

Regular Meeting of the Sandy Springs City Council was held on Tuesday, June 18, 2013, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Reverend Danny Gulden, Sandy Springs Christian Church, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:07 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 Eva Galambos present

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny present.

PLEDGE OF ALLEGIANCE

Boy Scout Russell Clark led the Pledge of Allegiance

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Regular Meeting agenda for June 18, 2013. Councilmember Sterling seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 13-100)

1. Meeting Minutes:
 - a) June 4, 2013 Regular Meeting
 - b) June 4, 2013 Work Session
 - c) May 21, 2013 Budget Presentation
- (Michael Casey, City Clerk)*

Motion and Vote: Councilmember DeJulio moved to approve the Consent Agenda for June 18, 2013. Councilmember Paulson 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.

Alcoholic Beverage License

(Agenda Item No. 13-101)

1. Approval of Alcoholic Beverage License Application for Northridge Bottle Shop at 8333 Roswell Rd, Sandy Springs, Georgia 30350. Applicant is Hyun Woo Cho for Retail/Package Wine, Malt Beverage & Distilled Spirits

Finance Director Karen Ellis stated this item is a change of ownership application for retail/package wine, malt beverage, and distilled spirits for the Northridge Bottle Shop. The applicant has met all requirements and staff recommends approval.

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

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 13-101, Alcoholic Beverage License Application for Northridge Bottle Shop at 8333 Roswell Rd, for Retail/Package Wine, Malt Beverage & Distilled Spirits. Councilmember Sterling seconded the motion. There was no Council discussion. The motion carried unanimously.

Budget (Second Public Hearing)

(Agenda Item No. 13-102)

2. Consideration of approval of an Ordinance to Provide for the Adoption of a Budget, its Execution and Effect for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014

City Manager John McDonough stated the City has held a number of budget workshops over the last several months. This process began with a strategic planning session by Council in February 2013. The proposed budget has been posted on the website and is available at City Hall. This item is up for final approval by the Mayor and City Council. The budget was developed based upon the Mayor and Council's established priorities. The general fund budget is balanced at \$87.9 million and provides for the same millage rate of 4.731 mils. The budget has adequate reserves in the fund balance to ensure the sound fiscal integrity of the City. Included in the budget is \$1.6 million for long term facility needs, \$13.5 million for City Center Phase I implementation, \$1.2 million for public safety radio investments, \$750,000 for park projects, \$5.4 million for transportation infrastructure, and \$1.6 million for stormwater infrastructure improvements. The 2014 general fund budget provides for \$13.2 million for the general government contracts for City services, \$24.1 million for personnel and related benefits, \$26.8 million for operations and equipment, and \$23.8 million for capital improvement programs. The proposed budget for all operating, capital and special revenue funds for the City totals \$189.4 million.

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

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-102, an Ordinance to provide for the Adoption of a Budget, its Execution and Effect for the Fiscal Year Beginning July 1, 2013, and Ending June 30, 2014. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Ordinance No. 2013-06-08

Zoning Modification

(Agenda Item No. 13-103)

3. **201202129** - 5730 Glenridge Drive, *Applicant: 5730 Glenridge Partners LLC*, To modify conditions 4 & 6 of Z79-0074 to allow driveway access onto Glenforest Road

Manager of Planning and Zoning Patrice Dickerson stated this item was heard at the April 16th City Council meeting. At this time, staff recommends an additional deferral to the August 20th City Council meeting at the request of the applicant and the neighbors.

Nathan Hendricks, representative of the applicant, stated the applicant is in agreement with the deferral to the August 20th City Council meeting.

Doug Falciglia, 5925 Brookgreen, stated he is President of the Glenridge Hammond neighborhood association. The neighborhood concurs with the deferral recommendation.

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

Motion and Vote: Councilmember DeJulio moved to defer Agenda Item No. 13-103, 201202129 - 5730 Glenridge Drive, *Applicant: 5730 Glenridge Partners LLC*, to modify conditions 4 & 6 of Z79-0074 to allow driveway access onto Glenforest Road, to the August 20, 2013, City Council meeting. Councilmember Paulson seconded the motion. There was no Council discussion. The motion carried unanimously.

Rezoning

(Agenda Item No. 13-104)

4. **201201766 (DRI)** - 4550, 4558, 4586, 4616 Roswell Road, *Applicant: JLB Partners*, To rezone from A-1 (Apartment District) to MIX (Mixed Use District) to allow a mixed-use development (residential, office, and commercial), with a use permit and concurrent variances

Manager of Planning and Zoning Patrice Dickerson stated this item is a rezoning request for the existing apartment complex as a mixed-use application with a use permit and concurrent variances. Staff is recommending approval conditional of the rezoning use permit and concurrent variances. The case was heard at the May 16th Planning Commission meeting. The Planning Commission recommended deferral to allow the applicant additional time to review the number of units being requested and to continue discussions with the neighborhood.

Nathan Hendricks, representative of the applicant, stated the applicant is in agreement with the deferral. He requested that Council refer this item to the Planning Commission on June 20th and then come back to Council at the July 16th City Council meeting.

Mayor Eva Galambos called for public comments in support of the application. There were no public comments.

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

Rob Meizen, 4635 Mystic Drive, stated he represents the Cherokee Park Civic Association. Cherokee Park is a neighborhood that directly abuts the proposed development. The neighborhood is in support of the applicant's request for deferral.

John Terry, 4525 Powers Ferry Rd, N.W., stated he is a resident of District 6. He opposes this project for three reasons. The parking suggested through the data is incomplete and there would be fewer parking

spaces available. This project is underfunded at \$4.5 million. He is concerned about the collaboration with the City of Atlanta on Wieuca and Roswell Road. This area will be gridlocked and will shift all the traffic to Mount Paran, which will then shift the traffic down Powers Ferry Road to Chastain Park.

Jane Kelley, 4590 Windsor Park Place, stated she represents the High Point Civic Association, residents on Hedden Street, and the Windsor Park Place homeowners association. The neighborhood is in favor of the development, but there are concerns about the density and parking. This development would allow 120 residential units where 436 units now exist. The 700 apartments would be inappropriate for this location as well. The developer argues that they will add only 100 bedrooms. These bedrooms will have a negative impact compared to the current property use. The applicant is also requesting a parking variance. The new units will target more affluent renters. The current renters frequently walk or ride public transportation. The number of resident cars is likely to triple and this does not include the trips created by the 120,000 square feet of commercial property. If this density is approved it will cascade up Roswell Road like wildfire. She has heard that developers are waiting to see if this massive proposal will get approved. The lawyers keep citing precedence for the reason why the City must legally allow their clients' requests. Consider how many apartment complexes in Sandy Springs there are. If all the apartment complexes were to increase by 60%, the City would become gridlocked and lose the lifestyle we all love. She asked Council to consider the percentage of owner occupied housing versus rentals. This number is close to 50/50 now. The current residential units per acre on this property is about twenty. The applicant has proposed thirty-two residential units. The neighborhood is willing to compromise on a 25% increase to 25 units per acre. This would set a precedence of a 25% increase in density as a bonus for redeveloping old apartment complexes throughout Sandy Springs. This project is also asking for the 120,000 square feet of commercial property. She asked that Council preserve the neighborhood and quality of life by reducing the scale of this project. The applicant has worked with the neighborhood so far and she hopes they continue.

Mr. Hendricks stated the applicant will continue the dialogue with the community during the period of deferral.

Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember Meinzen McEnery moved to defer Agenda Item No. 13-104, 201201766 (DRI) - 4550, 4558, 4586, 4616 Roswell Road, *Applicant: JLB Partners*, to rezone from A-1 (Apartment District) to MIX (Mixed Use District) to allow a mixed-use development (residential, office, and commercial), with a use permit and concurrent variances, to the June 20, 2013, Planning Commission meeting and to defer this item to the July 16, 2013, City Council meeting. Councilmember Sterling seconded the motion. There was no Council discussion. The motion carried unanimously.

(Agenda Item No. 13-105)

5. **201300662** - 6558 Roswell Road, *Applicant: Cortland Development, LLC*, To rezone from A-O (Apartment-Office District) and R-3 (Single Family Dwelling District) to A-L (Apartment Limited Dwelling District) to redevelop a 295 unit apartment complex

Manager of Planning and Zoning Patrice Dickerson stated this is a request to rezone the subject property to redevelop the existing apartment complex with a new apartment complex. The case was heard at the May 16th Planning Commission meeting. The Commission recommended deferral of the case and staff is recommending approval conditional.

Nathan Hendricks, representative of the applicant, stated the reason for the request for deferral by the Planning Commission is to enable the applicant to have dialogue with the Whispering Pines subdivision. The dialogue has taken place and he believes a solution to the issues is near. This item does not need to go back to the Planning Commission. He requested this item be deferred to the July 16th City Council meeting.

Mayor Eva Galambos called for public comments in support of the application. There were no public comments.

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

Patty Berkovitz, 800 Crest Valley Drive, stated the neighborhood supports the deferral and looks forward to continuing the discussion with the applicant and staff regarding stormwater on this site.

Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember Collins moved to defer Agenda Item No. 13-105, 201300662 - 6558 Roswell Road, *Applicant: Cortland Development, LLC*, to rezone from A-O (Apartment-Office District) and R-3 (Single Family Dwelling District) to A-L (Apartment Limited Dwelling District) to redevelop a 295 unit apartment complex, to the July 16, 2013, City Council meeting. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Use Permit

(Agenda Item No. 13-106)

6. **201300689** - 1150 Mount Vernon Highway (700 Northpark), *Applicant: Hines Interests Limited Partnership*, To exceed the maximum zoning district height

Manager of Planning and Zoning Patrice Dickerson stated this is a use permit request to increase the allowed height for the proposed building from eighteen stories to twenty-six stories. Staff is recommending approval conditional. The case was heard at the May 16th Planning Commission meeting and the Commission also recommended approval.

Nathan Hendricks, representative of the applicant, stated this application involves a use permit only and no associated rezoning or concurrent variances. The property is presently zoned O-I classification. The applicant desires to utilize 484,313 square feet for an office building. The current entitlement on the property is for an eighteen story office building with an associated twelve story parking deck next door. The applicant is redesigning the site plan to seventeen floors of office space with three levels of parking below it for a total of twenty-six stories. This new plan would increase 14.7% of open space to slightly over 50% open space. There will be an increase of 34.6% to 38.7% in greenspace. The property is located on the Comprehensive Land Use Plan within the office high density classification, which suggests buildings in excess of five stories in height.

John Heagy, Hines Interests Limited Partnership, stated he is a partner with the Hines organization, which hopes to build this new office building. The proposed building would join the first three office buildings that were built in the 1980's and 1990's. Hines is seeking no change to the zoning or density, but instead seeking a modification to increase the building height up to twenty-six stories. This use is currently approved for the project. The building will be responsive to current market demands by major corporate employers. The office building being located near the MARTA station is extremely significant. Transit orientated development has become important to modern employers. By looking at the architecture, the building is a high performance office building using the latest in construction technologies. The building will be LEED certified and will include measures to address Sandy Springs goals for onsite water reclamation. The parking deck will be located under the office building. This will allow the increase of open space to over 50% and increases the green space up to 38.7%. Onsite walkability is a major goal for this new office building. This would encourage the community's interaction with the retail restaurant that will be on the ground level. Additional offsite walkability enhancements are currently being discussed with the PCID. These enhancements will include a midblock

crossing. This crossing will ensure safe pedestrian access to the amenity shopping center at Perimeter Pointe. Enhancement of the hardscape features will be made at that intersection to bring the intersection up to PCID standards. The sidewalk will extend along the north side of Northpark Place from Mount Vernon Road to Peachtree Dunwoody Road. Hines wants Northpark Place to become a competitive asset for Sandy Springs. The goal is to bring real life to this site. There have been concerns expressed about the new office building. His partner, Vikram Mehra, will discuss these concerns.

Vikram Mehra, Hines Interests Limited Partnership, stated Hines has been planning this site for quite some time. One of the early community involvements included the Mount Vernon Plantation community. Some residents expressed concern about site line and building shadow impacts. He referenced photographs taken from three different locations in the Mount Vernon Plantation community. The photos were taken to view the incremental change of the eighteen stories versus the proposed twenty-six stories. Viewpoint one is the existing condition from the community where one can see the top of the existing buildings. He referenced a slide that shows what Hines is entitled to complete, which is the eighteen story building. Hines is proposing a twenty-six story building which is equivalent to 5 ½ office levels. The eight levels that would be added to the building are parking levels. The purpose of the site line studies is to show the incremental difference between the eighteen stories and the twenty-six stories is not significant. The value that would be created with the twenty-six stories has a more positive impact on the community. He referenced a photo of viewpoint two as the current conditions with the Northpark buildings and the eighteen story building versus the proposed twenty-six story building. Viewpoint three is the existing conditions, the eighteen story building and the twenty-six story building. The next slide shows the impact of the shadows created by the buildings. The shadows were created at three times during the year in March, June, and December and three times during the day at 9:00 a.m., 12:00 p.m., and 3:00 p.m. In the spring, none of the shadows touch the community. In June, there is a similar situation. The difference between the eighteen stories and the twenty-six stories is fairly minimal and shows at 12:00 p.m. and 3:00 p.m. in December.

Mayor Eva Galambos called for public comments in opposition to the application.

Tochie Blad, 7320 Hunters Branch Drive, stated she represents the Sandy Springs Council of Neighborhoods. The concern with this project is that the building is closer, bigger, and taller than the one planned under the Northpark master plan. This property was rezoned in 1987. The buildable site is only 3.89 acres. When the applicant discusses increased open space, they are referring to square feet. The other issue is whether this proposal is consistent with the abutting and nearby properties. Under 19.2.4 (b) for use permit considerations, whether the proposed use is compatible with land use in zoning districts in the vicinity of the property for which the use permit is proposed. The height limit of eighteen stories should be approved. If height does not matter, she suggested reducing the height seventy feet and not adding seventy feet. There would be a nine story parking deck that would protrude out into the land. The parking would not be located under the building. There is not a set of plans similar to what Northpark had in 1987. It appears that the traffic for the proposed building is directed at the Northpark Place road. The original plan had traffic diverted onto Mount Vernon Highway. Over time, traffic in this area has changed. The small street that intersects cannot handle numerous trips. From the building plan and the master plan for Northpark, this is a gated street and a private street. The street is closed from 4:30 p.m. to 6:30 p.m. During the Planning Commission meeting the applicant presented this project as a live/work/regional. The Planning Commission did not understand that this project is not live/work/regional, but instead is office high intensity and that is why they approved it. The height limit is eighteen stories and that is what the project should be.

Chris Douglas, 28 Mount Vernon Circle, stated he is a resident of the Mount Vernon Plantation community. The building would interfere with the quiet enjoyment of the neighbors' homes. The shadows that would overcast in the winter interfere with the neighborhood's lifestyle and views. Traffic

is already gridlocked in this area during the evening rush hour. Hines and the community entered into an agreement when the subject property was first developed. Under these terms, eighteen stories are what the applicant is legally entitled to build. The applicant is trying to alter the agreement. The market dynamics have certainly changed and the applicant needs more density. All property values have recently decreased. In correcting the applicant's dynamic, it interferes with the community's dynamic with respect to the homes. The project would generate tax revenue for the City. Council has an ethical duty to represent the citizens fairly. He opposes the twenty-six story building, but supports the eighteen story building.

Chris du Toit, 14 Mount Vernon Circle, stated he is a resident of the Mount Vernon Plantation community. The City website states, "The Planning and Zoning Division is committed to achieving a livable City by enhancing the quality of life for its citizens." The City does this by ensuring zoning compliance. Zoning compliance is key for this situation. Council has a legal and ethical issue to consider before approving the proposed plan. The neighbors have a right to quiet use and enjoyment of their property. This gives the neighborhood a legal right as well. This twenty-six story building may be approved and then the next developer could propose a twenty-nine story building. He asked Council to consider that Sandy Springs should be known for their zoning ordinances. The zoning regulations should not be considered suggestions, but should actually mean something.

Trisha Thompson, 145 River North Drive, stated she is the Zoning Chairman of the Sandy Springs Council of Neighborhoods. The employees, jobs, and use of the MARTA station, and LEED certification are not a function of the height requirement request. She asked that Council maintain the eighteen story height. Hines has a fantastic reputation and will build a nice building at a height of eighteen stories.

Owen Parsons, 101 Mount Vernon Circle, stated he lives adjacent to the property. He is not against the building being built, but is against the height of twenty-six stories. The traffic would have the most impact in the area of the private road, Mount Vernon Highway, and as one exits the parking lot directly next to Chick-Fil-A. The traffic in this area is difficult and sometimes it takes ten minutes to drive 500 feet. He cannot imagine the new building will add positively to the traffic. The neighborhood would like to limit the number of stories to eighteen. He has concerns regarding the projected shadows only went to 3:00 p.m. Obviously, shadows are cast past 3:00 p.m.

Carolyn Nicholes, 15 Mount Vernon Circle, stated she is a resident of the Mount Vernon Plantation community and bought her home about eleven years ago. She has been a real estate broker for thirty years and knows what a building of this size could do to the home values. She is concerned about the shadow the building would cast. The photos are deceptive and do not show the true picture. The building will be looming over the community. She asked that Council only approve the eighteen stories and not agree to the increased height of the building.

Judy Dressler, 30 Mount Vernon Circle, stated she is the President of the Mount Vernon Plantation homeowners association. She represents the residents who oppose raising the height barrier of the eighteen stories to twenty-six stories. A parking deck of twelve stories would be 180 feet from the neighborhood property line. The building of eighteen stories will be 231 feet from the property line. This would be the largest building in Sandy Springs being built next to a neighborhood. The 3.8 acres was zoned for eighteen stories, which would be compatible to the other eighteen story buildings located in the Northpark office center. The greenspace that Hines has presented is 6,024 square feet, which would be the size of a lawn. To protect the neighborhoods from the shadows of a tall building is the responsibility of the City government. She thanked Councilmembers Collins, Paulson, and Sterling for responding to her email and visiting her community. She asked that Council deny the height variance.

Mary Jo Marx, 7050 Hunters Branch Drive, asked the Mayor and City Council to vote against this proposal.

Mr. Mehra stated he will respond to a few items that the public mentioned. There will be no change in traffic from what is currently zoned or a change in the traffic pattern. There will be a point of access from Mount Vernon Highway. It was mentioned that Northpark Place is a private road that will be closed. The road is not controlled by Hines, but by the other three buildings. Hines does not have the ability to manage the time frame of when the road is closed. It was stated that the shadows in the photographs only extend from 9:00 a.m. to 3:00 p.m. The reason for this is because this is the entire spectrum of time the shadows may impact the north side properties. Shadows will not touch the properties from 4:00 p.m. to 6:00 p.m. It was mentioned the parking deck is to be twelve stories. The parking deck is actually planned to be nine stories. If the parking deck is placed next to the building, it will be twelve stories. It was mentioned the greenspace is 7,200 square feet or smaller. The greenspace is actually 38% of the total site plan at about 65,000 square feet. The reason for the parking deck being placed under the building is to create the quality of development and lifestyle that would be important for this community. Hines development is proud of the legacy they have created as a developer in the community for over thirty years.

Mr. Hendricks requested to have page three of the zoning map displayed on the screen for all to view. On the zoning map the subject property is zoned for the O-I classification. To the west and south of the property, other properties are zoned O-I, directly across from Mount Vernon Highway the property is zoned C-1, and the southern property is zoned C-1, and further north the property is zoned A-L. The proposed project fits within the current zoning in this area. The subject property falls within the office high density. Directly across from Mount Vernon Highway is live/work/regional. Directly across from Peachtree Dunwoody Road is live/work/regional. The high density office fits within the live/work/regional. This application has the approval from staff and the Planning Commission. He asked that Council approve the application as it is before Council.

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember Dianne Fries stated, "I would like to move that we approve Agenda Item 13-106, 1150 Mount Vernon, the Hines Property, with two additions. Sidewalks shall be constructed along the north side of Northpark Place subject to the approval of the third party owners and the Director of the Department of Community Development and enhancing the pedestrian crossing at Mount Vernon, and that would be with the condition that it would be able to be done through the buffer issues and working with PCID."

Mr. Mehra stated, "We confirm that we can do that."

Councilmember John Paulson seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To a maximum height of 355 feet or twenty-six (26) stories, whichever is less, for the proposed office building (201300689).
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated March 5, 2013. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning

Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3. To the owner's agreement to provide the following site development standards:

- a. Sidewalk shall be constructed along the north side of Northpark Place.
- b. Enhance pedestrian crossing on Mount Vernon Highway subject to the approval of Perimeter Community Improvement Design District (PCID).

Councilmember Dianne Fries stated she gave Council a map of what Mr. Hendricks displayed while discussing the area near the subject property. There was confusion on whether this area is live/work/regional or not. She asked staff for the policy for high density office. The policy states it must be over five stories, but does not state the maximum number of stories. Eighteen or twenty-six stories falls under the City's Comprehensive Land Use Plan. Under the current zoning there is 625,000 square feet allowed, but the applicant will only utilize 485,000 square feet. The square footage would not be increased.

Councilmember Gabriel Sterling stated while Councilmember Fries is correct regarding the policy, there is zoning in place that sets the height at eighteen stories. Otherwise, this use permit discussion would not be occurring. The eighteen stories was set at a 420,000 square foot site plan, which was adopted in 1987. Council is very limited with the rationale to give for denying this application. During the Planning Commission meeting one of the Commission members told Mount Vernon Plantation that they should have known better and foreseen an eighteen story building in this location. No one contemplated a use permit application that would raise the height of the building seventy-two extra feet and installing a sidewalk. The residents that live in the townhome community are in apartment zoning. This area is not a live/work/regional area and this was done in an attempt to protect the districts in this area. In 2000, American Invesco converted the apartments into townhomes that are an allowed use within the apartment zoning. During the Planning Commission meeting this was presented as a live/work/regional discussion and Mr. Heagy mentioned the project as a high density office. He listened to the entire recording of the meeting. There were two presentations on the pro side giving two different designations of the project. This may have led to some confusion, but he is not sure it would have changed the decision of the Planning Commission. On the old site plan there was to be a fully functioning intersection coming off of Mount Vernon Highway. That was before the median was placed at this location. This should be a policy question that needs to be discussed by staff and Council at a later date.

Substitute Motion and Second: Councilmember Sterling moved to deny Agenda Item No. 13-106, 201300689 - 1150 Mount Vernon Highway (700 Northpark), *Applicant: Hines Interests Limited Partnership*, to exceed the maximum zoning district height. Councilmember DeJulio seconded the motion.

Councilmember Tibby DeJulio stated for twenty-six years he has lived near a nine story building and a four story parking garage. He wished that the building would have been built fifteen or twenty stories high with no parking garage. His neighborhood would be better off with the higher building and not a separate parking garage. He has mixed feelings regarding this project, because of the separate parking garage. In 1987, live/work/regional was not discussed. However, he agrees with the neighborhood on this project.

Councilmember Karen Meinzen McEnerny stated on page two of the staff report is a matrix that discusses the density per square foot of the subject property at twenty-six acres. This project would be a 28.8% increase over the nearest high density office. The shopping center across the street is two stories. The density is 108,371 square feet per acre, versus a nearby building that is about 84,000 square feet. There needs to be compatible heights of buildings in the surrounding areas. There is no transit oriented development in the City's Comprehensive Land Use Plan. She does support maximizing the use of MARTA and the eighteen story building will do that. The neighborhood was in the community before the development. The eighteen story building will be a great project.

Councilmember John Paulson stated it seems there was confusion at the Planning Commission meeting. He asked how the Planning Commission decision affects Council's decision today.

City Attorney Wendell Willard stated the Planning Commission serves in an advisory role and their decision will not affect Council's decision today.

Councilmember Fries stated her point in letting Council know what the policy said about the office density is because it is relatively unlimited.

Councilmember Paulson stated this is difficult because the neighborhood is already near the office complex. This property will eventually be developed either way. The question is what the right development for this property is. The seventy-two feet is higher than what the neighbors want. There is the potential for this development to have 630,000 square feet of office space compared to what is being submitted at 480,000 square feet. The new buildings would account for 2/3 of the office space and 2/3 of the traffic that will occur. There is a tradeoff with the proposed additional height and the reduction in potential traffic that will impact the intersection. This building would complete the office complex area. The balance is between reduced parking versus a taller building compared to the current buildings nearby.

Councilmember Chip Collins stated he is sympathetic to the neighbor's plight. He would rather look at a blue sky than a building. A building will eventually be constructed in this location either way. The decision needs to be made on what is best for the City and the neighborhood. The applicant is proposing a 21st century building. The original plan is for an eighteen story, 1980's style building. He is calling this a twenty-three story building and not a twenty-six story building. Hines stated only 5 ½ stories will be added. The integrated parking garage is a better choice compared to the twelve story massive 1980's style parking garage. The proposed building is open orientated and open to retail and not the "John Portman" style self-contained building. The twenty-six story building is a better option that will attract better companies, which means more jobs. He does not believe the taller building will negatively affect the neighbor's residential property value. He will most likely vote in favor of the proposal.

Vote on the Substitute Motion: The vote was split 3-3 with Councilmembers Sterling, DeJulio, and Meinzen McEnerny voting in favor and Councilmembers Fries, Collins, and Paulson voting in opposition. The motion failed for lack of a majority.

Councilmember Collins stated the Planning Commission suggested buffers be explored between the parking garage and the neighborhood.

Councilmember Sterling stated he believes the Planning Commission discussed shielding regarding lights.

Manager of Planning and Zoning Dickerson stated both items were discussed. The screening was regarding the parking deck. There is already a buffer that is required and exists on the property between the street and the neighborhood.

Councilmember Fries stated on the side where she would like the sidewalk installed, Hines own that and the large buffer.

Manager of Planning and Zoning Dickerson stated the buffer is part of a condition from the 1987 zoning case.

Vote on the Original Motion: The vote was split 3-3 with Councilmembers Fries, Collins, and Paulson voting in favor and Councilmembers Sterling, DeJulio, and Meinzen McEnerny voting in opposition. The motion carried 4-3 with Mayor Galambos breaking the tie by voting in favor of the motion.

Ordinance No. 2013-06-09

Mayor Galambos stated the reason she is supporting the proposal is because the density is not higher, but instead is lower than what was originally proposed. It makes sense to place the garage underneath the building instead of next to it.

Grant

(Agenda Item No. 13-107)

7. Consideration of Approval of Application for Allocation under FY2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Assistant City Manager Eden Freeman stated this item is an application for an allocation under the FY2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The City is receiving the allocation as a result of the formula that was recently approved by Congress. However, because of the sequestration that was enacted, the City is slightly delayed in receiving the notice this year. Staff proposes to use the \$15,384 allocation to pay for part of the cost to purchase and install an x-ray machine at the Court entrance/Council chamber. The remaining portion of the cost will come from City funds. If this is approved, staff will begin implementing the project once the grant is awarded, which will be sometime in October 2013. A public hearing is required to be held in order to submit the application to demonstrate that it was reviewed by both City Council and the public.

Mayor Eva Galambos asked if the x-ray machine will be moveable.

Assistant City Manager Freeman responded yes.

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

Councilmember Karen Meinzen McEnerny stated it looks like the City will receive \$15,384 from the Federal government. She asked if the City has to provide matching funds.

Assistant City Manager Freeman stated there is no required match. However, the cost of the project exceeds the amount of Federal dollars that will be available. The City will be paying for that portion out of City funds. Staff anticipates that amount to be \$14,541. This item will be placed out for bid and purchased at the lowest, most competitive price. The total cost of the x-ray machine is \$29,925.87.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-107, an application for Allocation under the FY2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Councilmember Paulson seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 13-108)

1. Consideration of Approval of Purchase of Property located at 7475 Trowbridge Road from PLH Sandy Springs, LLC

City Attorney Wendell Willard stated this item is a request for approval for the City to purchase this property. The property has been used as a warehouse facility and will continue to be used in that manner by the City once the purchase is made. Currently, the City stores items at the Target property, which will be demolished later this year.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 13-108, the purchase of property located at 7475 Trowbridge Road from PLH Sandy Springs, LLC. Councilmember DeJulio seconded the motion.

Councilmember John Paulson stated there was construction occurring adjacent to the property. He asked if it will affect the purchase of the property.

City Attorney Willard stated the construction will not directly affect the purchase. Included on part of the property is a drainage facility. That pipe has deteriorated and will be replaced. There was a case in Superior Court that directly addresses the issue of the liability and the responsibility for the pipe. The pipe belongs to the collision property owners.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 13-109)

2. Consideration of Approval of Purchase of Property located at 6204 Roswell Road from HDK Properties, LLLP

City Attorney Wendell Willard stated this item is a request for approval to purchase the property commonly known as the "Color Tile" property, which is part of the "Target square". Staff has negotiated this purchase from the current owners. Staff is in the process of conducting its due diligence. The purchase price of this property is \$1.16 million.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 13-109, the purchase of property located at 6204 Roswell Road from HDK Properties, LLLP. Councilmember Sterling seconded the motion.

Mayor Eva Galambos stated this is the first piece of property the City has purchased since purchasing the Target property.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 13-110)

3. Consideration of Matrix Resources Incentive Request

Director of Economic Development Andrea Hall stated this is an incentive application from Matrix Resources, an IT staffing and professional services firm that is relocating to Sandy Springs. The capital investment being made in the tenant improvements at 1100 Abernathy for 40,000 square feet of build out is approximately \$1.5 million. This amount does not include additional furniture, fixtures, and

equipment. That number would total over \$2 million. The company is committing to an eight year lease at this location, in which they are relocating their headquarters to Sandy Springs. The move will include the relocation of 203 employees. Staff recommends approval of the incentive request and the authorization for the City Manager to execute the agreement with Matrix Resources. Representatives from Matrix Resources are in attendance this evening.

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 13-110, the Matrix Resources Incentive Request. Councilmember DeJulio seconded the motion.

Carlos Alvarez, Representative for Matrix Resources, stated Matrix Resources is an IT professional services company with thirteen offices nationwide. The business started in Dunwoody in 1983. The company is expected to be a \$2 million company this year. There are about 200 employees at the corporate headquarters and 1,200 throughout the nation.

Councilmember John Paulson asked Mr. Alvarez to please be sure that Sandy Springs is listed on the company's address.

Councilmember Chip Collins asked about the nature of the tenant improvements that will be made.

Councilmember Dianne Fries stated the improvements have already been made.

Mr. Alvarez stated the company took a floor and a half of the 400 building and removed the old furniture and fixtures and replaced it with new furniture, carpet, and paint.

Councilmember Gabriel Sterling asked if new IT infrastructure was added as well.

Mr. Alvarez responded yes.

Councilmember Karen Meinzen McEnerny stated she has major concerns. Her concerns are not related to Matrix Resources or the investment they made into the building. She will discuss the office leasing market in general. She spent twenty-five years as an asset manager in commercial office development. The accounting law changed about ten years ago which allows the amortization of tenant improvements over the term of the lease. Regular capital that is perceived as a building or anything that extends the useful life is over the useful life of the building. Councilmember Fries provided Council with an overview of what qualifies as capital improvement. It was her intention when she voted for the incentive program that capital would mean new investment in the City, capital that would be capitalized over a regular long term period. Tenant improvements are the staple of landlord/tenant lease negotiations. There is 3 million square feet of office space in Perimeter center. If our City begins granting incentives for valid firms to relocate between Dunwoody and Sandy Springs it may become an issue. If the amount is 40,000 square feet and the City gives a \$175,000 waiver, that amount is about \$4.00 a square foot. In some situations that amount could be 2/3 of a leasing commission. The incentive policy states, "note: capital investment must be in new construction, an addition to an existing facility or capital improvement". Tenant improvements (TI) in the industry are the cost of doing business while in a lease. The standard TI's are dependent upon the class of the building and can range from \$10 to \$100. The landlord knows that when the tenant moves out they might have to completely deconstruct that space. This request does not qualify for the City's incentive program. She asked how many prior incentive programs the City has approved with tenant improvements considered as capital.

Director of Economic Development Hall stated Council has approved four previous incentive applications. At least two of the requests, GT Software and Americold, were tenant improvements only. The other two requests were Graphic Packaging and Cox Enterprises that included tenant improvements as well as new construction.

City Attorney Wendell Willard stated this question is being addressed for the staff's benefit. There is no clear definition of capital improvement. Currently, the definition of capital improvement states property improvements that will either enhance property value or increase the useful life of the property. Staff has checked with the County Tax Assessor's office and the improvements do add to the enhancement of the value of the property. If Council prefers a different definition, staff will work on this. Matrix Resources qualifies for the incentive under the City's current policy for capital improvement.

City Manager John McDonough stated the Mayor contacted him about one month ago regarding the policy. In response to the inquiry, the policy was referred to the Economic Development Advisory Committee. The Committee is evaluating the policy. Staff will bring forward a recommendation from the Committee and staff on the issue related to policy at the July 16th City Council meeting.

Mayor Eva Galambos stated an increase in the tax digest is a capital improvement and the City will receive money back. She consulted with Mr. Fries, who is on the Board of Tax Assessors, and Bill Huff. The capital improvement will increase the tax digest. Tenant improvements will lead to an increase in the digest as well.

Councilmember Dianne Fries stated she provided the incentive policy to Council because not all of Council was in full agreement on the intent of the policy when it was passed. There are many areas of the policy that need to be re-evaluated and it needs to be done quickly. She will be in favor of this incentive request.

Councilmember Gabriel Sterling stated Council is discussing the same thing that was discussed one year ago when the language was added. The language is specific to a couple of the requests, so they would meet the criteria to receive the incentive. Council voted on this policy.

Councilmember Fries stated she and Councilmember Sterling interpret the policy differently.

Councilmember Sterling responded no. Council intentionally voted with this language to allow staff and Council to be able to vote upon the request. Council does not have to approve every incentive package that is received. Every business should be treated the same. This policy was adopted with a 5-1 vote.

Mayor Galambos stated Council never defined the term capital improvements.

Councilmember Collins stated Council defined capital improvements when other requests were voted on two times prior. If those improvements are similar to what Matrix Resources has submitted, for the sake consistency and fairness, Council should hold up a legal precedent and approve this item. If Council chooses, to clearly state that tenant improvements are not included, staff can later discuss what to change on the policy.

Councilmember Meinzen McEnery stated what drives value is the building occupancy and income. When a building is vacant and in original lease up, TI is part of the loan package. Staff needs to look at occupancy percentage when reviewing this policy. If the capital improvement increases the occupancy and at year end the occupancy has increased, that increases the value.

Councilmember Tibby DeJulio stated the current discussions should continue at a Work Session.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 13-111)

4. Motion to Authorize the Mayor to Sign the GDOT Agreement for the Off System Safety Project, (PI No. 0012692) for Safety Improvements along Spalding Drive

Director of Public Works Garrin Coleman stated this item is to accept a grant of approximately \$84,940 from the Georgia Department of Transportation (GDOT). The grant is for the purpose of installing signage, striping, and raised pavement markings along Spalding Drive. GDOT is using the City's application as a model example to all other jurisdictions that submit applications. He thanked staff for their efforts. He just received unofficial notice that the City will receive Phase II of the grant, which will be an additional \$60,000. Once the agreement is signed, the project will be bid out. The City will initially have to spend the money on the project and at a later time will be reimbursed from GDOT.

Motion and Vote: Councilmember Paulson moved to approved Agenda Item No. 13-111, to authorize the Mayor to Sign the GDOT Agreement for the Off System Safety Project, (PI No. 0012692) for Safety Improvements along Spalding Drive. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2013-06-36

(Agenda Item No. 13-112)

5. Approval of an Agreement between the City of Sandy Springs and Fulton County to Conduct the General Election on November 5, 2013, and Authorize the Mayor to Sign

City Attorney Wendell Willard stated this is the year for elections of the entire Council and Mayor. This contract is the same contract the City entered into with Fulton County four years ago. The contract is for the Fulton County Elections office to conduct the Municipal Elections this November. The contract includes a payment for the estimated amount. The general election estimated cost is \$187,646.84. In case there is a runoff election, that will require a deposit of \$100,684.97.

Mayor Eva Galambos asked how the cost of this election compares to the cost four years ago.

City Attorney Willard stated this cost is slightly less than four years ago. Fulton County requires this payment of estimated cost to be made with the execution of the contract. The City can ask for supporting data and documentation to prove what the County claims as an actual cost amount.

City Manager John McDonough stated the City is looking to utilize volunteers as poll workers this election.

Councilmember Dianne Fries asked if Fulton County requires the full amount up front when the contract is executed.

City Attorney Willard responded yes.

City Manager McDonough stated as for any money due back to the City, the City typically receives the money back from Fulton County in about six months.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 13-112, an Agreement between the City of Sandy Springs and Fulton County to Conduct the Municipal General Election on November 5, 2013, a runoff election if needed, and to authorize the Mayor to sign the agreement. Councilmember Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-113)

6. Resolution to authorize the use of eminent domain to acquire property located at 6224 Roswell Road, N.E., Sandy Springs, Georgia, Parcel ID: 17-0089-0004-027-7 ("Property") for public use

City Attorney Wendell Willard stated this item is a request asking Council for adoption of a resolution addressing the potential condemnation of a parcel involved in the City Center. This is the property at the

northeast corner intersection of Johnson Ferry and Roswell Road, known as Makara's. The property owners have recently employed an attorney. City Attorney Willard has had conversations with their attorney and he is aware the City is moving forward with the submission of this resolution. Staff hopes to continue discussions with the attorney and property owner even after this resolution is approved by Council.

Mayor Eva Galambos called for public comments in support of this agenda item. There were no public comments.

Mayor Galambos called for public comments in opposition to this agenda item.

Trisha Thompson, 145 River North Drive, stated eminent domain is a fairly serious act and the City should not enter into it lightly. She requested additional information for those in attendance.

Mayor Galambos closed the public hearing.

Mayor Galambos stated Council adopted a City Center Master plan for downtown Sandy Springs. The plan includes a municipal complex. The complex will front onto Roswell Road and occupy some of the land where this piece of property is located. The City has made every effort, and continues to make every effort, to negotiate with each of the property owners. The property owner obtains an appraisal and the City obtains its own appraisal. The owner of one of the properties who was adamant about not being cooperative is now considering selling. The City wants to be fair in the process. She hopes that all transactions will be negotiated. The Council and community have decided to build a downtown and steps have to be taken in order to move forward.

Councilmember Gabriel Sterling asked if this item is eminent domain, or the beginning of a process for eminent domain.

City Attorney Willard stated this process is having Council give the direction for City staff to be able to file an action for condemnation under the special master proceeding. City staff has attempted on several occasions to make contact and seek information from the property owners to enter into discussions of the acquisition of property. The property has been appraised and an update has been completed of that appraisal. The appraised value did increase. The City has complied with the law in making offers to the property owner of the appraised amount. The property owner does have an attorney who specializes in condemnation work. There may be a chance to resolve this issue. The intent is to have the buildings on the entire square demolished by the first of 2014. To go through condemnation and the master hearing process may take up to six months.

Councilmember Sterling asked if this process is being started for the public purpose of a municipal center for this particular parcel.

City Attorney Willard responded yes.

Councilmember Dianne Fries stated the City is still trying to negotiate with the property owners and will continue to try all the way through the process.

Motion and Vote: Councilmember Paulson moved to approve Agenda Item No. 13-113, to adopt a resolution to authorize the use of eminent domain to acquire property located at 6224 Roswell Road, N.E., Sandy Springs, Georgia, Parcel ID: 17-0089-0004-027-7 ("Property") for public use. Councilmember Fries seconded the motion. The motion carried 5-1, with Councilmember Sterling voting in opposition.

Resolution No. 2013-06-37

(Agenda Item No. 13-114)

7. Fulton County Animal Control Intergovernmental Agreement

City Manager John McDonough stated this is the annual agreement with Fulton County for animal control services. This contract is similar to the previous contracts, but there is a change. The County is in the process of improving its facility and fleet. The cost for this agreement has ranged from \$60,000 to \$69,000 over the past four years. Due to the improvements, the City will see a cost increase of approximately \$23,000 over the FY13 amount. The proposed amount for the FY14 is \$87,091. Staff recommends authorizing the City Manager enter into the agreement on behalf of the City.

Mayor Eva Galambos asked what the percentage increase will be.

City Manager McDonough responded a 30% increase.

Councilmember Dianne Fries asked how many service calls Fulton County receives per year for Sandy Springs.

City Manager McDonough stated the number of responses per year is 712 for animal control. The percent response is 2.62% and the amount based on a \$3.3 million budget would be \$87,000 for Sandy Springs. The City of Roswell and Union City have more calls than Sandy Springs. The City of East Point has 2,109 calls. The City of Atlanta has almost 16,000 and their total cost is \$1.95 million. After reviewing the contract and considering the upgrade to the facility and fleet, the cost seems reasonable. It is staff's recommendation to approve this contract.

Motion and Second: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 13-114, the Fulton County Animal Control Intergovernmental Agreement, for another year. Councilmember Sterling seconded the motion.

Councilmember Karen Meinzen McEnerny stated she would like animal control and the care for animals in the community to be more geographically convenient for the residents. If one loses a dog or wishes to adopt a dog or cat, the resident has to drive all the way down to the old facility in the City of Atlanta. She had a case in her district about four years ago where two English Spaniels were lost. The owner did not reclaim her pets within the three day time limit and her dogs were euthanized. The Atlanta Humane Society just opened a first class facility in Alpharetta. She asked that staff over the next year and prior to the next renewal of the agreement with Fulton County research having the City's animal control services handled by the Atlanta Humane Society.

Mayor Galambos stated she will bring this discussion up at the next North Fulton Mayors meeting since they may have an interest in this.

Councilmember Fries agreed that the City should research another option for animal control services. The location of the Fulton County Animal Services where an individual can adopt a pet is on Howell Mill Road.

Councilmember Chip Collins stated Fulton County Animal Services does not compare to the Atlanta Humane Society. He suggested alternatives be discussed for next year for animal control services.

Vote on the Motion: The motion carried unanimously.

REPORTS

1. Mayor and Council Reports

2. Staff Reports
 - a) Update on Lake Forrest Drive

Director of Public Works Garrin Coleman referenced the Lake Forrest Drive Update and slide 2. The photographs show additional rock slides and what the location looks like in the daytime. There is degraded soil and vegetation on the bank. Slide 3 shows the profile based on the two foot contours for aerial photography and GIS data. The brown area shows the road profile and the gray area shows the rock over the steep cliff. Forty-two feet is the highest elevation in the center. The cliff drops off to the north and south end from that area. The highest point is around 600 feet. The City actions to date include 13 work orders since 2009 for clean-up with 8 of the 13 are from this year alone. May 24, 2013 – United Consulting NTP for technical review of slope; May 29, 2013 – Jersey barrier installed at location of chronic failure; June 5, 2013 – Mud slide causing road closure; June 7, 2013 – Additional trees removed from top and face of slope; June 14, 2013 – Preliminary report received from United Consulting. There are two stabilization options. One would be to lay the slope back at a 1 ½ - 1 ratio, which would be one 1 ½ feet horizontal for one foot in elevation rise; or at a 2-1 ratio, two foot horizontal with a one foot rise. Today the ratio is 1:1. The right-of-way is very limited. There are houses on top of the tallest bank that is currently being studied.

Councilmember Dianne Fries asked what the distance is from the cliff to a home.

Director of Public Works Coleman responded about 90 to 100 feet. The right-of-way is about 80 feet from a nearby pool.

Councilmember Karen Meinzen McEnerny asked for an explanation of where the right-of-way is and where the eighty feet is located.

Director of Public Works Coleman stated the yellow on the map shows two foot contours. There is one pool at the end of the cul-de-sac on Lake Summit Road.

Councilmember Meinzen McEnerny asked if anyone on Quarry Lake is close to the cliff.

Director of Public Works Coleman stated Corey Lake has a steep location, but not as steep as the cliff being referenced.

Councilmember Fries stated there is a steep location before one would get to Mount Paran Road. She asked if it is being analyzed as well.

Director of Public Works Coleman stated staff is not looking at that area yet. The majority of the calls are for the location on Lake Forrest Drive. Slide 6 states, "Based on the field observations and other evidence, it appears that the existing steep slope sections will not be able to sustain its integrity and stability under current conditions in the long term."

Henry Esterly, Senior Geologist, stated his company assigned him to complete the slope analysis. The slope is steep and highly vegetated. The rock is foliated, jointed, and slowly coming down. In some places rock is coming down faster. A foliation plane is a plane left behind after the rock was crushed by pressure. That subsequently creates joint planes. Joints are similar to fractures in that there are parallel cracks in the rock. Portions of the sheer cut are where the rock has weathered away to soil. When looking at this cliff, one may think they are looking at rock. When looking up close and touching the cliff, it peels apart like it is soil. Most erosion in the southeast takes place chemically and that's what happened in this case. There is no way to tell how far back the soil goes into the cliff. He cannot predict if what is there now will remain there. The cliff will continue to deteriorate.

Santanu Sinharoy, P.E., Senior Vice President/Senior Geotechnical Engineer, stated the existing slope is not 1:1, but may be .25:1 or .5: 1. That means what used to be rock has been weathered and has now turned to soil and deteriorated the face of the cliff. Typically, rock transitions into partially weathered rock. In this situation, this section is more soil. This means that the partially weathered rock/soil will give way. If something is not corrected at this location, there is a high potential for different areas of the slope to come down on the road.

Councilmember Gabriel Sterling stated even if the cliff angle is decreased, the cliff will continue to deteriorate.

Mr. Sinharoy stated a slope of 2:1 would be the safest option.

Councilmember John Paulson stated the property lines are right behind the cliff. There is no room for the City to go on the right-of-way to cut the cliff. The City will need to do something that requires going onto the resident's property, whether it is temporarily or permanent. He noticed the slope has not been maintained and overhangs in many areas. He does not know how much of the mass has turned to soil. The face of the slope could be treated and cut back by maintaining it. As this slope is investigated, it should be considered if this can be done using an incremental approach.

Mr. Sinharoy stated the cliff has been here for about 100 years and has been weathered very well.

Mr. Esterly stated on the east side of the cliff there are a couple of areas with substantially competent rock. He has concerns of that area being heavily jointed and foliated. Those areas may be more stable than some of the others. It was mentioned the road was installed 70-80 years ago. There is no evidence the rock has been blasted. There is indication the rock was removed mechanically. On the other side of the road there are utility poles and those poles need 20% to 25% of their height underground.

Councilmember Tibby DeJulio asked if because the road was so soft, it was dug out instead of being blasted.

Mr. Esterly stated that is what it looks like.

Mayor Eva Galambos asked when the consultant will know more.

Director of Public Works Coleman stated the scope should be in his inbox. Staff is working on getting an extended PO in order for the contractor to complete the additional borings. Staff wants to implement the revised traffic control plan. This can be done by opening the southbound lane of Lake Forrest Drive using barrier walls placed down the center of the road and by routing the northbound traffic through Mt. Paran to a signalized intersection. The changes leading both north and southbound traffic to signalized intersections are deemed the safest alternative. Staff will proceed with a detailed analysis from United Consulting.

Councilmember Fries stated the southbound lane of Lake Forrest Drive will be open. She asked what is in place to make sure people do not drive around the barricades.

Director of Public Works Coleman stated hopefully this can be prevented by using signage. The Communications Department can relay the message to the public. Staff may request a police presence for this area occasionally, to ensure barricades are in place. Staff will proceed with the procurement of a design consultant and then move on to construction.

Councilmember DeJulio asked if this project will be a long term process.

Director of Public Works Coleman stated he rented barricades for three to six months.

Councilmember Meinzen McEnerny stated there is the inconvenience of the road being closed and the danger of the roadway. There are issues regarding the detours that go through neighborhood streets Stewart Drive and Maryanna. She would like to hear about the recommendations of how to detour traffic.

Director of Public Works Coleman referred to a detour map. What is shown on the left side of the map is I-285, which is the north direction. If travelling north on Lake Forrest Drive, the detour route would be Mount Paran Road to Roswell Road. This would take the driver to a signalized intersection and then continue going north on Roswell Road.

Councilmember Meinzen McEnerny asked if staff will be able to put signs at Maryanna and Roswell Road and Stewart at Roswell Road to say "no through street".

Director of Public Works Coleman stated staff is not planning on placing signs at those locations. If a driver does get past the detour sign, they would be able to turn right on Maryanna and go eastbound.

Councilmember Meinzen McEnerny stated from Mount Paran getting onto Roswell Road and going north the drivers are used to getting onto Stewart Drive or Maryanna.

Director of Public Works Coleman stated staff can look at doing "road closed to through traffic" signs at Mount Paran. The barricades will be staggered and on the shoulder.

b) Update on timeline and public input for Windsor Parkway Improvement Project

City Manager John McDonough stated there has been public and Council interest in the potential redevelopment of the apartment complexes known as the JLB rezoning. There will be impacts on the transportation infrastructure as it relates to Windsor Parkway. Drafts have been provided a couple months ago. Staff has met with some of the impacted neighbors. This updated information will be posted on the City website with staff recommendations. A public hearing and formal presentation will be held at the July City Council meeting. This is all predicated on the approval of the rezoning for that particular project.

Director of Public Works Garrin Coleman stated these plans are conceptual, but cost and right-of-way estimates have been generated. This presentation includes the project background, accident summary, operations summary both existing and proposed, and the three options developed along with the pros and cons, and planning level cost comparison. Staff received initial comments on the notice of decision from the Georgia Regional Transportation Authority (GRTA). They are tasked with doing an analysis and generating comments on any developments of regional impact. This process is open to the public where public input sessions are held, as well as seeking input from regional planning groups like ARC, GDOT, and adjacent communities. The proposal is a full signalized intersection at Hedden Street for this project. The skew angle operating at a split phase at Windsor Parkway and Roswell Road did not lend itself to being a favorable improvement for the neighborhoods. At that point, he asked staff what options the City has and if Windsor Parkway should be improved. The Windsor Parkway intersection project has been identified in the following publicly vetted documents: Roswell Road Corridor LCI (2008), Transportation Master Plan (2008), and 2027 Comprehensive Plan (2007). The notice of decision and the findings in the report of the DRI process are binding on the communities. Once the notice of decision has been rendered, the communities are held liable for doing improvements and/or possibly receiving input from developers.

City Manager McDonough stated when this information is posted on the City website the backup documents related to the decisions for each of these steps will be included as well.

Director of Public Works Coleman stated at this location there have been 103 reported accidents since January 2009. Forty-seven of the accidents have been head on, angle, or opposite side swipe accidents. The forty-seven accidents are known to potentially cause serious injury that can be fixed with geometric corrections to an intersection. These accidents are common at skewed intersections, ones that are not at ninety degrees. The current level of service at the intersection operates at an E or F. This is due to the skew angle being a 57 degree angle when 90 degrees is preferable. Split-phase is also an issue. There currently are two driveways that do not line up across from each other and only two turn lanes. One is a left thru turn lane going southbound and the other is a dedicated right turn lane at the existing intersection. The separation and queuing are not desirable. Currently, there is a spacing of 700 feet between Windsor Parkway and West Wieuca Road. GDOT prefers this criteria to be at least 1,000 feet. The reason for this distance is so there will be suitable time for weaving and lane transitions. Due to the volume of left turns, this area is on the threshold of needing dual left turn lanes.

Councilmember Tibby DeJulio asked how it is determined that dual left turn lanes are needed.

Director of Transportation /Traffic Brad Edwards stated the threshold is 300 left turns an hour. Anything more than that would require more than one lane. There is little variation depending on how much green time is allowed for each phase.

Councilmember DeJulio asked what the volume of left turns is currently.

Director of Transportation /Traffic Edwards responded 297.

Councilmember DeJulio asked if there is a way to estimate how many people are cutting through on Jolyn Place and Meadowbrook Drive.

Director of Transportation /Traffic Edwards responded yes. A study was done by the developer and it showed that 21 to 22 vehicles were making the cut through movement.

Councilmember Karen Meinzen McEnerny stated it sounds like there needs to be dual left turns at this location in addition to the thru and right turn. Currently, there is one thru lane, one right, and one left turn lane.

Director of Transportation /Traffic Edwards stated there are currently one thru/left lane and a right lane. This proposal is for dual left turn lanes and a straight or a straight/right lane.

Councilmember Meinzen McEnerny stated either three or four lanes are needed.

Director of Public Works Coleman stated all three options would take the intersection to a 90 degree angle. With that configuration, the split-phasing would be able to be removed and will free up twenty-five seconds of green time to be applied to the thru movements. This design will not reduce traffic volumes. Option #1A shows a five lane configuration. This would be a dedicated right turn lane, a dedicated thru lane, and two left turn lanes. During the discussion with the neighborhoods staff showed a left turn pocket on Jolyn Place. The neighborhood asked staff to remove that turn and that was able to be eliminated from the option. This would cause the excavation area to be fifty feet from the nearest townhomes. The intersection was then moved down fifteen feet to where the initial concept had it.

Councilmember John Paulson stated this option will cause a permanent loss to the property owners to be minimized.

Director of Public Works Coleman stated Option #1A would be the maximum footprint out of all three improvements.

Councilmember Meinzen McEnerny asked for a discussion on the taking of the physical buildings.

Director of Public Works Coleman stated for Option #1A there would need to be the taking of a church. That building would be demolished.

Councilmember Fries asked what the distance would be from the finished street curb to the townhomes.

Director of Public Works Coleman stated the distance would be another eight to ten feet to the sidewalk plus another six feet from there.

Councilmember Meinzen McEnerny stated the City will have to do a total taking of the 1932 church, plus one of the trees.

Councilmember Gabriel Sterling stated it would not be a taking, because the owner is willing to sell the property.

Councilmember Meinzen McEnerny stated the City will be purchasing land that has an old historic building on it. She asked if the northbound tree will be saved. It is a forty-eight inch red oak tree.

Director of Public Works Coleman stated the intent is to save the tree. A pro for Option #1A is it allows the greatest level of service, because it provides a dual left turn, and dedicated through and right turn lanes. This option provide a fifty foot buffer from Windsor Parkway and increased queuing length. Cons of this plan include the impact to the buffer/backyard to adjacent townhomes, the largest footprint (five lanes), and the seconded highest projected construction cost.

Councilmember Meinzen McEnerny stated she would add another con, because this option does not give a good sense of arrival to the City as a gateway, seeing a Popeye's when entering the City.

Councilmember Fries stated with any option Popeye's will stay in its current location. She had staff look at a Google Earth Map that shows the traffic light from Wieuca to West Wieuca versus Wieuca to the new intersection. The area from the new intersection is three times longer than what it is to Wieuca.

Director of Public Works Coleman stated Option #1B is the same center line location as #1A, but the right turn lane has been removed. Staff feels this is a good option for the short term. For the long term, a right turn lane can potentially be added.

Mayor Galambos asked if this is a better option for the townhomes.

Director of Public Works Coleman responded no. This option would be a benefit to the auction site property and will lessen the impact to the existing trees. This is the least expensive improvement of the three.

Councilmember Fries asked how many right turns are currently made from Windsor Parkway going north on Roswell.

Director of Public Works Coleman stated staff does not have that number, but can get this to Council. The pros for Option #1B include reducing total lanes at the intersection to four, which promotes pedestrian activity in the area. This option provides a fifty foot buffer from Windsor Parkway, and

reduces impact to the auction site due to the deletion of the dedicated right turn lane. This option has the lowest projected construction cost of all three alternatives. The cons include the impact to the buffer/backyard to adjacent townhomes and a potentially reduced level of service for the overall intersection due to the deletion of the right turn lane onto Roswell Road. For Option #2, it still has the left turn pocket. Staff would look at minimizing that impact. This option includes dual left turn lanes and a straight thru/right turn lane.

Councilmember Meinzen McEnerny stated if the pocket is saved, that area could be made into greenspace.

Director of Public Works Coleman stated that parcel will potentially become a non-useable remnant. Staff would have to check the zoning setback first.

Councilmember Meinzen McEnerny stated this area can also be used as a major gateway with greenspace and a wonderful sign that states "Welcome to Sandy Springs". The wonderful culture of the church should be preserved.

Director of Public Works Coleman stated a majority of the property would be approximately 200 feet off Roswell Road with a funeral home.

Councilmember Meinzen McEnerny stated the building is a funeral home in an existing old church. This could be a wonderful thing as part of the City gateway. She asked about the cons for the intersection separation.

Director of Public Works Coleman stated this option would be over the 1,000 feet, but still reducing 200 feet of queuing. Pros for this option include it will not impact the auction site, and construction cost is similar to Option #1B. The right-of-way estimates will be significantly higher versus the most expensive alternative, due to the possible purchase of an active business.

Councilmember Meinzen McEnerny asked if the auction is an active business, too.

Councilmember Fries responded no. It is a willing seller.

Director of Public Works Coleman stated the church is not an active business.

Councilmember Meinzen McEnerny asked if staff has approached Popeye's regarding selling the businesses. She heard they may be willing to negotiate.

Director of Public Works Coleman stated from his understanding the consultant has.

City Attorney Wendell Willard stated Popeye's does not own the property.

Councilmember Meinzen McEnerny stated the issue is between demolishing a Popeye's restaurant versus a 1932 Baptist church. Despite the building being used for storage, the structure has its integrity and is culturally significant to the community. The Popeye's option does have the minimum required 1,000 foot separation from the closest intersection.

Councilmember Sterling stated with obtaining Popeye's, the City would more than likely have to go through the eminent domain process.

Director of Public Works Coleman stated Option #1A will cost approximately \$4.4 million, Option #1B is at \$3.7 million, and Option #2 would cost \$5.7 million.

Councilmember Fries stated whether the restaurant is a willing seller or not, the cost would be close to \$2 million more.

Director of Public Works Coleman stated he is very limited on his knowledge of acquiring actively occupied businesses.

Councilmember Sterling asked if the cost estimates are based on appraisals that staff has received.

Director of Public Works Coleman responded no.

Councilmember Fries asked if the City purchased Popeye's, would the City be responsible for finding them another location.

City Attorney Willard stated this process would be what is called damage to the business. The City would have to pay the restaurant whatever damage is done to the business.

c) Update on Storm Cleanup

City Manager John McDonough stated this is an update regarding the storm that occurred last week. The tornado siren warning was issued at 8:00 p.m. on June 13th and the Emergency Operations Center (EOC) was opened at ChatComm. By 10:00 a.m. on Friday morning there were more than 200 storm related calls. There were approximately 125 trees down calls, 75 calls involving down power lines, and 25 calls involving structure damage. The initial tally of roads closed was 47 in the City. The Police, Fire, and Public Works Department worked together throughout the night along with Communications to provide information to the public and media. He referenced a photograph on the slideshow of one of the seven logistics boards that were located in the EOC. The priority considerations were similar to the winter storm a few years ago. The top priority is Roswell Road as it is a main artery within the City. The next priority would be arterial and collector streets, neighborhoods with totally blocked access, and healthcare facilities. Friday morning the EOC was moved to City Hall and involved the entire senior management team. A liaison team was arranged with Georgia Power. He had an opportunity to walk the community on Friday with Police Chief DeSimone, Director of Public Safety Sult, Director of Public Works Coleman, and Assistant City Manager Poole to view the damage in the City. From Trowbridge Road to Spalding Drive there was significant damage that included power lines down. There was a gentleman who came out to report that his wife could not get out of the house, due to a medical condition. Staff made a determination to do a health and welfare check on that household. The welfare check was expanded to residents that had no route to leave their neighborhoods. Fire Chief McElfish and his staff knocked on doors to check on residents.

Councilmember Gabriel Sterling stated a majority of the welfare checks were in his district. The citizens were very happy that the firefighters did welfare checks on their homes.

Councilmember Tibby DeJulio asked if the City maintains a list of residents that are disabled or handicapped so the City can check on them during events such as this.

City Manager McDonough responded yes. Staff received a note from a gentleman that is on a Georgia Power list, because he has to have continuous power in his home for health purposes. When he called he was directed to the City. The City then directed him to call Georgia Power. Staff will sort through this issue. At ChatComm there is a system where residents can go on a website to sign up stating that they

have medical needs. When they call 911 with a landline phone or a cell, it will then automatically come up on the call takers screen that the resident has special needs. He encourages people to sign up for this service called Smart 911. On Friday evening there were seven trouble areas that remained with trees and power lines down. By early afternoon Sunday all roads were reopened and power was restored. The challenge with the initial response from Georgia Power is they do not have 100 trucks waiting for an emergency and it takes them time to get organized. Georgia Power was not just responding to Sandy Springs, but all over the metro Atlanta area with a limited amount of resources. Around 9:20 p.m. Thursday, City Hall experienced a power failure and the backup generator only worked for about 1 ½ hours. The City website and email was down. This put the City in a situation where the City had to communicate via telephone or social media. Residents see down trees and wonder why a tree removal service does not remove the tree immediately. The reason is because the City has a prioritization process that has to be followed. Many of the trees are on energized power lines and the crew cannot remove the trees until the power company turns off the power. The social media sites were helpful. The City's Facebook page added 233 "likes" over 48 hours, reaching approximately 24,000 unique viewers. The City's Twitter page gathered 104 new followers. When one form of communication does not work, people will use another form of communication. While the City wants to respond as quickly as possible, the City is subject to Georgia Power cutting the power to downed lines. For any future inclement weather situations, residents should be prepared to go 36 to 48 hours before the power is restored. Residents should have an emergency supply of water, food, and other supplies.

Mayor Eva Galambos stated this is the first time she heard the sirens.

Councilmember DeJulio asked if there were any complaints about the sirens.

City Manager McDonough stated there were no complaints received regarding the sirens.

Councilmember John Paulson asked if there were any storm related injuries.

City Manager McDonough stated there were no fatalities and no reported injuries to staff's knowledge.

Mayor Galambos asked if this was the first time all the sirens were working.

City Manager McDonough responded no, they have been used in the past.

Councilmember Paulson stated one of his constituents stated he did not hear the sirens while inside his home.

City Manager McDonough stated the sirens are designed to be heard by people who are outdoors. There is another siren to be installed in District 3 near Dalrymple Road. He thanked senior staff, Public Works, Fire, Police, and the Communications Department for their assistance.

PUBLIC COMMENT

Andy Bauman, 775 Lake Summit Drive, stated he lives in the Lake Forrest subdivision that adjoins the Lake Forrest Drive issue. He thanked everyone who worked so hard during the storm, especially the communications efforts. He received several calls with issues during the storm. He used his Farmers Market email list and Facebook page to link people to the City's Facebook and Twitter page for updates. His neighborhood is happy to see the changes to the detour plans, even though it will be a long process. The residents will be inconvenienced, but this which will be tolerable. His concern is safety. There are two difficult left hand turns onto Roswell Road from Maryanna and Stewart. The signs to reduce your speed have had helpful benefits in the community. He hopes these signs are used on Maryanna and

Stewart. When the plans are reviewed for Lake Forrest Drive, he hopes a section of sidewalk can be installed to connect to Burdette.

Jane Kelley, 4590 Windsor Park Place, stated she wants to address the relocation of Windsor Parkway. The neighbors are concerned about increased traffic cut through due to the development. Her neighborhood supports the relocation that affects the homeowners the least. The neighborhood would prefer four lanes instead of five. She heard from a neighbor that works in commercial real estate that Popeye's may be willing to sell their property. She asked that staff discuss this with the property owner.

Jennifer Rangel, 292 Windsor Parkway, stated her main concern regarding the Windsor Parkway project is the potential traffic. The development will create more traffic, because of its density. She is concerned the density will put the residents at risk. There are currently high water levels in the neighborhood backyards that has increased over the years. She thanked staff for meeting with the neighborhood regarding their issues and hopes to continue working with them. Questions need to be asked regarding the traffic analysis. Eminent domain was mentioned and this would potentially be on her property and six other properties. She agrees with Councilmember Meinzen McEnerny regarding the culture of the church.

Zack Wilson, 510 Winfield Glen Court, stated he is the President of the High Point Civic Association. The High Point Civic Association's position regarding the JLB Partners development is on the website at HighPointCivic.com. The position has also been filed with City staff at a conflict resolution meeting. The Association would like to see the gateway project implemented so it improves the quality of life for Sandy Springs. In a meeting with the developers in May an agreement was made in good faith to resolve current issues within the project. However, the Association has not been notified of any compromises or attempts to compromise on the current proposal. The options for the relocation of the Windsor Parkway were quite enlightening. If the approximate costs are known, then there must be an estimate of the absolute costs. The only numbers he has seen are the availability of funds. Some of these funds are already budgeted for other important City projects. An example is the Glenridge/Roswell Road intersection. The neighborhood would like to see the funds allocated for the Glenridge intersection reallocated to the Windsor Parkway intersection. The inconvenience and possible reduction in property value for current residents along Windsor Parkway is a major concern.

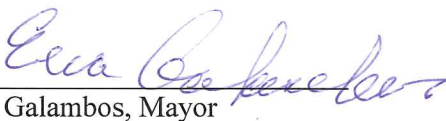
EXECUTIVE SESSION – Litigation and Real Estate

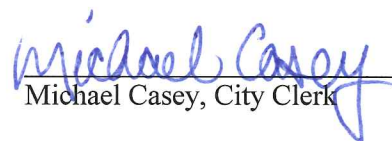
There was no Executive Session.

ADJOURNMENT

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember DeJulio seconded the motion. The motion carried unanimously. The meeting adjourned at 9:16 p.m.

Date Approved: August 6, 2013


Eva Galambos, Mayor


Michael Casey, City Clerk