

Regular Meeting of the Mayor and City Council of the City of Sandy Springs was held March 18, 2008 at 6:00 p.m., Mayor Eva Galambos presiding.

Invocation

Reverend Bob Allred gave the invocation.

Call to Order

Mayor Galambos called the meeting to order at 6:00 p.m.

Roll Call and General Announcements

City Clerk Christina Rowland reminded everyone to silence their cell phones and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or at the conclusion of the meeting under the public comment section, are required to complete a public comment card. They are located at the back counter and need to be turned in to the Clerk.

City Clerk Rowland called the roll.

Councilmembers Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnery.

Pledge of Allegiance

City Council Page Anais Phillips led the Pledge of Allegiance.

Approval of Meeting Agenda

Motion and Second: Councilmember Paul moved to approve the Meeting Agenda. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried unanimously.

Consent Agenda

1. Meeting Minutes:
 - a. February 12, 2008 Work Session Minutes
 - b. February 19, 2008 Regular Meeting Minutes
2. Approval of the acceptance of Right-of-Way in Land Lot 91 of the 17th District that is being donated by the owner of the property, Prado, LLC.
Resolution No. 2008-03-13
3. Approval of a contract for Intersection Improvements with Control Specialists Company for Intersection Improvements Phase 1A (Project No. T-7100)
Resolution No. 2008-03-14
4. Approval of **AM08-001** - Powers Ferry Landing, *Applicant: Seyfarth Shaw LLP* To modify conditions 1.c., 2.a., and 3.a. (Zone 3) to reduce the maximum number of residential units permitted under the approved zone plan and to add a new condition 3.i. to require all walking paths be constructed of pervious material.
5. Approval of a Memorandum of Understanding between the City of Sandy Springs and Leadership Sandy Springs for Sandy Springs Movies by Moonlight.
6. Approval of a Memorandum of Understanding between the City of Sandy Springs and Heritage Sandy Springs for the Concert by the Springs.

7. Approval of a Resolution authorizing an amendment to the City's Charter with regard to public utilities and services and to clarify the City's power to grant franchises and make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor.

Resolution No. 2008-03-15

Motion and Vote: Councilmember Paul moved to approve the Consent Agenda. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Public Hearings

Zoning

RZ07-021/U07-008/CV07-020 (DRI) - 5775 & 5795 Glenridge Drive, Applicant: MGLP Lakeside, LLP To rezone the subject property from O-I conditional and R-2 to MIX for the development of 300 residential units, 1,125,000 square feet of new and existing office space, 50,000 square feet of retail space, and a 200-room hotel, with concurrent variances and a use permit to exceed the maximum district height.

Motion and Vote: Councilmember Fries moved to waive the rules of procedure regarding time limits for this hearing. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Motion and Vote: Councilmember Fries moved to approve a fifteen (15) minute time limit for RZ07-021/U07-008/CV07-020 (DRI), 5775 & 5795 Glenridge Drive, Applicant: MGLP Lakeside, LLP. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Planner Ruffin stated that this is a rezoning application from O-I Conditional and R-2 to the MIX Use District for the development of 300 residential units, 1,125,000 square feet of new and existing office and financial institution space, 50,000 square feet of retail and a 200 room hotel. The applicant is requesting one concurrent variance and a use permit to exceed the maximum district height.

Staff recommends approval conditional subject to the conditions as outlined in the staff report of the request for rezoning of the concurrent variance and for the use permit.

The application was heard at the October 23, 2007 and November 13, 2007, Design Review Board meeting. The Board recommended approval subject to the conditions listed in the staff report.

The application was heard at the December 20, 2007, February 21, 2008 and, March 3, 2008 Planning Commission hearings. The Commission recommended approval of the application subject to the removal of one of the 16 story, 400,000 square foot towers. The Planning Commission also voted to amend their recommendation to include the ability for the applicant to leave one of the existing two story office buildings on the property. The Planning Commission conditions are in the staff report. Frank Danchez is here tonight representing Arcadis should Council have any questions about the application.

Frank Danchez, Arcadis stated that he is a consultant representing the Georgia Department of Transportation. GDOT is in the process of developing a plan for I-285 along with developing treatment for the GA400/I-285 Interchange and how they can fix this interchange. To date, they have gone through the planning process and looked at different strategies that will be considered. GDOT made an effort to do something to the GA 400 Interchange back in the early 90's that did not work. They are taking a whole new look and a different approach to that. They are going through the Federal and National Environment Policy Act process in developing an environmental statement and are half way through that process. GDOT is about 18 months from being in a position to hold a public hearing and will have alternative layouts. They will present to the Mayor and Council ideas as they start developing them as a part of the Stakeholders Group and more than likely will have an impact on this area.

Councilmember Paul questioned how much additional acreage was required to put the Spagetti Junction together. Mr. Danchez stated that interchange is called a systems interchange that has direct connect, no loops and, no diamond type ramps. The size of the footprint of the original interchange was increased by about four fold. Councilmember Paul questioned how much he would expect the interchange to grow on a percentage basis. Mr. Danchez explained that GDOT is looking at solutions in different ways and there will be an increase footprint, but he can not predict at this stage.

Mayor Galambos questioned if there was any additional right-of-way in that area now that it is not yet in use. Mr. Danchez stated that there are opportunities for reconfiguring, but at this time they do not know. It will be another 18 months before they have alternatives laid out that they will be able to present to the public.

Councilmember Fries questioned the timeline on when they would begin construction. Mr. Danchez stated that is difficult to predict. The objective on the project is to define what I-285 is going to look like and what the interchange will look like. Then it will be up to the department on how that will be implemented. GDOT will be looking at GA 400 and I-285 Interchange early in that process. They will make a decision on how they are going to move projects into the program.

Councilmember Jenkins stated that the CD along GA 400 has already been started by GDOT and the limits are from Forsyth County down to 85. She questioned how that would impact this specific parcel with the CD running along the GA 400 portion of this. Mr. Danchez stated that the department has a plan developed for the CD project. It is under right-of-way acquisition at this time, the footprint is defined and is in the Abernathy, Hammond Drive and Mt. Vernon area and ties back to the existing ramps at I-285.

Councilmember DeJulio questioned Mr. Danchez if GA 400 and I-285 could be improved without the addition of any additional property. Mr. Danchez stated that it would be very difficult.

Councilmember Meinzen McEnerny stated that it is her understanding from the DOT right-of-way acquisition specialist that all of the land for the collector distributor on the west side of GA 400 to access I-285 has been obtained and south of Hammond. The collector distributor is taken care of with this particular site plan. Mr. Danchez stated that is correct. This plan ties the existing ramps and does not provide any additional improvements or room for taking care of the volumes.

Councilmember Meinzen McEnerny stated on the southeast corner of I-285 and Glenridge there is a low rise office complex that has a lot of property around I-285. She questioned should this property (Lakeside) be developed as anticipated, would it be logical to move the Interchange to a less developed parcel just south of that. Mr. Danchez stated that it is and they would have to handle all four quadrants. Mr. Danchez stated that he did not know what kind of impact it would be on the individual properties. Councilmember Meinzen McEnerny questioned if he was familiar with any lawsuits that might have been brought against DOT for taking a property with the belief that in the future it would be developed. Mr. Danchez stated that he was not aware of any lawsuits against GDOT.

Councilmember DeJulio questioned if GDOT had given their permission to widen any ramps going onto I-285 and adding additional lanes to I-285. Mr. Danchez stated that he is not aware of any work on the ramp in question.

Councilmember Paul questioned how much time it would take a developer to get GDOT permission. Mr. Danchez stated that it could take a few months to a year.

Roger Rupnow, Planning Commission stated that Council has the staff report along with the recommendations from the Planning Commission. This site will have one (1) tower, the hotel is diagonal to Glenridge and the height of the residential unit will be four (4) stories at the front and taller in the rear. The retail will be in any of the existing buildings and there will be no free standing retail. One building will come down now and the other building will come down when the tower is built.

Mayor Galambos thanked Mr. Rupnow and all the members of the Planning Commission for all the work they have put in this zoning petition.

Councilmember Meinzen McEnerny stated that the Planning Commission recommended 300 residential units, 821,000 of commercial office space including the 96,000 square foot hotel and 45,000 square feet two story building. She asked for clarification on the total amount of square footage.

Mr. Rupnow stated that the hotel is a separate building, much of the square footage relates to the 16 story office building and the one story building that will stay there.

Carl Westmoreland, 1545 Peachtree Street, Atlanta representing the owner and applicants, Greenstone Development and Met Life on this case. Lakeside Office Park is at the intersection of 285, GA 400 and Glenridge. It is not a benefit to the City economically or esthetically at this point. The applicant originally proposed a mixed use project similar to Concourse development but on a much smaller scale. The Planning Commission addressed all the issues to City Council at last weeks Work Session. Issues such as; no freestanding retail, density and the building heights should be lower. Mr. Rupnow alluded to the fact that in order to increase the setback the residential building is four stories across the front; the hotel is also four stories. Originally, the plan was recommended for approval with all of the square footage that was requested by GRTA for the DRI process and by the City staff and City Traffic staff. The density issues deal with traffic and how to reduce it. The applicant has had meetings and discussions with neighborhood groups. The new plan reduces the office density by eliminating one (1) of the 16 story office buildings. The traffic conditions require new lanes to be put on Glenridge going south and an additional lane onto the Glenridge on-ramp going west. As stated, that can only be done with the concurrence of GDOT. On January 2, 2008, the applicant's traffic consultants met with Marla Carlos of GDOT and Kevin Duncan in the District Office. The most important consideration was with respect to the likelihood of that improvement being made and it is at the expense of the developer. The conditions say that there is not going to be a Certificate of Occupancy issued for the property unless or until that improvement is made. The responsibility is drastically on the developer to get, not only GDOT approval, but to have that improvement in place. In regards to the density, there was discussion earlier on that in order to get down to the acceptable number of average daily trips that they needed to cut out, by the neighbors calculation of eight (8) floors of one of the office buildings. With the plan as it has come forward by the Planning Commission the applicant has doubled that and have taken out 16 floors and one building and would have to come back through the process in order to have anything else approved. Through GRTA's review in the DRI process, there was no recommendation or conversation about having anymore right-of-way for GA 400 or I-285. The CD right-of-way is in place and has been for some time. The traffic is going to get worse more quickly out there if nothing is done. If this project is approved as outlined by the Planning Commission, the developer is obligated to make improvements on Glenridge and on I-285 before the applicant can get a CO. The applicant is requesting approval of his application as recommended by the Planning Commission and staff.

De Little, 609 Charlton Court, Marietta, President of Greenstone Properties, stated that the staff conditions will require the applicant to do all the traffic improvements before they can start the first building. They are making a dramatic overhaul outside of the project but, also internal to the project. They are realigning the entrance boulevard so they will be on access with the 100 Building. The Hanover Development will go in Phase I, the 100 Building will go in Phase I and a parking deck would be developed. The existing five (5) story building and the 16 story building would share the parking deck. This project was built in the 1960-1970's and at the time the first four buildings had a lake beside them and the project was called Lakeside. When they develop the entrance boulevard they are going to put the lake into a reflecting view so when one enters into the project they will be at lakeside.

There are two (2) two story buildings on the site today that have value. If Council approves, they will develop the 100 building is basically the value of the land for a 400,000 square foot building roughly equals the value of a two story developed building. For them to knock down the two story building and replace it with a 400,000 square foot building which is a net of 355,000 feet of density, those economics kind of wash. This is why the applicant has requested and the Planning Commission has suggested if they are allowed to build the first building then the applicant would have to come back before City Council with a revised traffic study and go through another public hearing. The applicant would like to keep the two story building until such time zoning is approved for it or not. There is a tenant in the building now and could potentially be there till 2016. In order to clear up the density issue, the applicant is asking for 125,000 feet for the full build out. The applicant needs 770,000 feet of office space in Phase I with 200 hotel rooms, 300 multi-family and 3,000 feet of internal retail which would be spread throughout the buildings.

Mayor Galambos called for public comment in opposition of application.

Trisha Thompson, 145 River North Drive, submitted a petition signed by 337 residents opposed to this rezoning.

Pete Novotny, 5800 Hilderbrand Drive, stated that he is the President of the Glenridge Hammond Neighborhood Association, which spans an area of over 480 homes and is located directly across Glenridge Drive from the proposed project. The neighborhood is requesting that City Council either deny or defer the plan. In the event, the application is deferred, the neighborhood request; that the property be zoned to densities compatible with Live-Work-Community, effectively capping it at 650,000 square feet covering the office space, hotel and retail, for continued efforts by the applicant, staff and surrounding neighborhoods to develop the best possible traffic mitigation measures, that the City Council explicitly instruct the collaboration of the applicant and the various councils and neighborhoods in creating a revised detailed plan consistent with the Live-Work-Community designation.

Kent Garner, 435 Winfield Glen Court, stated that he is the President of Winfield Glen Homeowners Association, located $\frac{3}{4}$ mile from the main entrance to the Lakeside project. At the Associations annual meeting, after full discussion of the project, the homeowners voted unanimously to oppose Lakeside because of the adverse impact it will have on all of Glenridge Drive.

Glenridge and Johnson Ferry which feeds into it from the east are already too often at a virtual standstill because of traffic from the hospitals and commuters and the six traffic lights over a distance of less than half a mile.

By the developer's own revised and lower estimate, Lakeside will add to Glenridge between 7,000-8,000 vehicle trips per day. This is an addition to Glenridge's current load of 20,000 trips per day. Granted, this increase is less than the 10,000-11,000 added trips that would result if the originally proposed two office towers were built.

However, increasing its load by only 35-40% instead of 50-55% is neither a meaningful improvement nor concession by the developer. It is truly a difference without distinction.

The developer's proposed second entrance lane to I-285 is completely ineffective. Sandy Springs' own traffic department has said that it provides only additional stacking, or parking, for 15 cars trying to get on I-285. It will have absolutely no effect on the rate at which cars can enter I-285.

The traffic backup will backup at the projects doorstep. Lakeside has only one left and one right turn exit controlled by a traffic light and only one right turn only exit.

The consequences of Lakeside's design flaws will include drivers looking for cut through routes through the Glenridge Hammond neighborhood and pushing even more traffic south and then west on Glenridge to Roswell Road not to mention Johnson Ferry going east.

The traffic jam will unquestionably increase the survival risk of any person suffering a medical emergency and trying to get to Children's, Northside or St. Joseph's Hospital.

The prospect of MARTA playing a meaningful role in the traffic solution is illusory. It is a 1.3 mile walk with no connecting sidewalks for pedestrians. MARTA simply cannot play its intended role in this project.

For these reasons, Winfield Glen Homeowners Association are adamantly opposed to the Lakeside project under either of the proposed site plans and request that the application be denied. The Association is willing to consider plans that include reduced density and realistic transportation plans.

Alan Powell, 5645 Colton Drive, stated that he is the Co-President of High Point Civic Association. The Association feels that the office commercial density for this project should be capped at the Live-Work-Community level of 25,000 square feet. They do not think that the Live-Work-Regional designation is appropriate for this property as the Live-Work-Regional parcels are required to be adjacent to mega transportation interchanges and/or rail transit stations. This property does not fit the definition as the closest MARTA station is a 1.3 mile walk from the entrance to Lakeside nor is the 285 interchange in front of the property a full diamond. There is only limited access to 285 west bound. They had

hoped and expected to see a dramatically improved site plan after the Planning Commissioners comments at the February 21, 2008, meeting. Planning Commissioner Duncan had stated that the applicant could have done a much better job. The Association agreed and feels that there has not been enough significant improvement made to the plan. The Association would like to continue to work with the Greenstone representatives as they continue to improve their plan since the surrounding neighborhoods have a good working relationship with them during this process. The Association requests that City Council deny the application as presented or defer the plan as it is currently submitted instructing the collaboration of the applicant and the surrounding neighborhoods in creating a revised detail plan consistent with the Live-Work-Community designation.

Trisha Thompson, 145 River North Drive, stated that the applicant has stated that this plan will make the City proud and it would be at Glenlake Parkway. Glenlake had an exceptional master plan with open space and, open space left for the inclusion of buildings for the future. This plan does not do that. This plan is a piece mill, hodgepodge like the Prado. Ms. Thompson requested that City Council defer or deny this item.

Mayor Galambos questioned the staff on how much of this property is Live-Work and how much is Live-Work-Community, Live-Work-Regional. Planner Ruffin stated that approximately 10 acres are Live-Work-Regional and the remainder of the 26 acres would be Live-Work-Community. Mayor Galambos questioned if any calculations have been done in terms of what the density will be given the two different characteristics. Planner Ruffin stated that the 16-17 acres on the front portion of the property are Live-Work-Community. That portion would be allowed to have 340 residential units and 425,000 square feet of office and commercial. The maximum height allowed would be a four (4) story. The back portion would be unlimited density and unlimited height.

Councilmember DeJulio questioned if there were other parts in Sandy Springs Live-Work-Regional separated by an interstate highway. Planner Ruffin stated that there is Live-Work-Regional on the south side of this property, on the other side of I-285. On page 20, of the staff report shows Crawford & Company and Glenridge Point, they are split the same way. Director of Community Development Leathers stated that there is another piece of property like this at the Sandy Springs Station where a portion of the circle goes to the west of GA 400.

Mayor Galambos stated that she would like to hear more on the traffic studies.

De Little stated that what they did two to three years ago at Abernathy is exactly what they are talking about doing on the westbound ramp at I-285. At the intersection of Abernathy and GA 400 the southbound GA 400 ramp was widened, two lanes were added that allowed the free flow movement of the right turn traffic and a free flow turn movement of the left turn traffic. The traffic trying to get on I-285 clogs the traffic moving on Glenridge. By installing this, it will get the clog out of the way and their projection is that this intersection will be a grade F in 2011 and under normal growth and conditions it will go to a grade C. They could be wrong but from a zoning standpoint, and under the Comprehensive Land Use Plan their plan meets City requirements. They had an analysis done before buying the property and it showed this plan met the City requirements. They also met with staff and GRTA to understand if their zoning was fair or not.

Mayor Galambos questioned if he had stated that the traffic would move better due to the additional lanes, even though there will be a huge increase in the number of trips during peak hour.

De Little stated that is correct. The study shows that there will be 350 cars in the p.m. peak hour with office space. The situation will be better with the improvements they will make than if you left it alone. Mr. Little submitted a memo to City Council and staff regarding the Glenridge Drive Traffic Operations Analysis, from Abdul Amer, P.E., A&R Engineering, Inc. The purpose of the memo is to compare traffic operations at the intersection of Glenridge Drive / Glenforest Road / Glenridge Drive / I-285 Westbound On-Ramp due to the proposed Lakeside development. Traffic operations have been updated to reflect the recommendations of the Planning Commission to specify one of the two office towers as future. If the second tower is not constructed the office space component within the development will be 355,000 square feet of new office space.

Trip generation has been calculated assuming the office space as 355,000 square feet (81 enter and 395 exit) and the other land use square footages as unchanged from the original DRI traffic study. Due to the nature of the development, mixed-use reductions have also been applied. Trip generation estimates were based on the rates and equations published

in the 7th edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide.

Compared to build-out, the reduced trip generation will generate 26.2% less traffic during the AM peak hour, 32.8% less traffic during the PM peak hour and 24.0% less traffic over a 24 hour weekday period.

Future traffic operations have been analyzed for both the full build-out and reduced office space scenarios. From the results of the analysis comparison, levels of service at the two study intersections will be reduced during the PM peak hour with the reduced trip generation.

Councilmember Jenkins stated the focus has been on traffic moving south onto I-285 heading west as if everyone that comes out of that development will be heading west. She has a concern about traffic heading north. The folks coming from Forsyth County and Alpharetta work here. She has a concern with gridlock on the streets with the folks heading north on GA 400. She questioned how they would get back to GA 400 and what does the traffic model show.

Abdul Amer, P.E., A & R Engineering Inc., stated on Page 6, of the original detailed DRI study, there was a graphic that shows a percent of traffic going in different directions. There are two ways to get on GA 400 going north, the easiest way would be to get on Glenridge Connector and go north on GA 400.

De Little stated that if you live in North Fulton for the most part you will come to Abernathy and not fight GA 400 / I-285 congestion. If you live south of I-285, you will go to the Glenridge intersection. The vast majority of traffic will go in and out of Glenridge intersection. Some of it will go north but the majority of it will go south.

Councilmember Jenkins stated that she lives right by the Glenlake Parkway and can not get out of her street from 4:00 to 7:00 in the afternoon because of all the Glenlake Parkway traffic. She does not believe that any of the ramp improvements at Abernathy and GA 400 south have made any difference. Her concern with the folks coming from Forsyth County are not going to sit through all that congestion between Abernathy and I-285 because they are not going to come down and go around but, will come Abernathy and then down Glenridge Drive.

De Little stated that once the half diamond is built on Hammond it will be utilized. It is quicker to go around to the Glenridge Interchange on GA 400. There will be no problem getting into the site, no problem on the weekends. The issue is at 5:00 p.m.

Councilmember DeJulio stated that directly across from this parcel is a very viable single family residential area that has been there for years. The City has made a real attempt and promise to maintain the viability of that residential area. A lot of people will think that is a great way to cut through to get to Hammond Drive. His concern is with the possibility of 300 plus cars cutting through the Glen Forrest Road to Hammond Hills and destroys that neighborhood. He question if anything had been done to prevent the cars from coming from this site and going straight.

De Little stated that there is nothing that they can do to prevent that movement or the movement coming out of that neighborhood taking a left to go north to Glenridge. All they can do is make it harder in the stack lanes within their project to go straight and they have done that. He believes the neighborhoods would agree that the issue is not their project, but whether or not there will ever be a stop light on Hammond Drive. Right now without a stop light traffic does not go through that neighborhood because they can not turn left onto Hammond. If a stop light is put on Hammond people will start cutting through the neighborhood.

Councilmember DeJulio stated that he can not see how people from the GM building are going to be able to do anything but get on I-285 with the widening of these ramps and addition of turn lanes. He questioned if the developer supported the taking of his land.

De Little stated that they are showing a decel lane and adding an extra lane. They do not have a firm agreement but the protection you have is that if they do not make that improvement then they can not build anything.

Councilmember DeJulio stated that the applicant is coming before Council with a traffic plan with no contractual agreement from the neighbor. It is predicated on that and predicated on the applicant being able to widen the entrance ramp onto I-285 without agreement or approval from GDOT. What you have is a transportation plan that is based upon wishing and hoping.

Mayor Galambos stated that the applicant would have a worthless zoning unless he fulfills those requirements.

Councilmember Paul stated that it would not be a worthless zoning if it is sold and then somebody else comes in.

De Little stated that they do have a conceptual agreement from the neighbor across the street. He is not going to spend the thousands of dollars in legal fees until he gets something zoned. Does he think he will agree to it, yes? Can they do it with the right-of-way in place without adding any sidewalk, yes? If push comes to shove and all of us decide to do that and do the road and build a sidewalk that goes no where and get it done, yes. They have met with the GDOT twice and conceptually DOT says they love it and are for it. Mr. Little stated that he is confident they can get this done.

Mayor Galambos referenced a handout called "Future Intersection Operation Comparison for 2007 Counts". She questioned the meaning of the Q length. Abdul Amer stated that when the traffic signal is red and the Q extends. Mayor Galambos questioned if the Q lane got better or worse. Mr. Amer stated that it improved. They are adding a right turn lane on the southbound on Glenridge Drive and proposing to widen the westbound on ramp on I-285 to allow the southbound right turn to be able to turn right without having to yield or wait for the northbound left turners. This will create left shorter Q's and give free flow movement on southbound Glenridge Drive. Everyone has looked at the detailed study and concluded that this was the improvement needed at this location. The applicant voluntarily added the widening of the ramp. All of the right turn improvements will be in the public existing right-of-way. They have acknowledged that there will be some grading easements that will need permission from the owner across the road. The number of cars that will be added daily is around 7,000 and this study was done during the worst peak hour time. Glenridge Drive is four lanes, two lanes in each direction. Although this development will add 7,000 to 8,000 cars, the capacity for a four lane road is much more than that and can easily handle 28,000 cars. From a traffic standpoint this is the perfect location for density.

Gary Lutrick, 5795 Hilderbrand Drive, spoke in favor of this application. He stated that traffic is already terrible and will only get worse. The developer has a vested interest and believes this will help make the traffic better. A development like this will help property values. The traffic is coming whether Lakeside is there or not.

Carl Westmoreland stated that before this application was filed, they tried to address the issues in the City's Land Use Plan. They are close on either side of the line and in total to what the Land Use Plan contemplates. They have tried to address the issue of traffic with changes in the plan since it was first heard. The City already has a problem with traffic and this is just part of an opportunity to start to solve that and not at the City's expense but with the developers cooperation and with the developer's money. The developer knows that if he can not make those improvements he will not be able to get the approval from the owner of the GE building and GDOT, and then he will not get a CO and can not develop anything. The Planning Commission made a reasonable attempt to address the issues on this and they think it is fair and request City Council approve this application.

Mayor Galambos stated that in the memorandum dated January 29, 2008, it states that their projection for this intersection will be a grade F in 2011 with all improvements. It shows E and F which are bad ratings. Mr. Amer stated that E is at capacity and F, is beyond capacity. Mayor Galambos stated that all of this is in the peak hours and it states what the rating will be with the improvements. Glenridge Drive remains E and Glenridge Drive westbound ramp becomes a C. Mr. Amer stated that is correct.

Councilmember Meizen McEnery stated that she had previously worked for one of the financial partners in this development, Metropolitan Life from 1983 to 1989. She finds that prior employment to have absolutely no effect on her ability to be impartial in the upcoming vote.

Councilmember MacGinnitie questioned staff if they agreed with all of the findings in the traffic study and is there anything else Council should know before making a decision.

Transportation Planner Moore stated that the Public Works staff agrees with the traffic study the applicant submitted. Public Works has reviewed the study and has gone through a review with GDOT, GRTA and ARC as part of the DRI process and they do agree with the findings in the study.

Councilmember DeJulio stated that across the street from this project is GM building, and up the street is the Crawford & Company building, which is going to be showing an extensive redevelopment and additional usage on there. Next to that is another 115 townhouses going up. The property at the corner of Johnson Ferry and Glenridge has a sign posted for a new hotel or new building. He questioned if all of this redevelopment was taken into account in the traffic study.

Transportation Planner Moore stated that it was taken into account. He explained that in the study they would look at traffic today and then add an annually compounding percentage rate each year. Staff directed the applicant to put in a very aggressive growth factor in the traffic study to account for the fact that there is going to be development in the immediate vicinity of the area. With these improvements of the interchange at the on ramp, it would be allowed to absorb more and still operate effectively more traffic than would be shown in the study.

Councilmember Jenkins stated that north of Hammond in the trip distribution, the applicant stated that people would actually go down to Glenridge Connector if they want to go north on GA 400 and have estimated that 40% is going south of I-285, 28% will go on Glenridge Connection. The study shows only 10% going north on Glenridge Drive, 15% towards Hammond half diamond that will be built. She questioned how the applicant came up with these numbers. She questioned how the developer would know how many people would come from the Forsyth / Alpharetta area.

Transportation Planner Moore stated that the applicant would look at the regional models for housing and employment to get a base line. Effectively, they take something like this and talk with a local jurisdiction. Staff looked over this when it was done. Mr. Moore explained that this trip distribution does not factor in the concept of the half diamond. What it would effectively do is, raise the 15% up another 5% or so from what it shows now. The percentages would be closer to 20% going south, 20% going along Hammond. Staff feels confident that based on traffic patterns in the area and where most people live and work in these areas; this is a pretty accurate distribution.

Councilmember Meinzen McEnerny stated that the original traffic plan discussed the intersection operations that exist today. She would like to discuss a key intersection, the intersection of Glenridge Drive and Hammond Drive. Currently the a.m. AMLOS standard is E, at a.m. peak it is F and at p.m. peak it is D. She recognizes that this intersection is not adjacent to this developer's property and the developer is making some voluntary modifications on the westbound ramp to I-285. She requested staff to read the GRTA recommendations for the Hammond Drive /Glenridge intersection. She questioned staff's estimation if these improvements were made, and questioned if this would improve the capacity on that section of Glenridge from Glenridge / Hammond all the way to the Johnson Ferry / GA 400 connection.

Transportation Planner Moore stated that GRTA issued conditions for overall system improvements: a. Add an additional westbound left-turn lane on Hammond Drive creating dual left turn lanes with protected only phasing. b. Convert the northbound through lane on Hammond Drive that is directly adjacent to the northbound right-turn lane to be a northbound through / right-turn lane and provide permissive + overlap phasing for the northbound right turn movement. c. Add a dedicated eastbound right-turn lane on Hammond Drive. The long range plan here is to add a northbound right turn lane that would be separate and then create dual westbound to southbound left-turn lanes in order to move traffic.

Councilmember Meinzen McEnerny stated that she would like to know what staff thinks the effect on this section of Glenridge Road would be, in terms of capacity if GRTA issued conditions for that intersection were made. Planner Moore stated that Glenridge Drive is effectively a really big pipe and that we are not using all the capacity of Glenridge Drive. The answer would be to widen the valves to create more flow through area. The number one choke point now, identified in the study, is the westbound on ramp. The second biggest choke point in the area is the Hammond Drive intersection. The third biggest choke point is at Glenridge Connector and Johnson Ferry. Each of these intersections was identified in the overall study area. The more work that is done to any of the intersections, the better the overall flow on Glenridge Drive would be.

Councilmember DeJulio questioned if anyone had taken into consideration the traffic that is going northbound from the Glenridge Connector under I-285 turning left onto I-285 west. This traffic is backed up as well. Planner Moore stated that it has been looked at. There was discussion of adding another lane along the entire frontage of the properties.

Councilmember Fries stated that there are 20 hotels in Sandy Springs, 17 are small hotels with 80 to 150 rooms. There are three (3) much larger ones. Her concern with the hotel component is that it spreads the hotel business out a little too thin. This is not a good area for a hotel. The hotel needs to be close to the medical facilities where there is a need for a hotel and walking distance to the hospitals. There has been discussion about Live-Work-Community and Live-Work-Regional and discussion about it being half a mile of the MARTA Station. There are a lot of nodes in the city that are near a MARTA Station. When Council was discussing the Comp Plan, height was discussed. Council said "go up and give green down". This plan goes up and the applicant is giving 38% green space, the requirement is only 20%.

Councilmember Meinzen McEnerny stated that this Council is not in the business of telling developers what kind of product to bring. Council should make a decision on the use and the density. There are two areas the City has allowed high rises as Live-Work-Regional and it is not a requirement that they be solely around the MARTA Station. They could be on a big Interchange such as the Northpoint Development. The Comprehensive Plan is a guide and she finds the provision for Live-Work-Regional on the Lakeside site due to its proximity to the Medical MARTA Station is flawed as the underlying tenets for higher density around the MARTA station are not there. The underlying reason for the Live-Work-Regional, as part of the half a mile circle would have pedestrian access to the MARTA. It does not meet that criteria as the public has mentioned. She encouraged Council to consider deferral of this application because the plan needs additional improvements.

Motion and Second: Councilmember Meinzen McEnerny moved to defer RZ07-021/U07-008/CV07-020 (DRI) - 5775 & 5795 Glenridge Drive, Applicant: MGLP Lakeside, LLP to the June 17, 2008 regular meeting in order for the applicant to revise plan and to reflect the general density component to Live-Work-Community. Councilmember Jenkins seconded the motion.

Discussion on the motion: Councilmember Meinzen McEnerny stated that if the applicant brought the plan back at Live-Work-Community then the applicant would have up to 521 units of residential, an increase of 221 units. The applicant would have to reduce the office/commercial component to 650,750 square feet. The applicant would be able to accommodate; hotel 50,000 retail, existing 324,000 square feet related to the 3-5 story building plus the existing two (2) story building which would leave 155,750 for tower which would be approximately six (6) stories.

Councilmember Paul stated that Council can not hold this land forever without allowing the developer a reasonable use of it. The developer has a reasonable expectation of the use of his property. The traffic on the back of this property is insufferable. He would like to have a deferral without prejudice.

City Attorney Willard suggested to Council to address the items that need to be addressed.

Councilmember Meinzen McEnerny stated that the reason she included direction to bring it in as Live-Work-Community is because that is what the Comprehensive Land Use Plan calls for. The Live-Work-Regional component is not applicable due to the fact that it not walkable. The City has a guide that is reasonable and objective to bring it back within our current density requirements at Live-Work-Community. She would agree to some flexibility to have higher density in the tower location.

Mayor Galambos stated that the motion was the inclusion of more apartments and less office and the neighborhood make not like that. Councilmember Meinzen McEnerny stated that the intention is Live-Work-Community, general density.

Councilmember MacGinnitie stated that the best solution is some creativity. The Planning Commission recommendation in Live-Work-Community is about 170,000 square feet of office space. He hopes that the neighborhood and the developer can bridge that difference in a way that it helps the traffic. He is supportive of what Councilmember Meinzen McEnerny is trying to do.

Councilmember Fries stated that she is uncomfortable with tying their hands to Live-Work-Community when the Comprehensive Land Use Plan does have Live-Work-Regional and Live-Work-Community there. She likes internal retail when looking at mixed use. There is some retail that can be put internal which she believes is a huge plus in a development like this.

Vote: The motion carried 5-1, with Councilmember Fries voting in opposition.

RZ07-039/U07-016/CV07-029 - 305 Carpenter Drive, *Applicant: Masoud Zahedi* To rezone the subject property from A-L conditional to MIX for the development of 7,000 square feet of commercial space and 300 residential units, with concurrent variances and a use permit to exceed the maximum district height.

Planner Ruffin stated that this is a zoning petition to rezone the subject property from the apartment limited district conditional to the mixed use district for the development of 7,000 square feet of commercial space and 300 residential units. Staff is recommending that the application be withdrawn and resubmitted to allow proper review by the staff since the request has significantly changed from the original submittal. The Design Review Board heard this application at the October 23, 2008 and February 12, 2008 meeting and recommended withdrawal of the petition subject to staff's request.

The application was also heard at the December 20, 2007 Planning Commission hearing and the February 21, 2008 and the Commission recommended denial as well.

Masoud Zahedi, 5801 Roswell Road, stated that the original plan was for a 20 story building and he has reduced it to 10 stories with 220 units. More than 50% of the site is green space and the requirement is 15 to 20% green space. Mr. Zahedi requests a 60 day deferral instead of a withdrawal of his application.

Mayor Galambos questioned why staff feels Mr. Zahedi should start over. Director of Community Development Leathers stated that there are two reasons for this. One, because of the significant change and more importantly the change is to Independent Living. Council has instructed staff to prepare an ordinance for Independent Living. At this time, the City does not have an ordinance in place for Mr. Zahedi to file under for the Senior Living Facility This application would have to be treated as a regular apartment project but, that is not what Zahedi has presented. Staff feels that it would be best for Mr. Zahedi to bring back his application when the City has an ordinance in place to allow him to have that type of use.

Mayor Galambos explained to Mr. Zahedi that he would be better off to wait in order to know what the City's requirements are for the Senior Living Facility.

Planner Ruffin stated that the ordinance will be at the April Work Session and must go before the Planning Commission and then back to City Council for approval.

Director of Community Development Leathers stated that Mr. Zahedi can submit his application as regular apartments or he can submit his application as a senior living facility. This ordinance will come before the Council sometime in May or June.

Mayor Galambos called for public comment.

Trisha Thompson, 145 River North Drive, stated that the Sandy Springs Council of Neighborhoods thinks the senior living facility is a good idea. The change Mr. Zahedi did to his building plan is wonderful. The Council of Neighborhoods supports the staff's recommendation.

Mayor Galambos explained that City Council likes the concept of the senior living facility and would like for Mr. Zahedi to wait on the ordinance to be complete. In the meantime he could negotiate with operators and assisted living places.

Mr. Zahedi requested to withdraw his application.

Motion and Vote: Councilmember DeJulio moved to approve applicants request to withdraw application. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

RZ07-043/CV07-031/U07-017 - 109 & 135 Hilderbrand Drive and 6110 & 6118 Bluestone Road, Applicant: Heritage Sandy Springs, To rezone the subject property from O-I conditional to O-I to maintain the existing two-story, 10,068 square foot office building on Bluestone Road and to maintain the remainder of the existing Heritage Sandy Springs site including the William Payne house, amphitheater, office building on Hilderbrand Drive, and other accessory buildings, with concurrent variances and a use permit to maintain the amphitheater. Ordinance No. 2008-03-10

Planner Ruffin stated that this is a request to rezone the subject property from O-I conditional to O-I to maintain the existing two-story, 10,068 square foot office building on Bluestone Road and to maintain the remainder of the existing Heritage Sandy Springs site including the William Payne House, amphitheater, office building on Hilderbrand Drive, and other accessory buildings.

The applicant is also requesting seven (7) concurrent variances most of which are to allow existing site conditions to remain and the remainder of the variance are with regard to signage.

Staff is recommending approval conditional of the rezoning request and concurrent variances. The Design Review Board heard this item at the December 26, 2007 meeting and recommended approval of the request as submitted. This application was heard at the February 21, 2008 Planning Commission hearing. The Commission recommended approval subject to staff conditions but, amending Condition 3.f. to restrict neon and electronic reader boards from use on signs featuring changeable copy

D.J. DeLong, 30 Cameron Glen Drive, stated that the applicant is trying to correct the original rezoning that was done in 2003 by Fulton County to establish the amphitheater. At the time the plan was to demolish old suburban tour building. The applicant looked at that building and decided it would be a wonderful asset and decided not to destroy it. The applicant would like to renovate this building and use for office space.

The applicant would like to update the two (2) existing signs that are on the property. The new signs will be very similar to the two already existing stone faced columns. These signs will be refaced with the new Heritage Green logo and add a fourth sign over on the corner by Sandy Springs Place and Bluestone Road. The Fulton County logo will be replaced with the City logo.

In the packet Council received, staff included drawings for the building after completing the \$2.2 million renovation. They only have \$700,000 to renovate the upper floor. They do not have enough money to do the entire project.

Mel Mobley, Lokey, Mobley & Doyle, 3425 Dunwoody Place, stated that this property is legally a park and has public and private issues. Private funds were raised for both capital expenses and operating cost. They are asking to brand this as Heritage Green. It will help them more effectively raise private funds because people will give to a private organization. They would like to have the signs and the message board.

Mayor Galambos called for public comment. There were no comments from the public. Mayor Galambos closed the public hearing.

Councilmember Fries stated that the City has gone to great lengths to pick a very distinctive sign on City park properties. It is very important that we brand our city for the tourist and people passing through our City.

Motion and Second: Councilmember Fries moved to approve RZ07-043/CV07-031/U07-017 - 109 & 135 Hilderbrand Drive and 6110 & 6118 Bluestone Road, Applicant: Heritage Sandy Springs subject to the following staff conditions and add a condition that signage must be approved by the Community Development Department and the Parks and Recreation Department and comply with the sign standards of the City. Councilmember Jenkins seconded the motion.

1. To the owner's agreement to restrict the use of the subject property as follows:

- a. An amphitheater, office, and accessory uses at a maximum density of 3,765.71 gross square feet per acre or 15,816 gross square feet. (U07-017)
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated December 3, 2007. 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. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Sandy Springs Circle along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - b. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Hilderbrand Drive along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - c. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Bluestone Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - d. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Sandy Springs Place along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - e. To change the maximum number of freestanding signs from one (1) per lot to one (1) per road frontage as shown site plan received by the Department of Community Development dated December 3, 2007. (CV07-031)
 - f. To allow for changeable copy on the existing and proposed freestanding signs on the site as shown site plan received by the Department of Community Development dated December 3, 2007. (CV07-031)
 - g. To allow the existing freestanding signs to be located within the required ten (10) foot sign setback as shown site plan received by the Department of Community Development dated December 3, 2007. (CV07-031)
 - h. All freestanding signs shall be designed in a style similar to the identification monument signs currently installed at the city recreation and parks facilities. Said signs shall be subject to the approval of the Department of Community Development and the Parks and Recreation Department.
 - i. To reduce the required minimum acreage from ten (10) acres to four (4) acres (CV07-031).
 - j. To reduce the required 600 foot stage setback from residential properties to 300 feet (CV07-031).
 - k. To allow the site to be accessed from local streets Sandy Springs Place, Hilderbrand Drive, and Bluestone Road as shown site plan received by the Department of Community Development dated December 3, 2007 (CV07-031).
 - l. To delete the required fifty (50) foot buffer and ten (10) foot improvement setback adjacent to non-residential zoning districts or development as shown site plan received by the Department of Community Development dated December 3, 2007 (CV07-031).

Discussion on the Motion: Councilmember Jenkins stated that it is important for the City to be able to brand its property. The Sandy Springs Youth Sports also raises their own money to fund and build on Morgan Falls property, Big Trees, public and private funds as well. It is important for people to know their city property. She is confused as to why it would keep them from getting money from private donors for renovations and does not think that would have an impact. Councilmember Jenkins explained that the Friends of Sandy Springs exist and raises money for the City's parks, police and fire department and would hope they work together to raise funds.

Councilmember Meinzen McEnerny stated that 76% of all fundraising in the United States comes from individuals. The fact that this board has been running Heritage for 20 years in a reputable established manner in which they have been able to raise more than a million dollars to purchase, move and operate the William Payne House reflects their success in this community. Their whole existence is based on fundraising. She thinks the City should do everything possible to

enhance their ability to raise funds. Since Sandy Springs has become a City there have been many new non-profits created. All of these people are willing and committed to raise funds from the community. She supports this application to use their own signage with the caveat that the Sandy Springs logo be put on all of their signs that the applicant is requesting.

Vote: The motion carried 5-1, with Councilmember Meinzen McEnerny voting in opposition.

RZ07-044/CV07-032/U07-018 - 8475 Roswell Road (SR 9), Applicant: SecurCare Properties, LLC, To rezone the subject property from C-1 conditional and M-1 conditional to C-1 to redevelop the existing storage facility and office building, with concurrent variances and a use permit to allow for a self-storage facility.

Planner Ruffin stated that this is a zoning request to change the zoning from C-1 conditional and M-1 conditional to the C-1 District to redevelop the existing self storage facility and office building.

The applicant is also requesting one (1) concurrent variance to allow for Self Storage / Multi use within the Suburban District of the Sandy Springs Overlay District and a use permit for the development of the mini-storage facility.

At the December 26, 2007 and January 22, 2008 Design Review Board meeting, the Board recommended denial of the petition as submitted.

The application was heard at the February 21, 2008 Planning Commission hearing. The Commission recommended deferral to allow the applicant time to meet with the neighbors again and to revise the site plan of proposed architectural elevations.

Michele Battle, 201 17th Street, NW, Representative of SecurCare, stated that this SecurCare acquired this facility in October 2007. The property is currently developed for use as a self storage facility, with the front portion of the property currently zoned C-1 conditional and the rear portion of the property is currently zoned M-I conditional.

The Overlay District of Sandy Springs along Roswell Road prohibits self-storage facilities being located along Roswell Road. This property has been used as a storage facility for in excess of 25 years. SecurCare fully intends to continue owning and operating this facility as a self storage facility. The real issue is what it is going to look like over the next few years.

SecurCare is proposing to rezone the entire parcel to C-1 with a use permit to allow the continued use of the property as a self-storage facility although they are asking for self-storage multi instead of the existing self storage category that would only allow for a single story on the back end portion of the property.

The applicant desires to upgrade the current improvements located on the property. The upgrade would include; (1) replacing the existing office building structure with a more modern looking one-story structure, which will contain 900 square feet of office space and a 1,400 square foot apartment unit for the resident manager of the facility, (2) demolishing four (4) of the existing one-story storage structures and replacing these structures with two (2) climate controlled storage buildings each being two (2) stories in height, and (3) rehabbing the façade's of the four (4) remaining storage units.

As the City strives to improve the quality of life for its residents, the applicant simply seeks to do the same by improving the SecurCare facility by providing an updated look and climate control storage areas which will provide better preservation of personal property.

David Haiden, 801 Gettysbury Place, spoke in support of application.

Motion and Vote: Councilmember Fries moved to defer RZ07-044/CV07-032/U07-018 - 8475 Roswell Road (SR 9), *Applicant: SecurCare Properties, LLC* to the Design Review Board and the Planning Commission and to City Council at the May 20, 2008, Regular Meeting. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Zoning Modifications

ZM08-001 - 1777 Brandon Hall Drive, Applicant: David Armstrong, To modify condition #1 of the Letter of Intent approved under Z69-0062 to reduce the required 15 foot side yard to 10 feet for the construction of a garage. Ordinance No. 2008-03-11

Planner Ruffin stated that this is a zoning modification application to the conditions of Fulton County zoning case Z69-0062. The applicant is requesting to reduce the required side yard setback from fifteen (15) feet to ten (10) feet for the construction of a detached garage on the property.

David Armstrong, 1777 Brandon Hall, stated that he would like to construct a detached brick garage on his property. The neighbors support his application.

Mayor Galambos called for public comment. There were no comments from the public. Mayor Galambos closed the public hearing.

Motion and Vote: Councilmember MacGinnitie moved to approve ZM08-001 - 1777 Brandon Hall Drive, Applicant: David Armstrong. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

Property Abandonment

Consideration of approval of the abandonment of an under developed portion of Carolwood Lane.

Director of Public Works Parham stated that this is a request to abandon a portion of Carolwood Lane in District 17, in the amount of 0.211 acres. The right-of-way dead ends into a property that is lower than the road. The floodplain is affected by a stream. Staff recommends approval conditional to the applicant to provide a vehicular turn around for emergency vehicle use.

Bill Huff, Jr., 504 Hammond Drive, Agent for Woody King, stated that Mr. King plans to redevelop this property for a nice home. This is a win-win situation for the City of Sandy Springs. This roadway in the right-of-way that is there has existed since it was recorded in 1954. It has functioned very well without a turn around being placed there. The existing pavement only extends to the driveway and the rest of the right-of-way extends in through the floodplain and has never been developed as a roadway. It has become a convenient dumping ground for the community. Mr. King would like to put a quality home there and to clean up the situation that exists. The applicants requests Council's consideration of abandonment of the right-of-way, and allow Mr. King to properly accommodate the abandoned right-of-way through utilization in maintenance and landscaping that would be attractive to the community without the turn around which has no room because of the floodplain.

Mayor Galambos called for public comment. There were no comments from the public. Mayor Galambos closed the public hearing.

Senior Deputy Fire Marshall Scarbrough stated that the turn radius creates a real problem in backing the apparatus out of that dead end street. The Fire Department feels that the vehicular turn around is needed.

Mr. Huff, Jr. stated that there is not adequate room within the 50 foot width right-of-way. The right-of-way is there now and has functioned well for 54 years. The applicant requests that the right-of-way not be required to be expanded into a turn around. Every street that goes to that stream presently ends just like this property does, with no turn around in those roadways.

Councilmember Meinzen McEnerny questioned what the specifications are for the Hammerhead turn around.

Woody King, Developer stated that to build a hammer head or any type of turn around would be very expensive. If Council is going to require a hammer head then he is better off not having the right-of-way abandoned and having Sandy Springs maintain it.

Senior Deputy Fire Marshall Scarbrough stated that the 60 feet is needed for the hammer head turn around or could do an offset with the 50 feet that is already there.

Councilmember Meinzen McEnerny stated that anytime a proposal is brought before Council to give away City property, she looks at it carefully. In this instance, because the City's Fire Department has indicated that it would be advantageous to put in a hammer head that can be accommodated in the 50 foot right-of-way then she does not feel that she can ignore that advice.

Motion and Second: Councilmember Meinzen McEnerny moved to approve abandonment of property lying within Land Lot 66 of the 17th District, portion of Carolwood Lane with a condition that the applicant provide a 50 foot hammer-head vehicular turn-around for emergency vehicle use. Councilmember Jenkins seconded the motion.

Mr. Huff stated that the applicant is not interested in taking the right-of-way if a hammer head is required because the construction cost and the floodplain damage it would require. If Council approves the abandonment, is Mr. King required to take it.

Substitute Motion and Vote: Councilmember Paul moved to defer the abandonment of an under developed portion of Carolwood Lane to the May 20, 2008, Regular Meeting. Councilmember MacGinnitie seconded the motion. The motion carried unanimously.

New Business:

Consideration of a lease agreement with Heritage Sandy Springs for the Sandy Springs Historic Site and related properties and a sublease of a certain portion of the property to the Sandy Springs Hospitality Board.

City Attorney Willard stated that this item came before Council at the last Work Session. The new lease will begin on May 20, 2008. The new lease incorporates some of the intentions set forth in the Memorandum of Understanding. The most significant differences between the lease and the new lease are: (1) The New Lease provides in paragraph 1 for a term of thirty (30) years, which means it will expire in 2038. The current lease is also a thirty (30) year lease which was executed in May of 1986, and with subsequent amendments extended the term to May 28, 2035. (2) In paragraph 2, the New Lease references the need for further allocation of duties and responsibilities and anticipates the need to enter into separate agreements with respect to the Property in the future to address such further allocation. (3) There is provision for no assignment and subletting without prior approval in paragraph 5. (4) There are new insurance requirements in paragraph 8. (5) Paragraph 10 contains a provision for rebuilding the Property after damage or destruction and the responsibilities of the parties in such an event. (6) Paragraph 11 provides for future expansion mutually agreed to by parties, but plans for construction of improvements shall not require the approval of the City so long as they are consistent with the intended uses of the Property and are consistent with current zoning and other laws. (5) Paragraph 12 gives Heritage the right to close all or a part of the Property for limited periods of time, but requires posting of closures or changes during regular hours of operation. (7) The requirement of audited financial statements has been removed from paragraph 13, now requiring financial statements certified as accurate by the President of Heritage.

The hours of operation would be from 9:00 a.m. to 5:00 p.m., five (5) days a week or as agreed upon by the parties.

Heritage would like to sublease a portion of the Property to the Hospitality Board pursuant to the terms of a sublease agreement. The term of the Sublease is ten (10) years for a rental price of \$240,000.00 for the ten (10) year period.

Councilmember Meinzen McEnerny questioned if the agreement had been agreed upon by Heritage. Mr. Mobley stated that it had.

Motion and Vote: Councilmember Fries moved to approve a lease agreement with Heritage Sandy Springs for the Sandy Springs Historic Site and related properties with the change that it will expire on May 28, 2035 instead of 2038 to coincide with the original Lease as amended and a sublease of a certain portion of the property to the Sandy Springs

Hospitality Board. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

Consideration of approval of an E-911 Consulting Engagement.

City Manager McDonough stated that the current IGA for E-911 Services expires at the end of 2008. The City has a pending request with Fulton County for an extension of that through December 2009. The City was asked to consider taking a regional approach to providing 911 services for North Fulton County. What they have found is that Alpharetta is pleased with the set up they have currently. Milton plans to contract with Alpharetta to provide their call taking and dispatch services there, that left Sandy Springs, Johns Creek and the City of Roswell. We are proceeding along with Johns Creek and Sandy Springs and at the request of Mayor Wood the City is asked to include Roswell in that. Roswell decided not to participate at this time in the cost sharing and the evaluation. Mr. McDonough contacted one of the owners of the company that was recommended and asked if they would consider a change in scope and fee. They agreed to both of those items. The City of Sandy Springs and Johns Creek's share is exactly how it was presented in the packet. Roswell was removed from the equation.

Assistant City Manager Reiter stated that the 911 Communications including the Police and Fire dispatch are currently provided by Fulton County Department of Emergency Services through Intergovernmental contractual agreement as stated expires at the end of this year. The City is still waiting on word on whether the contract can be extended for six to twelve months. Toward the end of this past year the City of Sandy Springs invited other cities in North Fulton to participate in a collaborative effort to explore the concept of a regional 911 emergency communication center for all North Fulton. Johns Creek quickly joined as a strong partner. The City of Roswell expressed its interest in participating but is uncertain at this time where they stand. The City of Sandy Springs needs to move forward as City Manager McDonough suggested.

The City of Sandy Springs put out a Request for Qualifications in November 2007 for consulting firms that has experience in designing and standing up regional 9-1-1 communication centers. Through the evaluation of the 9-1-1 committee that consisted of members of both Sandy Springs and Johns Creek represented by police, fire and City administration. The committee selected the top three firms that were most qualified and invited the firms to participate in on-site presentations. Those presentations resulted in a technical review and evaluation by a slightly larger body and comprised of members of both cities and scored iXP Corporation as the number one most technically competent firm that presented to the committee.

On March 6, 2008, the City sent out a second Request for Cost proposals for consulting services. One of the critical deliverables in the scope of services of the consulting engagement is a modeling and forecasting of each municipality's call volume into the Emergency Communications Center. As the resource utilization, these figures should become the basis of prorating all future system cost whether they are for capital expenditures, utilities, shared personnel, or anything else related to the Emergency Communications Center. Once the center is operational for a period of time, the City should consider examining actual call volumes and adjusting the rates, if necessary.

The City received the cost proposals back on March 13, 2008. Based on the combination of the scores the group provided for the technical expertise of these three firms in conjunction with the cost, as well as the level of effort, the number of hours that each firm specified and actually allocated. There was concern from the committee that the firm that specified the least number of hours might have underestimated the effort involved in this. Based on those elements the committee recommends the iXP Corporation be selected as the consulting vendor. All information was forwarded to the potential partner cities along with a prorate cost sharing allocation schedule which was based on each city's population.

The staff recommends that the Mayor and City Council authorize the City Manager to enter into agreement with the City of Johns Creek to establish a partnership for 9-1-1 communications and authorize the City Manager to enter into a contract with iXP Corporation to provide consulting services related to the design and start-up of a regional Public Safety Answering Point (PSAP)/Emergency Communications Center (ECC) at a total cost of \$528,500; City of Sandy Springs \$295,161 and City of Johns Creek \$233,339.

Motion and Vote: Councilmember Jenkins moved to authorize the City Manager to enter into agreement with the City of Johns Creek to establish a partnership for 9-1-1 communications and authorize the City Manager to enter into a contract with iXP Corporation to provide consulting services related to the design and start-up of a regional Public Safety Answering Point (PSAP)/Emergency Communications Center (ECC) at a total cost of \$528,500; City of Sandy Springs \$295,161 and City of Johns Creek \$233,339. Councilmember Fries seconded the motion. The motion carried unanimously.

Councilmember Meinzen McEnerny questioned the height and location of the tower. City Manager McDonough stated that the City would use the existing tower at this time.

(Item added)

Consideration of approval of a Resolution Urging Fulton County Board of Education to Adhere to the Original Plan as Presented to the Mayor and Council and our Constituents Both in the Facilities to be Constructed and in the Timing of Construction of those Facilities.
Resolution No. 2008-03-16

Councilmember Paul read the Resolution.

Motion and Vote: Councilmember Paul moved to approve a Resolution Urging Fulton County Board of Education to adhere to the Original Plan as Presented to the Mayor and Council and our Constituents Both in the Facilities to be constructed and in the Timing of Construction of those Facilities. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

(Item added)

Installation of green bows on City street lights in downtown for the Celebration of the ARTS in Sandy Springs

Mayor Galambos stated that the City has been asked to put up green bows throughout the City to represent the celebration of the ARTS in Sandy Springs sponsored by ARTSS.

Motion and Vote: Councilmember Paul moved to approve the Public Works Department to install green bows on City street lights in the downtown area. Councilmember DeJulio seconded the motion. The motion carried unanimously.

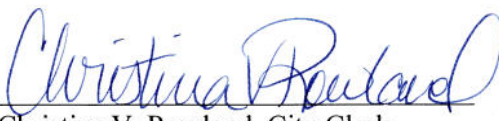
Adjournment

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 9:39 p.m.

Date Approved: April 15, 2008



Eva Galambos, Mayor



Christina V. Rowland, City Clerk