

Regular Meeting of the Sandy Springs City Council was held on Tuesday, December 15, 2015, at 6:00 p.m., Mayor Rusty Paul presiding.

INVOCATION

Tom Van Laningham, Care and Counseling Center of Georgia, offered the invocation.

CALL TO ORDER

Mayor Rusty Paul called the meeting to order at 6:01 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

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

City Clerk Casey called the roll.

Mayor: Mayor Paul present

Councilmembers: Council Member John Paulson, Council Member Ken Dishman, Council Member Graham McDonald, Council Member Gabriel Sterling, and Council Member Andy Bauman were present. Council Member Tibby DeJulio was absent.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance.

APPROVAL OF MEETING AGENDA

1. **15-461** Add or remove items from agenda

Motion and Vote: Council Member McDonald moved to approve the Meeting Agenda for December 15, 2015, with the addition of the presentation of a Proclamation from the Fulton County Commission during the presentation section of the agenda. Council Member Sterling seconded the motion. The motion carried unanimously.

CONSENT AGENDA

2. **15-462** Meeting Minutes
 1. December 1, 2015 Regular Meeting
 2. December 1, 2015 Work Session
(*Michael Casey, City Clerk*)
3. **15-463** Consideration of the Acceptance of the Dedication of Right of Way as Part of the Zoning Requirements (6079 Boylston Drive)
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2015-12-138

4. **15-464** Consideration of the Acceptance of the Dedication of Right of Way as Part of the Zoning Requirements (5619 Lake Forrest Drive)
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2015-12-139
5. **15-465** Consideration of the Acceptance of the Dedication of Right of Way as Part of the Zoning Requirements (5996 Lake Forrest Drive)
(*Garrin Coleman, Director of Public Works*)
Resolution No. 2015-12-140

Motion and Vote: Council Member Dishman moved to approve the Consent Agenda for December 15, 2015. Council Member Paulson seconded the motion. The motion carried unanimously.

PRESENTATIONS

6. **15-466** Presentations

1. Proclamation from Fulton County Board of Commissioners for the City of Sandy Springs Tenth Anniversary

Fulton County Commissioner Liz Hausmann stated it is a great honor and pleasure to be in attendance this evening as the City's ten years of incorporation is recognized. She congratulated the City on its achievements. She apologized for missing the big celebration. Fulton County is proud of the City's successes to date and hopes that great things continue from Sandy Springs in the future. She was in attendance at the first Council meeting during which she gave the City a check for about \$55,000 from the defunct Tax Allocation District (TAD) fund.

Fulton County Commissioner Bob Ellis stated it is an honor for them both to be able to serve the residents of Sandy Springs. He read the proclamation which states, "Incorporated in 2005, the City of Sandy Springs is Georgia's sixth largest city in Georgia and the second largest city in the metropolitan Atlanta area. Sandy Springs long-time resident, the late Mayor Dr. Eva Galambos championed the fight to incorporate the City, and was a visionary for the public-private partnership model of local government; which is the groundwork for many of the policies used by municipal governments today. Since the incorporation of Sandy Springs, several other metro cities have formed – Dunwoody, Brookhaven, Chattahoochee Hills, Milton, and Johns Creek. Sandy Springs is consistently ranked nationally as one of the best places to live in the United States for its safety, housing, parks and recreation, economic development with more than 3,700 businesses, and top-ranked education. Sandy Springs, with a population of nearly 100,000, enjoys a traditional southern charm just 14 miles north of downtown Atlanta. With roots dating back to the 1800's, Sandy Springs originated as a watering stop for Native-Americans who frequented the bubbling springs here and quickly become a community as settlers moved into the area. The Board of Commissioners of Fulton County recognizes the City of Sandy Springs 10-year Anniversary of its incorporation." He proclaimed Tuesday, December 15, 2015, as City of Sandy Springs Day in Fulton County, Georgia.

Mayor Rusty Paul thanked both Commissioners for the proclamation. He thanked them for the cooperation the City has received from the Fulton County Commission in the last year, which has been unprecedented in his almost thirty-eight years working for the public in the metro Atlanta area. There is a great working relationship and partnership between the cities and county that has never existed before. This is largely because of the leadership of Commissioners Hausmann and Ellis, as well the rest of the Commission. He thanked them for the openness, cooperation, and the willingness to work together to solve the problems and challenges of the common constituents.

2. 2015 Annual Financial Audit Report - Mauldin & Jenkins, LLC

Adam Fraley, CPA, Partner with Mauldin & Jenkins, stated he was in charge of the audit engagement. Council has a copy of the City's Comprehensive Financial Annual Report (CAFR) and also the Annual Audit Agenda. He will summarize the results of the Annual Audit Agenda. Page two discusses the governmental sector of Mauldin & Jenkins. On page three there are other industries and services his firm provides. On page four is the bottom line summary of the results of the audit. The CAFR is the responsibility of the City. City management puts that together each year and is required to have the CAFR audited by an independent auditor and submitted to the State of Georgia in accordance to State law. His firm's job was to render an opinion of the fairness of the presentation of the report. His firm issued an unmodified opinion. That means that his firm believes the financial statements are materially correct for the year ending June 30, 2015. Page five discusses what a CAFR is. Since incorporation the City has created a CAFR, which is above and beyond what the State requires. The State requires an annual financial report. The CAFR has additional items like an introductory section as well as statistical section. The CAFR is also eligible for an award and the City each year submits its CAFR to the Government Finance Officers Association. The City received the award for the 2014 CAFR. The award certificate is included in the 2015 CAFR. Page seven discusses some of the financial highlights. Page eight discusses the general fund. The general fund is the largest fund of the City and that is the main operating fund. Some of the statistics that relate to 2015. Most of the City's revenues in the general fund are made up of taxes, which is ninety percent. On page eight the general fund revenue is listed which as \$90 million. Revenues of the prior year were about \$87.8 million. On the bottom of page eight you can see how the property taxes have increased somewhat. The sales taxes and other taxes have made up the difference. On page nine there is a graph that includes other City revenues besides taxes. Those revenues have trended over the last five years. On the bottom of page nine the City's general fund had about \$61 million in expenditures compared to about \$65 million in expenditures last year. About forty-nine percent of the expenditures were made up of public safety costs. On page ten there is a comparison of revenue and expenditures and it talks about fund balance. The fund balance for the general fund was about \$35.8 million at year end. The fund balance is the reserve and equity of the general fund. That number was an increase of about \$1.9 million for the year. Page eleven discusses the government as a whole. For the government as a whole it increased about \$25 million. While liabilities went from about \$18.7 million to \$19.6 million. That caused an increase in net position, which is the City's overall equity, from \$280 million to \$304 million. The next two pages are a footnotes version in the CAFR. On pages fifteen through seventeen is required communications. Some of the items in this area are if the auditor had any significant difficulties with management or disagreements during the audit. There were audit adjustments that were posted to the general ledger accounting system of the City and were posted to the CAFR to ensure it was correct. As far as any difficulties with management, there were none. Management was completely cooperative on getting all information to the auditors. The auditors had an unmodified opinion, and is a clean opinion. There was one finding having to do with the audit of federal monies. In the reporting required by the GDOT the City is required to submit certain annual and monthly performance reports. The DOT has not been enforcing the submission of some of the reports. There was another item that related to old court cases with the municipal court that the auditors made management aware of. There are new accounting standards that the Governmental Accounting Standards Board (GASB) that will be coming out soon. Some of the new standards from have an impact on the City's financial statements. He thanked the City for the opportunity to complete the City's audit.

Council Member Gabriel Sterling stated at one point there was a court management issue. He asked if that has been addressed internally.

Finance Director Karen Ellis responded yes. It pertained to surety refunds in court. Staff is concerned there are no accurate addresses for some of the refunds due. None of the funds are being spent or used. Staff has corrected the procedure to ensure the refunds are being sent out. For those whose addresses are not correct, their funds will go into the State's unclaimed funds.

PUBLIC HEARINGS

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

CDBG

7. **15-467** 2014 CDBG Annual Action Plan Substantial Amendment to Add Northridge Road Sidewalk Enhancement Project (Pedestrian Lights)

Community Development Director Michelle Alexander stated she has been before Council a couple of times regarding this item this fall. She requested that Council hold a public hearing related to an amendment to the CDBG plan. The amendment was presented to Council at the last meeting and it relates to including street lighting on Northridge Road. This helps the City meet the requirements for spending a certain percentage of the grant. Council previously approved to allow for public comment on this item and staff has received no public comment. She requested Council approve this item and then staff will upload this item to HUD in order to move forward with the project.

Mayor Rusty Paul called for public comments in support of or opposition to this agenda item. There were no public comments. Mayor Paul closed the public hearing.

Motion and Second: Council Member Dishman moved to approve Agenda Item No. 15-467, 2014 CDBG Annual Action Plan Substantial Amendment to Add Northridge Road Sidewalk Enhancement Project (Pedestrian Lights). Council Member Paulson seconded the motion.

Council Member Ken Dishman thanked Community Development Director Alexander and staff for their hard work. He believes the \$200,000 investment will go far toward helping the goal of beautification on the north end of the City.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2015-12-141

Rezoning

8. **15-468** **201404407** – 0 Johnson Ferry Road, 1430 South Johnson Ferry Road and 1160 Johnson Ferry Road, to rezone the parcels at 0 Johnson Ferry Road, 1430 South Johnson Ferry Road and 1160 Johnson Ferry Road from O-I (Office and Institutional District, RZ06-001) to MIX (Mixed Use District) with a Use Permit to allow the height limitation to be increased from 60' to 70'

Senior Planner Catherine Mercier-Baggett stated this is a request to rezone three parcels of land located at the southern end of the Emory St. Joseph's Hospital campus. This property is currently occupied by a small vacant structure. The proposed mixed use development includes 305 multifamily units, 10,350 square feet of nonresidential use, and a pocket park. There is also a request for a use permit to increase the maximum building height from 60 feet to 70 feet. There are no concurrent variances requested. The petitioner is North American Properties, represented by Richard Munger, and the representing attorney is Nathan Hendricks. This case was heard by the Planning Commission in August, September, and November. They recommended approval per staff conditions with the amendment of 2.b. to reduce the maximum number of residential units from 305 to 270. Staff recommends approval of the rezoning with conditions and approval of the use permit.

Nathan Hendricks, representative of the applicant, stated the most important facet of the application is the fact that there are two designations under the Comprehensive Land Use Plan for this property. The half-moon piece located at Johnson Ferry Road is under the live/work/community, which is where the pocket park is to be located. The balance of the property is under live/work/regional and that is where all the building structures are to be located. Under the MIX district there is the requirement of a development

standard for a minimum of 20% open space and the applicant is delivering 30% open space. There is a condition under the recommended conditions to confirm that 30% open space.

Richard Munger, representative of North American Properties, stated he will discuss the mixed use proposal in the Pill Hill medical district. North American Properties is a fully integrated real estate development firm specializing in infill mixed use upscale residential communities. In addition, they have their own construction and management company to ensure the highest quality control. His company takes great pride in deploying best in class communities, with Avalon off GA400 being one of their current developments in Atlanta. The Avalon project speaks for itself and the recent multifamily development in Nashville's medical district, which this application has been modeled after. With regards to the proposed development, he understands that change can be challenging. Many have questioned the viability of the mixed used residential project. Therefore, he would like to address some of the key facts surrounding the application. Pill Hill has the highest concentration of medical employment in the State. The three hospitals employ approximately 12,000 people with another 9,000 medical related jobs in the immediate area. With the recent market analysis, healthcare services employment growth is expected to far exceed any other sector. This growth pattern is anticipated to gain in acceleration through 2035 and will continue to be challenging for the City without appropriate housing options within close proximity to employment. We have to do a better job of locating housing where the jobs are in order to cut down on the commuter traffic that is prevalent in Sandy Springs. This site is within a quarter or half mile of all three hospitals and the medical center MARTA station. North American Properties has committed to St. Joseph's to make sidewalk improvements leading back to the hospital and restripe Old Balloon Road for bicycle lanes. The proposed development is in full compliance with the Comprehensive Land Use Plan as live/work/regional. The live/work/regional classification specifies building heights up to eight stories and is a point of reference to an adjacent medical office building that is eleven stories in height. The Comprehensive Plan also designates this site as a regional transit oriented activity center and states the area is out of balance. With many more jobs coming a concerted effort must be made to balance the jobs and housing. The request for rezoning and a use permit received a full approval recommendation within the Planning and Zoning staff report. The application received unanimous approval by the Planning Commission. The development will almost double the twenty percent open space, which includes a pocket park at the intersection of Johnson Ferry Road and Old Johnson Ferry Road. Interparcel connectivity has been addressed on many levels. Currently, there is an escalator system in place transferring riders from the hospital property to the MARTA station. Old Balloon Road runs continuous along the hospital's 40 acre campus. Sidewalks are in place and new sidewalks will be installed around the perimeter of the development with multiple entry points to the buildings. The eastern property entrance is being relocated to Old Balloon Road and hospital employees will be able to turn left with immediate access back to the hospital. His company has reached an agreement with Duke, the adjacent medical office owner, for a direct sidewalk tying the development into their facility. The traffic study incorporates seven intersections at the direction of the City. Four of them are in Brookhaven and three are in Sandy Springs. This type of residential development generates less than half of the trip per day volume compared to a medical office use. The traffic study results only warranted a single offsite improvement. This would be a second lane on the adjacent traffic circle between Johnson Ferry and Old Balloon Road. It is important to note that a further study of the circle did not warrant an extension of the land between Old Balloon Road and Old Johnson Ferry. This proposed development aligns with the Perimeter CID and the Atlanta Regional Commissions vision for an increase in a marketable community. Home ownership rates are at a forty year low and are projected to continue to drop through 2030. People are getting married later, coming out of college with more debt, and choosing to postpone the responsibilities of home ownership. As an industry we are seeing a more affluent resident profile averaging between 35 and 40 years of age at many of the infill locations. This \$55 million investment in the City has been designed with a ground floor office and restaurants facing the public streets. The parking will be within an internal parking deck with commercial parking occurring on the first level. This will be a gated community for the residents starting on the second level and the units will be of condominium quality. Amenities will include a resort style pool, full fitness center, clubroom, and business center. His company is also requesting their impact fees be used in the immediate area, if possible. This development

will have a focus on wellness and the applicant will be working closely with the hospitals and other medical employers with regard to marketing. From a business model perspective, this is a captive audience of highly educated well paid employees in an almost recession proof industry right outside our front door. This business model and the strong market at Pill Hill has the lending community and many equity partners reaching out to North American Properties on a weekly basis. He thanked Mayor and Council. Heather Dexter, St. Joseph's CEO, and Jeffery Smith with Kimley-Horn are available for any questions.

Mayor Rusty Paul called for public comments in support of the application.

Trisha Thompson, 145 River North Drive, stated she is the President of the Sandy Springs Council of Neighborhoods. She supports this application. The Council reached out to the applicant in late summer/early fall to see if they had spoken to the neighborhoods. The applicant did speak to the neighbors and there is neighborhood support of the application. She asked to meet with the neighborhood across from this project and they brought in Brian Collen, who is the President of Johnson Ferry Park townhomes. That neighborhood immediately supported the project after viewing the plans. The neighborhood likes the reduction in traffic. The Council of Neighborhoods supports the application as applied for with the 305 residential units.

Mayor Rusty Paul called for public comments in opposition to the application.

Alton Conway, 1007 W. Nancy Creek Drive, Brookhaven, GA, stated the City has done a good job and his neighborhood is pleased with their experience with the City. He knows that the City received a few emails and that is not the opinion of those that are in attendance this evening. This is a half million square feet on three acres, which is more dense than any property in Sandy Springs. The proposed development will be too dense. The height will affect those in the Byrnwyck neighborhood. Increasing the height to seventy feet will be too much. He asked if Council approves the application that the height not be approved at seventy feet. It was discovered that probably some of the property is located in the City of Brookhaven. He has submitted information to staff regarding this issue. He met with Council Member Bauman the other day to discuss this. He submitted a Constitutional challenge to staff that reserves his neighborhood's right for thirty days to challenge this application. He hopes both cities and the neighbors participate in the cost to hire a surveyor and discover where the property line is located.

Zach Hornsby, 1075 Byrnwyck Road, Brookhaven, GA thanked the City for their hospitality throughout this process. He is a resident of the Byrnwyck neighborhood. His neighborhood has been in existence for thirty-five years and consists of 165 single family homes. Since the creation of the neighborhood Byrnwyck has worked closely with all the commercial developments that have taken place in the area. Their ties to Sandy Springs run deep. His neighborhood is on the other side of the City line, but they shop where the residents of Sandy Springs shop and send their children to the same schools. Byrnwyck is a part of the Sandy Springs community as well. Mayor Paul's comments earlier about the cooperation with other governments in the area and how much he values that is exactly the theme from his neighbors regarding this development. The developer has said this development is in full compliance with the Land Use Plan, but that is not true. If you look at all the aspects of the Comprehensive Plan you will see the concept of protected neighborhoods. He read a quote that states, "This desire to protect neighborhoods is an important aspect of the City's vision for its future. Any development or redevelopment adjacent to a protected neighborhood boundary must be carefully considered for compatibility and appropriate transition must be established. Within these areas there must be an appropriate transition of land use, height, and density at the edges abutting protected neighborhoods." Looking at the Comprehensive Plan and at the entire City of Sandy Springs you will not see live/work/regional next to any protected neighborhoods. There is live/work/regional in nodes that are subject to this development. If you marry that up with the City of Brookhaven's nodes you will see that his single family neighborhood is right next door to the development. A 500,000 square foot and sixty plus foot apartment and mixed used building does not represent the City's Comprehensive Plan. The City places value on the protected neighborhood concept. He asked that his

neighborhood be treated like the nearby neighborhoods in Sandy Springs. His neighborhood wants to be respected, protected, and receive the same guarantees. Their position is that Council should deny this request. A strong message should be sent to the developer that they should work with the neighborhood to come up with a better plan. If Council approves the application, he asked that as an alternative they maintain the current zoning of sixty feet height and that North American Properties honor all the agreements they made during the negotiations over five months. Those include 270 units or less and a second ingress/egress relocated to Old Balloon Road with allowable left turns to Emory / St. Joseph's.

Eric Johnson, 4755 Longchamp Drive, stated he is a representative of the High Point Civic Association. There are 12,000 employees and 8,000 related jobs in that area accelerating through 2035. The proposal is a good development, but someone needs to take advantage of getting all the hospitals to come together to try and solve the development. He believes there have been meetings with all the hospitals.

Mayor Paul stated the hospitals are working together and he can report positive movement.

Mr. Johnson stated his neighbors are worried about the development creep and the traffic. Emergency vehicles are getting stopped in the same traffic.

Bill Gannon, 505 Taunton Way, stated he represents the High Point Civic Association. There are have been many improvements to the proposed plan, such as the interparcel connectivity. One of the problems is there was no preapplication meeting on this. The issue is traffic with the amount of jobs in the area. He hopes that a property can still be maintained, because if the flyover bridge can ever be extended, that would help a lot. He hopes the friends at Byrnwyck can get someone to work with North American Properties. He cannot get out of his neighborhood, because of the traffic on Peachtree Dunwoody Road.

Mr. Munger stated the property is clearly in Sandy Springs. The stamped license survey was with the application. The square footage of the residential and commercial is closer to 280,000 square feet with regards to the adjacent neighborhoods. Byrnwyck is located near property zoned O-I in Brookhaven and is not adjacent to the subject property. He thanked Mayor and Council for their time this evening. As a resident of Sandy Springs he thanked staff for all the hard work over the last five to six months. He asked that Council follow the direction of the Comprehensive Land Use Plan, the staff report, and the Planning Commission recommendation for approval of the application.

Mayor Paul closed the public hearing.

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 15-468, 201404407 – 0 Johnson Ferry Road, 1430 South Johnson Ferry Road and 1160 Johnson Ferry Road, to rezone the parcels at 0 Johnson Ferry Road, 1430 South Johnson Ferry Road and 1160 Johnson Ferry Road from O-I (Office and Institutional District, RZ06-001) to MIX (Mixed Use District) with a Use Permit to allow the height limitation to be increased from 60' to 70', with permitting up to 305 units to be constructed and adopting staff conditions. Council Member Dishman seconded the motion.

Staff Conditions:

1. To the conceptual layout illustrated on the site plan prepared by Summit Engineering Consultants, Inc. dated November 2, 2015 and received by the Department of Community Development on November 3, 2015.
2. To restrict the use of the subject property as follows:
 - a. Medical/office/commercial and accessory uses: minimum 10,000 sq. ft.;
 - b. Residential and accessory uses: maximum 305 units;
 - i. Applicant shall provide Workforce Housing through the following mechanism:

- a) 10% of the total unit count with the applicable unit types selected at Applicants discretion;
 - b) 10-year term commencing at the issuance of the building permits;
 - c) Rental pricing to be adjusted annually based on 80% - 120% of the Fulton County Area Median Income (AMI) up until the point it becomes Sandy Springs AMI
 - ii. Unit mix: Minimum of 70% one-bedroom units;
 - c. Pocket park.
3. To the following site development standards:
- a. 30% or more of the total site area will be preserved as open space (landscaped and/or undisturbed area);
 - b. Minimum yard setbacks:
 - i. Front yard (frontage along Johnson Ferry Road): 20' setback;
 - ii. Side yard (frontages along Old Johnson Ferry Road and Old Balloon Road): 10' setback;
 - iii. Side yard (adjacent to parcel 17 0016 LL1674): 20' setback.
4. To the following roadway standards and improvements:
- a. Applicant shall have two access points to serve the development. Access shall meet all development requirements, including but not limited to sight distance and minimum driveway spacing. Subject to development review and Public Works approval, prior to issuance of LDP, one right-in/right-out driveway will be permitted along Johnson Ferry Road, and one driveway will be permitted either on Old Balloon Road or on Old Johnson Ferry Road at the roundabout. Improvements within the right-of-way shall be completed prior to the issuance of the first Certificate of Occupancy.
 - b. Applicant shall modify roundabout to provide an additional westbound lane from Old Balloon Road to Johnson Ferry Road, subject to the approval of the Public Works Director.
 - c. Applicant shall provide bicycle parking per land use proposed for site.
 - d. Applicant shall pay \$40,000 to the City of Sandy Springs at the time of permitting to be dedicated to the traffic signalization network in the project vicinity.

Council Member John Paulson stated there has been much discussion on the 270 units versus the 305 units. This is an interesting property, because it is right next to an employment center of about 20,000 people. The ability to take some of those people that are driving to work and put them in the apartment complex is powerful. Everything heard about development in this area is that people do not want to drive to work. This development can accommodate those individuals in the area and the approval should be up to 305 units. He asked if the property is partly located in Brookhaven.

Director of Community Development Alexander stated based on what staff sees on the survey, it appears the property is in Sandy Springs.

City Attorney Wendell Willard stated if there was a portion of the property in Brookhaven, Sandy Springs would not be able to rezone it.

Council Member Paulson stated there has been a lot of discussion about the driveway entrance. He asked staff to comment on the entrance and exit driveways to the facility.

Transportation/Traffic Unit Manager Brad Edwards stated the original application had the driveway on the roundabout. Following staff analysis and the traffic study the applicant agreed to relocate the driveway onto Old Balloon Road, which is a more preferred location. The only difficulty is it will not meet the minimum separation standards of the City. The City will have to grant an exception for the location of the driveway in relation to the roundabout. This will not be a condition, but instead an exception handled during the LDP process through the Public Works Director.

Council Member Paulson stated he is relying on the site plan that shows where the driveway will be located. There has been discussion on who will live in the apartments. There has been talk within Council about applying workforce housing standards. This is a good project and will help traffic in this area.

Council Member Andy Bauman stated he is not sure 35 units will make a difference. He believes the City has been consistent in the importance of locating housing where people work. Whether or not this improves traffic, he is not sure. Redevelopment of this site was bound to happen. He would prefer to see more units and fewer apartment complexes. Discussion that has occurred often is the ability of people that work in the area to afford the housing. Work force housing is not low income housing. It is the idea of some ability or agreement by the developer to provide a number of units based on average median income. There has been discussion whether North American will agree that ten percent of the units will be made available to people based on a percentage of income. The other concern is a traffic light located at Johnson Ferry and Old Balloon Road. There is an ongoing process the City has of upgrading the traffic lights in the City with the latest technology. He asked staff if this traffic light intersection is on a Level 1 system. He would like to impose a condition of additional investment in that traffic light.

Transportation/Traffic Unit Manager Edwards stated right now the traffic signal is part of the PTOP program. That traffic light is currently at Level 2. The communications for the light have been installed, so there are fiber optics to the signal and the signal is being controlled remotely. The light will be programmed in the ATMS 3 project, which is currently under design in which they will begin construction next year. The traffic light will advance to Level 4, as are most of the traffic signals in the area. The twenty-seven traffic signals in the area will be updated in the next two years. This intersection is part of that construction project. However, there is additional infrastructure that could be put in place if there was additional funding to bring in travel time equipment and upgrade the detection. Those upgrades are not included in the ATMS 3 project.

Amendment to the Motion and Second: Council Member Bauman moved to amend the motion by adding the following language: 1) That the applicant shall provide workforce housing through the following mechanism: a) 10% of the total unit count with the applicant unit types selected at applicants discretion b) 10 year term commencing at the issuance of the building permits c) rental pricing to be adjusted annually based on 80% - 120 % of the Fulton County Area Median Income (AMI) up until the point it becomes Sandy Springs AMI. 2) Unit Mix: Applicant commits to providing a minimum of 70% one bedroom units based on the need for housing options within this high concentration of medical employment. 3) Transportation Improvements: Applicant shall pay \$40,000 to the City of Sandy Springs at the time of permitting to be dedicated to the traffic signalization network in the project vicinity. Council Member Sterling seconded the motion.

Council Member Bauman stated he met with the neighbors of Byrnwyck. Everyone is welcome to speak at the Council meeting to have their opinion heard. For the last two years he has heard the Council of Neighborhoods, Trisha Thompson, the High Point Civic Association, and others throughout the City who are sometimes for a project and sometimes against it. The City does not have enough housing in a high employment area. He supports this project.

Council Member Graham McDonald asked about the North American Properties project in Nashville, TN. He asked about the percentage of medical professionals that are residents of the units. He asked what Mr. Munger expects to achieve in our City. There is interest to make sure that the units are heavily used by the medical professionals.

Mr. Munger stated the development in Nashville is in the Vanderbilt West End district. The area is surrounded by hospitals. The development has a high percentage of one bedroom units. On any given month there are fifty to sixty percent of the residents who work in the medical community that live in the

development. There may be higher percentages for the proposed development here, such as seventy-five to eighty percent.

Council Member McDonald asked if Nashville has a workforce housing component.

Mr. Munger responded no.

Council Member McDonald asked if such a component would increase or have an impact on the number of residents living in close proximity.

Mr. Munger responded no, such a component would not have a negative effect.

Council Member Gabriel Sterling stated every time there is an apartment zoning it is always difficult, emotional, and there is a lot of preconceptions on both sides. City staff knows and studies show that the City is very under housed in this area compared to the number of jobs. People discuss decreasing traffic. Sometimes you have to look at not the existing condition, but at the potential the existing conditions could be. The property is currently zoned O-I. If this property were a medical office use there would be two to three times the a.m. and p.m. peak trips and volume of traffic. Residential zoning creates lower traffic than commercial and office uses. When you have people living close to work, the overall number of vehicle trip miles will be lower for the overall system. This has to be looked at from a regional standpoint. Having people live near work to reduce the daily trips on the road is the most effective. In a defensive way, in the long run this will probably provide lower traffic than the other potential uses. The pocket park will be a great advantage from an environmental standpoint and for visual purposes for the whole area. He is very happy the applicant is willing to help increase the funding for the City's ATMS system. This project will not get in the way of a bridge coming from the PCID area. That was one concern voiced early on. Overall, with the amendments and conditions in the motion, he is in favor of the project. This is the best potential outcome of what could be there in the future.

Council Member Ken Dishman stated he would like to acknowledge the desire of High Point Civic Association to have a more comprehensive plan for this area and to have the leadership of the employers come to the table to talk. As the Mayor stated, that is happening and is in process. The fact that Emory and the Duke Facility are in support of this project leads him to believe that his development will be in concert with any plan that will come out of that. He supports the project for that reason as well as the other reasons he stated at the last Council meeting.

Mayor Paul stated in October he asked the heads of all three hospitals to meet in his office to discuss the impact of those institutions on traffic in this area. For him, not only is it a quality of life issue, it is a public safety issue. There was a tanker truck that rolled over onto GA400 from I-285 that if loaded with fuel, instead of being empty, could have been a mass casualty event. The hospital administrators are concerned about the stroke and heart attack victims, and getting those in labor to the hospital. It is in their best interest to find a solution to traffic in that area. The hospitals have followed up with the planning staff and traffic consultants to work towards reducing the traffic imprint in that area. Other than City Center, there is no issue he has spent more time on than trying to grapple with the traffic problems in the City. He was in meetings yesterday trying to figure out a comprehensive approach on how to deal with traffic in Sandy Springs and adjoining areas. He understands the impact of traffic because he drives quite a bit throughout the community. The community needs to change the way things are done and rely on mass transit. This region will increase from 6 million people to 10 million over the next twenty years. With that level of population growth, we cannot continue to move people in one person per vehicle increments and expect to be able to move through traffic. We will have to change the way we do things or we will have to sit in traffic. The City is working as hard as we can to try and deal with the traffic. He has been working with the employers in the area for two years regarding traffic and transportation. The City Manager and he have had many meetings with the employers to work on reducing the traffic footprint in the area. The one

common request is housing, so the employees can live near where they work. He understands the concerns of all; they are justified. The City is trying to figure out the best way we can to get the traffic flowing. The City is trying to do things that will incrementally help make the traffic better.

Vote on the Motion: The motion as amended carried unanimously.

Ordinance No. 2015-12-37

9. **15-469 RZ15-0073** – 5755 Powers Ferry Rd, to rezone the property located at 5755 Powers Ferry Road, Sandy Springs, from R-1 (Single Family Residential) to R-2A (Single Family Residential) to allow the development of three (3) single family lots

Senior Planner Catherine Mercier-Baggett stated this is a request to rezone a 3.81 acre parcel which is occupied by one single family home from R-1 to R-2A to allow for the development of three single family houses. The minimum lot size will be 1.2 acres. There is no concurrent variance requested. The petitioner is Gary Unell and the representing attorney is Nathan Hendricks. The Planning Commission heard this case on November 19, 2015 and recommended approval with staff's recommendations with the exception of condition 1c. That condition refers to a proposed setback on the north property line. The Commission recommended to delete this condition per an agreement between the applicant and an adjacent land owner. Staff recommends approval with conditions.

Nathan Hendricks, representative of the applicant, stated the applicant is in complete agreement with staff's recommendations. The only people that had dialogue on this application were those contiguous and to the north of the property. At first, there was discussion about going beyond the fifteen feet district requirement and go to twenty-five feet. That twenty-five under condition 1.c. is where the number came from. In meeting on the property a defined landscape plan and treatment along the property line was agreed upon in lieu of the twenty-five feet. That has been memorialized in condition 2.c. He requested Council's approval of the application with the deletion of condition 1.c.

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

Motion and Second: Council Member Bauman moved to approve Agenda Item No. 15-469, RZ15-0073 – 5755 Powers Ferry Rd, to rezone the property located at 5755 Powers Ferry Road, Sandy Springs, from R-1 (Single Family Residential) to R-2A (Single Family Residential) to allow the development of three (3) single family lots, with staff conditions except for the removal of condition 1.c. Council Member Dishman seconded the motion.

Staff Conditions:

1. To restrict the use of the subject property as follows:
 - a. Three single-family residences and associated accessory uses.
 - b. The minimum heated floor area for the residences shall be 3,800 square feet.
 - c. The front yard setback shall be a minimum of 90 feet.
2. To the following site development standards:
 - a. Prior to the issuance of a final plat, the developer shall install the required curb, gutter and sidewalk along Powers Ferry Road according to City specifications subject to the review and approval of Public Works.

- b. Driveways entrances onto Powers Ferry Road shall be subject to the review and approval of Public Works.
- c. Beginning at a point 100 feet easterly as measured along the northerly property line from the northwest corner of the property there shall be planted a staggered row of any combination of magnolias, cryptomeria and holly trees at a height of 10 to 12 feet at the time of planting (a total of 20 plantings) for a distance of approximately 150 feet in an easterly direction from the point of beginning along the northerly property line. These plantings are to be completed and in place no later than 30 days from the date of the issuance of the first building permit for the first residence to be built upon the property.

Council Member Andy Bauman asked if there was any opposition or citizen comments during the review process.

Senior Planner Mercier-Baggett responded no. As she recalls, there was only the adjacent property owner that attended the meeting and he is the one that agreed to the landscape condition.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2015-12-138

10. 15-470 **RZ15-0074** – 5111, 0 Peachtree-Dunwoody Road, to rezone the property located at 5111 & 0 Peachtree-Dunwoody Road from R-2 (Single Family Residential) to R-3 (Single Family Residential) to allow the development of three (3) single family lots

Senior Planner Catherine Mercier-Baggett stated this is a request to rezone two parcels from R-2 to R-3 to redevelop the land with three single home lots of approximately 0.5 acres each. There is currently one home on the property to be demolished. The petitioners are Angela and Michael Mabry. The Planning Commission heard the case on November 19, 2015 and recommended Council defer the case and remand it to the January 21, 2016 Planning Commission meeting to allow time for the applicants to revise their site plan to be more amiable to the surrounding land owners. Staff recommends approval with conditions.

Mike Mabry, 1115 Curry Drive, stated he is requesting that the property located next to his home be rezoned to allow for two single family homes. Originally, he was proposing 3 one half acre lots, until the meeting with the Planning Commission. They asked him to consider a compromise and go to two homes and he said yes, so the Commission voted to defer the item to give him time to get the documentation together and obtain input from the neighbors. He referenced a sketch that was sent to the neighbors across from Peachtree Dunwoody and to the High Point Civic Association and they refused to talk to him. High Point previously told him that they would oppose any rezoning request. The new plan is a compromise taking into consideration the feedback from the neighbors that was presented at the Planning Commission. One neighbor only wanted to see two lots and another neighbor wanted a greater setback than what is required. His wife has lived next door to the subject property since 1969. This property abuts the property where their home is located. Curry Drive, Peachtree Dunwoody Road, and the Plantation Pipeline property consists of two lots and both are zoned R-2. One of the lots is a nonconforming lot. He is requesting the rezoning, so they can maintain control of what they will live next to. There is more to the rezoning than just the two lots. He referenced red colored cross hatches on the map that represent flood plains. They cannot do anything substantial to their house because of the flood plain. Since 1999, they have operated the subject property as a rental home and they are ready for a change. He contacted a few developers, but the five home subdivisions they proposed were not to his liking, so they decided to create a proposal themselves. The average lot size in the area is .515 acres and the average home size is about 4,100 square feet. The previous three lot plan had lots larger than that. The new plan has lots considerably larger than that. Other than their home, every single red mark on the map is a lot that is less than one acre. He reviewed the City's 2027 Comprehensive Land Use Plan. He was told the burden of proof is on the applicant. Part

of what is required for infill development for a protected neighborhood is to protect the character and integrity of existing neighborhoods while also meeting the needs of the communities. He will be providing a much larger than average size lot. Directly north of the area is Woodchase which is zoned R-4. South of the subject property is The Haven which is zoned R-3A. The R-2 is a much less dense zoning than the surrounding developments. According to staff, since the driveway is required to be off Curry Drive, his home will determine the setback pattern of the street. However, he is willing to make the side setback on Peachtree Dunwoody Road at forty feet. This would be ten feet greater than if they were to rebuild with the current zoning. This zoning meets every required point and then some of the 2027 Comprehensive Plan and he hopes that Council agrees that the proposed plan will be an improvement to the neighborhood.

Council Member Andy Bauman asked if the curb cut for the house is currently on Peachtree Dunwoody Road or Curry Drive.

Mr. Mabry responded on Peachtree Dunwoody.

Council Member Bauman asked if it will be eliminated.

Mr. Mabry responded yes.

Council Member Bauman stated the two new curb cuts will be on Curry Drive.

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

Mark Smith, 5100 Peachtree Dunwoody Road, stated he lives directly across from the subject property. He and his wife have lived in their current home since 1983. He is also speaking for the Arntz and the Elders who are his neighbors. They would like to see this property developed R-2 with a home that faces Peachtree Dunwoody Road. The driveway could be located off of Curry Drive. They would like to see a home set back from Peachtree Dunwoody Road at least 100 feet. That is in keeping with all the new construction in both directions on Peachtree Dunwoody. There have probably been a half a dozen houses built in the last five to six years that are all estate style homes on R-2 lots. This property can be developed R-2, because there will be demand for it. The neighbors are somewhat concerned in that the Comprehensive Plan shows the property as zero to one unit per acre. This property is in the protected neighborhood that states no zoning changes to allow for greater density than the Comprehensive Plan. The neighbors have not had an opportunity to comment on the two lot substitution for the three lot plan. They did not think it appropriate to speak on it, since it has not been to staff yet. The neighbors are willing to work with the applicant if they can get what they are concerned about on Peachtree Dunwoody maintained. There is no hardship and no reason why this property cannot be developed R-2.

Eric Johnson, 4775 Longchamp Drive, stated he is part of the High Point Civic Association. He echoes Mr. Smith's comments. Working with staff to come up with a clear definition of what infill is would be very helpful. There has been discussions about protecting existing neighborhoods. This area is a two lane road, but many want it to be a four lane road. Development is occurring on this road and the surrounding area. He asked that the proposed plan be sent back to the Planning Commission.

Bill Gannon, 505 Taunton Way, stated he represents the High Point Civic Association. He referenced a photograph of the home that is directly across the street from the subject property on the west side of Peachtree Dunwoody Road. There was a challenge to split the lot of that home and the result is an R-2 zoning. He referenced the last homes that were built on the Peachtree Dunwoody corridor. That applicant initially applied to have thirteen homes at this location and there is now only one. Many people have invested millions of dollars into the Peachtree Dunwoody corridor. He is sorry that this application made it to Council before they could make a decision. What is currently before Council is a three home

application. The neighbors are working with staff now to confirm the zoning history and standards on this street. The smaller lots are CUP zoning and the zoning standards should not bleed over to the other large lots.

Mr. Mabry stated before he filed the application with the City he sent an introduction letter with a sketch of the plans to all the adjacent neighbors in Woodchase, Haven, and Peachtree Dunwoody Circle. He was invited to meet with the Woodchase Homeowners Association. They have been incredibly supportive. He also reached out to Telfair and Haven and received support and no opposition. He also reached out near Evergreen neighborhood and all of those support the proposal. He reached out to High Point Civic Association several times. He sent them a sketch before he had the plans drawn up and was told they would not talk to him. Their opposition has changed several times. Currently, they are interested in having Council make people build mansions on estate lots on Peachtree Dunwoody Road. At the Community/Developer Resolution Meeting (CDRM) Mr. Gannon stated their opposition has nothing to do with the specific proposal and that they would oppose any density increase. There have been other density increases down the street that were rezoned from R-2 to R-3 within the past several years. The trend towards estate homes is not really a trend. There are about five large lots along Peachtree Dunwoody Road from the Glenridge Connector. These lots had frontage issues or floodplain issues. He does not want to live in the shadow of one of these large homes. He wants to live next door to houses that families are likely to move into that have children. Those that buy these homes will not pay millions of dollars for homes and then send their children to Title I schools. If passing this rezoning will prohibit Council from stopping high density housing such as townhomes and apartments from creeping down Peachtree Dunwoody, please tell the public. If Council thinks it is reasonable to arrange the two lots so they are viable, then he agrees with Council.

Motion and Second: Council Member Paulson moved to defer this item to the January 21, 2016 Planning Commission meeting with the item coming back to Council at the February 16, 2016 Regular City Council meeting. Council Member Dishman seconded the motion.

Council Member Gabriel Sterling asked what the lots sizes will be on the new proposal.

Mr. Mabry responded the sizes are .69 and .744.

Council Member Sterling stated Mr. Mabry will be losing a curb cut on Peachtree Dunwoody and placing it on Curry Drive. Staff has already stated that three homes are fine for the property. He asked if why High Point Civic Association will not engage with the applicant.

Mr. Mabry stated the Association stated they will not talk to him until possibly after the Council meeting this evening. They also stated they will not support any density higher than what is currently zoned.

Mayor Paul asked Mr. Gannon to clarify the allegation.

Mr. Gannon stated under the meeting system the Mabry's get to speak last, which they did at the Planning Commission.

Mayor Paul asked Mr. Gannon if the Mabry's invited High Point Civic Association to discuss the proposal with them.

Mr. Gannon stated the Mabry's asked the neighbors to look at the plan.

Mayor Paul asked if the Mabry's asked the High Point Civic Association to sit down and talk with them about the plan.

Mr. Gannon responded yes.

Mayor Paul asked if the High Point Civic Association refused to engage in a conversation. That is the allegation and he needs clarification on this point.

Mr. Gannon stated he is not the only person on the zoning board. He is sure the Association wanted to see the drawings that staff said are R-2.

Mayor Paul stated there needs to be clarification. The Mabry's allegation is the High Point Civic Association refused to speak with them. He asked if that is accurate or not.

Mr. Gannon responded no.

Mr. Johnson stated what was before the Association was the three lot proposal. The Mabry's asked to meet with the Association to discuss the plan. He stated he was in the middle of creating the letter to request denial of the three lots. He was not told there were other plans, besides the three lots. He refused to meet with the Mabry's, because he was in the middle of writing the letter that was sent to City staff.

Mayor Paul closed the public hearing.

Council Member Sterling asked if staff is recommending to approve the application at three lots.

Senior Planner Mercier-Baggett responded yes.

Council Member Sterling asked if there is any way that staff would not recommend approving the application at two lots.

Senior Planner Mercier-Baggett stated if there were extreme conditions staff might recommend not approving the application, but due to the number of lots, the answer is no.

Council Member Andy Bauman asked if the lots required a minimum size of .69 acres, would staff not approve the application.

Senior Planner Mercier-Baggett responded no.

Council Member Sterling stated he is troubled by how this application was handled by the neighbors. He is leaning towards making a substitute motion to approve the application, but he does like having staff look at the application one more time. He is looking at the surrounding zoning and it is much denser than the proposed plan. The people have owned the land for a very long time and they have a right to do these things. He asked if this item was deferred back to the Planning Commission once already.

Mayor Paul responded no. This is the first time this item is before Council.

Council Member Sterling stated he does not understand why the Planning Commission sent this item on to Council.

Senior Planner Mercier-Baggett stated the Planning Commission can defer to themselves once, which means the applicant has two weeks to come up with a new proposal. The Planning Commission felt it was not sufficient time for the applicant to come up with an alternative plan. Therefore, they are seeking Council's deferral.

Council Member Paulson stated one of the reasons why he wants to defer the item is because of an issue Council has run into way too many times. He does not like making decisions like this without running the other alternative back through staff.

Mayor Paul stated he will echo Council Member Paulson's comments. He understands the concerns, because he is concerned. He has tremendous respect for the High Point Civic Association. They have been involved with the community as long as anyone in the City has been. To not engage someone for whatever reason is a betrayal of their civic responsibility. He hopes that will not happen again. He has tremendous respect for the organization and the amount of good work it has done in protecting the neighborhood. He recommends this item go back before the Planning Commission. He does not think there will be a hardship for the applicant if they wait six weeks for the item to come back to Council.

Council Member Bauman asked how the applicant feels about the deferral.

Mr. Mabry stated he will be fine with the deferral, but would rather not have it.

Council Member Sterling stated he appreciates Mayor Paul's counsel on this item, but he would prefer to have this item before Council in January.

Vote on the Motion: The motion carried unanimously.

Development Guidelines

11. 15-471 A Resolution to Approve Interim Development Guidelines for Projects in the Perimeter Center, City Springs, and Roswell Road

Assistant City Manager Jim Tolbert stated this item was heard at a previous meeting and additional items were suggested to be included. The intent of the guidelines is to provide guidance through the process of re-writing the zoning ordinance and development of the Comprehensive Plan. The purpose is to help Community Development Staff better understand the thinking of the Council as they meet with and advise developers. These suggestions are intended to interpret the current code. The goals are to ensure the long term economic viability, provide a high quality of life for existing and future residents, to ensure adequate infrastructure is in place for future development, and ensure development is context sensitive and adequately dense to support walking, biking, and transit use as appropriate. There are several guiding principles that talk about a rich mix of land uses and a great public realm. There will be a different approach to parking, a transportation plan that attempts to get individuals out of single occupancy vehicle trips, and using the public funds in order to support development. The compact and dense development will involve using the guidelines that MARTA has created for transit oriented development in close proximity to the stations at 75 plus units per acre within a quarter mile of MARTA stations. Language was added that states, "With appropriate access". In the City Center area and other areas there is a target density of 40 units per acre without structured parking and 60 units with structured parking. This is drawn from the previous approvals in and around the City Center area and the guidance of what is economically viable in the City Center Master Plan. There is a suggestion of a mix of zoning such that if someone applies for a mixed use zoning the retail will be five percent of the total floor area, twenty percent will be for office use, and there will be no minimum for hotel. The intent is there being a real mixed use. Also discussed is a transitional height plane with the intent that developments closest to the MARTA stations that are the densest are also the tallest and the buildings will transition away from the established single family areas. The City will consider increased density if there is work force housing provided and improvement to the public realm. Based on the conversation at the last meeting, he added a section that states, "Greater density will be considered for those projects that use higher quality construction, exceptional architecture, and are constructed to Type I or Type II construction standards as defined in Chapter 6 of the 2012 International Building Code as amended by the State of Georgia (steel and concrete)". There will be encouragement of

vertical mixed use, but also allow horizontal mixed use. Residential development should be proximate to employment opportunities and work force housing provided. For the greater public realm public art is encouraged, wider sidewalks, attractive wayfinding, and the incorporating of green infrastructure. For a new approach to parking shared parking will be encouraged, priority parking for car pools and vans, fast charging stations, parking for car services, and bicycle parking. These suggestions will include changes to parking that will help reduce the number of single occupancy vehicles. These are all intended as guidelines and are intended to show the development community that if they want to do a project, this is what the City is looking for, until the Code and Plan can be updated.

Mayor Rusty Paul called for public comments in support of the application.

Trisha Thompson, 145 River North Drive, stated she is a representative of the Sandy Springs Council of Neighborhoods. At the previous meeting when these guidelines were discussed Council Member Sterling made a point that there is a half mile radius moving away from the center of the MARTA stations. This will be an increase in the density within a quarter mile of the MARTA stations. That extra quarter of a mile was taken out to the half of a mile radius. She asked if the language has been seen that Council Member Sterling asked for in order to keep the density down and the height trending downward in the second quarter mile.

Council Member Sterling stated he has the language that will be a part of the motion.

Ms. Thompson stated within a quarter of a mile of the North Springs MARTA station on Peachtree Dunwoody Road a one acre tract for nineteen apartments was approved, but they were not built. He asked what prevents density requests from coming to the City on similar parcels. She asked if there is minimum acreage language that will protect from a developer making requests beyond the capability of the area.

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

Motion and Second: Council Member Sterling moved to approve Agenda Item No. 15-471, a Resolution to Approve Interim Development Guidelines for Projects in the Perimeter Center, City Springs, and Roswell Road, with an additional sentence on page four under Compact and Dense Development, under the first bullet point, after the final sentence, "This transitional height plane must be lower from the quarter mile to the half mile line, as established in Live Work Regional, from the MARTA station." Council Member Dishman seconded the motion.

Council Member Sterling stated to address Ms. Thompson's question there was discussion about this. Previously, at the corner of Sandy Springs Place and Sandy Springs Circle someone wanted to build a needle point building. The concern is the 75 units to the acre. He does not want to pass rules that go against reality. He voted against the apartment building Ms. Thompson mentioned.

Assistant City Manager Tolbert stated the guidelines will not replace common sense. It does not mean that someone will not bring in a development that is inappropriate. Council will still have the ability to say no if that does not meet the City's intent. Density is only one piece of the process.

Council Member Sterling stated this is providing the City a guideline between now and when the Comprehensive Plan is adopted, a defensive public policy measure where a developer cannot ask for a large amount of density.

Assistant City Manager Tolbert stated he will not say that a developer will not ask for it. These guidelines give Council the ability to state this is not what they are looking for.

Mayor Paul stated in the realm of public policy there are ordinances which are laws. Regulations enforce the laws and guidance creates a policy for how the regulations and ordinances are to be interpreted. In practice, when guidance is in place it often times becomes more important than the regulations. This is a very important document. What is trying to be done with the new ordinances and Land Use Plan is the path towards future development. There will be a focus on greater quality construction. If the City can specify the quality of the materials being used, then we can ensure the quality of construction will be the quality expected in the community. This will result in better looking projects. There is also emphasis on greater public engagement through greenspace, public art, and landscaping. He is considering pushing towards botanical standards. If the City wants to make an area more walkable, you have to engage people at the street level. One way to do that is by having things for them to look at while they are walking, such as flowers, architecture, and people. This is a step away from or towards less automobile centric type development. There are several items here that are precursors to where the ten year plan will go as well as the new ordinances to create the kind of projects that the community expects. This is trying to raise the standards that are implemented in this community. He applauds staff for what they have done by taking a step in the right direction.

Council Member Graham McDonald stated he has a question on the section related to the new approach to parking under bullet point number one, the second sentence. He believes he understands the intent, but asked staff to walk through the mechanics of the calculations that are being done relating to the one quarter and one half mile away from the MARTA stations and the parking.

Assistant City Manager Tolbert stated as guidance there was talk at one point about placing a parking maximum. What has been learned in the last six to eight months is that in the City's environment, that will not work. If development is within a quarter mile of the MARTA station, there should be the minimum parking required in the City's code, or less.

Council Member McDonald asked if the City Code specifies a specific number of parking spaces.

Assistant City Manager Tolbert responded yes. The City has a minimum number in the code for every type of use. If development is within a quarter mile of a MARTA station, the parking should remain at the minimum or less.

Council Member McDonald asked how much staff is willing to go over the parking requirement for the quarter mile to one half of a mile away from the MARTA station.

Assistant City Manager Tolbert responded one to two percent.

Council Member Paulson asked what the lower end of less than the minimum would be.

Assistant City Manager Tolbert stated staff will be open to any suggestions. With the new ordinance he hopes the City will go through a market based approach that does not set minimums. He believes many communities are going that route. This would be letting the developer figure out what the market requires. The number would be negotiated based on what the developer proves they need.

Council Member Bauman asked when the moratorium expires.

Assistant City Manager Tolbert responded January 15th or 16th.

Council Member Bauman stated if that moratorium were to expire without being extended, what legal basis would the guidelines provide for the City.

City Attorney Wendell Willard stated the guidelines will be applied and they are more objective than subjective.

Council Member Bauman asked about if Council denies an application request.

City Attorney Willard stated Council can reason that it was based on the guidelines.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2015-12-142

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

12. **15-472** Resolution to Approve Assignment of General Government Services Contract for Financial Services between ST Services of Georgia, LLC and the City of Sandy Springs, Georgia, to Severn Trent Environmental Services, Inc.

City Attorney Wendell Willard stated this is a resolution which authorizes the approval on behalf of the City of an amendment to the contract which was originated with ST Services of Georgia, LLC. That entity is a wholly owned subsidiary of Severn Trent Environmental Services, Inc. The contract was originated with the City for services in 2011, when they elected to use a subsidiary. At this time Severn Trent will be merging the subsidiary into their main corporation. By doing so, they have agreed to assume everything as part of the before, now, and after liabilities and responsibilities of their subsidiary.

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 15-472, a Resolution to Approve Assignment of General Government Services Contract for Financial Services between ST Services of Georgia, LLC and the City of Sandy Springs, Georgia, to Severn Trent Environmental Services, Inc. Council Member Sterling seconded the motion.

Council Member Gabriel Sterling asked if Council approves this item, will a new task order have to be completed.

City Attorney Willard responded no. The task order deals with services to be delivered and the assignment of the contract with the same task order applies.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2015-12-143

13. **15-473** Consideration of Amending the City's Code of Ordinances by Adding Section 54-24 establishing the Community Redevelopment Tax Incentive Program

Assistant City Manager Jim Tolbert stated this item was discussed at the last Work Session meeting. This is a new code section that will give the City one more tool in the toolbox to deal with blighted properties. A blighted property is not something that is not aesthetically pleasing, but instead is a property that is unsafe, uninhabitable, abandoned, in bad repair, or any number of these conditions defined by State code. If a property is cited and it goes through the process, until the property is brought into compliance after the hearing, the property can be assessed at seven times the millage rate that is regularly applied to the property. While this is called a tax incentive program it is an incentive to keep the property in good shape. Any revenues collected as a result of this will have to be used for community redevelopment purposes and

cannot be placed in the general fund. There is a process outlined by State code that the ordinance follows that requires the identification of a blighted property. This process can be done by citizens petitioning or building officials or staff identifying the property. The property will then be reviewed, inspected, and surveyed to present a written report to the City Manager. The property owner will be notified and have time to bring the property into compliance at that point. If the property owner does not, the case would go to court for an order to have the taxes increased. There is an appeal period where the property owner can appeal to City Council. If the property owner is unsuccessful with the appeal, the increased millage rate is then applied to the property. There was a question about a .25 decrease in the millage rate. In Code Section 3.f. it references a decreased rate of taxation that will be applied to the property once the owner achieves compliance and brings the property up to code. The property owner would be able to get the reduction for two years, which it is a limited amount. This allows the property owner to recuperate the money spent when paying seven times the millage rate and the cost of repairs to the property. This ordinance urges those to comply and bring the property into compliance. He asked that Council approve this item this evening.

Council Member John Paulson stated that five citizens cannot determine a property is blighted, but instead they can bring it to the attention of the City. The City then inspects the property and makes the determination.

Motion and Vote: Council Member Dishman moved to approve Agenda Item No. 15-473, amending the City's Code of Ordinances by Adding Section 54-24 establishing the Community Redevelopment Tax Incentive Program. Council Member Sterling seconded the motion. The motion carried unanimously.

Ordinance No. 2015-12-39

REPORTS

Mayor and Council Reports

Council Member John Paulson stated the party held last Friday celebrating the City's ten year anniversary was great. There were over 300 people that attended. Many placed tiles on the mosaic art piece as well, which may be brought back to a future City event, since it was not completed.

Mayor Rusty Paul thanked Council Member Paulson and the committee that worked on organizing the party. He heard many overwhelmingly positive and exciting comments about the event. He thanked staff for the open house held at City Hall.

Council Member Gabriel Sterling stated Lost Corners looks great and it is almost finished.

14. 15-474 Staff Reports

1. October 2015 Financial Report

Finance Director Karen Ellis stated the October financial reports are in the agenda package this evening. The City is at 33.33% of the year and revenues are trending at 47.87%. Expenditures are approximately at 27.53% compared to budget. The City is above budget in the insurance premium tax at about \$700,000.

2. Lake Forrest Dam Update

Assistant City Manager Bryant Poole stated this is an update from this summer when the first draw down of the water behind the dam occurred. The City has an approval from the Department of Natural Resources (DNR) on the final phase of the draw down. This will get the pond to a four foot level and remove the final fish, if there are any. At that point the City's consultant can begin doing the analysis around the lake as the material becomes dry. Staff will do public notifications of the process in order to keep everyone informed.

3. Strategic Communications: Community Emergency Response Team (CERT) and Citizens Fire Academy

Fire Chief Keith Sanders gave a Community Emergency Response Team (CERT) and Citizens Fire Academy PowerPoint presentation.

Mayor Rusty Paul stated the Fire Department programs along with the Police Department programs are great and working well. He thanked Fire Chief Sanders.

Council Member Andy Bauman stated he regrets this presentation was heard at the end of the meeting. There were many citizens here this evening that left and did not hear this report. The strategic communications presentations have been great and can be used in the Council emails. He asked if there is any way to have these communications placed at the beginning of the agenda.

Council Member John Paulson asked if there are any plans to have another CERT class.

Fire Chief Sanders stated there are plans to hold a class within the next eighteen months.

PUBLIC COMMENT

Ronda Smith, 76 Long Island Place, stated she is here as a representative of the Sandy Springs Council of Neighborhoods Board. By definition, existing in open view of the community is the principle upon which the City's processes should be based. Any comments contributed by the public in the form of letters or emails is an integral part of these. She asked if Council is aware that the current letters published in the current staff report on rezonings and a use permit application are being withheld from publication on the City's website. She asked why now it would be necessary to exclude from publication that material which has been historically included in the public process. She asks this after ten years of carrying over standard processes from Fulton County and a new climate designed by the City to increase public input early and often, when entities such as High Point Civic Association, Council of Neighborhoods, and concerned HOAs are working their hardest to participate in the process during this explosive market climate driving development on every available corner. She asked why Mayor and Council would want anything to cloud the level of transparency under which they operate by excluding that which has been historically included in the process. If legal precedent dictates that public participation in written form may not be openly shared on the City's website without consent from the author, then why would the City not seek to gain that consent or redact that which would put the City in jeopardy of not complying with the law. She asked if the public process precludes participants from having their personal information excluded from public record and publication. Council should know that many perceive this as a form of suppression. This will only lead to additional public pressure on Council and an increase in the number of incoming emails. It will not necessarily improve the quality of land use decisions and policy. For those aforementioned groups working on behalf of the public, it will create an additional burden to the responsibility they chose to bear to best represent the interest of the public, whether they are in support or opposition to any given application presented through the public process. These groups would appreciate a quick return to the previous protocol with inclusion of public letters within the published staff reports. If this requires additional administrative oversight, then so be it for the benefit of the process.

Council Member Graham McDonald asked staff for more information regarding this concern.

Assistant City Manager Jim Tolbert stated about two days before the Planning Commission agenda package was released to the public staff received notice there was an issue. State Code states that personal information including email accounts and cell phone numbers are required to be redacted from information released to the public. This was never done previously and Community Development staff was not aware this was an issue. It was brought to staff's attention at the last minute. With one of the cases that was to

be heard that Thursday there were hundreds of emails and staff did not have sufficient time to redact the correspondence. A decision was made by management to remove all of the letters from the package. Staff has been working with the legal staff to work out a system for redacting prior to placing the documents on the web. Prior to any upcoming meetings this issue will be fixed. The issue was that staff was told right before the package was released to the public that some of the personal information could not be released to the public.

Mayor Rusty Paul stated one thing that could be posted on the City website is a notice that people will receive when they send emails advising them that their emails will become public record. All the information, besides what is required to be redacted, is subject to the Open Records Act. Some people may not be aware that their emails are subject to the Open Records Act.

Assistant City Manager Tolbert stated that is a great idea. One of the solutions is to state when an email is sent to the City to please remove their cell phone number from the email. The State Code requires that certain personal information be redacted before being releasing documents to the public.

Council Member Andy Bauman stated emails received by Council do not automatically go into the zoning package. For zoning matters, many members of staff receive comments regarding the items. He suggested the City website have a comment section for zoning cases.

Mayor Paul thanked Ms. Smith for bringing this concern to the attention of staff.

Bill Gannon, 505 Taunton Way, stated he spoke to Director of Community Development, Michelle Alexander, and apologized. There were three volunteers that were planning to read all of the emails during the meeting. The High Point Civic Association encourages contact information to be included in the emails sent to staff. The reason he stammered earlier is because there are many people that are members of the Association that work on rezoning applications. After the Mabry's application was submitted to staff they were asked to reduce the number of homes to two. After the Planning Commission meeting, the Association stated they did not want to speak to the Mabry's, because they thought the application at three homes would be denied. The High Point Civic Association stopped negotiating and they will now start negotiating.

Mayor Paul stated his point in bringing it up is because there were allegations made that he felt the High Point Civic Association had a right to respond to.

Eric Johnson, 4755 Longchamp Drive, stated he was not prepared for the question addressed to the High Point Civic Association earlier this evening. At the previous Planning Commission meeting he left shortly after that agenda item was heard. The couple that submitted the rezoning request spoke negatively about him personally and that is why he stayed this evening to speak. The Association emailed back and forth with the applicants and the response they received was the intention to build three houses. When they submitted the plan to staff, that is when it came to his attention. The Association did try hard to negotiate by email. They do respect that the application is going back to the Planning Commission.

EXECUTIVE SESSION

15. 15-475 Litigation and Real Estate

Motion and Vote: Council Member Sterling moved to enter into Executive Session to discuss litigation and real estate. Council Member Paulson seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Dishman, Council Member McDonald, Council Member Sterling, and Council Member Bauman voting in favor of the motion. Executive Session began at 8:39 p.m.

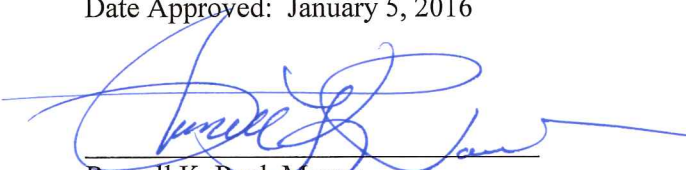
Motion and Vote: Council Member Sterling moved to adjourn Executive Session. Council Member Paulson seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Dishman, Council Member McDonald, Council Member Sterling, and Council Member Bauman voting in favor of the motion. Executive session adjourned at 9:20 p.m.

ADJOURNMENT

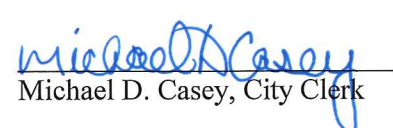
16. 15-476 Adjournment

Motion and Vote: Council Member Sterling moved to adjourn the meeting. Council Member Dishman seconded the motion. The motion carried unanimously. The meeting adjourned at 9:20 p.m.

Date Approved: January 5, 2016



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

December 15, 2015

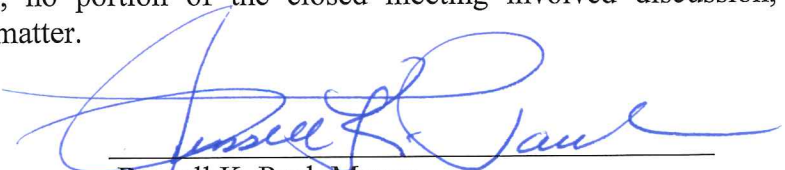
AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Russell K. Paul, Mayor of the City of Sandy Springs, who on oath says that to the best of his knowledge and belief, on the 15th day of December, 2015, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

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

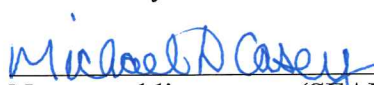
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any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

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



Russell K. Paul, Mayor

Sworn to and subscribed before me,
this 15th day of December, 2015.



Notary public

(SEAL)

