**Regular Meeting of the Sandy Springs City Council was held on Tuesday, May 17, 2016, at 6:00 p.m., Mayor Rusty Paul presiding.**

## INVOCATION

Dr. Joe B. Martin, Mount Vernon Presbyterian 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 Gabriel Sterling, Council Member Tibby DeJulio, and Council Member Andy Bauman were present. Council District 3 Seat is vacant.

## PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance.

## APPROVAL OF MEETING AGENDA

1. **16-166** Add or remove items from agenda

**Motion and Vote:** Council Member DeJulio moved to approve the Meeting Agenda for May 17, 2016. Council Member Sterling seconded the motion. The motion carried unanimously.

## CONSENT AGENDA

2. **16-167** Meeting Minutes
   1. March 29, 2016 Special Called Meeting
   2. May 3, 2016 Regular Meeting
   3. May 3, 2016 Work Session

   *(Michael Casey, City Clerk)*

**Motion and Vote:** Council Member Sterling moved to approve the Consent Agenda for May 17, 2016. Council Member Dishman seconded the motion. The motion carried unanimously.

## PRESENTATIONS

There were no presentations.

## PUBLIC HEARINGS

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

### Alcoholic Beverage License

3. **16-168** Approval of Alcoholic Beverage License Application for Chipotle Mexican Grill of Colorado, LLC DBA Chipotle Mexican Grill #2471 at 4600 Roswell Road. Bldg B Suite 110, Sandy Springs, GA 30342. Applicant is Dominique Horton for Consumption on Premises Malt Beverage and Distilled Spirits

**Finance Director Karen Ellis** stated this is a new alcohol application for retail package and consumption on the premises for distilled spirits and malt beverages for Chipotle Mexican Grill. 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 Bauman moved to approve Agenda Item No. 16-168, Alcoholic Beverage License Application for Chipotle Mexican Grill of Colorado, LLC DBA Chipotle Mexican Grill #2471 at 4600 Roswell Road. Bldg B Suite 110, Sandy Springs, GA 30342. Applicant is Dominique Horton for Consumption on Premises Malt Beverage and Distilled Spirits. Council Member DeJulio seconded the motion. The motion carried unanimously.

### Rezoning

4. **16-169** **RZ16-0086; U16-0017; U16-0018** – 6025 & 6029 Glenridge Drive, To rezone the property located at 6025 and 6029 Glenridge Drive from R-2 (Single Family Dwelling District) to A-L (Apartment Limited Dwelling District) for the development of a 201-unit senior housing community, with two use permits

**Planning & Zoning Manager Ginger Sottile** stated this application is for a rezoning for Parc Communities and the representative is Attorney Chip Collins. The subject parcel is located at 6025 and 6029 Glenridge Drive and is presently the site of the Lutheran Church. This application seeks to rezone this 5.6 acre parcel from R-2 to A-L, for the development of a 201 unit, age restricted senior housing community. It will include 2 use permits: one for the building height by which the applicant is seeking 75 feet, where 60 feet is permitted (40 feet permitted in R-2); and the second to allow senior housing. There are also 4 concurrent variance requests; a reduction in the required parking; a reduction in the minimum unit size; a reduction of the landscape strip; and a reduction of the required rear yard buffer. The property is located within the suburban overlay district and the protected neighborhood character area, and is designated as R3-5 on the Future Land Use Map. The Comprehensive Plan notes that the city should anticipate and provide for an increasing senior population that does not focus exclusively on detached dwellings. However, attached housing for seniors is encouraged to be included in mixed use developments and in areas designated as appropriate for live-work. The property is located immediately adjacent to live work areas to the east, and could serve as a transition between the single family homes to the west and the live work area to the east. Transitions to existing neighborhoods should be incorporated through reductions in height, less intense uses, the use of compatible architecture and traditional materials and incorporation of open and green spaces. This proposal is inconsistent with the Comprehensive Plan in many respects, and does not provide a sensitive enough land use transition. Originally, staff recommended denial of the rezoning and at the April 21st meeting of the Planning Commission the Commission recommended denial of the petition. However, the applicant has asked for a deferral to amend their plans, and staff would support the deferral request.

**Chip Collins, representative of the applicant,** stated he is representing Parc Communities in this rezoning application for senior housing to be located at the corner of Glenridge and Hammond Drive. He requests that Council defer this application to the July 19th City Council meeting and refer the case back to the June 16th Planning Commission meeting. The concern of staff, neighbors, and the Commission is the height and mass of the proposed development. The purpose of the deferral is to allow the applicant to complete the soil and grading studies to confirm the grade can be lowered. This will allow the applicant time to work with the neighbors to redesign the project to lower the height and the overall density. This is a solvable issue and the applicant hopes to come up with a project that the neighbors can live with.

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

**Mary Sanford, 685 Glenridge Drive,** stated she is a contiguous property owner with the Apostles Lutheran Church and the house that is zoned R-2 is owned by the church. She opposes this rezoning for reasons she stated in her letter included in the agenda package. If the zoning request is withdrawn or deferred, she asked that this developer or any other be required to restart the entire zoning process again. She asked that any future rezoning request for higher density that abuts a single family neighborhood be limited to two stories in height and with a 100 foot setback for any structure. She asked that the topography of the property be considered. For those that come into the neighborhood, you can see this building is atop a mountain overlooking her neighborhood. She asked that Council deny the rezoning.

**Steve Berson, 715 Glenridge Drive,** stated he does not have much else to add. There are about four issues that have been discussed since the beginning which are height, setback, density, and screening of sight and sound. He looks forward to continuing the dialogue with the applicant.

Mayor Paul closed the public hearing.

**Motion and Second:** Council Member DeJulio moved to defer Agenda Item No. 16-169, RZ16-0086; U16-0017; U16-0018 – 6025 & 6029 Glenridge Drive, to rezone the property located at 6025 and 6029 Glenridge Drive from R-2 (Single Family Dwelling District) to A-L (Apartment Limited Dwelling District) for the development of a 201-unit senior housing community, with two use permits, to the July 19th City Council meeting and refer it back to the June 16th Planning Commission meeting. Council Member Dishman seconded the motion.

**Council Member Tibby DeJulio** stated after looking at this property, the proposed use is very intensive. The reason to refer this item to the Planning Commission is because the prospective owner should have an opportunity to meet with the neighborhood to see if they can come up with some sort of compromise. The neighbors have the right to be heard to see if something can be worked out. The church is having financial difficulties and something will eventually happen with this property. He wants the applicant to work this out with the neighbors. The neighborhood needs to be protected. This is a very nice neighborhood.

**Vote on the Motion:** The motion carried unanimously.

5. **16-170** **RZ16-0089; U16-0019** – 0 & 5455 Meridian Mark Rd & 1001 Johnson Ferry Rd, to rezone the property located at 0 & 5455 Meridian Mark Rd and 1001 Johnson Ferry Rd from O-I (Office Institutional District) per 1987Z-0067 to O-I (Office Institutional District), to allow additions totaling 58,013 square feet for a fifth floor addition to Building 6 and to maintain the option to expand the existing diagnostic and treatment building (existing Building 7), and to correct the conditions of zoning to reflect the existing square footage on site, with a use permit to increase the maximum height

**Planning & Zoning Manager Ginger Sottile** stated this rezoning application is for the Scottish Rite Children's Medical Center and Children's Healthcare of Atlanta and is represented by the Galloway Law Group. The subject parcel is located at the northeast corner of Johnson Ferry and Peachtree Dunwoody Road and is bounded on the west side by Meridian Mark Road. The request is for a rezoning from O-I to O-I with a use permit for the expansion of an existing bed tower from four to five stories. The fifth story will be approximately 30,000 square feet. Additionally, the applicant was granted an expansion of the existing diagnostic lab and treatment facility with a two story, 28,000 square foot addition. That was granted in 1987 and is only being reiterated so that the viability of the expansion will not be lost. Also, the application seeks to correct the conditions of zoning to accurately reflect the existing conditions on the site, three concurrent variances for minimum landscape yards strips are requested to address existing conditions with no increase in encroachments with the proposed construction. Sufficient parking exists on the site and meets the needs of the proposed expansion. The proposal aligns with the policies in the Comprehensive Plan that seek to provide employment opportunities, business growth, and anticipate and provide for the rapidly growing healthcare industry. Staff recommends approval of the rezoning, with conditions, subject to the site plan prepared by Kimley-Horn and marked date received March 24, 2016.

**Woody Galloway, representative of the applicant,** stated he is representing Scottish Rite Hospital in this request for rezoning. This property is zoned O-I. The applicant is seeking a change in zoning to allow for the change in conditions that staff outlined. The application will correct historical inaccuracy and add additional beds on site in order to deal with the shortage of beds here and at Egleston. Not a week goes by that they do not have to send patients from the Children's Hospital to adult hospitals, because there is not enough bed space. The proposed plan will add one additional floor to the bed tower. This will add 58,000 square feet to the overall campus from what is existing. This will also increase the number of beds by 46. The applicant has met with all the area homeowners associations including Johnson Ferry townhomes, High Point Civic Association, and Byrnwyck homeowners association. There is also a letter from the Sandy Springs Council of Neighborhoods in support of the application. There is a staff recommendation of approval and the Planning Commission recommends approval.

**Council Member John Paulson** stated there is an additional 28,000 square feet that was approved in 1987. He asked if that will be a part of the new 58,000 square feet that is being built or if that is already in place.

Mr. Galloway stated there is a historical inaccuracy in terms of what was built versus what was approved. The plans were drawn in net leasable and the approval was granted in net gross. The project was built in accordance with the plan, which was larger than the amount of square footage that was allocated. The 58,000 square feet is additional space that is new. There is a need for additional space above what is currently on the site today.

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

**Motion and Second:** Council Member DeJulio moved to approve Agenda Item No. 16-170, RZ16-0089; U16-0019 – 0 & 5455 Meridian Mark Rd & 1001 Johnson Ferry Rd, to rezone the property located at 0 & 5455 Meridian Mark Rd and 1001 Johnson Ferry Rd from O-I (Office Institutional District) per 1987Z-0067 to O-I (Office Institutional District), to allow additions totaling 58,013 square feet for a fifth floor addition to Building 6 and to maintain the option to expand the existing diagnostic and treatment building (existing Building 7), and to correct the conditions of zoning to reflect the existing square footage on site, with a use permit to increase the maximum height. Council Member Dishman seconded the motion.

Staff conditions:

1. To the rezoning site plan prepared by Kimley-Horn and Associates, Inc. dated March 23, 2016 and received by the Department of Community Development on March 24, 2016.

To the following concurrent variances:

1. Variance from Section 4.23.1.A of the Zoning Ordinance to reduce the required landscape strips for approximately 90 feet along Peachtree Dunwoody and 140 feet along Johnson Ferry Road as shown on the site plan dated March 23, 2016 and received by the Department of Community Development on March 24, 2016;

2. Variance from Section 8.1.3.C of the Zoning Ordinance to reduce the required minimum side corner yard of 40 feet for approximately 50 feet along Peachtree Dunwoody Road and 160 feet along Meridian Mark Road as shown on the site plan dated March 23, 2016 and received by the Department of Community Development on March 24, 2016;

3. Variance from Section 8.1.3.D of the Zoning Ordinance to reduce the required rear yard from 25 feet to 15 feet adjacent to the Meridian Mark Plaza.

**Council Member Tibby DeJulio** stated for those of you on the Council who have not had the opportunity to tour Children's Healthcare it is a remarkable facility. He is always in favor of helping children and this proposed project is something that has to be done. We cannot have children in Sandy Springs being sent to adult hospitals. This hospital is a state of the art facility. There is an imaging machine that is transportable from one operating room to another. It is a pleasure for him to move to approve this rezoning application.

**Vote on the Motion:** The motion carried unanimously.
**Ordinance No. 2016-05-09**

**Text Amendment**

6. **16-171** **TA16-0001** - An Ordinance to Amend the Sandy Springs Zoning Ordinance, related to Micro-breweries and Distilleries

**Director of Community Development Michelle Alexander** stated she has a set of text amendments before Council this evening that will require public hearing and action. She wants to acknowledge the Planning Commission's work. Staff is requesting deferral on this agenda item to have more time to work with the City Attorney's office on the language.

**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 defer Agenda Item No. 16-171, TA16-0001 - An Ordinance to Amend the Sandy Springs Zoning Ordinance, related to Micro-breweries and Distilleries, to the June 21st City Council meeting. Council Member Paulson seconded the motion. The motion carried unanimously.

7. **16-172** **TA16-0003** - An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, and Section 3.1, Definitions, of the Sandy Springs Zoning Ordinance

**Director of Community Development Michelle Alexander** stated this set of text amendments is within the rezoning chapters and codifies the changes that began last October to make sure the meeting sequences are followed. This also requires that modifications are treated the same as zonings. This change also includes procedures for text amendments that are currently absent. The Planning

Commission heard the recommended changes at their last meeting and they recommended approval. They had concerns and comments about making sure there is sufficient transportation analysis included in the recommendations and rezoning requirements. There are two sections of the code in the amendments that address that issue. One section authorizes the director to request an additional traffic study. There is an existing section related to traffic impact studies. Staff felt the need to include the traffic impact studies in the analysis. Staff is working with Public Works to administratively require additional transportation data and analysis.

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

**Motion and Second:** Council Member Paulson moved to approve Agenda Item No. 16-172, TA16-0003 - An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, and Section 3.1, Definitions, of the Sandy Springs Zoning Ordinance. Council Member Dishman seconded the motion.

**Council Member Tibby DeJulio** stated in the last ten years he has noticed that whoever pays for the transportation studies ends up having the study state there will be better transportation due to a project. It does not matter that more vehicles are being placed on the streets with some of the City projects. The studies always show that the traffic will get better. We all know the traffic never gets better. He asked how the City can improve the transportation studies, so they do not always favor the developer. He remembers the traffic study on Glenridge Drive when 500 new apartments were being built and the study stated how the project will improve traffic. He asked if there is a way the studies can be done in order to get a better picture of how a development affects traffic.

**Assistant City Manager Jim Tolbert** stated the standards in the industry are what the developer's engineers follow. The City was blessed with having Brad Edwards, who did a great job in reviewing the traffic studies to make sure that they were quality. The assumptions used in the modeling are ones that he agrees with. Most of the studies show an increase in traffic and they show mitigation that is intended to improve the traffic. The City has just completed a mesoscopic model that will help us better analyze the traffic studies that are received by staff. Many of the City's traffic studies are reviewed by ARC, GRETA, and City staff.

Council Member DeJulio stated he has more confidence in the Public Works staff than the companies who are performing the traffic studies.

Assistant City Manager Tolbert stated Brad Edwards was rerunning the studies himself after he received the data. Public Works does a great job in reviewing the reports. Many times the studies are initially rejected and require more work.

**Council Member John Paulson** stated one thing that happened last year was these traffic study experts would not submit a traffic study until they cleared their assumptions with the Public Works staff. He likes this approach and encourages staff to continue doing this. The City was setting the rules before the study was underway and he prefers the City keep control over that.

**Council Member Gabriel Sterling** stated the City had several projects that were delayed, because City staff told the developer that the traffic study assumptions were incorrect. That has been going on for one to two years.

Council Member DeJulio stated about two weeks ago he received a call from an attorney that was getting ready to submit a rezoning for Northside Hospital, he believes. He asked about the traffic study. He was told that the traffic study will be done after the rezoning has been approved. He assumes staff does not

allow developers to bring items before Council without a detailed traffic study that has been reviewed by staff.

Director of Community Development Alexander stated that is correct. Another piece of the process is getting the mitigation measures and improvements to address any issues. There may be two to three different design options that could potentially mitigate a traffic condition on paper. The goal with Public Works is to increase the requirements, analysis, and the demands for the mitigation that is required. In the weekly reviews, staff wants to incorporate when programmed projects will be coming online.

Assistant City Manager Tolbert stated it is not the applicant's decision when to submit the traffic study, it is described in the Code.

Council Member Bauman thanked Director of Community Development Alexander for mentioning the later piece. He asked if that is codification or policy. There have been comments of when staff looks at the impact of items such as stormwater conditions, and what other projects are on the books and currently in the development process. He asked if the City can consider adopting a policy.

Director of Community Development Alexander stated in the text amendments there are not those measures. Those suggestions could move forward administratively. The Code authorizes the director to come up with requirements for an application. She does need to speak with staff regarding how to put these suggestions in place from an environmental standpoint.

Council Member Bauman stated as the City moves into the more permanent adoption, we should take very seriously the suggestion that maybe there is a threshold at which we mandate a cumulative review. There could be a subset category for a Development of Community Impact, as opposed to a DRI. Part B could be DCI levels, where the City can mandate a second opinion peer review, or the City would engage our own consultant for a their party peer review. This would be for traffic and the environmental impact as part of the report.

Mayor Paul stated whenever the City has a facility touch a MARTA station rather than approving more parking decks the company should speak to MARTA about buying parking from MARTA and use the train for transportation. This should be done in the high impact areas where there is a lot of traffic. The City should look at parking at MARTA stations and having employees use the train. That would have a huge impact on the congestion in an area. That would be cheaper for a developer than building its own parking. One thing MARTA is considering is to add space at the North Springs Station. If MARTA does get enough parking there, some of the employers can procure parking from MARTA and use the train as their shuttle. This is highly appropriate for the hospitals. That is an area where there is a MARTA station accessible to all three campuses. The City has to start thinking creatively about what we do with vehicular traffic in these high density job centers. MARTA should be available for the businesses at the station in order to get people to start using MARTA as their shuttle.

Council Member Paulson asked if an applicant would speak to MARTA before submitting their application.

Mayor Paul responded he would guess. We cannot continue to build parking in the high density areas and let everyone drive. We have to start thinking through a regulatory process how we can do these things more creatively and reduce the traffic impact on the high density centers, the areas in the Perimeter market or any area that touches the MARTA station. The parking at the stations should be utilized and capitalized on as an opportunity to move people. If this is done right, it should have a significant impact. It needs to be coordinated and done in a rationale fashion.

Council Member Bauman stated the issue of cumulative effect is an important point. Every rezoning and development has its own story, but the cumulative effect needs to be looked at as well.

Council Member Sterling stated the City does have a new tool, the mesoscopic review, that will look at the small and large area impacts taking into account entitlements and the development tract. One of the concerns regarding the text amendments for traffic is the City eliminating the portion regarding the public participation. That is only because the community meetings have been added to the front end of the process.

Director of Community Development Alexander stated Section 28.3 states all of the community meeting requirements and continued participation.

**Vote on the Motion:** The motion carried unanimously.
**Ordinance No. 2016-05-10**

8. **16-173** **TA16-0004** - An Ordinance to Amend Article 22, Appeals, and Section 3.1, Definitions, of the Sandy Springs Zoning Ordinance

**Director of Community Development Michelle Alexander** stated TA16-0004 has some cleanup that needs to be done. This text amendment change reduces redundancies and definitions of variances. The change also adds criteria for the Board of Appeals to consider more carefully and what constitutes an appropriate reason to support a variance. If Council finds these appropriate, she asked that the criteria be added to the Code. If Council supports the changes, she also recommends adding the word "or" at the end of each sentence. This allows clarity for the Board of Appeals to make a determination about a variance. As long as the applicant complies with the zoning code and policy, there can be flexibility by inserting the word "or".

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

**Motion and Second:** Council Member Dishman moved to approve Agenda Item No. 16-173, TA16-0004 - An Ordinance to Amend Article 22, Appeals, and Section 3.1, Definitions, of the Sandy Springs Zoning Ordinance, amending Section 22.3.1.a.1 and 2, to include the word "or" after the word "and", at the end of each sentence. Council Member Sterling seconded the motion.

**Council Member Gabriel Sterling** stated this will add common sense and flexibility for staff.

**Vote on the Motion:** The motion carried unanimously.
**Ordinance No. 2016-05-11**

9. **16-174** **TA16-0005** - An Ordinance to Amend Section 12B.3., Planning Commission Review, of the Sandy Springs Zoning Ordinance

**Director of Community Development Michelle Alexander** stated TA16-0005 addresses the role of the Planning Commission when it acts as a Design Review Board. This amendment allows only variances to be brought to the Planning Commission. Currently, the Commission sees every permit and any item whatsoever. This change will allow the Planning Commission to focus on variances.

**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 Dishman moved to approve Agenda Item No. 16-174, TA16-0005, - An Ordinance to Amend Section 12B.3., Planning Commission Review, of the Sandy Springs Zoning Ordinance. Council Member Paulson the motion. The motion carried unanimously.
**Ordinance No. 2016-05-12**

10. **16-175** **TA16-0006** - An Ordinance to Amend Section 4.3.1. Nonconforming Lots, Uses of Land and Structures, of the Sandy Springs Zoning Ordinance

**Director of Community Development Michelle Alexander** stated this text amendment addresses an issue that any modification on a home or structure that is nonconforming always has to go before the Board of Appeals. This is required even if what is being proposed does not relate to the part of the building that is nonconforming. This allows someone to make an improvement on their home, even if some other part of their home is currently nonconforming.

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

**Motion and Second:** Council Member Sterling moved to approve Agenda Item No. 16-175, TA16-0006 - An Ordinance to Amend Section 4.3.1. Nonconforming Lots, Uses of Land and Structures, of the Sandy Springs Zoning Ordinance. Council Member Dishman seconded the motion.

**Council Member Sterling** stated he appreciates staff bringing this item forward to allow homeowners to improve the quality and life of their structures.

**Council Member Tibby DeJulio** stated the last sentence states "permit to rebuild from damage must be applied for within six months". There are a lot of structures in the City that are nonconforming to the City Codes, because they were built when codes did not mean much. If the structures are not damaged, will they be required to be brought up to the City's current code?

Director of Community Development Alexander stated these changes are taken into account through the grandfathering. Property owners are allowed to build back what they previously had, even though it is nonconforming.

**Council Member John Paulson** stated if there is more than seventy-five percent of damage, the property owner will have to rebuild to conforming standards.

Council Member DeJulio stated there are some homes built years ago not having a setback from creeks and there are many of these homes in the City that are nonconforming where the decks are located.

**City Attorney Wendell Willard** stated the property owner will be able rebuild, unless there is a substantial loss due to fire or other type of damage which is seventy-five percent or more. The property owner will then need to comply with the existing City standards for rebuilding. If there is a situation where the property is too close to a creek, the owner will be required to request a variance. The owner would not automatically have the right to rebuild.

Council Member DeJulio asked what happens to the homes that were built in the floodplain. He asked if the homeowners would not be able to rebuild their homes.

City Attorney Willard stated that is a constitutional right for use of their property. The City would have to address something like that if it did occur. If there is a total loss of seventy-five percent or more of a property structure, the property owner would have to do something to ensure they are not building in the floodplain again.

**Council Member Ken Dishman** asked if the ordinance precludes the property owner from getting a special distinction.

City Attorney Willard responded that is correct. Council or the Board of Appeals can allow that.

Council Member Bauman asked what will happen if a home is to be renovated.

Director of Community Development Alexander stated this would not apply to renovations. Renovations would have to come before the Board of Appeals.

**Vote on the Motion:** The motion carried unanimously.
**Ordinance No. 2016-05-13**

## UNFINISHED BUSINESS

There was no unfinished business.

## NEW BUSINESS

11. **16-176** Consideration of an Ordinance Amending Chapter 6 (Alcoholic Beverages) of the City's Code of Ordinances to provide for licensing of manufacturers of distilled spirits, malt beverages, and wineries in light of the proposed amendments to the City's Zoning Ordinance being presented to allow for the presence of such manufacturers within the City's territorial limits

**City Attorney Wendell Willard** stated due to the action of Council to defer Agenda Item No. 16-171, this particular item is a change in the ordinance conditioned upon that ordinance section being implemented. He suggested that Council defer this item to the June 21st City Council meeting.

**Motion and Vote:** Council Member Sterling moved to defer Agenda Item No. 16-176, Consideration of an Ordinance Amending Chapter 6 (Alcoholic Beverages) of the City's Code of Ordinances to provide for licensing of manufacturers of distilled spirits, malt beverages, and wineries in light of the proposed amendments to the City's Zoning Ordinance being presented to allow for the presence of such manufacturers within the City's territorial limits, to the June 21st City Council meeting. Council Member Dishman seconded the motion. The motion carried unanimously.

12. **16-177** Consideration of Award of the FY 2016 Capital Resurfacing Contract

**Public Works Director Garrin Coleman** stated staff recommends awarding this contract to Baldwin Paving Company in the amount of $304,645.34 for the paving of Morgan Falls Road. The initial estimate was prepared by IMS and included two large sections for reconstruction. Staff had cores done as part of the design work and found the subbase to be structurally sound, so reconstruction will not be done, only repaving. That was the difference between the cost estimate and the revised estimate of around $332,000. The bids are in line with what staff estimates the work will cost.

**Motion and Second:** Council Member Paulson moved to approve Agenda Item No. 16-177, the Award of the FY 2016 Capital Resurfacing Contract. Council Member Dishman seconded the motion.

**Council Member Gabriel Sterling** asked the amount is staff estimated for the project.

Public Works Director Coleman stated the current cost estimate is based on changing the scope and $332,000 was staff's estimate. The IMS estimate included two large sections of reconstruction. When the cores were done, the subbase was found to be structurally sound.

**Vote on the Motion:** The motion carried unanimously.
**Resolution No. 2016-05-53**

13. **16-178** Appointment of a Member to the Hospitality Board (John Visconti)

**Mayor Rusty Paul** stated some may know that one of the changes made on the Hospitality Board is one of the hoteliers was added to the Board to represent the hotels. The purpose of the Hospitality Board is to work with the hotels in the City to increase their occupancy. The previous board member Alex Morales, left the community. He recommends John Visconti, who is with Westin Hotel, as the new boardmember. Mr. Visconti has been active working with the Hospitality Board and attending most of the meetings. He recommends Mr. Visconti be appointed to the Hospitality Board.

**Motion and Vote:** Council Member DeJulio moved to approve Agenda Item No. 16-178, Appointment of John Visconti to the Hospitality Board. Council Member Dishman seconded the motion. The motion carried unanimously.
**Resolution No. 2016-05-54**

## REPORTS

Mayor and Council Reports

**Mayor Rusty Paul** stated the Food That Rocks event held in Sandy Springs over the weekend was great. When the event started the estimate was that about 850 tickets were sold. The new estimate was that over 1,100 people were in attendance. It was a fun event and the food was great. Three years ago the City did not have a restaurant council. Over twenty-two restaurants came together and worked with an outside consultant to plan a phenomenal event to highlight the quality of the restaurants in the City. The restaurant council is supporting each other, working together to promote the restaurants in the community and getting involved with the hotels. This will have a positive impact on the quality of life in Sandy Springs. The Hospitality Board just recently hired a new team to market the City's restaurants and hotels. We are beginning to see some media coverage now. Some of the best known chef driven restaurants in the metropolitan area are beginning to come into Sandy Springs. There is a tremendous amount of interest among other restaurants. Others are now discovering the great quality of restaurants in the City.

**Council Member John Paulson** stated at a previous meeting Council discussed the City becoming a Purple Heart Medal City. That is now on track and will be celebrated at June 7th. Staff has already sent out an email to invite all of the Purple Heart Veterans in Sandy Springs to attend the Council meeting for the proclamation and to join the Council for dinner.

Mayor Paul stated he designates Mayor pro tem DeJulio, who is a Purple Heart Veteran, to read the proclamation at that meeting.

14. **16-179** Staff Reports

1. Update on T-SPLOST

**City Manager John McDonough** stated at the last City Council meeting staff introduced T-SPLOST and Todd Long, from Fulton County, who gave an overview of the program. Staff now wants to give Council

an update and make a recommendation for additional consideration. He gave the TSPLOST 2016 Sandy Springs update PowerPoint presentation.

**Council Member John Paulson** stated if the tax is approved, it will double the City's Public Works construction budget. The City will have to increase staff for this, he assumes.

City Manager McDonough responded yes. Over the next several months staff will look at the timelines for the projects from a delivery standpoint. There have been questions about completing some of the projects due to the I-285 and GA400 project that is going on. That is one of the reasons staff did not push for the Hammond Drive project as much, because the City needs a means of transportation when I-285 is under construction. Also, the staffing level to support the projects will need to be considered.

**Council Member Gabriel Sterling** stated the last mile connectivity is the large bulk of right-of-way acquisition.

City Manager McDonough stated it very well could be. The City will do what can be done with the residential sidewalk projects and try to accomplish what can be done to benefit the businesses. The RFP process just began and from that process the City will receive a coordinated recommendation on what the network should look like. The City will then do its best to work with the Chamber of Commerce and the PCID to get those donations to maximize the use of the public investment.

**Mayor Rusty Paul** stated the PCID has very actively paid attention to this particular issue. The City may be able to work with the PCID in order to get donations of right-of-way from some of their members.

Council Member Sterling stated on the Perimeter Transit Mile Connectivity someone asked him about a definition of right-of-way for future high capacity transit linking.

City Manager McDonough stated that refers to moving people around without them getting in their cars, once they get off of mass transit. Their vehicles could be in a parking garage in corporate headquarters and they will not have to get in their cars for lunch. They would be able to walk, ride their bicycle, or use some alternative means of transportation, which is yet to be determined.

Council Member Sterling stated we are not building high capacity transit, but we are linking the transit to job centers, retail, and residential.

City Manager McDonough stated that is partially correct. The whole point is to identity the necessary right-of-way in the short term; what the infrastructure will look like and where will it be laid out. The City will work with its partners in Brookhaven, Dunwoody, and Perimeter to explore the options. It takes a decade or more to bring that type of technology online. The City wants to identify it early on in the process to see if it is viable or not.

Council Member Sterling stated there is discussion about designated bicycles lanes. He asked if there can be protected bicycle lanes.

City Manager McDonough responded yes.

Mayor Paul stated the anticipation is that over the short and long term this area will be walkable and bicycle friendly. There is hope that over time the City will have the capacity to add evolving technologies that move larger numbers of people more efficiently and effectively outside of MARTA's heavy rail system. This would be not just connecting the rail system, but the employment centers. The real issue here is how do we develop an alternative transportation system, as yet to be determined, that will move people in this area effectively, efficiently, and safely.

**Council Member Andy Bauman** stated for the Johnson Ferry/Mt. Vernon roundabout questions he was at the open house meeting held at Heritage. People he engaged with at the meeting and outside are asking why the City is using the tax money on something that may have federal funds available for to complete the project. He asked how much flexibility is there to make the design less intrusive.

City Manager McDonough stated flexibility and design are important to the City.

Council Member Bauman asked if the City will have significant flexibility.

City Manager McDonough stated the City has flexibility to the point that it does not radically alter the design of the project. Staff will look at what we can do, within reason, without compromising the integrity of the designs. Using the tax money significantly advances the City's ability to advance this project, given where we are with the federal appeals process. Council is committed to delivering this project, but we are unable to right now given the complexities of the historic review challenges. The primary means of advertising what is happening on the City Springs sight is the marquee, which cannot be built because nothing can be done with that property. Almost every community the City has spoken to has come to the realization that if they can do projects at the State or local level they are much better off.

2. Short Term Waiver of Banner Fees

**Assistant City Manager Jim Tolbert** stated there is a road closure due to construction at Sandy Springs Circle. The City's current ordinance regarding banners allows banners to be displayed two weeks at a time and three times a year for a $50 fee per application. Staff would like Council to consider waiving the banner fees in the area highlighted on the map near the construction. Staff is also requesting that anyone in the area that wants a banner be allowed to have one for six consecutive weeks and to apply once. This six week period should not count against the business in the future. He asked that Council approve the waiver of the banner fees and staff will handle this administratively.

**City Manager John McDonough** stated the bigger issue is why this item is on the agenda. There will be an update for Council in the future from a communications standpoint. The City has completed a lot of transportation projects within the last ten years. There are a lot more transportation projects coming in the next five to ten years. The City recognizes the projects are a hardship on the residential communities, businesses, and commuters. The City is sensitive to all of those things. Every time one of these projects is taken on, the Public Works Department spends a significant amount of time with the Police Department and other affected City Departments trying to find the most efficient way that has the least amount of impact on the stakeholders. Staff wants to be creative with waiving the banner fees. The City has also been asked about tax incentives and tax breaks. That is something under the law the City does not have the ability to do.

**City Attorney Wendell Willard** stated the question was brought up can the City do something in regards to assisting the businesses with tax breaks. The City cannot, because we are under the mandates of the State law and constitution, which is all properties have to be assessed based upon the fair market value. The City has no authority to make any changes to the City's tax structure. Some of the businesses are losing business due to the construction. The businesses and the public are suffering from the traffic. The law does not recognize a means of compensating property owners for suffering or damages that are done short term due to the construction of a road project.

**Council Member Gabriel Sterling** stated one of the businesses that has been badly affected is Arden's Garden, but it is not located on the proposed map. The business is located on the south side of Mount Vernon Highway. Arden's Gardens has a banner on Hilderbrand and he wants to make sure they are included in the waiver of banner fees.

City Manager McDonough stated that area will be added to the map as well.

**Council Member John Paulson** asked when the intersection will be back open.

City Manager McDonough stated the project is still on track for a mid-June opening. The utility work is in the process of being completed. This is not just intersection construction. There is other work in the area that will impact traffic for about the next ten months.

**Assistant City Manager Bryant Poole** stated for the intersection work the base, curb and gutter, and sidewalks are going to be installed next.

City Manager McDonough stated the City has to continue removing the utility poles north and south along Sandy Springs Circle. There is work in this area related to Comcast.

Assistant City Manager Poole stated the primary focus is that Comcast needs to get from Sandy Springs Circle to Hilderbrand to do a tie in. This is a joint effort with Georgia Power, because Georgia Power is doing all the trench work. Starting next week at Hilderbrand at Sandy Springs Circle, Hilderbrand will need to be closed between Sandy Springs Circle and the Bluestone extension. Once the work reaches the Sandy Springs side, it will cross back over to the north side. All the trench work can be completed in one week. The work is going to be allowed between 7:00 a.m. and 3:30 – 4:00 p.m. The work at Sandy Springs Circle and Hilderbrand will take two days, which will probably be Monday and Tuesday. Drivers will still be able to access the clock store and BMW. For Wednesday and Thursday, the next area of construction will be at Bluestone and Hilderbrand. The goal is to have all the work completed in a week. The detour route will be Sandy Springs Place to Bluestone, back to Hilderbrand.

Council Member Andy Bauman asked about the traffic light on Sandy Springs Place.

Assistant City Manager Poole stated he reached out to the staff traffic manager and it will be functioning properly at the appropriate time for the traffic volume.

There was a consensus of Council to waive the banner fees for the businesses depicted on the map, and to include Arden's Gardens.

Council Member Bauman asked about the Spalding and Mount Vernon road closure.

Council Member Paulson stated that area was an intersection that was closed for about five to six months. He heard many complaints, but since it opened he has not heard any complaints.

Council Member Bauman stated the City is fixing many of the angled intersections, such as the one on Powers Ferry at Raider Drive.

Mayor Paul stated there are elementary school children coming from one direction and inexperienced drivers coming from Holy Innocents in different directions.

Council Member Paulson stated there are design professionals that look at the intersections and at ways to make them better. The Spalding and Mount Vernon improvement worked out well.

City Manager McDonough stated there will be a dedicated left hand turn north bound onto Mount Vernon that does not exist today, because of sight line issues.

3. Update on District 3 Special Election

**City Clerk Michael Casey** gave the Sandy Springs Special Election Update PowerPoint Presentation.

**Council Member John Paulson** asked if early voting is this upcoming Saturday.

City Clerk Casey responded no. May 14th was the Saturday for early voting and there were 84 votes cast. The polls were open one hour longer than during the week.

## PUBLIC COMMENT

**Susan Gilchrist, 1028 Sugar Pike Way, Canton, GA** stated she is a part owner of a condominium unit at Mount Vernon Towers. Staff did answer some of her questions in the presentation today. She is very disappointed in the fact that the roundabouts were included in the TSPLOST list. This is a back door approach to avoid the historic designation in order to receive funding. In looking at the numbers of agrees, disagrees, and neutral votes, she does not know how many votes there were at the TSPLOST meetings. She attended the second meeting. She was concerned because she saw less than thirty votes on the board that had the Mount Vernon Towers/Johnson Ferry roundabouts. When looking at seventy-four percent, staff is giving the numbers more weight to look more important. There were about thirty results from the online survey. There were probably about 100 people that voted on that particular project. Signatures on a survey or on a petition of 350 people did not agree with having a roundabout in front of Mount Vernon Towers. People besides the residents signed the petitions. Some were the parents, employees, and visitors of Mount Vernon Towers. If the City has something that controversial, she wonders if that is a good item to place on the project list. She hopes that the City considers this when the list is created, because some will vote against approving the additional tax. The other issue is how many problems a roundabout cause. She emailed Assistant City Manager Poole a photograph of a roundabout that she drives by on her way to Sandy Springs. The traffic back up for that roundabout was almost three quarters of a mile. When Assistant City Manager Poole and Chris Peterson for Channel 2 did an interview in October 2015, one thing that was mentioned was the roundabouts will help eliminate traffic accidents.

Mayor Paul thanked Ms. Gilchrist. He asked Ms. Gilchrist about her stating that she drives down from Canton and if she lives in Sandy Springs.

Ms. Gilchrist stated her father used to live at Mount Vernon Towers.

**Daryn Wilson, 3405 Greypointe Dove, Decatur, GA** stated she and her two fellow advocates work and go to school in the Metro Atlanta area. Yesterday, she spoke at the Doraville City Council meeting. Sandy Springs is a very diverse City with many LGBT citizens. She thanked Council Member Bauman for his support to the community. She asked that Council recognize June 26th as LGBT Day in Sandy Springs. There are countless children that have attempted suicide or committed suicide. There are elders who have gone through decades of discrimination and have recently been able to get married. Just as with any civil rights movement, the LGBT community deserves recognition. Her fellow advocate read a suggested proclamation which stated, "On June 26, 2015, the United States Supreme Court ruled that same sex couples have a constitutional right to marriage. In recent national history, June 26th has been a day of significant judicial rulings in the struggle for LGBT and human rights. On June 26, 2003, the United States Supreme Court ruled that it is unconstitutional to criminalize the consensual, intimate conduct of two people of the same sex. On June 26, 2013, the United States Supreme Court ruled that it is unconstitutional to deprive same sex couples of equal liberty of people who are protected by the Fifth Amendment. Locally, on June 26, 1976, the City of Atlanta had its first official Gay Pride Day. Sandy Springs and the Metro Atlanta region have one of the highest lesbian, gay, bisexual, and transgender (LGBT) populations in the Nation. We, the Mayor and members of the Sandy Springs City Council, on behalf of the citizens of Sandy Springs, recognize this singularly important day on the LGBT calendar

and hereby proclaim the twenty-sixth day of June annually as the LGBT Equality Day in the City of Sandy Springs."

**EXECUTIVE SESSION**

15. **16-180**

There was no Executive Session.

**ADJOURNMENT**

16. **16-181** Adjournment

**Motion and Vote:** Council Member DeJulio moved to adjourn the meeting. Council Member Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 8:03 p.m.

Date Approved: June 7, 2016

Russell K. Paul, Mayor

Michael D. Casey, City Clerk