

Regular Meeting of the Sandy Springs City Council was held on Tuesday, August 4, 2015, at 6:00 p.m., Mayor Rusty Paul presiding.

INVOCATION

Sarah Web Phillips, North Springs United Methodist Church, 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, Council Member Tibby DeJulio, and Council Member Andy Bauman were present.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance

PUBLIC COMMENT

Zach Wilson, 510 Winfield Glen Court, stated he is speaking on behalf of Windsor Meadows Park which is located at the intersection of Northland and Windsor Parkway. This park has always been thought of by the broader community as a walking park. The residents appreciate the City allocating \$300,000 for what would be a \$240,000 project. He thinks the neighborhood will not want parking in that area. If parking is proposed, the neighborhood will be against that.

Christopher Laird, 820 East Powderhorn Rd, NE, stated he and his family have been residents of Sandy Springs since 1992. His home is near Windsor Parkway and GA400. He is a board member of the High Point Civic Association, but he is not speaking in an official capacity. The flooding in 2009 devastated many families in Georgia, including his. He lost two cars and sustained over \$35,000 in damage to his home. Shortly after the event, the City embarked on a plan to obtain grant money through FEMA to purchase repeat flood prone properties. The number of properties on this list totaled around thirty. Two homes on his street have been purchased and his home is still on this list. From the beginning of this project he was told by City officials that the City has no master plan for the properties. The City wanted and needed direct input from the immediate neighbors on what they want and envision. Some of the last properties purchased under this plan were three homes on Windsor Parkway at Northland Drive. What makes these properties unique is that they are successive. The properties total a little over four acres and they abut Nancy Creek. With the High Point Board acting as a liaison, with the support and encouragement of the Sandy Springs Conservancy, the idea of transforming these properties into useable greenspace transpired. From this plan Windsor Meadows was born. A volunteer planning

committee of immediate neighbors was formed. Several meetings were held and they even walked the property. The committee also took into consideration the City's plan to extend a sidewalk on Windsor Parkway and build a pedestrian bridge across Nancy Creek. The committee's plan was conceived and a drawing was rendered. The route from Windsor Parkway to High Point, High Point to Northland, and Northland back to Windsor is heavily trafficked with walkers, joggers, dog walkers, and strollers. Many people from as far away as Glenridge travel this area. The plan envisioned was a walking park with trails to overlook the bank of Nancy Creek with a large meadow. The neighbors want to return the space to its pristine and natural state as much as possible. The neighbors do not want this to be a destination park, like little Nancy Creek on Peachtree Dunwoody. For security and safety concerns of the abutting neighbors, parking is not wanted. Only a couple of weeks ago the City presented a final plan to FEMA for approval, not from the planning committee, but one redrawn by the City that includes parking spaces. He asked at whose request the drawing was created. He asked who added parking spaces without telling the neighbors. He asked if Council has seen the revised plan. He asked what will be done to remedy this situation. The wishes and intentions of the neighborhood mean nothing at this point. The neighbors want useable greenspace and want a park, but no parking lot. He urged Council to consider what the neighborhood wants and not what someone else thinks is needed.

Michael Hartman, 775 Brook Park, stated he has already spoken to many Council Members and Council Member DeJulio attended one of his neighborhood meetings. He is a representative of the homeowners association that is immediately adjacent to the property. He thanked the City for the foresight for the sidewalk across Nancy Creek. He represents the impacted neighbors who have a strong interest in the park. As soon as the lots were converted to open space, crime in the area increased. Three air conditioning units that were worth about \$15,000 were stolen. The neighborhood is interested in beauty, safety, and protection of those on both sides of the park. There is already a place for parking which is a crescent shaped piece of asphalt at the corner of Northland and Windsor. A new parking lot is not needed. A perimeter fence is needed for the park. Also, a security camera is needed at the point where Nancy Creek meanders downstream. No one knows where the park ends and the private property begins. This is a major security issue when people can walk right into someone's backyard. A wall is needed to protect the family that lives immediately adjacent to the park.

APPROVAL OF MEETING AGENDA

1. **15-305** Add or remove items from agenda

Motion and Vote: Council Member Sterling moved to approve the Meeting Agenda for August 4, 2015. Council Member Paulson seconded the motion. The motion carried unanimously.

CONSENT AGENDA

2. **15-306** Meeting Minutes
 1. July 21, 2015 Special Called Meeting
 2. July 21, 2015 Regular Meeting*(Michael Casey, City Clerk)*
3. **15-307** Consideration of the Acceptance of the Dedication of Right of Way as Part of the Zoning Requirements (5861 Roswell Road)
(Garrin Coleman, Director of Public Works)
Resolution No. 2015-08-94

Motion and Vote: Council Member DeJulio moved to approve the Consent Agenda for August 4, 2015. Council Member Dishman seconded the motion. The motion carried unanimously.

PRESENTATIONS

4. 15-308 Presentation

1. Recognition of Police Officer Mike DeWald for receiving the American Legion Department of Georgia Law Enforcement Officer of the Year Award - Max Hilsman from American Legion Post 140

Max Hilsman from American Legion Post 140 stated he is the Finance Officer of American Legion Post 140. Each year the American Legion gives out a national law enforcement officer of the year award. This award is given to a well-rounded law enforcement officer who has exceeded requirements expected of his or her position and demonstrated a distinct pattern of community service. He has had the pleasure of knowing Officer DeWald for a couple of years. Mr. Hilsman is a graduate of the citizen's police academy, in which Officer DeWald and Rock gave a great presentation during the class. Officer DeWald was nominated by Post 140 along with other nominations from posts around the State. Officer DeWald is currently being evaluated against all nominations across the United States. Mr. Hilsman presented the American Legion Department of Georgia Law Enforcement Officer of the Year Award to Officer DeWald. Mr. Hilsman read the citation which states, "In recognition and sincere appreciation for his outstanding contributions to his community and to the State of Georgia. His accomplishments on and off the job have made a profound impact on the lives of many citizens in Sandy Springs, Georgia. His commitment to the success of his goals is unequal and serves as a testament to the dedication and personal sacrifices he has provided over the years while serving on the Sandy Springs Police Department."

Mayor Rusty Paul thanked Officer DeWald. The City is proud of his service and that of his canine partner Rock.

Police Officer Mike DeWald thanked the Mayor and Mr. Hilsman.

PUBLIC HEARINGS

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

Alcoholic Beverage

5. 15-317 Approval of Alcoholic Beverage License Application for Homewood Suites Atlanta/Perimeter. Applicant is Angela S. King for Retail/ Package & Consumption on the Premises of Malt Beverage and Wine.

Finance Director Karen Ellis stated this is a new alcohol application for retail/package and consumption on the premises of wine and malt beverage for the new Homewood Suites by Hilton Atlanta at Perimeter Center. The applicant has met all the requirements and staff recommends approval.

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 Sterling moved to approve Agenda Item No. 15-317, Alcoholic Beverage License Application for Homewood Suites Atlanta/Perimeter, for Retail/ Package & Consumption on the Premises of Malt Beverage and Wine. Council Member Dishman seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

6. **15-309** Resolution to Select Raymond James & Associates to Provide Underwriting Services for the Issuance of City of Sandy Springs Public Facilities Authority Revenue Bonds to be Used to Construct and Install Certain Components of the City of Sandy Springs City Center Project and to Authorize the City Manager and City Attorney to Negotiate and Enter Into Agreement(s) with Raymond James & Associates Related to Such Services

City Attorney Wendell Willard stated this resolution is the culmination of a process that began with the issuance of an RFQ on June 10th seeking underwriters' input for the City to make a determination of a selection to recommend to Council for an underwriter for the potential bonds that will be issued through the Sandy Springs Facilities Authority. The Authority is controlled by the City Council and Mayor. The evaluation memorandum explains the process. From the June 10th request the City received eleven proposals. There was a selection evaluation committee that consisted of: City Manager John McDonough; Director of Economic Development Andrea Hall; Finance Director Karen Ellis; Purchasing Manager Jeff Allen; Bond Attorney Jim Woodward; and himself. The committee discussed the potential underwriters and agreed on three companies that were invited to make presentations to the City. The City is expected to receive an AA+ or even an AAA rating. This is based upon the fact the City has very good financials. The City is also concerned about the marketing of the bonds, once they are issued. The lowest fees were submitted by Raymond James and this was the basis for making the ultimate decision. All three of the firms are qualified and capable of assisting the City as underwriters. The recommendation from the Committee is Raymond James.

Motion and Second: Council Member DeJulio moved to approve Agenda Item No. 15-309, Resolution to Select Raymond James & Associates to Provide Underwriting Services for the Issuance of City of Sandy Springs Public Facilities Authority Revenue Bonds to be Used to Construct and Install Certain Components of the City of Sandy Springs City Center Project and to Authorize the City Manager and City Attorney to Negotiate and Enter Into Agreement(s) with Raymond James & Associates Related to Such Services. Council Member Paulson seconded the motion.

Council Member Tibby DeJulio stated having been in this businesses for forty plus years he feels confident that any of the three firms could do the job well. He sees that Raymond James gave the lowest cost. He asked if the approval of the Sandy Springs Public Facilities Authority is required.

City Attorney Willard stated the City is employing the company by the City for the benefit of the Authority. The Authority board is made up of the City Council Members and the Mayor. There will be a meeting of the Authority for the purpose of going through the process and for acceptance of the information prepared by the underwriters.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2015-08-95

7. **15-310** Consideration of Amending Sections 50-30 and 103-80 of the City's Code of Ordinances

Assistant City Manager Jim Tolbert stated this is a consideration about the sidewalk ordinance. This item includes amendments to two sections of the code. What staff has found is that the same regulations were in both sections. In working with Assistant City Attorney McLendon it was decided to place the rules of where to build a sidewalk in Section 50-30, and then how to build a sidewalk in Section 103-80. Two Council meetings ago there was an amendment that clarified that the only place where sidewalks would be required is on roads and frontages that are on the Sidewalk Master Plan. If a road is not on the Sidewalk Master Plan, then there would be no need to build a sidewalk in that location. In the amendments before Council it states, "They shall not be required" in that situation, and where there is

renovation of an existing home. This also applies to any lot or parcel where a development permit is issued and where the Director of Community Development determines that the permit is for an accessory use structure. If an accessory use is added, the property owner would not be required to build a sidewalk. The sidewalk requirements are for new construction on areas that are on the Sidewalk Master Plan. The amendment also clarifies that in addition to those individual infill lots on the Sidewalk Master Plan, the City will also require them for new development of commercial or multifamily properties and on any new subdivision being built. In Section E, regarding the payment in lieu of, for the areas where sidewalks are required there will still be the out for unique topographical hardships. The Director of Public Works could allow someone to have a waiver, but pay the in lieu of fee. If there is a capital project that is in progress that would build sidewalks on that portion of road, the property owner could pay into the capital project fund for the sidewalk to be built. The cost of \$100 per linear foot will be used. That is less than what staff recommended before. This amount is close to equivalent to the cost of just concrete that the City would have to pay. Staff recommends these changes and they are consistent with the conversations staff has had with Council.

City Manager John McDonough stated staff has also prepared a draft presentation for an upcoming Work Session. He asked Assistant City Manager Tolbert to explain how that differs from what is before Council this evening.

Assistant City Manager Tolbert stated the future presentation is regarding the scoring system for the capital improvements sidewalks.

City Manager McDonough stated that item was postponed from the meeting tonight.

Council Member Andy Bauman stated he thought the item that is before Council this evening was being removed from the agenda. He is prepared to make a motion for deferral or tabling the item until the first meeting in September.

Motion and Vote: Council Member Bauman moved to table Agenda Item No. 15-310, Consideration of Amending Sections 50-30 and 103-80 of the City's Code of Ordinances. Council Member McDonald seconded the motion. The motion carried unanimously.

Council Member Bauman stated it is his hope and intent that this item comes back at the first meeting in September.

City Manager McDonough stated staff thought there was consensus of Council on this item.

Council Member Bauman stated Council is getting input on what a hardship is and what the payment in lieu of amount should be along with other discussions.

8. 15-311 Appointment of a Member to the Comprehensive Plan Advisory Committee

Mayor Rusty Paul stated the City appointed a board to assist the staff and consultant on the development of the new Comprehensive Land Use Plan. After the members were approved, he received a communication from Lisa Shunnarah that she no longer wished to be considered for a position on the board. He would like to substitute Dana Grantham, who is a resident in Council Member Sterling's district, to replace Ms. Shunnarah.

Motion and Second: Council Member Sterling moved to approve Agenda Item No. 15-311, the appointment of Dana Grantham to the Comprehensive Plan Advisory Committee. Council Member Dishman seconded the motion.

Council Member Gabriel Sterling stated Ms. Grantham will be a great addition to the board. She served as the HOA President of Mount Vernon Woods for several years and she is an attorney who works in the Federal Judicial system.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2015-08-96

9. **15-315** Resolution to Approve sublease and Option to Purchase between the City of Sandy Springs and Fulton County for the Heards Ferry Fire Station (Formerly "Powers Ferry Fire Station") Located at 6025 Raider Drive (Formerly 6025 "Heards Drive"), Sandy Springs Fire Station No. 3

City Attorney Wendell Willard stated when the City was formed there were four fire stations serving the City of Sandy Springs. Once the Fire Department was created, the City purchased the fire station on Spalding Drive and the one on Johnson Ferry. The City is leasing Fire Station #3 on Raider Drive from Fulton County. The reason this particular station could not be purchased is because the construction of the fire station was completed under a special type of indenture by the Facilities Authority of Fulton County. Under that Facilities Authority there is a time frame for which the payments need to be made. On the documents attached to the sublease on Exhibit C the amounts of the payments are listed. The payments will continue through October 2019. The City will pay the amounts required to retire the indenture that applies to the fire station. The City will take on the form of a sublease from the Fulton County Facilities Authority with an option to purchase. That option will be exercised at the appropriate time for the City to pay \$5,000 for the acquisition of the property and improvements. Staff recommends approving the authorization to enter into the sublease.

Motion and Vote: Council Member DeJulio moved to approve Agenda Item No. 15-315, a Resolution to Approve a sublease and Option to Purchase between the City of Sandy Springs and Fulton County for the Heards Ferry Fire Station (Formerly "Powers Ferry Fire Station") Located at 6025 Raider Drive (Formerly 6025 "Heards Drive"), Sandy Springs Fire Station No. 3. Council Member McDonald seconded the motion. The motion carried unanimously.

Resolution No. 2015-08-97

REPORTS

Mayor and Council Reports

Council Member John Paulson stated four years ago the City launched the Citizens on Patrol program and the members were recognized at the City Council meeting. That evening they left to work at the National Night Out event that the Police Department holds every year.

Mayor Rusty Paul stated the Citizens on Patrol are a very dedicated group and the City appreciates their service.

Council Member Paulson stated one of the questions that has often come up in Sandy Springs is the number of apartment rentals versus home ownership. He asked staff to research how much of the City's current housing is rental and how much is owner occupied. As of now, apartments comprise about 41% to 42% and ownership properties about 58%. He didn't realize that the apartment number is now below 50%.

Mayor Paul stated the numbers that were given at the City's inception were around 65% and 35%.

Council Member Gabriel Sterling stated he thinks the numbers were 60% and 40%. The current numbers are based on census numbers and information collected by staff.

Council Member Tibby DeJulio stated a few weeks ago the City approved the change of the jail housing agreement for the inmates from South Georgia to Pickens County, GA. Since he is a property owner in Pickens County and is up there on a regular basis, he thought it would be nice if a Council Member looked at the facility. He and Police Captain Fraker went on a tour of the Pickens County Detention Center. The City currently has about seven to eight prisoners housed there. They met with Pickens County Sheriff Donnie Craig and the head jailer Donna Rowe. His knowledge of jails is very limited, but this jail facility is clean, safe, and up-to-date. Pickens County seems to take care of the prisoners very well. The Council and City can feel comfortable that the inmates will be safe there.

Mayor Paul thanked Council Member DeJulio for his report.

10. 15-312 Staff Reports

1. June 2015 Financial Report – Finance Director Karen Ellis

Finance Director Karen Ellis stated the June financials are in the agenda package. The City is 10.5% over budget for revenues this year and about 6% to 7% under budget in expenses. There are still accruals to be done before the auditors arrive and the numbers may change slightly. She will have budget amendments for the Council meeting in September.

2. Current and Proposed Fire and EMS Response Plan for District 1 – Fire Chief Keith Sanders

Fire Chief Keith Sanders gave a PowerPoint presentation on the Proposed Fire and EMS Response Plan for District 1.

Council Member Gabriel Sterling asked if the 1,500 gallon pumper is a piece of equipment the City already owns.

Fire Chief Sanders responded yes.

Council Member Sterling stated if the City can get a better ISO rating that will mean lower home insurance rates for the citizens of Sandy Springs.

Fire Chief Sanders responded yes.

Council Member John Paulson asked about the ambulance that is parked in the District 1 area during the day.

Fire Chief Sanders stated there is an average of between four and six EMS calls a week in the panhandle area of the City. That ambulance unit has proved to be extremely beneficial. There were a few cardiac arrests that occurred at River Exchange and the ambulance was able to respond very quickly.

Council Member Tibby DeJulio stated there was mention that Sandy Springs Station #4 has an automatic aid agreement with Atlanta Fire Station #27. He asked where the Atlanta station is located.

Fire Chief Sanders stated that fire station is located near Chastain Park.

Council Member DeJulio asked if one of the stations receives a call, does the other station also respond automatically.

Fire Chief Sanders responded yes. This is within a predetermined response area. There is a matrix used to determine which units will respond automatically to a residential structure fire. When the calls come in ChatComm will call both fire stations. Mutual aid is when ChatComm has to pick up the phone and call Atlanta dispatch and request assistance from Fire Station #27. This process delays the response time by three to four minutes.

Council Member Sterling stated he has a question regarding mutual aid. If you drive along Spalding Drive to Gwinnett County, about one mile into the county there is a fire station. He asked if the City has a mutual aid agreement with Gwinnett County.

Fire Chief Sanders stated his goal is to meet with the Gwinnet County Fire Chief in the future to discuss a mutual aid agreement. He has already met with DeKalb County's Fire Chief to work out an agreement with the station off Dunwoody Club.

3. Improvements to the Planning Process – Assistant City Manager Jim Tolbert

Assistant City Manager Jim Tolbert stated Council approved a moratorium on zoning at the last Council meeting. Staff has been working on how to improve the zoning process. He welcomed the new Director of Community Development Michelle Alexander. He gave a presentation on future proposed Improvements to the Planning Process.

Mayor Rusty Paul stated this is a great start. Land use is something tough to deal with. The more people understand the process, the more they feel they are engaged in the process and the better off the City will be. The City has known for years that the code is inadequate. The Council wants to make sure all the best practices are incorporated.

PUBLIC COMMENT

Bill Gannon, 505 Taunton Way, stated many know there is a runoff election next Tuesday. There are several State Representatives that live in the City and District 80 will be voting in a runoff. There are two individuals running for this position. District 80 is east of Roswell Road and south of I-285. He asked that the residents get out and vote.

Council Member Gabriel Sterling stated the voting area is south of Spalding Drive.

Charles Mong, 630 Spalding Drive, stated he lives in Spalding Woods. His comments relate to the July Planning Commission meeting in regards to the Ashton Woods/Mercedes development proposal. There were numerous issues raised in a high emotion environment. There were three key issues at that meeting. The first issue was pertaining to the lot and whether a major thoroughfare dissecting two distinct lots can still be considered one development according to the code. The attorneys representing the homeowners' dissenting opinion read directly from the code which states a major roadway cannot divide a lot. The City Attorney, admitting to be a new associate, stated they can interpret the property as one lot, but went no further. The builder took a guess on what was right and designed the north lot as a residential area and the south lot as a mixed used lot with appropriate setbacks for more commercial development. The builder designed the property as two lots. The question is, what is correct. The second issue revolves around community involvement. Developer presentations, according to the builder's attorney, became reinterpreted as negotiations with the public. This created an illusion that the public input affected the design. Another City representative interpreted presentations as simply a meeting with the public and that was what they were required to do. There is not evidence that a single input was written down at these meetings. The question is simple. What is the actual requirement or hope for these meetings? Are single family homes on the north lot not feasible, since the homes are currently listed as multifamily? Are there examples that Ashton Woods can share of other developments with 400 apartments that are six stories

high that make sense for this area? What did Mercedes request to be a part of their development on the south lot? There are no answers to these questions, currently, because there was no dialogue. What was the point of the meetings? The builder's attorney stated very strongly that the City was treating the property owners differently than other developments. This was a veiled threat, sadly entrenching everyone in the meeting. No one should be treated differently. He reminded Council the way the City acted with another family, the Mabry's, when their estate was sold to a developer less than one year ago. In a similar fashion, the builder in question took three legacy homes and attempted to build eighteen homes in the same space, causing public pushback. The Council acted extremely prudently, explaining to the public that the owner has a right to develop the land. The Council also explained to the developer they had to reduce the size. With that clarity, in one meeting the issue was resolved and a welcomed community will be added to Spalding Woods. The Ashton Woods/Mercedes design is extreme and overbuilt. Despite the threat, Mercedes will not sue its way into Georgia. All parties can resolve this issue if conduct improves on all sides.

EXECUTIVE SESSION

11. 15-313 Real Estate

Motion and Vote: Council Member DeJulio moved to enter into Executive Session to discuss real estate matters. Council Member Paulson seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Dishman, Council Member McDonald, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive Session began at 7:09 p.m.

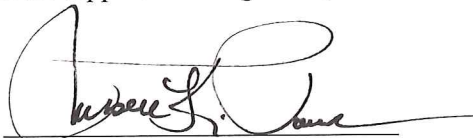
Motion and Vote: Council Member Paulson moved to adjourn Executive Session. Council Member Bauman seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Dishman, Council Member McDonald, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive session adjourned at 8:56 p.m.

ADJOURNMENT

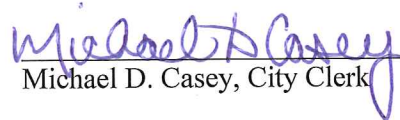
12. 15-314 Adjournment

Motion and Vote: Council Member Paulson moved to adjourn the meeting. Council Member Dishman seconded the motion. The motion carried unanimously. The meeting adjourned at 8:56 p.m.

Date Approved: August 18, 2015



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

August 4, 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 4th day of August, 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);

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 4th day of August, 2015.


Notary public (SEAL)

