

Regular Session of the City of Sandy Springs City Council
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference,
Tuesday, April 20, 2021
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Regular Session Meeting of the Sandy Springs City Council was held on Tuesday, April 20, 2021 at 6:33 p.m., Mayor Rusty Paul presiding.

I. CALL TO ORDER

Mayor Rusty Paul called the meeting to order at **6:33 p.m.**

II. ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Raquel D. González called the roll.

Mayor Rusty Paul – present.

Council Members present: Council Member John Paulson, Council Member Chris Burnett, Council Member Jody Reichel, Council Member Tibby DeJulio and Council Member Andy Bauman.

Absent: Council Member Steve Soteres

III. PLEDGE OF ALLEGIANCE – Mayor Paul led the Pledge of Allegiance.

IV. PUBLIC COMMENT –

Jerome Silver, 4960 Spruce Bluff Drive, Atlanta GA 30350 - I am in support of the Anne Frank Project being placed on the City Springs campus, which the council approved unanimously last year. The Georgia Commission on the Holocaust has already raised over 3 Million dollars in donations and pledges to pay for their share of the building. Thank you.

Susan Maziar, 5350 Timber Trail, Sandy Springs GA 30342 - I just watched the work session video and listened to the discussion of the Cultural Arts Center. The Anne Frank exhibit, GHC, and Visit Sandy Springs all should move to Bluestone Heritage Building, also a premier site in our City Center. I have been inside the building many times and it is beautiful. The grounds are too. The new Veterans Park area should become real green space. All great cities have an in town park. And it will belong to all of us!

Janet Benjamin, 245 Glen Meadow Court, Sandy Springs GA 30328 – My family supports the placement and continuation of the Anne Frank Exhibit as part of a new cultural center housed on the City Springs community campus.

Jan Reynolds, 6851 Roswell Road, Unit K18, Sandy Springs GA 30328 – joining via Zoom, thank you very much. I had also sent emails to the City Council and to the Mayor. I am very excited about the fact that we are actually looking to do a Cultural Center and I feel like the best placement would be at the present Heritage location, so that we could add more museums for other cultures as needed. It would be a great experience to walk from City Springs, down to this area, the new development. It would also expand the present footprint of City Springs from just one block to be a campus, which would be a great visitation for people nationally and internationally, if they come to visit the museum. Also, I think that the Reflections Garden would be a much needed part of the Anne Frank Museum because that is such a solemn moment of reflection, thinking about her life and what she gave up and what happened to her; this is an important need part. She feels like this area could be almost a feel of The Swan House Coach House, the Atlanta History Center, and even evolve into a small national mall like we have in D.C. She proposed that we do Options 2 and 3, which is expansion of the existing Heritage Museum and a new building for the Anne Frank Museum. Thank you.

Carolyn Axt, 105 River Landing, Sandy Springs GA 30350 – Hosting the memorial and Anne Frank Exhibit here in Sandy Springs could be a win / win for both parties but it does not belong on the square block which is our Sandy Springs City Center. That Roswell Road frontage is the gateway to our entire complex and provides good visibility between the Veterans Memorial Park. This corner should be devoted to providing opportunities for our Sandy Springs citizens to gather on a regular basis, enjoy getting together and a daily draw for all of our citizens. The property at the

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corner of Roswell Road and Mount Vernon has many possible Civic Center uses. It was originally planned to house a restaurant. We need a place where our residents, millennials and those with young family want to come to connect with friends and neighbors and enjoy some casual dining. This could include outdoor spaces and top deck space to enjoy the view and to drink. It would add energy and activity to our wonderful City Green, as citizens come throughout the day and in the evening hours to eat and meet. The original community input meeting on the memorial and museum indicated the building would house the Chamber and Visit Sandy Springs. No community input was gathered on a location for the facility at that meeting. The situation has changed significantly. The Heritage property is now empty; other land, including the corner at Sandy Springs Circle and Hilderbrand and the German car repair shop has been purchased. I believe the memorial and museum needs to be located to the south of the Sandy Springs City Center, locating the new facility with its gallery space would energize that area and serve as a catalyst for development of the cultural mecca for small businesses, community enjoyment and draw visitors from the region and beyond. If another location would cost more initially, think of the lost opportunity costs, both in terms of dollars as well as value to our local citizenry from building on one of the most significant corners in Sandy Springs. For many projects, having to go back to raise additional capital is well worth the effort and delay. Let's get it right now. Please look for a more appropriate location for the Holocaust memorial and the Anne Frank Exhibit.

Abigail Mixon, 5630 Roswell Road NE, Sandy Springs GA 30342 – As a representative of Solidarity Sandy Springs. As you may remember, Solidarity Sandy Springs was founded by Jennifer Barnes on March 27 of last year. We had an initial goal of feeding 10 families for 2 weeks during the initial COVID lockdown. As we quickly realized, and as everyone did, the need was so much greater than that. Now we are a permanent 501(c)(3) non-profit serving upwards of 400-450 families each and every week. Our households have an average size of 4-6 members and the children make up a majority of each household. Every family who comes to our Pantry leaves with at least 2 nights worth of food to feed their children and saves an average of \$100 per visit, money that can go toward their rent, paying a utility bill, paying a car payment and clothes for their children. We began our Food Pantry at Under the Cork Tree in the Prado space, just less than a mile from here. We spent the summer at a property over in Northwoods and in August, we moved back to the Prado and are currently in the Publix space hosted there. So much has happened in the last year. Not only are we a hub for volunteer activity but we have seen over 5,000 volunteers come through our doors wanting a meaningful opportunity to serve. We have hosted corporate service days, civic and religious groups; we've created educational experiences for elementary, middle and high school students, so much so that after they complete their service hours, they keep coming back for more. Last month we received the Community Service Award from Representative Shea Roberts and Senator Jim Jordan. And, this weekend, we are providing, along with CORE Vaccines services over 600 vaccinations for our local community members. We are so thankful for what has happened in the last year and we are so excited of what the future holds for Solidarity, including a move to our permanent location this fall off Northwoods Drive. We are asking to be in consideration for the Sandy Springs City Council budget at the level of \$50K for the next fiscal year. \$50K will fund our pantry at current costs for 7 weeks; that is 3 pantry days a week, feeding over those 7 weeks 2,975 families and 14,215 children, if we serve at our current levels which I anticipate will increase. We understand that \$50K is a large ask and so I thank you for your consideration and know that we have faith in the council and we would be wonderful stewards of the funds given for our community. Thank you for your time.

Linda Bain, 2370 Kimbrough Court, Sandy Springs GA 30350 – I have not been here in over a year but what brings me out is the Cultural Art Center. I have sent the Mayor and Council my own thoughts on this and you received my email today. I'd like to summarize them very quickly. I believe that this recommendation to place the Cultural Art Center and the Anne Frank Exhibit and the GA Commission on the Holocaust offices has not been properly evaluated. It has not been properly evaluated for costs or location and I would like to see the Council consider it for what is best for our residents and our visitors. To visit any Holocaust memorial is haunting and this one is no exception. Its tenor is at odds with the downtown vibe we are creating, in our great outdoor public art, Concerts on the Green, uplifting performances in our Performing Arts Center, restaurants and shops. One or more restaurants could be placed in this location at Option 1 drawing visitors, neighbors, friends throughout the day and the evening. This seems more appropriate to me for this prime location and what I believe what was envisioned by our Next Ten Plan. There is some concern that continuing the Anne Frank Exhibit will drain other funds that could otherwise go to support 2 other very large institutions dedicated to memory of the Jewish Holocaust and those are the William Breman Jewish Heritage Museum downtown and the Kennesaw State University Museum of History and Holocaust Education. If, however, you, the Mayor and Council, decide to go ahead with this exhibit and the Cultural Art Center as described, I prefer

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Option 2 or 3, that is the Heritage Blue Stone Complex identified in the 2018 and 2019 public meetings. We have a precedent here as well. We have the Heritage Museum and on the History Center. I would also like the Council to consider that this particular facility is small; it has scant real estate for a real exhibit; 800 square feet is the size of a small coffee shop. I don't see a Chihuly or Smithsonian exhibit going in there. I would like that we also be mindful that other groups will undoubtedly step forward asking for parity in a city working, thanks to you Mayor, toward equity, inclusion and diversity. Thank you.

Jan Reynolds, 6851 Roswell Road, Unit K18, Sandy Springs GA 30328 – joining via Zoom, thank you very much. I had also sent emails to the City Council and to the Mayor. I am very excited about the fact that we are actually looking to do a Cultural Center and I feel like the best placement would be at the present Heritage location, so that we could add more museums for other cultures as needed. It would be a great experience to walk from City Springs, down to this area, the new development. It would also expand the present footprint of City Springs from just one block to be a campus, which would be a great visitation for people nationally and internationally, if they come to visit the museum. Also, I think that the Reflections Garden would be a much needed part of the Anne Frank Museum because that is such a solemn moment of reflection, thinking about her life and what she gave up and what happened to her; this is an important need part. She feels like this area could be almost a feel of The Swan House Coach House, the Atlanta History Center, and even evolve into a small national mall like we have in D.C. She proposed that we do Options 2 and 3, which is expansion of the existing Heritage Museum and a new building for the Anne Frank Museum. Thank you.

Mary Ford, 5115 Timber Trail S NE, Sandy Springs GA 30342 - While I do favor education related to justice for all people, I do not support the use of taxpayer dollars on a Cultural Arts Center in Sandy Springs because: 1 - it is not the best use of taxpayers' dollars; 2 it would consume valuable green space in City Springs; 3 - The GHC will duplicate the museums programs and that the Sandy Springs Cultural Center could compete for audience and money to the detriment of both; 4. a Sandy Springs location for the state memorial does not serve all of Georgia, as the commission's members appear to be Jewish, Republican and residents of Northside metro neighborhoods rather than reflecting a statewide constituency; 5 there are other options to improve upon existing Anne Frank exhibits at the William Breman Jewish Heritage Museum and Kennesaw State University by using donated private money. That would not require government funding; 6. If we need a cultural center, then it should reflect the diverse population of our city.

Maurice Hoelting, 88 Long Island Place Sandy Springs GA 30328 – I am here to request that you reconsider the Veterans Park across Roswell Road from the City Springs complex. Your proposal to spend \$7M, \$2M in land costs, \$5M in improvements on a park that would probably not get used. Let's be honest, this is a piece of land, a large triangular traffic island, surrounded by the three busiest roads in Sandy Springs. I ask my Councilman, Chris Burnett, at a Mountaineer Neighborhood meeting if the City has done a Use Study and if so, would he make the findings and the method used to ascertain them available to the public. Mr. Burnett did not answer my question; therefore, one has to conclude that no study has been done. I was present at the Council meeting when it was decided to change from the simple landscaped area to a Veterans Park. I believe it was DeJulio who made the suggestion to do the park; everyone rushed to jump on the bandwagon. Not one person asked if this area was a good location for a Veterans Park or if it could be used in its location. The City should go back to its original concept for this site and landscape between the 3 busiest streets in Sandy Springs. Original intent is that a landscaped park could be done for a fraction of the \$7M proposed to be done at this time. The City seems to have lost its financial conservative roots; this is an opportunity to start regaining them. I would like to add that I support a Veteran's Park but not at this location. We should do a park the Veterans would be proud of and one that people would make use of; not, delegate them to no man's land. Thank you very much.

Barbara Schaffer, 8064 Kenstone Court, Sandy Springs GA 30350 – I am not in favor of spending money towards a Cultural Art Center but would prefer to use funds towards increasing our greenspace for outdoor health and fun; more tennis or Pickleball areas, etc. Thanks.

Glenn Wasser, 30 Highland Valley Court, Atlanta GA 30327 – All successful businesses and services have one thing in common, they solve a problem for their customers. This imperative applies to everything from tax preparation services to airlines to even a movie theatre. Success comes from solving customers' problems. That's why I am opposed to the creation and ongoing support of the Anne Frank Holocaust Exhibit here in Sandy Springs. Visiting

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the Anne Frank House in Amsterdam is an experience most folks will never forget. Seeing the actual hidden, rotating stairwell as well as the tiny room where Ms. Frank wrote her book is not something that can be recreated in a meaningful or believable way. The real Anne Frank Museum solves the problem of reminding the world of the horrors of Nazism by humanizing the impact in a very understandable way. Likewise, why does the City of Sandy Springs believe that another Anne Frank Exhibit is something needed when other local institutions, such as Kennesaw State and the Breman Center already have the same fundamentals in place? Perhaps the City has conducted research confirming how an Anne Frank Museum solves a problem; perhaps the City of Sandy Springs can demonstrate how Atlantans will spend their limited disposable income to see reenactments and reproductions of a life cut so short almost 80 years ago. If the research does exist, I for one would love to see the data before \$1 tax dollar is spent on the exhibit center. I would be willing to bet there is no empirical data supporting how this proposed museum will attract a single incremental visitor to Sandy Springs; no one person. I'd also be no research exists comparing other options or uses of limited funds that could be more effectively spent with the intention of helping create and strengthen the Sandy Springs brand. Spending money on an Anne Frank Exhibit doesn't solve a problem; it only creates a proverbial White elephant and takes away taxpayer money that could certainly be more effectively disbursed. Thank you.

Christine Heller, 7155 Roswell Road, #23, Sandy Springs GA 30328 – I am opposed to this whole project. 1. The cultural center doesn't make good financial sense for our city. 2. There are 2 other Anne Frank Holocaust Exhibits within 20 miles of Sandy Springs that are established. We should encourage the Commission to add funds to these exhibits to make the first class instead of reinventing the wheel on a smaller scale in Sandy Springs. 3. To call this a Cultural Art Center is a misnomer, as it is not about art and it only presents one culture. This is certainly not inclusive.

Carolyn Crampton, 260 Glen Meadow Court, Sandy Springs GA 30328 – I appreciate the City's desire to promote various cultures, especially in this time of social and racial injustice around the country and in our state of Georgia. However, I disagree with using taxpayer's dollars to fund the proposed Anne Frank Exhibit and Holocaust Memorial. Our area already has spaces dedicated to Anne Frank and Holocaust remembrance. Moreover, we have numerous issues in Sandy Springs, including a critical need to fill the achievement gap in our schools and regain ground lost in our kids' learning over this past year of COVID-19 and its protocols. We need to commit to improvements in education, as well as our infrastructure, such as roads, parks, trails and revitalizing abandoned business spaces. Thank you.

John Bacon, 425 Overview Drive, Sandy Springs GA 30327 – This is clearly sub-optimal use of City's funds and the idea of a 40 year lease is outrageous. I urge you to re-think this whole idea. I love my Jewish friends and neighbors but this is not the way to show that love.

Bill McGinnis, 7325 Hunters Branch Drive, Sandy Springs GA 30328 – I believe we should NOT prioritize these funds right now for a Cultural Arts Center. I support Jody Reichel's priority of trails, parks, restaurants, retail shops, and athletic space, such as a Pickle Ball court, sidewalks and help with stormwater issues and smart development in the North End.

Linda Trickey, 7425 Old Maine Trail, Sandy Springs GA 30328 - Dear City Council, While I am supportive of the arts and of bringing new areas of interest to Sandy Springs, the concept of a Cultural Arts center needs much further study and discussion. Many residents are only recently becoming aware of this plan and what it entails, including several million dollars of taxpayer money. As a long time Sandy Springs resident, I applaud many of the lovely improvements created in the city, such as green space, the Performing Arts Center and the upcoming Veterans Park. However, I am not in favor of spending taxpayer money for a cultural arts center at this time, as I believe the city residents desire to see other priorities fulfilled first. I am particularly not in favor of a cultural arts center dedicated to one area of interest, the Holocaust, when there are two other Holocaust centers in the metro area. I'm also concerned about a 40 year lease with a single group and the City responsible for maintenance; much can change in 40 years and I don't believe a lease of that length is prudent. The residents I have recently spoken with consistently desire more trails, destinations to walk to such as restaurants and shops, a better dog park, places where they can dine and take their dogs, and more green space. None of the persons I have spoken with desire a Cultural Arts Center. As a city we should focus on the amenities that will best serve a large part of our residents and provide a more compelling reason to spend time and money within the city limits. Please do not approve the cultural arts center at this time. Thank you.

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Billie Burnett, 6300 Bluestone Road, Unit 5024, Sandy Springs GA 30328 – 1. A. How can you think about moving forward on building a Cultural Arts Center until you know what it will be providing, other than the Anne Frank Exhibit, which is very good? B. The Performing Arts Center is not producing enough income and it is not living up to its potential. C. Examples for children and adults activity, High Museum, Spruill Art Center, Emory Continuing Education, Only at Emory, Roswell's Senior Center, Dorothy Benson Senior Center, playhouses around Sandy Springs, art, acting, cooking, painting, sewing, etc. 2. The Anne Frank board should look into providing exhibition history of genocide around the world, including Germany, Rwanda, Japan, Cambodia, Bosnia, China, etc. A great example is, Kigali Genocide Memorial in Rwanda.

George Ones, 230 Drummen Court, Sandy Springs GA 30328 – I am aware that the City Council is considering entering into a long-term fixed fee agreement for a Cultural Art Center focused primarily on the Holocaust. I am strongly opposed to the use of public funds for this project. While I agree that the Holocaust was an atrocity beyond comprehension and should never been forgotten, it is in the distant past and has numerous memorials. I see no need to add to or compete with those other memorials and exhibits. It is no more justifiable than building a memorial today to honor those who died in the Civil War or Pearl Harbor. The proposed use of public funds is too narrowly focused on a distant event to justify such an expensive and long-term commitment.

Melanie Zucker, 7750 Marsh Court, Sandy Springs GA 30328 – My family has resided in Sandy Springs since 1995. We watched Sandy Springs become a city and have been incredibly impressed and inspired by our leadership. Their vision has come alive through City Springs, magnificent theater, the vibrant restaurant scene and so much more. I recently read of a decision to use our taxpayer dollars to fund a Cultural Art Center that will house a Holocaust memorial as well as the Anne Frank Exhibit. These are extremely important topics that are truly near and dear to my heart. My family is Jewish and is involved in the greater Atlanta Jewish community. Our children attend a Jewish day school in Sandy Springs and we are an active part of our Sandy Springs synagogue. The Breman Holocaust Museum is an incredible gem currently housed in mid-town Atlanta in the Greater Atlanta Jewish Federation. My family have toured many times, over the years, as the museum has expanded and evolved. We are fortunate to have this within 20 minutes of Sandy Springs. I feel that our taxpayer dollars can be better used in Sandy Springs to bring more innovative restaurants, greenspaces, sidewalks, and high end townhouses, etc. We should continue to support non-profits that bring awareness of anti-Semitism, racism and discrimination of all in our community. Thank you.

Faith Greenstein, 330 Rumford Point, Sandy Springs GA 30350 - no response.

Rachel Rosner, 1095 Riverside Trace, Sandy Springs GA 30328 - I am opposed to the building and development of a new Cultural Arts Center in Sandy Springs. I believe that the mission is unnecessary and not viable. Greenwood Cemetery in Atlanta is home to a meaningful Holocaust Memorial. In addition, The Besser Holocaust Memorial Garden at the Marcus Jewish Community Center in Dunwoody (close to the Sandy Springs border) is one of the preeminent Holocaust Memorials in the Southeast. The Marcus Jewish Community Center hosts Yom HaShoah programming and a world class book festival to amplify the sentiment and message of the memorial. Proposed space for Holocaust education is also redundant. The Breman Museum in Atlanta/ Jewish History Museum is just 12 miles south of City Springs. Its mission is to connect people to Jewish history, culture, and arts. The Breman Museum has been hosting school groups to their Holocaust exhibit for decades. They have a rich archive of not just artifacts, but also testimonials from Holocaust survivors. I served on the history committee of Heritage Sandy Springs for over five years. Not once did anyone ever approach us for a Holocaust Memorial. We did develop and host the L'Chaim Sandy Springs exhibit which is still available today and can easily be shown in the large City Springs lobby. Sandy Springs owns the Williams-Payne House containing museum quality cases. This space can be used for cultural exhibitions. The needs behind this proposed Cultural Arts Center are already being met in the Atlanta metro area. Thank you for your consideration.

Jack Wilson, 1 Carrington Way, Sandy Springs GA 30328 – I would just like to state simply to the Council my opposition to the Cultural Arts Center on the basis that I believe it is an unwise and unnecessary use of taxpayer funds. Thank you.

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Lane Frostbaum, 300 Aldenshire Place, Sandy Springs GA 30350 – I submitted a Public Comment card. I hope you will take the opportunity to read it. For brevity, a lot of the comments that have been made related to the Cultural Arts Center already are written in my letter. But, basically, after watching your April 6 Work Session Meeting, I don't believe you all received adequate information to make an informed decision to justify moving forward on this Cultural Art Center at this time. Thank you.

V. APPROVAL OF THE AGENDA

Motion and Vote: Council Member DeJulio moved that the meeting agenda be approved for Tuesday, April 20, 2021. Council Member Paulson seconded. The motion carried unanimously (5-0).

VI. CONSENT AGENDA

A. 2021-122 Meeting Minutes
April 6, 2021 Work Session
April 6, 2021 City Council Meeting
(*Raquel D. González, City Clerk*)

B. 2021-123 Request for Mayor and City Council Consideration of Acceptance of a Temporary Driveway Easement Agreement on Property Located in Land Lot 15 of the 17th District (5251 Peachtree Dunwoody Road), City of Sandy Springs, Fulton County, Georgia
(*Presented by William H. Martin, Jr., AIA, Public Works Director*)

2021-04-53 RES

Motion and Vote: Council Member Bauman moved to adopt the consent agenda for Tuesday, April 20, 2021. Council Member Reichel seconded. The motion carried unanimously.

VII. Presentations – none.

VIII. Public Hearing

A. 2021-124 TA20-0002 Adjusted Minimum Height

Ordinance to amend the following Development Code Sections to reduce minimum heights and define certain residential uses, and the creation of a new Division (5.7. Adjusted Minimum Height): Div. 5.3. Perimeter Mixed Use Low/Mid- Rise, Div. 5.4. Perimeter Mixed Use High-Rise, Div. 5.5. Perimeter Medical, Div. 5.7. Adjusted Minimum Height, Sec. 6.1.3. Height and Mass, Div. 7.2. Allowed Use Table, Div. 7.3. Residential Uses, Div. 8.1. Parking

Matthew Anspach, Senior Planner, Community Development presented the Perimeter Mixed Use and Perimeter Medical Districts, which have a minimum building height of either four or six stories. There are several large development parcels in these districts which have been developed as large office parks with high rises above and amidst small forest, along with vast parking and/or parking structures typically built in the '80's & '90's with car centric design environment in mind. The Code, as is, lacks sufficient flexibility in the Perimeter Center to connect these office parks, typically stymieing any attempt for a viable true urban fabric in these areas. To a degree the current Code would continue the dated office-park trend as the minimum height requirements. The Code attempts to uphold the integrity of the vision for the area, which is to be developed in a very dense fashion but without more flexibility, may actually prevent some developments. "Adjusted Minimum Heights" will allow for, in particular, lifestyle pedestrian-friendly, after-5 type businesses and accommodations critical to make these areas less to one-dimensional and more viable from a highest and best use standpoint, while still prioritizing the anchor 6+ story structures. This proposal would allow for the type of development that is between 2-5 stories, otherwise prohibited at the time of the moment, while also keeping the integrity of the district's vision for density. Two components to the 2-5 story developments are, that you would have mixed-use commercial and you would also have residential as well. This would include, for

the residential, of course, single-unit attached type development. First the mixed-use commercial component would be proportionate to the 6+ storied buildings that are onsite or proposed to be onsite and it would also be contingent upon 10% of the gross square footage of those buildings. The first two floors for these 2-5 story buildings would be required to accommodate office lifestyle or personal service commercial type retain. Secondly, the 2-5 story residential, again including single-unit attached, would be allowed and any residential at 2-5 stories would be capped at 20% of the site's acreage, compared to the commercial which is 10% of the gross square footage of the office buildings. The development timeline for residential would be depending on the 2-5 story mixed-use development at a 1:1 ratio, i.e., one square foot of residential development would be allowed for every square foot of the 2-5 story commercial development. This encourages the neighborhood lifestyle type of urban development that is the goal for the Perimeter Center and Sandy Springs, largely as a whole. For residential development it is commiserate with the area of the commercial at a 1:1 ratio until capped. The Planning Commission unanimously recommended approval and staff concurs.

There were no public comments. **Mayor Paul** closed the public hearing.

Council Member Chris Burnett stated that, after spending so much time on the Code, we have been reticent to amend them. Explain the the genesis of this amendment. What have we learned since we amended the original Code and how will this help us to be a better city? Given the changing dynamics of offices, the uncertainty of what our office occupancies are going to be in the future, especially retail occupancy, creating flexibility makes good sense.

Senior Planner Anspach said that the impetuous for this is there is a lot of current developments and even ones that could be proposed where the current layout is such that there are a lot of gaps. We are Sandy Springs, not mid-town or Manhattan, so there is not quite the desire for six stories every time a developer comes in, across the board. That, and that kind of development in a city like this incentivizes a "9:00 to 5:00" lifestyle, where you come for work, eat lunch and then you go home. When you have these buildings that are a little bit more 'village style' and even the developments on the residential side that would be allowed, including single-unit attached, you might find it will provide more flexibility to how developers will present their proposals for development. It is really just a tool on the belt for the City to be able to go back and forth with developers to give them that extra ability to be creative. If they wished a developer can still build 4-6 stories. Anything that would benefit from this in the 2-5 story range is still tied to the percentages—the 20% for residential of entire site acreage, the 10% for the commercial component tied to the gross square footage. So if there was something deficient, if the current office buildings there are deficient in what was allowed, you can propose another 6+ story building to increase your ability to have more 2-5 story. It incentivizes both sides; you still incentivize the highest and best use of having the densest zoning where there is a 6 story minimum. You are also encouraging the diversity of types of buildings. Everything that is part of that gross square footage of the buildings that are 6+ story count toward what they can use at 10% in the 2-5 storage range.

Motion and Vote: Council Member Paulson moved to approve agenda 2021-124, TA20-0002 Adjusted Minimum Height Ordinance to amend the following Development Code Sections to reduce minimum heights and define certain residential uses, and the creation of a new Division (5.7. Adjusted Minimum Height): Div. 5.3. Perimeter Mixed Use Low/Mid- Rise, Div. 5.4. Perimeter Mixed Use High-Rise, Div. 5.5. Perimeter Medical, Div. 5.7. Adjusted Minimum Height, Sec. 6.1.3. Height and Mass, Div. 7.2. Allowed Use Table, Div. 7.3. Residential Uses, Div. 8.1. Parking. Council Member Reichel seconded. The motion carried unanimously.

2021-04-09 ORD

B. 2021-125 TA20-0003 Retaining Walls

Ordinance to Amend the Following Development Code Section: Sec. 9.4.3.
Retaining Walls

Matthew Anspach, Community Development Senior Planner stated Section 9.4.3, Retaining Walls, is a portion of the Code that staff spends a lot of time in with the proliferation of topography in Sandy Springs. There are a lot of retaining walls installed, almost regularly, particularly with residential developments, but also with commercial. Some of the key proposed changes to the Code include clarifying height measurements from two different requirements. At greater than 4', for instance, from bottom of footing below grade to the top of a retaining wall. The Building Code

requires that a permit be applied for and we have termed this measurement in this amendment “structure height,” or the *Building Code Height*. From grade to top of the wall, Zoning has a height maximum of 6’. That is the aesthetic height, so we term this measurement the “exposed height,” and what you can see is “zoning height.” These terms make it clear for applicants what are the requirements. This has been a point of confusion in the past. Secondly, we have proposed a new horizontal separation requirement for retaining wall systems, which began in a setback. This is any set of walls which originate between the property line and the building setback line. They would have a separation ratio of 1:1. Currently all walls must be separated horizontally at 4’ regardless of their height. Staff proposes that the wall, if it is 6’ in height, for instance, that the horizontal separation also be 6 feet. Staff also proposes a length limit on foundation walls, or wing walls; that length of 36’. This would be the distance that wall would have to get down to, what is otherwise the retaining wall maximum, which is 6’ in most cases. A ‘wing’ wall or foundation wall are allowed to be a little bit higher. These walls can occasionally ‘snake’ around the yard or site to make long distances, so enjoying the increased permission for wall height along the way, staff proposes these walls be no longer than 36’ and 6’ in height. Lastly, interior facing walls would have a maximum height of 12’. Presented this evening, while there are material changes, staff has also reorganized the Retaining Wall Code to condense it from seven subsections to four subsection. In terms of materials changes, staff clarifies what materials are allowed by removing ambiguity, taking away the need for administrative approval; and codifying what was typically administratively approved. Staff clarifies when permits are required at greater than 4’ in height and any wall supporting a surcharge. Also, when permits are not required; that is anything that is 4’ or less in height, also not supporting a surcharge. Staff believes these proposals are in conformance with the law and practices within the development profession and they clarify language and intent of the Code, thus providing and improving the customer experience while continuing to protect the traditional character of the community at-large. The Planning Commission recommended approval of the Amendment, with the following modifications: That any wall that begins in a setback shall be landscaped on the bottom tier or fencing atop it only to the extent that it meets like safety requirements and said wall or fencing atop shall be on the top tier of said wall system. With that amendment, staff has prepared an alternate ordinance if Council should choose to include these modifications.

Mayor Paul opened the public hearing.

Ronda Smith, 76 Long Island Place, Sandy Springs GA 30328 - speaking as President of the Council of Neighborhoods on behalf of our Board, Council of Neighborhoods asks that you consider the Text Amendment in the context of fully understanding the impact that infill development is having on existing single-family housing stock. As new and significantly larger footprint homes are being built, almost always in extremely tight quarters and with almost no exception, including large daylight basements where there were none and the regrading of lots to suit the new desires for pools, sport courts and level flat yards where those things did not always previously exist. The use of multiple retaining walls will become more and more common. Council of Neighborhoods asked that you approve the Planning Commission recommended version of this Text Amendment that includes both staff language shown in blue in the agenda document and also the Planning Commission recommendation for additional requirements, shown in brown. That Planning Commission language includes the requirements for landscaping in front of the lowest tier of walls and a limitation of a combined height of a wall and fencing on the top wall of a tiered wall system. These elements, in conjunction with staff’s recommendations, will softened the impact on neighboring properties of the use of these tiered wall systems as infill housing is expected to continue at an unprecedented pace in our protected neighborhoods. Thank you for your time.

There were no additional public comments. **Mayor Paul** closed the public hearing.

Council Member John Paulson stated the setback between retaining walls should be reduced from 6’ to 4’. The purpose of the tiered wall system was that no one had this gigantic straight vertical wall right up against their property. Tiered walls were designed to limit the height and also to show setback to break up this height. The whole idea is to eliminate this big, bulky wall by putting in tiers, bringing landscaping on the top of these tiers, etc. For most tiers, 4’ wide is all you need. This gives the visual separation and still does not unnecessarily take square footage from the owner that is developing this property.

Mayor Rusty Paul stated Council Member Paulson designed a retaining wall for the Mayor’s house after the previous retaining wall failed. The retaining wall is 12’ high and it does not directly face any neighbors. What happens if the

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retaining wall fails, and then there is a challenge to restore my backyard the way it is? I am running into the creek buffer to be able to tier it.

Council Member Paulson asked, for example, if the Mayor were to replace his retaining wall, would he have to follow the new tier requirement or can it be rebuilt the way it was originally designed?

Ginger Sottile, Community Development Director stated that any existing walls that are non-conforming can be rebuilt in kind. You just cannot make them any bigger. The second scenario proposed by Council Member Paulson, i.e., having to build the wall now, it could not be replaced as a 12' wall. The wall now, with the passing of this text amendment, would mean that the wall would have to be tiered and replaced by two 6' tiers. In regards to fencing, when you have an outward facing wall, if it is over 3' tall, the top tier needs some sort of 'guard rail' or fencing. As an example, when there is a 4' run with a 6' wall, you cannot put a 6' fence. This text amendment is to limit the height of that fence to only be what is required by state safety requirements, i.e., a pool, it would have to be at least 4'. If it is a guard rail, it only would need to be 3'. Currently, the Code allows for up to an 8' fence, which can be solid, a wall, slatted fence, except a concrete unfinished wall. So if the height of the top tier is greater than 4' then the height is limited and a permit to install is required.

Council Member Andy Bauman stated you are always working your way back not forward. We are not talking about wall height. We are talking about terracing; the lateral space. If the wall was outward facing, meaning not facing the Mayor's house, under today's text amendment the Mayor would intentionally lose 4' of his yard. He could not go back toward the creek. His wall, terraced, would encroach into his lawn. If the wall begins in the setback, then each tier needs to be landscaped at the bottom.

Council Member Jody Reichel asked in the example of Mayor Paul's wall, it is in the back and no one can see it, so are we saying that they have to install landscaping along the bottom.

Director Sottile replied that was a suggestion made at the Planning Commission. Staff did not recommend that the plantings be installed at the bottom because often they are difficult to maintain since they are so far down

Council Member Chris Burnett stated that so much of the new construction is tear down rebuilds. Using the Mayor's wall as an example, someone wants to demolish his house to build a new home. If the new person leaves the existing retaining wall in the condition it was purchased, then this is grandfathered in. But, if in demoing the house the new homeowner demolishes the retaining wall, then that new homeowner would be bound by this text amendment.

Motion and Vote: Council Member Paulson moved to approve agenda 2021-125, TA20-0003 Retaining Walls Ordinance to amend the following Development Code Section: Sec. 9.4.3. Retaining Walls with two (2) exceptions: one, include the Planning Commission recommendations as presented; and (2) the setback requirement be reduced to a 4' setback between walls. Council Member DeJulio seconded. The motion carried unanimously.

2021-04-10 ORD

IX. New Business

- A. 2021-126** Request for Mayor and City Council Consideration of Acceptance of a Temporary Driveway Easement Agreement on Property Located in Land Lot 15 of the 17th District (5215 Peachtree Dunwoody Road), City of Sandy Springs, Fulton County, Georgia

William H. Martin, Jr., AIA, Public Works Director presented the Fee Simple Right of Way and Temporary Construction Easement at 5215 Peachtree Dunwoody Road in support of Peachtree Dunwoody Road / Telford Roadway Safety Project. The acquisition is 1,334.25 square feet of Fee Simple Right of Way and 3,450.36 square feet of Temporary Construction Easement on the property. The City's contracted appraiser determined the fair market value for the land is \$11.40 per square foot. During negotiations, staff reduced the fee simple right of way area, deleted the permanent easement, and adjusted the temporary construction easement area to mitigate impacts to the

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property owner. This item represents Fee Simple ROW, Temporary Construction Easement, Temporary Driveway Easements, and mature landscape improvements. The property owner countered for an additional \$4,000.00 to mitigate the landscaping impacts for eight large oak trees on their property. Staff concurs the compensation amount of \$32,100.00 is reasonable and recommends payment to the owner for the land interest and impacted improvements. This is the next to the last parcel to be acquired. There is one more piece that will be presented to Council at the next meeting. That will complete right of way acquisition, and then the project will move forward to construction.

Motion and Vote: Council Member DeJulio moved to approve agenda 2021-126, Acceptance of a Temporary Driveway Easement Agreement on Property Located in Land Lot 15 of the 17th District (5215 Peachtree Dunwoody Road), City of Sandy Springs, Fulton County, Georgia. Council Member Reichel seconded. The motion carried unanimously.

2021-04-54 RES

- A. 2021-127** Request for Mayor and City Council Consideration of the Georgia Department of Transportation Local Maintenance & Improvement (LMIG) Safety Action Plan (SAP) Grant Application for Fiscal Year 2021

Marty Martin, Public Works Director presented the GDOT Local Maintenance & Improvement (LMIG) Safety Action Plan (SAP) Grant program. This year GDOT added a Safety Action Plan (SAP) element to LMIG. This is based on Roadway Crash Severity Scores. They have assessed roadways in Sandy Springs and identified eligible roadways based on this information that would be able to receive additional funding for a specific safety improvement elements. These includes signage, striping, reflective pavement markers, etc. Those kind of improvements are construed as low cost but highly effective safety improvements for roadways. Within this proposal, you see this includes \$350K from GDOT, with an expectation of a City match of 30% (\$150K) to applying roadway safety improvements to the list of roadways scored. Some of the roadways scored include Peachtree Dunwoody Road, Riverside Drive, Spalding Drive, Johnson Ferry Road, and Glenridge Drive. Staff developed a program that met the full programmatic requirements identified in the GDOT notice letter. Match funding is available in the Public Works budget. The total cost of the maintenance investment of traffic signs, pavement markings, and RPMs is \$502,096.27.

Council Member Andy Bauman asked when this will go out for bid.

Director Martin replied that this will be bid in increments. Some of these elements are imbedded within two capital projects. The rest will be out as a bid package. We are required to have it obligated and under contract by the end of the calendar year. Staff reconnoitered the roadways, based on current pricing with the striping and signage work we have under contract, and we believe these dollars are adequate to fulfil the requirement here.

Motion and Vote: Council Member Bauman moved to adopt agenda item 2021-127, Consideration of the Georgia Department of Transportation (GDOT) Local Maintenance & Improvement (LMIG) Safety Action Plan (SAP) Grant Application for Fiscal Year 2021. Council Member DeJulio seconded. The motion carried unanimously.

2021-04-55 RES

XI. Reports

- A. 2021-128** Mayor and Council Report

- B. 2021-129** Staff Reports

City Manager Andrea Surratt reminded everyone FY2022 Budget Workshop 2 is May 4 and Budget Workshop 3 is May 18. The FY2022 Budget public hearings are scheduled for June 1 and June 15.

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City Attorney Dan Lee stated that since Council had shown great interest in the Brandon Mill Road sidewalk project, Public Works has now let a new contract for the completion of the existing work and the numbers are higher than what is left in the account. Some of the delay has been due to legal issues with the contractor in working to have them removed from the project for failure to perform according to the contract. We feel strongly that we have the ability to collect money from the original contractor's bonding company. Public Works is ready to go as soon as the Court gives the City permission to remove the original contractor from the job.

C. 2021-130 February 2021 Unaudited Financials

Toni Jo Howard, Finance Director presented that 67% of the fiscal year is complete. COVID sensitive revenues are at 91.5%, which is a 6.47% increase over the prior year for these revenues. COVID sensitive expenditures are at 91.73%. These expenditures, at this point, are primarily for the supplies and materials each month. Currently, we have received seven months of Local Option Sales Tax. Compared to last year, we are slightly down but are at a higher overall percentage of 78%. We are still receiving some monies from the current year property taxes showing us at 103% of the budget. Motor vehicle TAVT continues to be strong at 209% of our budgeted revenues. Additionally, this month we received our Electric franchise tax at \$5.9M. This is down from the prior year but still over the budgeted amount of \$5.8M. We continue to finalize our Business and Occupation Tax. These were due at the end of March so the next financials should have more current numbers. Overall, our revenues are strong; we are at a total of 91.5% of the overall budgeted amount. The only areas running slightly below are the Total Charges & Fees and Total Investment Income, which have continued to show over this fiscal year. Overall, the expenditures are at 58%, less than the 67% of the year completed. Even though the revenues are doing well, when compared to the budgeted number, we still are not back at 100% for pre-COVID numbers. We continue to see challenges in categories such as Interest Income, Hotel Motel Taxes. While we do still see strong property tax, it is anticipated that the impact may take two years to realize.

Mayor Rusty Paul explained that the Motor Vehicle TAVT Fee is so far over budget because the State of GA changed the tax collection so that when you buy the car, instead of the 'birthday' tax, you now pay the ad valorem in advance. They promised to keep local governments whole in our revenues and they never have. For the last several years, our revenues were much lower than what they had been historically. What you are seeing is a return to normal. We have been budgeting based on what has transpired in the last five or six years in collections. January, 2020, the General Assembly finally perfected a formula that has brought local governments close to whole again.

Council Member Chris Burnett asked are we close enough to close our March and see where we are for the first three quarters of this fiscal year?

Finance Director Howard stated we have estimated the fiscal year will add approximately \$10M. We need to continue to be conservative as we move forward, until we see ultimately what the impacts of tax rolls and businesses are.

XIII. Executive Session – Litigation and Real Estate

Motion and Vote: Council Member Paulson moved to suspend regular order and enter into Executive Session for the purpose of litigation and real estate discussions. Council Member Burnett seconded. The motion carried unanimously. Executive Session began at **8:25 p.m.**

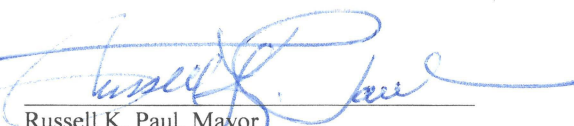
Motion and Vote: Council Member Paulson moved adjourn Executive Session and return to the regular order. Council Member DeJulio seconded. The motion carried unanimously (4-0, absent: Council Members Reichel and Soteres). Executive Session ended at **8:45 p.m.**

XII. ADJOURNMENT

Motion and Vote: Council Member DeJulio moved adjourn the meeting. Council Member Paulson seconded. The motion carried unanimously (4-0, absent: Council Members Reichel and Soteres). The meeting adjourned at **8:45 p.m.**

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Dated approved: May 4, 2021.



Russell K. Paul, Mayor



Raquel D. González, City Clerk