zoning includes general, medical, dental office clinics, and daycare accessory use. The existing zoning, approved in 2008, is not unreasonably burdensome. The surrounding residents and HOA's would like this application to be denied. She thanked Mayor and Council.

Randy Staton, 1025 Lancaster Walk, stated the number of parking spaces for the development is thirty. The applicant stated the morning number of cars will be travelling to the daycare between the hours of 6:30 a.m. and 9:30 a.m. In a survey of a dozen different daycares in Buckhead, Sandy Springs, and Dunwoody, he found that about seventy-five percent of all students are dropped off between 7:15 a.m.-8:30 a.m. The traffic engineer stated each car coming to the daycare would carry two to three students per car. That is not the case in every other daycare he polled. He found there to be a sixty-three percent number of single child customers. This number did not change by one or two percent. The engineer's study has a lower number, but twenty-one percent were two children per car. Only sixteen percent were three or more children per car. When the number of children is higher than one, it is more cost effective to have daycare done in the home than it is to take the children to daycare. The numbers that he generated from the other daycare averages support a minimum of 153 cars and a maximum of 164 cars, which is in line with the numbers from staff. With only thirty parking spaces and 164 cars dropping off children, mathematically it is not possible to get those people to park their car, take their children into the daycare and then leave within one hour. It is certain there will be a huge stacking issue. He asked Mayor and Council to be mindful of that.

Patty Berkovitz, 800 Crest Valley Dr. N.W., Sandy Springs Council of Neighborhoods, stated the neighborhoods ask for denial of this project. The requested use is too intense. The site is too small to support two buildings. She cautions Mayor and Council not to rely on the pretty pictures. Experience has taught us that the reality does not look like the pictures.

Mr. Hendricks stated the traffic analysis determined there would not be an excessive burden. Children ages six weeks to five years old would be attending the daycare. It is not a regimented grade school like Pre-K, or Kindergarten, which would cause a time crunch, because people would be dropping off students for a specific curriculum. The drop off time will range from 6:30 a.m.-9:00 a.m. or 9:30 a.m. without a peak to it.

Mayor Galambos closed the public hearing.

Councilmember DeJulio asked if the petitioner for this zoning is the same petitioner that has came before Council previously.

Mr. Hendricks stated the applicant has been before Council one time and obtained the present property zoning, which is for 22,000 square feet of general office building.

Councilmember DeJulio asked if Council has seen this property twice.

Mayor Galambos responded just once.

Councilmember Fries stated Council deferred this item.

Councilmember DeJulio asked if it is the same petitioner.

Mr. Hendricks responded it is the same petitioner and owner. He has owned the property for three years.

Councilmember DeJulio stated he has a split opinion about this property. He likes the idea that a new business is being developed in Sandy Springs. A petition was brought before Council for a zoning on this property, which the owner has since realized he cannot market. Now the owner is coming back with a plan he hopes he can market. That is not a good precedence for Council. It should be encouraged to bring zoning to Council that can actually be successful. He does not think the addition of the extra trips will be that detrimental to this intersection. He has a problem with people coming to Council with one zoning, making an agreement of what they are going to put at that location, and then coming back to Council at a later point to change it.

Councilmember Fries stated she had the same thought that Councilmember DeJulio had. However, this area is in the Opportunity Zone and that may have changed what type of business the applicant wants to place there.

Councilmember DeJulio stated District 5 was excluded from the Opportunity Zone, so that does not weigh in on his decision.

Councilmember Fries stated she believes this may be why the owner has come before Council with this application.

Councilmember DeJulio stated he would have liked to have seen the initial development at this location, because he wants to see something new and nice.

Councilmember Meinzen McEnerny stated she understands the discussion about appropriate zoning. Is this property reasonably zoned now? The townhouses that were here before were a nice zoning. There is now this wonderful office building and the owner is coming before Council again. It seems to her that all the prior zonings were reasonable. An owner of property has the right to bring before Council a zoning matter. She is concerned if a problem will be created by allowing a use where the infrastructure does not support it. She supports the Planning Commission's extensive review. She appreciates that the applicant reduced the number of children attending the daycare from 245 to 200 and reduced the office space to 8,000 square feet. If any traffic managers were to tell her the right-in and right-out would be fine, she would not believe them. The opposition indicated there would be 896 daily trips. Does one trip mean the car goes into the facility and another trip means the same car goes back out?

Ms. Epple responded yes.

Councilmember Meinzen McEnerny stated then an in and an out is two trips. Two trips would occur during peak traffic times. Will seventy-five percent of the cars be dropping off children between 7:15 a.m.-8:30 a.m.?

Ms. Epple stated she does not expect that to happen at this facility, because it is not a mandated Pre-K program or a school with a specific start and end time. The students will be dropped off between 6:30 a.m. - 9:30 a.m.

Councilmember Meinzen McEnerny stated her concern regarding this use is that it will unduly strain the infrastructure that exists. She would have preferred that the chart had been updated. Ms. Epple mentioned not less than a five percent difference. With no access provided on Lake Forrest Drive and with no signal, the westbound traffic was not an A level of service.

Ms. Epple stated this is a.m. versus p.m. The p.m. is more critical and has the existing volume, which is most burdensome.

Councilmember Meinzen McEnerny stated she does not know what the current level of service is. Why would Council want to zone property that would take the intersection to an F? What can we do to mitigate it?

Transportation Planner Mark Moore stated the level of service for an intersection without a traffic signal cannot be compared to a signalized intersection, because they are radically different. This is a controlled intersection, which means all of the traffic on Lake Forrest Drive continues. It would be expected to see a D level of service or an F during peak hours, given the current volume. Every car on Northwood that wants to turn left or right onto Lake Forrest Drive has to come to a complete stop. Ultimately, the letter grades measure brackets of time of delay. It is not like a signalized intersection where the right-of-way is shared in a cycle. There will always be A's or B's for level of service on Lake Forrest Drive, because the drivers have the right-of-way. There will always be D's and F's for the level of service on the side streets. The traffic study compared how many cars would stack up trying to turn into the site based on the number of 245 children and it being full office use. He was satisfied that the stacking of cars would not be problematic.

Councilmember Meinzen McEnerny asked if he is satisfied with this information.

Transportation Planner Moore stated from looking at the queuing distance, the number of cars for the site has decreased. Ms. Epple did a comparative analysis overall of the full daily trips on what the site is currently zoned for versus the proposed zoning. That was the five percent difference that was referred to. Overall, there would be a difference of forty vehicles per day.

Councilmember Meinzen McEnerny asked if this is at two to three children per car.

Transportation Planner Moore stated this is total trips and makes no assumptions on how many students are in a car.

Councilmember Meinzen McEnerny asked if the intersection of Northwood and Lake Forrest Drive would become totally dysfunctional for the Northwood residents due to the Roswell Road bridge construction and the Lifetime Fitness. It could potentially require a signalized intersection. If the citizens found themselves in traffic gridlock on Northwood, what would the solution be and does it include another signal at Allen Road. How much would this cost?

Transportation Planner Moore stated he does not believe the Lifetime Fitness alone would make the area dysfunctional to any greater extent than it is already. GDOT will keep the bridge open during construction to allow for traffic flow. If the bridge construction is completed in eighteen months, it will have a positive effect on Lake Forrest Drive. Citizens use Lake Forrest as an alternative, because getting through that intersection at Roswell Road is horrific. In many cases, it is the more direct route to where they are going. Staff has looked at signalizing this intersection. If left turn lanes were added, the level of service would be decreased by putting up a signal. One person wanting to turn left going southbound would then be holding up the entire line of traffic. A right-of-way dedication would give the room needed to put in a signalized lane. The biggest problem right now for the delay on Lake Forrest is the always stop at Allen Road. If the always stop was removed, the volumes on Allen Road would go down when the median is placed there. If this is done, the northbound stop would be significantly decreased. He has not reviewed any recent studies for volume to tell if it would be beneficial to signalize the intersection. It would probably not come close to meeting the warrants for being a signalized intersection.

Mayor Galambos thanked Transportation Planner Moore for a complete discussion.

Councilmember Fries stated she has issues with three of the Planning Commission's conditions. The first one is "the applicant/owner shall accept the required impact fees as required by City Regulations." There is no need to have that language, because it is required by the City Ordinance.

Mayor Galambos asked why this is a special condition.

Assistant Director Planning and Zoning Ruffin stated the Planning Commission thought it was important.

Mayor Galambos stated it applies regardless.

Councilmember Fries stated the wording does not need to be included. Condition number three stated there shall be limited pedestrian access from the sidewalks on Lake Forrest Drive to the proposed buildings. The City's overlay requires connectivity to the sidewalks. Someone mentioned some parents may drive up, stop traffic, open the car door and let their child out on the sidewalk to walk to school. She does not see this happening. The students have to check in at school. She does not know any mother that would let a child out of a car at the age of six months to five years old. Condition number four states the owner/applicant shall provide a landscape strip planted to buffer standards along Lake Forrest Drive as approved by the City Arborist. Additionally, any fencing shall be located interior to the aforementioned buffering. The City's overlay is attractive and she does not want this area blocked by hedges. These are the conditions she would like to see removed. She would like the building to be four sided brick. The building should look nice since it will be seen from all four sides.

Councilmember Collins stated the traffic study count shows 245 children, but the proposal is reduced by forty-five students, which is roughly twenty percent. Based on this information, would the trips be reduced by twenty percent as well?

Ms. Epple stated that is fair to say. It will be a reduction, but it may not be twenty percent.

Councilmember Collins stated one car counts as two trips. This is significant because 162 p.m. trips is only eighty-one cars.

Ms. Epple responded that is correct.

Councilmember Collins asked if a study has been completed on what direction the students are anticipated to come from?

Ms. Epple stated forty-five students would come from the north, twenty-five from the south, and twenty-five from the east. This is the direction from where the students will come, not necessarily where the homes are located.

Councilmember Collins asked what these numbers are based on.

Ms. Epple responded the numbers are based on the current traffic flow.

Councilmember Collins stated the lack of a curb cut will make the intersection substantially worse. Is Transportation Planner Moore okay with this plan without the curb cut on Lake Forrest?

Transportation Planner Moore stated he agrees with no curb cut being located at the intersection. He asked for all scenarios to be evaluated, which included full access, right-in and right-out, and no curb cut. The intersection will operate sufficiently under any of these circumstances.

Councilmember Collins stated the daycare is different than Heards Ferry School, because the daycare has no curriculum. The daycare does not have an exact start and end time. Would there be a way to add a condition that would restrict it to daycare, as opposed to having a defined curriculum such as Pre-K?

Assistant Director Planning and Zoning Ruffin stated the daycare definition does allow for a curriculum. If the Pre-K or Kindergarten curriculum were to be excluded, that would need to be specified in the conditions.

Councilmember Collins asked if the entrance of the proposed stadium will be directly across the street from the daycare.

Transportation Planner Moore stated there is no access for the Holy Spirit stadium on Lake Forrest Drive.

Mr. Hendricks stated the applicant agrees with the concept of having no Pre-K or Kindergarten.

Motion: Councilmember Fries moved to approve Agenda Item No. 11-048, RZ10-011 - 5619 Lake Forrest Drive, *Applicant: Patrick Leonard*, To rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow additional uses beyond that previously approved, with staff recommended conditions and the Planning Commission recommended conditions numbers 2,5,6,7, and 8. The motion failed for lack of a second.

Motion and Vote: Councilmember Meinzen McEnerny moved to deny Agenda Item No. 11-048, RZ10-011 - 5619 Lake Forrest Drive, *Applicant: Patrick Leonard*, To rezone the subject property from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) to allow additional uses beyond that previously approved. Councilmember DeJulio seconded the motion. The motion carried 3-1 with Councilmember Fries voting in opposition.

UNFINISHED BUSINESS

(Agenda Item No. 11-049)

1. Letter of Support for the Roundabouts at the Ramps of Riverside Drive and I-285

Director of Public Works Tom Black stated this is the formal approval for the letter of support. The letter states the undersigned agrees to participate in the following maintenance of the intersection in the event that the roundabout is selected as the preferred concept alternative. If the roundabout is

constructed, the City would be responsible for the energy costs of the lights and the maintenance costs of the landscaping.

Councilmember Tibby DeJulio stated this is a GDOT proposal. The City does not have the authority to say much about it either way.

Director of Public Works Black responded yes.

Councilmember DeJulio stated GDOT is going to go through a round of designs and public comments when the time comes.

Director of Public Works Black responded absolutely, because Federal money is involved. There will be public hearings throughout the process.

Councilmember DeJulio asked about the time sequence of the public hearings and the design. What is the time frame once the City has stated they are in support and GDOT has the money? Is this a project where the money is coming from the extra penny sales tax?

Director of Public Works Black responded no. This is operational safety money. It will take two to three years before the project goes to construction.

Councilmember DeJulio asked if there would be public hearings during that time.

Director of Public Works Black responded yes.

Councilmember DeJulio asked how many public hearings will be held.

Director of Public Works Black stated a minimum of two.

Councilmember Karen Meinzen McEnerny asked for confirmation that GDOT does not anticipate needing any additional right-of-way from the nearby residents.

Director of Public Works Black stated that is correct. Staff asked GDOT to adhere to that stipulation. GDOT feels like they can complete the project within the right-of-way. If they are not able to, they will use a wall to keep from encroaching on private property.

Councilmember Meinzen McEnerny stated the design of the dual roundabouts will include sufficient pedestrian and bicycle access.

Director of Public Works Black stated it will be bicycle friendly and there will be pedestrian access.

Councilmember Chip Collins asked if another traffic light is needed on the north end of the bridge in order to move traffic efficiently.

Director of Public Works Black stated a traffic light would be needed; the widening of the off-ramps on both sides; and the running of fiber optic cable from River Valley to Heards and to these two signals.

Councilmember Collins asked if GDOT will begin construction in three years or if that is when it will be complete.

Director of Public Works Black stated staff is working on the final details to receive permission to place a temporary signal there. The poles will be placed far enough back so when construction of the roundabout starts, the signal can still be used.
Councilmember Collins asked when the temporary signal will be installed.

Director of Public Works Black stated the permit has been revised and the signal should be up within one month.

Councilmember Collins asked if this the signal will help significantly.

Director of Public Works Black stated it will help, but not as much as if the ramps could be widened.

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 11-049, Letter of Support for the Roundabouts at the Ramps of Riverside Drive and I-285. Councilmember DeJulio seconded the motion. The motion carried unanimously.

NEW BUSINESS

(Agenda Item No. 11-050)

1. Agreement with Sandy Springs Farmer's Market, LLC for 2011

Grants Administrator Eden Freeman stated this item is the draft agreement between the City and the Sandy Springs Farmer's Market, LLC. Mr. Andy Bauman, a representative of the Farmer's Market, is here tonight to answer any questions. This is a continuation of an agreement that was entered into last year to initiate the Market.

Andy Bauman, Sandy Springs Farmer's Market, LLC, stated the Market appreciates the support. The Market is working on attracting more local farmers. It was a great first year and they will be working towards improving the Market.

Mayor Eva Galambos asked when the Farmer's Market will begin.

Mr. Bauman stated with Mayor and Council's support, it will begin on April 16, 2011.

Councilmember Dianne Fries asked if the pod will be in the parking lot with the lattice around it.

Mr. Bauman stated if there is any change to the setup, it will be a banner change.

Grants Administrator Freeman stated Mr. Bauman has already submitted the special events permit. He will also have to submit a sign permit application. There has been no change for the placement of the pod or the lattice, which is specifically spelled out in the agreement.

Councilmember Fries stated she has heard there is an issue with having a banner on the pod fulltime. She was under the impression the banner would be in lieu of the other two signs.

Mr. Bauman stated he may have relayed the wrong information.

Councilmember Fries asked if he still wants the two permanent signs.

Mr. Bauman stated he just wants to use the banner.

Councilmember Karen Meinzen McEnerny stated Mr. Bauman and his business partner's personal attendance at the Market added to the experience. She asked if he will be attending this year as much as he did last year.

Mr. Bauman responded yes. It is a goal of his to find a host organization this year to take over the Market in future years. It would benefit from new and additional representatives.

Councilmember Chip Collins thanked Mr. Bauman and Jeff Langfelder for following through and doing exactly as they promised. They have done a great job and the Farmer's Market has added so much to the City. Their effort has turned into a selfless contribution to the City.

Mr. Bauman stated the Farmer's Market has been a great part of their lives and it has been a thrill to be a part of it.

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 11-050, Agreement with Sandy Springs Farmer's Market, LLC for 2011. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 11-051)

2. Budget Amendment to Increase City Budget for Governor's Office for Children and Families Grant Award

Grants Administrator Eden Freeman stated this item is a budget amendment resolution, which will authorize the increase of the City budget for FY2011 in the amount of $75,645. This is a non-matching grant, which is free money. Those funds will be used to pay the salary, benefits, and associated costs related to the Victim Advocate assigned to and working at the Police Department.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-051, Budget Amendment to Increase City Budget for Governor's Office for Children and Families Grant Award. Councilmember Fries seconded the motion. The motion carried unanimously.
Resolution No. 2011-03-16

(Agenda Item No. 11-052)

3. Approval for Mayor to Execute Agreement with the Atlanta Regional Commission for LCI Supplemental Funding to Complete a 10-Year Plan Update of the Downtown Sandy Springs Study

Transportation Planning Division Manager Garrin Coleman stated staff submitted an application to the Atlanta Regional Commission several months ago regarding the 10-year plan update of Downtown Sandy Springs. The City was awarded the $50,000 maximum amount. Of that amount, there is a fifty percent match. The total value of the study would be approximately $100,000.

Mayor Eva Galambos stated there was discussion regarding working closely with the Main Street Alliance. There will be a steering committee for the LCI and she would like members of the Main Street Alliance to be on the committee. She feels that if they are going to be partners in developing Downtown Sandy Springs, they should be partners in helping to pay for the LCI study. The Main Street Alliance may have reservations about paying for any part of the LCI study that has an impact on land use. They might have concerns about how the community might feel and whether or not they would be blamed for it. A market study has to be completed as part of the LCI study that has nothing to do with land use. She thinks Mayor and Council should ask the Main Street Alliance to be a partner with the City in the LCI study to enhance the downtown area by asking them to pay half of the $50,000. This would cover most of the market study. She asked if this is correct.

Community Development Director Blake Dettwiler responded yes.

Mayor Galambos stated the City's local match is $50,000. She proposed to ask the Main Street Alliance to pay half of it. Their half would be designated specifically for the market study, which has nothing to do with land use.

Councilmember Karen Meinzen McEnerny stated it would determine the Main Street Alliance's commitment to the study.

Councilmember Chip Collins asked if Council would be stating that if the Main Street Alliance paid for half, they would be guaranteed to be on the steering committee.

Mayor Galambos stated she is not making any conditions at this point. She would like to ask the Main Street Alliance.

Councilmember Tibby DeJulio stated Council has to either approve or disapprove spending the $50,000. Where the money is coming from is a separate issue.

Mayor Galambos stated the whole amount will come out of the City's budget or half of it will.

Councilmember DeJulio asked what happens if the Main Street Alliance does not agree to pay half the cost.

Mayor Galambos stated this item could be discussed at another Council meeting and it can be determined what to do then.

Councilmember DeJulio stated we should defer this item until we find out if the Main Street Alliance agrees to pay half the cost.

Mayor Galambos stated that might be a good way to proceed.

City Attorney Wendell Willard suggested deferring this item to the next City Council Meeting.

Councilmember Meinzen McEnerny stated when the LCI studies were completed in the past, the residents of the neighborhoods were not asked to participate. She understands where the Mayor is going with this. The Main Street Alliance was created and the members have demonstrated a commitment of their time. She does not want to condition them to pay for half of the study and impact the interest of moving forward with this item.

Mayor Galambos stated if there is a financial commitment, the Main Street Alliance would be more likely to be serious about what is being proposed. She does not want this to be another perfunctory exercise. This is not the first LCI study and the previous property owners were not involved in the first study. She feels that having them as full partners would make a difference.

Councilmember DeJulio stated he agrees with that. There are no organized alliances of property or business owners that have taken on the responsibility in his district. The Alliance has made a conscious effort to be involved. He agrees with the Mayor on having the Alliance involved.

Councilmember Meinzen McEnerny stated the Alliance can be involved without making a financial contribution by attending the meetings.

Councilmember Collins stated that Council should decide whether we are going to do the study and then decide if we are going to ask the Alliance to contribute money to the study. It is not appropriate to tie one to the other.

Councilmember Meinzen McEnerny stated she agrees with Councilmember Collins.

Mayor Galambos stated this item would be a lot stronger going to the Main Street Alliance with a tabled resolution, asking for their help and then seeing where it goes.

Councilmember Collins stated the Alliance already pays taxes to the City and this item is a public function. If the Alliance wants to contribute money to the study, that is fine. He is comfortable with voting on the item or tabling it.

Councilmember DeJulio asked if there is a problem with tabling this item to the next City Council Meeting.

Transportation Planning Division Manager Coleman stated the Atlanta Regional Commission likes to have the study completed within a year.

Mayor Galambos asked if delaying the item for two weeks would make a difference.

Transportation Planning Division Manager Coleman responded no.

Motion and Vote: Councilmember DeJulio moved to defer Agenda Item No. 11-052, Approval for Mayor to Execute Agreement with the Atlanta Regional Commission for LCI Supplemental Funding to Complete a 10-Year Plan Update of the Downtown Sandy Springs Study to the April 5, 2011, City Council Meeting. Councilmember Collins seconded the motion. . The motion carried unanimously.

(Agenda Item No. 11-053)

4. Approval of Design Contract Amendment #9, PBS&J Design Services for Phase V (T-0002), and Authorization for the City Manager to Execute Contract Documents

Transportation Engineer Greg Ramsey stated this item is the GDOT project that is in the process of widening Johnson Ferry and Abernathy Road, which includes the City park project. It is currently under construction in Phase III, which involves clearing, grading, perimeter fencing, and landscape buffering on the outer parcels. For Phase IV of the project, staff received authorization from GDOT to move forward with the letting for construction. Phase IV will be underway shortly. This item refers to Phase V of the design and does not ask for additional funding. This item is asking Council to authorize the City Manager to sign a contract amendment with PBS&J to move forward with the design.

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 11-053, Approval of Design Contract Amendment #9, PBS&J Design Services for Phase V (T-0002), and Authorization for the City Manager to Execute Contract Documents. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.
Resolution No. 2011-03-17

(Agenda Item No. 11-054)

5. Approval of a Right-of-Way Acquisition for the Roswell Road Streetscape Project, Cliftwood to Hammond (T-0008), Subject to Financial and Legal Review and Approval

Transportation Engineer Greg Ramsey stated this is CIP project T-0008 from Cliftwood to Hammond on the Roswell Road streetscape improvement project. When there are State or Federal funds involved with an acquisition contract, an intergovernmental agreement between the City and GDOT has to be executed. This is a formality that GDOT requires. There are no additional funds associated with this request. This project was delayed due to a lack of right-of-way funds. Money was reallocated to other projects and the State funding is available to cover the construction and the right-of-way with appropriate twenty percent matches.
Councilmember Tibby DeJulio asked if the construction will be on both sides of Roswell Road. Would the construction be from Carpenter Drive to Hammond and on the other side from Cliftwood to Hammond?

Transportation Engineer Ramsey responded yes, it is both sides of the road.

Councilmember DeJulio stated straightening the intersection has been discussed in the past. Why would we complete the streetscape when the road has not been straightened, yet?

Transportation Engineer Ramsey stated we do not have a project programmed yet. Staff would like to align the side roads, since this would make sense from traffic engineering prospective.

Mayor Eva Galambos asked how much of the streetscape would be impacted if later there is another project to align Carpenter and Cliftwood.

Transportation Engineer Ramsey stated by looking at the map, Parcel 2 is the Mexican Restaurant on the corner. That restaurant would likely be displaced if the roads were aligned.

Mayor Galambos asked if this should be left off for now, or if it is too small to leave off.

Transportation Engineer Ramsey stated it is not a significant amount, but it would be worth considering removing. Depending on the time frame, and if Council chooses to budget that project in the near future, it makes sense to take it out. If it is going to be a long range issue, and since it is State funding, staff felt it should be left in there.

Mayor Galambos asked Councilmember DeJulio if he wants it taken out.

Councilmember DeJulio asked when this will be considered by Council. Is this coming up in the current year's budget?

Mayor Galambos responded no.

Councilmember DeJulio stated it could be at least two or three years down the road.

Councilmember Karen Meinzen McEnerny stated it could be in the LCI study.

Councilmember DeJulio stated the actual construction could be two or three years away. It looks like it will be two to three percent of the total project, so we might as well go ahead and do it.

Councilmember Meinzen McEnerny stated the diagram in red on the west side at 5920 Roswell Road, Parcel 5, juts in.

Transportation Engineer Ramsey stated yes, there are deceleration and acceleration lanes.

Councilmember Meinzen McEnerny asked how the Mayor's trees on the SunTrust parcel will be accommodated.

Mayor Galambos stated they are in the streetscape.

Transportation Engineer Ramsey stated this project is for obtaining the right-of-way. There is an offset in the sidewalk where the acceleration lane is located. The initial plan was to have the path between the trees and the bank building itself.

Councilmember Meinzen McEnerny stated that is wonderful and she wished that GDOT would allow the City to do that every time.

Transportation Engineer Ramsey stated GDOT would probably allow the City to do that if the City bought the right-of-way.

Mayor Galambos thanked staff for safeguarding her trees.

Councilmember Dianne Fries stated the sidewalks in this area are nine feet wide with a two foot paver, which is eleven feet; the size the City stripes the City roads. There is a ten foot landscape bush area. You cannot see what is in the shops with the bushes in front of the building.

Councilmember Meinzen McEnerny stated the ten foot landscape strip can be located near the building with grass in it. That would mean there could be a broader avenue.

Councilmember Fries stated it is being encouraged to put things close to the road and parking in the back. Twenty-one feet off the curb is far away.

Mayor Galambos stated that twenty-one feet is not far.

Councilmember Fries stated when she walked the area, it took away from the charm she had in mind.

Mayor Galambos stated if the City eventually has a downtown pedestrian shopping environment, nine feet is not a very wide sidewalk.

Councilmember Fries stated she brought this up because she had not added it all together before and this made her think about the City's vision.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-054, Approval of a Right-of-Way Acquisition for the Roswell Road Streetscape Project, Cliftwood to Hammond (T-0008), Subject to Financial and Legal Review and Approval. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.
Resolution No. 2011-03-18

REPORTS AND PRESENTATIONS

There were no reports or presentations.

PUBLIC COMMENT

Jim Derrick, 475 Tanacrest Drive N.W., stated he is against changing the Riverside Drive exit. He listened to Public Works Director Tom Black's presentation that gave Council no option as far as approving this item or not. The item states Council can opt to not sign the letter, in which case GDOT will likely not pursue the project. This is a contradiction to what Public Works Director Black told Council. There has been discussion of placing two roundabouts at the Riverside Drive area and he's concerned if there is room for two without tremendously impacting the neighborhood. City staff has not looked into this. That is the only non-commercial exit on I-285 in the City.

Mayor Eva Galambos stated the City is committed to keeping it that way.

Mr. Derrick stated he is happy to hear that. The roundabouts will not help traffic flow. They will dump more traffic in that area, which will be mostly from Cobb County. He is disturbed there was no discussion from the public. This is an impactful issue as far as what is going on within the City. Why should GDOT decide what should be done within the City? A traffic light might just be enough to take care of this issue instead of a roundabout. It is disappointing to him that the item was approved.

EXECUTIVE SESSION

There was no executive session.

(Agenda Item No. 11-055)

ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 7:46 p.m.

Date Approved: April 5, 2011

Eva Galambos, Mayor

Michael Casey, City Clerk