

Regular Meeting of the Sandy Springs City Council was held on Tuesday, December 20, 2016, at 6:00 p.m., Mayor Rusty Paul presiding.

INVOCATION

Rabbi Hillel Konigsburg, Congregation B'nai Torah, 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 Rusty Paul present.

Councilmembers: Council Member John Paulson, Council Member Ken Dishman, Council Member Chris Burnett, Council Member Gabriel Sterling, Council Member Tibby DeJulio, and Council Member Andy Bauman were present.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance.

APPROVAL OF MEETING AGENDA

1. 16-439 Add or remove items from agenda

Motion and Vote: Council Member DeJulio moved to approve the Meeting Agenda for December 20, 2016. Council Member Paulson seconded the motion. The motion carried unanimously.

CONSENT AGENDA

2. 16-440 Meeting Minutes
 1. December 6, 2016 Regular Meeting
 2. December 6, 2016 Work Session
(Michael Casey, City Clerk)
3. 16-441 Acceptance of a Right of Way Deed and a Temporary Construction Easement (40 Seville Chase)
(Garrin Coleman, Director of Public Works)
Resolution No. 2016-12-130

Motion and Vote: Council Member Sterling moved to approve the Consent Agenda for December 20, 2016. Council Member Dishman seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

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

River Corridor

4. 16-442 RC-16-04SS - River Corridor Review (6055 Blackwater Trail)

Community Development Director Michelle Alexander stated the subject property is 6055 Blackwater Trail. This location is within the 2,000 feet of the Chattahoochee River corridor that is regulated by the Metropolitan River Act, therefore a review has to be conducted by the Atlanta Regional Commission (ARC). The review is done to see that development activity complies with the Act. This property is adding some infill and lawn area. The additional impervious surface is about 452 square feet, because they are installing a retaining wall. The review by staff shows the application is in compliance with ARC's criteria.

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 Burnett moved to approve Agenda Item No. 16-442, RC-16-04SS - River Corridor Review (6055 Blackwater Trail). Council Member Sterling seconded the motion.

Council Member Tibby DeJulio asked if this item has been pending for a long period of time.

Community Development Director Alexander stated not to her knowledge.

Vote on the Motion: The motion carried unanimously.

Rezoning

5. 16-443 RZ16-0091/U16-0023 – 5901 Peachtree Dunwoody Rd, to rezone from MIX to MIX for the development of three (3) restaurant buildings, one (1) hotel, and one (1) multifamily building and preservation of existing office building and parking deck, with two (2) use permits for increased height and one (1) concurrent variance for parking reduction beyond that permissible through shared parking

Planning & Zoning Manager Ginger Sottile stated this is an application that was submitted to the City in May 2016. In July, the applicant requested a deferral. In October, the applicant submitted a letter formally requesting withdrawal of the application. At the November 17th Planning Commission hearing the applicant requested a withdrawal and that was unanimously supported. Staff supports the withdrawal request.

Carl Westmoreland, representative of the applicant, requested that Council approve withdrawal of the application.

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 Vote: Council Member DeJulio moved to approve the withdrawal of Agenda Item No. 16-443, RZ16-0091/U16-0023 – 5901 Peachtree Dunwoody Rd, to rezone from MIX to MIX for the development of three (3) restaurant buildings, one (1) hotel, and one (1) multifamily building and preservation of existing office building and parking deck, with two (2) use permits for increased height and one (1) concurrent variance for parking reduction beyond that permissible through shared parking. Council Member Dishman seconded the motion. The motion carried unanimously.

6. **16-444 RZ16-0098** – to rezone the properties located at 6045, 6065, 6085, 6095, 6105 Glenridge Drive, from R-2 (Single Family Dwelling District) to R-5 (Single Family Dwelling District) with three (3) concurrent variances to allow the development of 20 single family homes

Planning & Zoning Manager Ginger Sottile stated this is a rezoning application where five R-2 zoned parcels are amassed, and which the applicant is proposing to subdivide into twenty lots. There were originally three variance requests. One was for a roadway with a reduction from the required 50 feet to 44 feet. The second was to eliminate the streetscape requirements for a six-foot sidewalk and a two-foot landscape planting strip along Glenair Drive. The third variance request pertained to a 50-foot separation requirement with a street and an adjacent property boundary. Since the applicant is going to provide an easement for interparcel access, the 50-foot requirement goes away, so that variance request can be withdrawn. Staff recommends denial of the variance request for a reduction in road grade width, as the applicant did not demonstrate hardship. Staff also recommends denial of the second variance to eliminate the streetscape improvements. Staff recommends withdrawal of the third variance. Staff recommends the parcel abutting Aberdeen or the parcels abutting Aberdeen Forest be reduced from the proposed eleven lots down to six lots to provide for a more sensitive transition between the R-2A zoning and the proposed R-5 zoning. The future Land Use Map calls for an R-3 to R-5 which is an average between three and five units to the acre. The Comprehensive Plan highlights the importance of protective compatible transitions among uses as the primary criteria in evaluating any proposed change in land use adjacent to the parcels of less intense land uses. Staff believes the density along Glenridge Drive, which is proposed at nine lots, is more consistent with the future Land Use Map as it transitions gradually towards Glenridge Drive. Staff recommends approval conditional.

Carl Westmoreland, representative of the applicant, stated the application was first filed with the City for twenty lots. That is consistent with the Land Use Plan and the other developments in the area. The proposed development is a lower density and intensity than the other developments that abut Aberdeen Forest. The variances mentioned were added to the application at the request of Aberdeen Forest, because they wanted a narrower street. The Aberdeen residents did not want a sidewalk going into their neighborhood. The applicant spent a great deal of time negotiating conditions with the abutting homeowners. Both the purchase price of the single family sellers involved and the accommodations he made with the neighbors were on the twenty-unit plan.

Stephen Ficarra, applicant, stated he has a contract with five homeowners that is contingent upon the rezoning to twenty lots. He has developed numerous neighborhoods in Buckhead, Brookhaven, Morningside, and Midtown that range from seven single home subdivisions to 143 unit townhome projects. Presently, he has an eight lot single family community in Brookhaven listed for a price of \$1 million to well over \$2 million. The eighteen-unit townhome community in Brookhaven is selling in the \$900,000 range. In addition to the community meetings, he has also met with Aberdeen Forest and the surrounding neighbors. These meetings have resulted in a number of commitments in exchange for the residents' approval of the twenty lots. The commitments include high value custom homes designed by Harrison Design with brick or stone pillars separating the subdivisions. The landscape plans were designed collaboratively with the bordering neighbors. One hundred and fifty-eight trees will be planted.

Underground Detention will be placed at the location, and a variance was applied for to narrow the street. The homes will be brick or stone and not hardiplank siding except for the roof or access spaces. The sides facing Glenridge will be similar in quality. The water on the site will be redirected away from Aberdeen Forest. The contracts with the sellers are for twenty lots. Without twenty lots, it is too expensive to honor all of the commitments that he has made to the homeowners. There is higher intensity zoning for all the developments surrounding Aberdeen Forest. Directly across the street is a newer subdivision built by Pulte that is zoned R-5 with no step down density. He is requesting to be treated the same as the surrounding developments.

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

Richard Darby, 1840 Spalding Drive, stated the proposed reduction in density for the development is unfair, arbitrary, and capricious. The development will be in the middle of the allowed density per the Master Plan. Every development in the area has been required to provide a transition zone. The other developments are the same or higher density than what is being requested. On Glenridge Drive they have seen the Planning Commission and City Council allow large corporations to completely re-write the rules. Pulte Homes and Mercedes-Benz were allowed to tear down historical homes and cut down 1,000 trees to build a huge mega-complex. Ashton Woods will have nearly 1,000 homes on 25 acres. That number is 40 units per acre. The small property owners who follow the rules are the ones that get the short end of the deal. There are 52 supporters across all districts in Sandy Springs with written letters in support of the development at the proposed density. Property owners in all of the City districts are concerned about how the City favors large corporations, and does not care about small property owners whose families have been paying taxes for more than 60 years. He believes that Council wants all senior citizens to move to Roswell Road. He asked Council to rescind the unfair reduction in density and the arbitrary reduction in value of their properties.

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

Mary Sanford, 685 Glenair Drive, stated she lives behind the proposed development. After the first public presentation of the plan, Mr. Ficarra asked her to organize the neighbors for the various meetings. She is speaking now for a majority of those neighbors. We believe the proposed rezoning is too high. We like and support the recommendation of the Sandy Springs Planning Department. The number of houses backing up to Aberdeen should be decreased, bringing the overall density to fifteen or sixteen houses. Fulton County and Sandy Springs have approved various urban densities in areas north of the subdivision, but it is not right for the homes abutting Aberdeen. If any rezoning is approved, she asked that Council refer to the agreement letters submitted to the Planning Commission on October 6th. This list is a result of several meetings with all those involved. The points agreed upon by the nearby neighbors and the developer should be conditions in any zoning approval. This will be a high quality development, if the density can be decreased. Any time she has met with the applicant she has said she likes the plan, but the requested zoning as proposed is too many houses.

Steve Berson, 715 Glenair Drive, stated he is speaking on behalf of Curt Feeburk who is the President of the Aberdeen Forest HOA. Mr. Feeburk could not be in attendance. The following are Mr. Feeburk's comments: "I would like to preface my comments that before this rezoning application there was a potential opportunity for the property owners of 6105 Glenridge to sell their home for use as a single family residence. I personally emailed letters and left voicemails for the owner of 6105 Glenridge, expressing interest in the property, but received no response. I funneled emails through the landscape service to the owner to no avail. I believe Scott Nelson, whose home is at 6035 Glenridge, made similar attempts to buy 6045 Glenridge. I was not made privy to all the circumstances or what type of progress Mr. Nelson received as a result of his attempts. I do know that Mr. Nelson wanted to preserve the home as a single family lot. The adjacent Aberdeen Forest neighbors and the neighborhood as a whole agree with staff's recommendation for a less dense transition to Aberdeen. We would like to see the lowest density possible.

We met with the applicant many times and asked for less density, but were repeatedly rebuffed. The impression we have been given after the Planning Commission meeting is this is a twenty unit or nothing deal. The neighbors have three requests. The first is if any rezoning is approved adjacent to Aberdeen that a sidewalk not be required on Glenair. A sidewalk to nowhere changes the look and feel of our community, which is not to his understanding anywhere on the Sidewalk Master Plan network. Residents both young and old are happy to have it remain that way. Aberdeen wants no access from this or any other new development directly onto Glenair. We do not want to be overflow parking for any community that due to its density and lack of guest parking. Overflow visitors should not park in Aberdeen Forest where cars are rarely parking on the street. Due to speed and a merge by the church this area of Glenridge is already unsafe. If a single access to multiple homes were to come to pass, Aberdeen Forest asked to have a deceleration lane installed. Virtually, every single development built along Glenridge between Hammond and Abernathy has a deceleration lane. Even streets with half as many homes as proposed have deceleration lanes. It is hard to comprehend why this project should not have one. We appreciate all the hard work and energy the applicant has put into this project. I hope there is a way for them to alter the plans to allow for less homes which should provide for more desirable overall properties adding values to both owners and the adjacent homeowners."

Ronda Smith, 76 Long Island Place, stated she is speaking on behalf of the Sandy Springs Council of Neighborhoods. If you look at the raw number of the acreage there are twenty homes on this application. The density proposal may appear to be equivalent to the development across the street. The Glenridge/Hammond neighborhood is denser than Aberdeen Forest, and it is not a good comparison. The allowed land use does provide a range, but that guidance does not provide for any guaranteed entitlements. The current Comprehensive Plan governing this application does provide the guidance as staff stated. When evaluating this project's density as it relates to the homes abutting Aberdeen at 8.75 units per acre, this cannot be a compatible transition. Support for the density and this application seems to be widespread. It was mentioned that 52 letters came from all over the City. Only three of those who sent letters appear to be subjected to an adjacent assemblage of this nature. While the Council of Neighborhoods can support the redevelopment of these properties, they cannot support it with the transition of the current site plan today. The Council of Neighborhoods appreciates the tireless work that was done to catalog and agree to the concessions and provisions for fencing, landscape planning, and the other items that have been agreed to. However, the Council of Neighborhoods takes exception to the three story heights of eleven new homes that are uphill from these neighbors and crowded across to what amounts to under two acres. This will not be completely mitigated. The Council of Neighborhoods asks that Council agree with staff's conditional recommendation of a maximum of six single family units for a total of fifteen units.

Doug Falciglia, 5925 Brookgreen, stated he also represents the Sandy Springs Council of Neighborhoods. He would like to read the following into the record from the Comprehensive Plan dated November 20, 2007. This section of land focuses on land use policy and is related to the Johnson Ferry and Glenridge area north of Hammond. The Plan reads as follows, "Properties fronting Johnson Ferry Road, Mount Vernon Highway, and Glenridge Drive are appropriate for residential use in the density range of three to five units per acre.

Brad Gold, 655 Glenridge Close Drive, stated he is concerned about the time left on the timer and believes he should be allowed at least two minutes.

Mayor Paul suggested that Mr. Gold speak quickly, because when the time expires, that is all that is allowed.

Mr. Gold stated he supports the subdivision with one exception and that is Council should ask the subdivisions have a non-gated entrance way. As proposed, there will likely be traffic issues and accident prone situations with cars trying to make left turns into this new subdivision. At the last Council meeting Mayor Paul suggested that Council look forward instead of backward. The Next Ten "moving forward" is that the new developments on major roads be non-gated. Council made the decision about a year ago

stipulating that Glen West be non-gated. He encourages Council to make the right decision and asks for the development to be non-gated.

Mayor Paul asked Mr. Gold to give his written comments to the City Clerk to be entered into the record.

Mr. Westmoreland stated he appreciates the nice comments about his client's cooperation. The variances being requested were at the request of the adjacent homeowner. Ms. Sanford referred to the list of agreements. They were worked out to provide transition to the 11 lots adjacent to the proposed project. If the sense of Council is that 20 homes are not appropriate, it would be helpful to know what direction they prefer that number to be. The applicant will need to renegotiate all five contracts to come up with a new plan and time for that. The applicant made it clear about the concessions that cannot be incorporated with a fewer number of lots. He does not think it is fair to leave these five homes in the situation they are in. The fair thing to do is to see if a deal can be made, but he needs direction from Council at this point.

Mayor Paul asked if Mr. Westmoreland would like a deferral in order to move this process forward.

Mr. Westmoreland stated the fair thing to do would be to allow a deferral. A sixty day deferral should be sufficient.

Mr. Ficarra stated he will need twenty houses for this project. He had four meetings with staff. As a small developer, he has been struggling with trying to make the deal work. For the homeowners he is trying to buy the homes, because he does not feel like they are being treated fairly. He hopes that Council approves the request for twenty homes.

Mayor Paul closed the public hearing.

Motion and Second: Council Member Burnett moved to defer Agenda Item No. 16-444, RZ16-0098 – to rezone the properties located at 6045, 6065, 6085, 6095, 6105 Glenridge Drive, from R-2 (Single Family Dwelling District) to R-5 (Single Family Dwelling District) with three (3) concurrent variances to allow the development of 20 single family homes, to the February 21, 2017 City Council meeting. Council Member DeJulio seconded the motion.

Council Member Chris Burnett stated the majority of the communication he has received on this item has been complimentary of the applicant. Mr. Ficarra has worked with the neighbors and worked well on the proposed design style of the homes. He thanked Mr. Ficarra and the neighbors for their professionalism throughout this process. This is an issue of density. He recommends the deferral to allow the applicant to meet with the neighborhood to review the option for potential modifications of the site plan. If the detention area is moved, there could be room for ten 7,500 square foot lots on Glenridge, consistent with what is on Glenridge currently. On the east side of the property abutting the Glenair homes, six lots of approximately 12,000 to 13,000 square feet each would achieve the transition buffer that has been recommended by staff. As it relates to other matters, the neighbors have requested the sidewalk and pedestrian area into the new development on the southern side be eliminated. There are no sidewalks currently in Aberdeen, so this would be a sidewalk to nowhere. The sidewalk may encourage parking along the front entrance of the neighborhood. It is important to focus on not repeating some of the issues across the street with the development of uninteresting, boxy designs with hardiplank siding. He would like the opportunity for the applicant to work with the neighbors to see if a plan of sixteen homes to seventeen homes could work.

Council Member Ken Dishman stated he supports this deferral as well. It appears that a lot of the concessions that were made to the neighbors have exacerbated the density issues. For example, the driveways are facing Glenridge, instead of the other direction, which makes it more difficult to balance out the density. Some of the concessions agreed to previously will have to be evaluated and adjustments made. He supports the deferral.

Council Member Tibby DeJulio stated he agrees with Council Member Burnett on not repeating the mistakes made across the street on Glenridge Drive. He thinks everyone is aware of his feelings on front facing homes. The worst possible side of a home to look at is the back side of a home. The density is too high and he would like it to come down substantially to about ten homes. He understands there are economic considerations for people who have lived there wanting to get the money out of their property. The number could be more like fourteen or fifteen homes. He would like the homes on Glenridge Drive to be facing Glenridge Drive, so when we drive by we see the front of the home and not the rear of the home.

Council Member Gabriel Sterling stated in the plans he sees there is a deceleration lane. He agrees that the driveway should be changed. He understands the concerns about the sidewalk. For safety reasons he will agree with staff recommendations. Instead of removing the trees, they can be relocated. There needs to be an appropriate density bordering Aberdeen. The properties being sold do have rights. We are trying to balance the rights of the property owners. He likes the Planning Commission's recommendation of eighteen homes. There are concessions that need to be agreed upon on both sides. Something can be done here, such as fifteen, sixteen, or seventeen. He has a personal preference regarding gating on this. The traffic engineers think a gate would be okay based on the small number of vehicles. We are trying to avoid having gates on major thoroughfares such as Glenridge, Mount Vernon, and Johnson Ferry. It would be a good precedent to not have gating on this development. The applicant and neighbors have said nice things about each other. He does not want to completely deny this application. On the variance he thinks a 44-foot-wide road would be fine on the north side, because it will not connect into Aberdeen. On the south side the road should be 50 feet wide, because of it being a long term connection.

Vote on the Motion: The motion carried unanimously.

Text Amendment

7. 16-445 TA16-0012 - An Ordinance to amend the Sandy Springs Zoning Ordinance, related to Private Swimming Pools

Planning and Zoning Manager Ginger Sottile stated this is a text amendment that pertains to double frontage lots or through lots. Over the past year the Board of Appeals has seen a couple of variance requests and asked staff to investigate drafting an amendment to help cure this issue. This minor text amendment will help those residents who have no formal rear yard and have the ability to develop the front yard. The front yard will function as the rear yard with amenities such as a pool. If there are two fronts and no rear, the only place a pool can be located at is at the rear and side. The yard that functions as the rear yard will allow a pool. The situation would be when you have a road on either end. The yard that is functioning as the rear yard would then be allowed to have this type of amenity.

Council Member John Paulson asked if there are a lot of these properties in the City.

Planning and Zoning Manager Sottile stated staff has received a couple of variance requests this year and there are two waiting to see the outcome of this amendment.

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

Motion and Second: Council Member Sterling moved to approve Agenda Item No. 16-445, TA16-0012 - An Ordinance to amend the Sandy Springs Zoning Ordinance, related to Private Swimming Pools. Council Member Paulson seconded the motion.

Council Member Gabriel Sterling stated this change will make things easier for Council and staff.

Vote on Motion: The motion carried unanimously.

Ordinance No. 2016-12-39

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

8. 16-447 Marsh Creek Regional Detention Pond Ordinance

Director of Public Works Garrin Coleman stated staff gave a presentation about the detention basin and the Marsh Creek project at the October 4, 2016 Work Session. Staff worked with the City Attorney's staff to develop the ordinance, which will ultimately be administered by the Community Development Department, for redevelopment of that basin. He requests adoption of this ordinance.

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 16-447, Marsh Creek Regional Detention Pond Ordinance. Council Member Sterling seconded the motion.

Council Member John Paulson asked to see slide 9, which is the geographic area that is being referred to.

Council Member Andy Bauman asked about the cost assessment for people who want admittance to use the facility.

Director of Public Works **Coleman** stated there is an overall construction cost as well as the maintenance moving forward that was \$180,000, where \$150,000 was related to the actual construction cost incurred by the City and with \$30,000 collected for ongoing maintenance cost. If a developer does not wish to participate in this program, they would be required to do underground detention in this area. The developer is required to do water quality, no matter what.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2016-12-40

9. 16-448 Consideration of a Resolution Reappointing Two (2) Members to the Sandy Springs Development Authority (Joe Houseman, Jimmy Glenn)

Mayor Rusty Paul stated there are two individuals on the Authority whose terms have ended. Joe Houseman was appointed to fill the unexpired term of Dave Nickles when he left the Development Authority. Jimmy Glenn has been a long time member of the Authority. Mr. Houseman has only been on the board for a few months and he feels it appropriate to reappoint Mr. Houseman. Mr. Glenn is a very thoughtful member of that board. He has viewpoints that are not always in harmony with everyone else, but they are viewpoints that are very important and need to be listened to and presented. His policy is to start rotating new people to some of the boards where there are longer term members serving. Mr. Glenn should continue serving on the Authority. He requested that Council approve the two reappointments.

Motion and Second: Council Member Bauman moved to approve Agenda Item No. 16-448, a Resolution Reappointing Two (2) Members to the Sandy Springs Development Authority (Joe Houseman, Jimmy Glenn). Council Member Paulson seconded the motion.

Council Member Gabriel Sterling stated he serves on the board as well and Mayor Paul had a very good point. Mr. Glenn does not always see things in harmony with the other members, but that is a very good

thing to have on a board like this. It makes you think things through more thoroughly. Both will do a very good job continuing their service.

Council Member Andy Bauman stated Mr. Glenn is a constituent of his and has been very helpful. He has a deep knowledge of the history of the area and the City. He has provided many thought provoking ideas and has been very valuable.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2016-12-131

10. 16-449 Consideration of a Resolution Appointing Additional Members to the Zoning Ordinance Advisory Committee (Susan Maziar, Ronda Smith)

Mayor Rusty Paul stated when the Next Ten process began there was a citizen advisory group that was created and Council approved. The zoning map still needs to be completed. He feels that the two members he is recommending to Council would be very valuable in the process moving forward. Susan Maziar is on the Planning Commission and Ronda Smith is very knowledgeable about the zoning challenges the City has. These two are great additions as the City moves forward into the finalization of the zoning map and the zoning ordinance. He requests that Council approve his nominations to the Zoning Ordinance Advisory Committee.

Motion and Second: Council Member DeJulio moved to approve Agenda Item No. 16-449, a Resolution Appointing Additional Members to the Zoning Ordinance Advisory Committee (Susan Maziar, Ronda Smith). Council Member Dishman seconded the motion.

Council Member Tibby DeJulio stated he knows both of the individuals being nominated and they both do excellent work. They are very diligent in their thinking and research.

Council Member Andy Bauman stated both individuals will be great additions to the committee. Each of them were incredibly helpful to him during the Next Ten process.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2016-12-132

11. 16-450 Naming of the Bridge on Johnson Ferry Road for Johnny Isakson

Mayor Rusty Paul stated he will explain why this is occurring. Cobb County and Georgia Department of Transportation board member Johnny Gresham want to name a bridge after Senator Isakson in Cobb County. They started the process and felt the bridge over Johnson Ferry Road would be the best bridge, since Senator Isakson lives up the hill from that area. They had a ceremony planned for December 22nd and then they did research and found that Cobb County did not own the bridge, so they could not name it. If the bridge is to be renamed, then Sandy Springs will have to do it. He has no reservation with renaming the bridge. Johnny Isakson helped in the creation of Sandy Springs. The Senator was a second signer on the legislation for years. His business, Northside Realty, employed a large number of people in the Sandy Springs community. The Senator has been a public servant at every level. He served in the House of Representatives, then became the State School Board Superintendent appointed by Democratic Governor Zell Miller. He then returned to the State Senate, and later served in the United States Congress. A lot of money the City used in Public Works was from when Congress was dealing with earmarks and a Congressman could get money set aside for Public Works projects. Senator Isakson represented some of Sandy Springs and Cobb County. He did a great job in helping the City get money to deal with some of the crucial Public Works projects and capital needs. As a U.S. Senator he has been unbelievably helpful to our community for a very long time. While Senator Isakson lived in Cobb County he worked in Sandy

Springs and cared as much about the City and did as much for the community as anyone else did through the years.

Motion and Second: Council Member Burnett moved to approve Agenda Item No. 16-450, Naming of the Bridge on Johnson Ferry Road for Johnny Isakson. Council Member Sterling seconded the motion.

Council Member John Paulson stated there was also legislation supporting the Veterans Administration (VA) that Senator Isakson has been working on for a long time that passed just a week or two ago.

Mayor Paul stated the Senator is the Chairman of the Veterans Affairs Committee. He has been very helpful to Council Member DeJulio in working out some of the issues he has faced in dealing with the VA.

Council Member Chris Burnett stated he met Senator Isakson as a very young college student. He was amazed at how respectful he was to a very young man. The Senator is a man of the people and a man of the State of Georgia. Northside Realty was a tremendous corporate citizen in Sandy Springs. Senator Isakson's leadership in the State is unprecedented. He is very comfortable making this motion.

Council Member Gabriel Sterling stated Senator Isakson is truly a public servant. He first met him when he was a young college student. The Senator helped him get involved and start his career path. He has no problem approving the naming of the bridge for someone who has done so much for this area and the State.

Council Member Tibby DeJulio stated Senator Isakson and his office have assisted him in dealing with his VA affairs. Council did discover in this process that the bridge belongs to the City and the river belongs to Cobb County. Senator Isakson has done a great job for the State and he supports the naming of the bridge.

Council Member Andy Bauman stated he respectfully disagrees. He endorses the sentiment in the resolution and the comments made, he has met Senator Isakson and is very supportive of him. As a general matter of policy, it is a bad idea to name roads and bridges for currently serving elected officials. Senator Isakson was re-elected to serve another six years. There will be plenty of opportunities for accolades. He does not support naming a bridge for someone who is currently serving in office. He will vote against this item. Senator Isakson is very well deserving of the City's support, encouragement, and appreciation. He knows this has been an issue in Georgia over the last ten to fifteen years with the excessive naming of roads and bridges for currently serving elected officials. Not to mean any disrespect for Senator Isakson and his family, but he will disagree on this.

Council Member Ken Dishman stated he shares some of Council Member Bauman's concerns about the appropriateness of naming the bridge. The renaming of roads and bridges for currently serving elected officials has been done in the State. It would create more of an issue if Council were to not approve the naming at this point. He will support this item.

Vote on the Motion: The motion carried 5-1, with Council Member Bauman voting in opposition.
Resolution No. 2016-12-133

12. 16-453 Consideration of a Resolution Asking the Fulton County Commission to Initiate Legislation to Authorize a Process for Transit System Planning and Funding

Mayor Rusty Paul stated the Mayors of Fulton County and the Fulton County Commissioners try to meet once quarterly, and sometimes even more frequently. This is the process that lead to the T-SPLOST that was approved by a significant margin in Sandy Springs, which will allow the City to deal with some of the congestion issues. One of the deferred items from the T-SPLOST was how we deal with the expansion of transit in Fulton County. The City of Atlanta had a different T-SPLOST question on their ballot. They

approved the tenth of a cent tax for over forty years for MARTA and four tenths of a cent for roads and other infrastructure. When all the work was being concluded on T-SPLOST, he then asked the Commission for a discussion on how to begin the process of moving transit forward to place on the agenda for the next meeting. The Mayors met this past week and there was a general consensus to move forward with a conversation on transit funding to expand transit, most likely MARTA, into North Fulton, as well as expand service in South Fulton. When the North Fulton Mayors met we discussed this. There is agreeance that transit is an important part of solving the congestion problems and being able to handle the growth we anticipate in this region over the next twenty years. There has been a lot of planning and discussion and the City needs permission from the Georgia General Assembly to be able to hold a referendum. We felt if the legislature was not going to give that permission, then spending the next two years working on a plan and funding mechanism for transit in Fulton County would be a moot point. The Fulton County Commission will formally ask the Fulton delegation and the General Assembly to authorize a referendum in November 2018. That will give us the next twelve months to work on it and then determine if it will be ready by 2018 or not. If we do not get permission from the legislature to move forward, then it does not make sense for us to have a lot of conversations. This resolution is supporting the Fulton County Commission in its request to the Georgia General Assembly to authorize a process to begin the planning for funding of transit expansion in the remainder of Fulton County outside the City of Atlanta. This was requested by the Fulton County Commission and he believes that the other Fulton County cities will pass something similar to this. He requested that Council approve this resolution. The Commission wants to provide this to the General Assembly to prove this is not just something coming from the Commission, but has support from all of the governing bodies in Fulton County.

Motion and Second: Council Member DeJulio moved to approve Agenda Item No. 16-453, a Resolution Asking the Fulton County Commission to Initiate Legislation to Authorize a Process for Transit System Planning and Funding. Council Member Dishman seconded the motion.

Council Member John Paulson asked if there is an indication that the other Mayors will agree to sign a resolution as well.

Mayor Paul stated he thinks most of them will. All of the Mayors were not at the last meeting. Mayor Pro Tem from Johns Creek was in attendance along with Mayor Wood from Roswell and both indicated their support. The Mayors of South Fulton also showed support. All the Mayors understand that transit is a critical part of dealing with mobility going forward. This will not be as easy as the T-SPLOST. We plan to start by picking up pieces of plans that have already been done. There will be more fundamental debate about transit. Heavy rail in Sandy Springs up to Northridge is something that he and Council would like to see. He thinks the Mayor of Roswell would like to see it extended to Holcomb Bridge. Mayor Wood will need support from his Council. Beyond that there are questions on what is the most appropriate means of moving a large number of people, whether it be light rail, heavy rail, or bus rapid transit. Those are issues that will have to be worked through.

Council Member Paulson stated if all jurisdictions north of Sandy Springs are against this, then he does not want a MARTA extension that goes one exit up and stops there.

Mayor Paul stated if there is not some consensus then the MARTA expansion will not move forward. Without Johns Creek, Alpharetta, Milton, and Roswell joining in some way in this process, it will become a moot point. Representative Jan Jones did a great job at the end of the last legislative session in putting together legislation with Fulton County Chief Operating Officer Todd Long to get where we are on T-SPLOST. We need the same wise leadership again going forward on transit. There was unanimity on the purpose of the T-SPLOST. There is a lot of work that needs to be done to figure out what that plan will be. There are a couple of plans in place, but they need to be cleaned up.

Council Member Gabriel Sterling stated the way this is written, everything is on the table. This is decoupled from the long term governance of regional transportation that he is hoping they will tackle in the next couple of sessions.

Mayor Paul stated regardless of governance, we are under the MARTA system. There ultimately has to be a regional solution for transit to work and we will have to deal with the governance aspect of it. We are not dealing with that in this particular question. There may be support from GRTA and others.

Council Member Sterling stated this is not just about the north-south connection. This could lay the foundation for an east-west connection from SunTrust Park over to Doraville.

Mayor Paul stated there are a couple of plans that the Atlanta Regional Commission (ARC) has done that are regional. We will begin with those and work on them. We may not be able to afford as much transit as we would like to see for the short term. For the next five years we have dedicated two quarters of a penny to the T-SPLOST program, which leaves very little for transit over the next five years. We will need to figure out the financing aspects of it. The actual plan will require a lot of work. We do not want to begin if we do not have the authority from the General Assembly to be able to move forward.

Council Member Chris Burnett stated there will be the three quarters of a penny tax that is T-SPLOST specific. He asked if this would be an additional quarter of a penny tax.

Mayor Paul responded it would be. That is the assumption we will start with, though this is speculation on his part. There was some conversation among a few of the Mayors that if the three quarters of a cent T-SPLOST tax were renewed at the end of five years, the proposal might be to roll the T-SPLOST portion back to half a cent and then half a cent for MARTA. The MARTA funding has to be longer term, because they have to be able to bond it. Transit will have to be funded through bonds and a revenue source that goes out about forty years. There is a lot of complexity when dealing with transit funding.

Council Member Burnett stated the hard stop date of March 31, 2022 of the three quarters of a cent is still in place. What is being discussed now will have to go back for a referendum vote.

Mayor Paul stated that is correct. An extension of T-SPLOST, if that is what is proposed, will have to be voted on in a referendum. We want to give ourselves a two year deadline. We will be able to tell at the end of 2017 if we can make the 2018 referendum. Having a deadline is important and allows us to focus on the task at hand. Commissioner Eaves has done a great job of keeping us all on task during the meetings. Having a deadline of 2018 will focus us on a goal.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2016-12-134

- 13. 16-455** Approval for the Mayor to sign the List of Roadways for submittal to the Georgia Department of Transportation for funding under the Fiscal Year 2017 Local Maintenance and Improvement Grant

Director of Public Works Garrin Coleman stated there is about three quarters of a mile of roadways to be paved under the Local Maintenance and Improvement Grant program through GDOT that requires a thirty percent match. The plan is to let these roads, along with the road list staff will bring to Council in the next month or so, for construction in the spring.

Motion and Vote: Council Member Paulson moved to approve Agenda Item No. 16-455, Approval for the Mayor to sign the List of Roadways for submittal to the Georgia Department of Transportation for

funding under the Fiscal Year 2017 Local Maintenance and Improvement Grant. Council Member Sterling seconded the motion. The motion carried unanimously.

Resolution No. 2016-12-135

REPORTS

Mayor and Council Reports

Mayor Rusty Paul stated the Fulton County Mayors meeting was held with the Fulton County Commission and that meeting focused on transit issues.

14. 16-451 Staff Reports

1. City Springs Project Update – John McDonough, City Manager

City Manager John McDonough thanked the Mayor and Council for their leadership this year. It has been another great year for Sandy Springs. We have accomplished a tremendous amount. He thanked senior leadership for working tirelessly on behalf of the City, employees, and contractors. The year in review will be ready about a week before the Council retreat. The review will be a full update on what was accomplished in 2016 in support of the City's adopted priorities. There will be a full work plan and recommendations for Council for 2017.

City Manager McDonough recognized the following individuals in attendance: Program Manager with Carter, Frank Crittenden; Project Manager for Holder Construction, Hayes Todd; Holder Construction, Travis Disbro; Senior Project Manager, Kendall Golightly; and Project Executive, Bryan Taylor from Holder Construction. He began the City Springs Update PowerPoint presentation.

Holder Construction Project Manager Todd Hayes, presented slide 4 of the presentation.

City Manager McDonough continued with slides 5-9.

Mr. Hayes continued with slides 10-12.

Mayor Rusty Paul stated some local theatrical companies took a tour of the site today and they were very impressed with the work that has been completed so far.

Mr. Hayes presented slides 13-18. He presented a 3D active drawing of the construction site.

City Manager McDonough stated everything on the left of the patio is the third floor conference level. Immediately to the left it opens onto the patio and the ballroom that will seat about 350 people for a sit down meal. There are about five additional conference rooms on that third level. The fourth and fifth levels are for City functions.

Mr. Hayes presented slide 19.

Mayor Paul stated the City Manager framed the project very well. This is for us to make sure this project is constructed to last and have the quality, refinements, and amenities this community expects. If we had done this project the traditional way, we would not be as far along as we are and the cost would be significantly different. If the project were bid today with the current market, the cost would be significantly higher. One thing he didn't mention in the Mayors meeting this week is all the demand for construction in this market and how many bids will be received for the road projects. Due to demand in the marketplace and the number of subcontractors, there may not be nearly as many choices of subcontractors available today as we had eighteen months ago when the City Springs project began. The City wants to focus on the

quality of the project and make sure things are done correctly. Sometimes we have intentionally slowed the process down to make sure we are able to get things done right. We may have to sacrifice a few months to receive the type of quality we want. When looking at the project in the context of fifty to seventy years, slowing the project down a couple months to get things right is worth it. He thanked City Manager McDonough for working hard to keep the project within budget and on time. He has been very successful on both counts.

Council Member Tibby DeJulio stated back when we started this City we did not envision City Springs; we did not even hope for this. The project is so much better than what we thought we could do, hoped we could do, and dreamed we could do. The project is turning out to be unbelievable. We envisioned a first class City that we could all be so proud of and something that other people would come to see and say we did this right. This project is coming along as a "Wow, we really did this right".

Mayor Paul stated he has heard concerns that people have been afraid the City would cut corners on the project, but has not. The City has really paid attention to all items involved.

Council Member John Paulson stated he is knowledgeable in the construction industry. This is a complex project. Complexity and quality are tough to maintain and achieve. He gives credit to Holder Construction for managing this project. It is hard to maintain control on a project that is this large and this complex. He hopes to hear regular updates on the project. He is not sure the project will be completed by the end of next year, but it will be a quality project once it is completed. He thanked the City Manager, staff, and the Holder team.

Council Member Andy Bauman stated when you look at the graphic and 3D depiction of the project, what is obvious is the vast majority of this project is public space. He was concerned about it being just a City Hall building. This is a space that will be utilized by the public and he is excited to see the project come together.

PUBLIC COMMENT

Charles Roberts, 347 Hilderbrand Drive, stated he has been troubled by the property at 337 Hilderbrand Drive, located next to his home. He spoke at the last City Council meeting. The issue with the property will be heard before the City Municipal Court. There are homeless people using that property on a regular basis. He has attended eight or nine court hearings on this property and has never seen public discussion before a Judge. He asked what will happen if on the court date of January 6, 2017, the issue is delayed or deferred, and what can be done immediately to handle the issue of homeless people in properties.

City Manager John McDonough stated when the issue occurs, call 911.

Mr. Roberts stated he has already done that.

City Manager McDonough stated staff can check on the calls that were made, if Mr. Roberts can give him the dates the calls were made.

Mr. Roberts stated the property needs to be secured. The front door is completely unlocked. There are no "No Trespassing" signs on the property. The trespassers come in and out of the house late at night. He was away this last week and a neighbor stated on two occasions she saw and heard the trespassers coming and going around 11:00 p.m. The property needs to be secured. Let the legal ownership status work itself out separately. A single mother and her daughter live on the other side of the property. They are frightened in their own home. He is speaking out because that property is embarrassing and now having vagrants actively using it is not appropriate. They are exploiting the fact that the legal status of this property remains

in limbo. The owner will not step up and take responsibility for the status of this property. He can't have people over to his house due to the sight of the property.

Mayor Paul asked if there is anything the City can do.

City Attorney Wendell Willard stated the City cannot enter the property. Until the court gives the City permission to do anything with a property, we are not allowed to go onto anyone's property. He agrees with Mr. Roberts that this is an issue. He has a phone number of an individual who is the son of the lady that owns the property. He will speak to him about this issue. That is the best we can do until the court gives us direction. The bank and the property owner have been served.

Mr. Roberts stated he does appreciate this item getting on the court docket for January 6th. His concern is having seen this before the court so many times that it may get pushed back again. If the issue gets delayed again, we need to immediately address the issue of people illegally living in this home.

Mayor Paul asked why the issue has been deferred in court.

Mr. Roberts stated there have been conversations in back rooms and talks of deals being closed. He never gets the details of the conversations.

City Attorney Willard stated the citations for property maintenance issues came to the court. The City Attorney's office has not been involved directly with those. What the City is proceeding on now is a civil action against this property as a nuisance. Hopefully, there will be direction from the court on January 6th on what can be done.

Mayor Paul stated Mr. Roberts' frustration is justified. He wished there was something the City could do to remedy the situation in the interim. If he were in the same situation, he would have the same concern and emotions.

Mr. Roberts stated he believes the bank has every intention of drawing this out, because they are looking for someone to purchase the property. He cannot wait any longer given the situation with the homeless people.

Mayor Paul stated the City will have to wait to see what the court allows the City to do.

Mr. Roberts asked if the case gets deferred to another date, who will stand up and say something needs to be done with this property.

Mayor Paul asked who will represent the City in this case.

City Attorney Willard stated he will represent the City.

City Manager McDonough stated he is confident there will be a ruling from the Judge on January 6th.

Council Member Tibby DeJulio stated this is not the only property where this is happening. He asked if there is a way the City can strengthen its ordinances so we do not have these problems, or if they do occur, we can shortcut the remedies. People in Sandy Springs should not be living next to properties that are abandoned.

City Attorney Willard stated there first has to be an issue that rises to a level of being an endangerment to public health and safety. Due to this home being partially burnt down, homeless people have been residing here. This is how the City can move forward with this issue in court.

Mayor Paul asked Deputy Police Chief Zgonc if the Police Department can double the police patrols in this area to keep an eye on the property, to at least deal with the problem of people entering the home illegally. The City will do all that we can to try and remedy this issue as fast as we possibly can.

Mr. Roberts thanked the Mayor.

EXECUTIVE SESSION

15. 16-454 Litigation and Real Estate

Motion and Vote: Council Member DeJulio moved to enter into Executive Session to discuss litigation and real estate. Council Member Dishman seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Dishman, Council Member Burnett, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive Session began at 8:12 p.m.

Motion and Vote: Council Member DeJulio moved to adjourn Executive Session. Council Member Paulson seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Dishman, Council Member Burnett, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive session adjourned at 8:33 p.m.

Motion and Vote: Council Member DeJulio moved to amend the meeting agenda to hear a report by the City Attorney. Council Member Sterling seconded the motion. The motion carried unanimously.

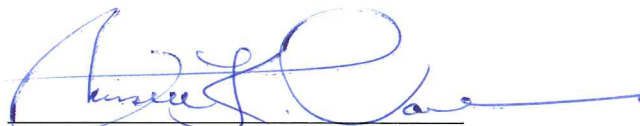
Motion and Vote: Council Member DeJulio moved to accept the settlement of \$73,600 for all claims with Magic Mike's Garage. Council Member Paulson seconded the motion. The motion carried unanimously.

ADJOURNMENT

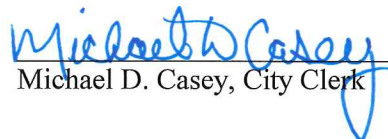
16. 16-452 Adjournment

Motion and Vote: Council Member DeJulio moved to adjourn the meeting. Council Member Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 8:37 p.m.

Date Approved: January 3, 2017



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

December 20, 2016

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 20th day of December, 2016, 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);

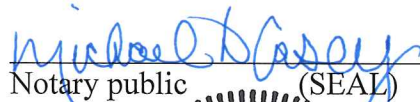
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any 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 20th day of December, 2016.


Notary public (SEAL)

