

Regular Meeting of the Sandy Springs City Council was held on Tuesday, April 7, 2015, at 6:00 p.m., Mayor Rusty Paul presiding.

INVOCATION

Rabbi Ron Segal, Temple Sinai, offered the invocation.

CALL TO ORDER

Mayor Rusty Paul called the meeting to order at 6:02 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: Councilman John Paulson, Councilman Ken Dishman, Councilman Graham McDonald, Councilman Gabriel Sterling, Councilman Tibby DeJulio, and Councilman Andy Bauman were present.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance

PUBLIC COMMENT

Patty Berkovitz, 800 Crest Valley Drive NW, stated it has been approximately six months since the environmental discussion and to her knowledge there have been no changes or approvals on how the City is to handle construction water runoff. The City does not have enough Code Enforcement officers. There are only two soil and erosion officers for the whole City. There are at least eighty open permits and projects under construction. If one officer is busy with a citation, he must also gather evidence for court that includes photos, contacting the owners, and dealing with the persons on the ground. He then has to spend a day in court to follow up on the citation plus attend meetings to get the owner in compliance. While one officer is busy, another officer is in the field and finds more violations. She does not believe that the Code Enforcement inspectors are cross trained and the police officers will not assist with code enforcement. The Code Enforcement officers only focus on grass, gutters, and beauty items. The City needs soil and erosion officers now. The City has lost key staff in all departments while writing citations at an alarming rate while the permit turnaround time is five days. The City should stop approving permits or hire enough people to get the job done. The City has enough funds to pay for extra staff. The money the City receives from fees, fines, and increases in taxes can be used to help pay for extra employees. The City has surplus funds every year and stormwater money goes unused. She requested City funds be used to hire more Code Enforcement employees.

Tochie Blad, 7320 Hunters Branch Drive, stated her concern is the tree ordinance. She was previously on the Fulton County Assistance Commission for the Environment and assisted with the City's tree ordinance when Sandy Springs was first incorporated. The City's first tree ordinance was reviewed by a citizen panel, but was not fully adopted, and now seven years later the newly proposed tree ordinance is

not quite what she expected. She requested the tree ordinance require 50% coverage of tree canopy. The fourteen member citizen panel in 2007, with developers and citizens, recommended 50% coverage. On a typical one acre lot that coverage would be twenty trees. She saw Mayor Paul on the local news this evening, but in the background red dirt was everywhere and she saw the existing tree line for development on Glenridge. That is an example of the existing tree ordinance not meeting the needs of the community. The City needs to do a better job with the tree ordinance, considering the many upcoming projects. The 50% tree canopy requirement would preserve trees.

Robert Hatch, 4770 Tull Pines Drive, stated he has been a resident of Sandy Springs since 1972 and he is also a retired military officer. He will address the tree ordinance and stream buffer protection. He lives around Orkin Lake which is a twenty-five acre lake at 7600 Roswell Road. This area has been under new ownership since July 2014. The City was not aware of any tree cutting activity going on inside the stream buffer until he alerted them. The City staff has been totally receptive and responsive. The new ownership, BH Management, did not have a permit to remove trees from around the lake and they were cutting trees within the stream buffer. Councilman Dishman visited the site about two weeks ago and took pictures of some of the trees that were over eighteen and twenty plus inches in size. About two months later the business finally filed for their business license. The new owner did not file until after September when he had been cited. The owner has a plan around Orkin Lake that includes eight proposals. If the owner is going to be do tree cutting around a tributary of the Chattahoochee River, he should follow the City ordinances and there should be a specific design around the lake. The proposed design only states that the wild Adlers will be cut at the water's edge, trim undergrowth, all cuttings to be mulched and used throughout the property, no regular trees will be cut, and no dirt will be disturbed. A specific design should be created before any tree cutting and then follow up in regards to stream buffer protection.

Karen Meinzen McEnerny, 4604 Meadow Valley Drive, read the following, "We are tenants of the Almighty entrusted with a portion of His Earth to dress and keep and pass on to the next generation when evening comes and we must fall asleep." This passage was written in 1929 by a former slave's daughter, Louisiana Dunn Thomas, of Siloam, Georgia. This represents the obligation that we have to preserve the environment for subsequent generations to enjoy. The tree ordinance cannot be left alone for another eight years. She applauds the Council taking action and contemplating a change. What is missing is the protection of existing trees. The developers that conduct business inside the residential areas affect down gradient and adjacent property owners. There is a simple fix to preserve existing trees and to stop clear cutting. An example of how to achieve this is an R-3 lot with ten foot side setbacks. The front building setback is 100 feet. That number would be doubled for side setbacks. That is 2,000 square feet of front and side setbacks. She asked that Council set a percentage of a setback that cannot be disturbed. If that number were 50% that would mean that one side cannot be disturbed and the whole other side could be disturbed. The developer should be allowed flexibility as long as they do not disturb more than 50%, of the setback. This would preserve existing trees and stop clear cutting in Sandy Springs and also will preserve the character of the neighborhoods.

Karen Meinzen McEnerny read Mr. and Mrs. Frank Daly's comments into the record, "Several years ago a speculative builder, Mr. Soufastai, secured a contract on the property adjacent to ours at 943 Davis Drive. This is a heavily wood lot with a creek running through it that is a junction of two creeks which are protected Georgia waters. Mr. Soufastai submitted plans of another home he built on Northside Drive a couple of years earlier, but the house described by the plan would not possibly fit on the lot. The property has a creek running through the front and very steep topography as evidence of the home at 846 Davis Drive, previously the site of a rock quarry. The applicant did an inadequate tree survey which failed to locate some boundary trees of significant size on our property. He never did a soil sample to determine the land disturbance or blasting that would have to be done to accommodate the number of trees and pool he was proposing to build. A stop work order was issued but he continued to do work and was subsequently fined and finally withdrew his intention to build. He said his plan was to locate the

home at the highest point on the lot which would have required clearing all the trees to the high point, boundary to boundary exposing trees on the adjacent lots to tree fall. We believe the most important part of the Sandy Springs tree ordinance is the protection of the existing trees, not just the less viable replacement trees. Thirty-five percent minimum tree canopy is an achievable goal and should be the norm. We have come so far. Please pass these provisions showing Sandy Springs has the courage of its convictions in keeping with its outstanding record of achievement. More egregious was almost 2 ½ years of carelessness that another builder perpetrated at 4776 Woodvale and caused great loss of property to at least five neighbors: Skip and Mary Stone, Bill and Linda Candler, John and Tish Inman, Susanne Waring and John Griffin. Thank you for your consideration.”

John Terry, 4525 Powers Ferry Road NW, stated he is here to discuss an update on Powers Ferry Road. Councilman Bauman is familiar with most of what is going on in that area. He is concerned about the traffic signal at Powers Ferry and Mount Paran Road that was discussed about eight months ago. He asked if staff can send him an update. The sidewalks on Powers Ferry from Dudley to Whitmere are an ongoing project. He thanked Council for the sidewalk improvements. LED lights have been installed on Powers Ferry Road and they are fabulous and provide great lighting on the road. The City of Atlanta did a great job of tearing up about 500 feet of asphalt in front of his home and have not returned to repair it. He asked if staff can get an update on when the Atlanta workers will return to fix it. Jason White, a neighbor who lives on Dudley Lane, was at the last Council meeting discussing sidewalks in the area. There are eighty homes on Dudley Lane and he is trying to get a count on how many children live in the area. This area needs to be safe for the families as this has been done for others along Powers Ferry Road.

APPROVAL OF MEETING AGENDA

1. **15-108** Add or remove items from agenda

Motion and Vote: Councilman DeJulio moved to approve the meeting Agenda for April 7, 2015. Councilman Dishman seconded the motion. The motion carried unanimously.

CONSENT AGENDA

2. **15-109** Meeting Minutes
 1. March 17, 2015 Regular Meeting
 2. March 17, 2015 Work Session*(Michael Casey, City Clerk)*
3. **15-110** Consideration of Acceptance of an Amendment to the Conservation Easement of Three (3) Acres along Powers Ferry Road
(Cecil McLendon, Assistant City Attorney)
Resolution No. 2015-04-28
4. **15-111** Proclamation for Sandy Springs Community Development Block Grant Fair Housing Day
(Angela Parker, Director of Community Development)

Motion and Vote: Councilman Sterling moved to approve the Consent Agenda for April 7, 2015. Councilman Paulson seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

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

Alcoholic Beverage License

5. **15-112** Approval of Alcoholic Beverage License Application for CVS/Pharmacy #5411, 4600 Roswell Road, Suite F100, Sandy Springs, Georgia 30342. Applicant is Ashokkumar D Patel for Retail/Package Wine and Malt Beverage

Revenue/Business License Manager John Cruse stated item is a new alcohol beverage license application for the CVS retail drugstore. The applicant has met all requirements and staff recommends approval.

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

Motion and Second: Councilman Bauman moved to approve Agenda Item No. 15-112, Alcoholic Beverage License Application for CVS/Pharmacy #5411, 4600 Roswell Road, Suite F100, for Retail/Package Wine and Malt Beverage. Councilman DeJulio seconded the motion.

Councilman Tibby DeJulio stated this is the first business to open on the Sandy Springs Gateway project.

Vote on the Motion: The motion carried unanimously.

6. **15-113** Approval of Alcoholic Beverage License Application for Jasmine Food & Gas, Inc, 8295 Roswell Road, Sandy Springs, Georgia 30350. Applicant is Jasmine Gadhia for Retail/Package Wine and Malt Beverage

Revenue/Business License Manager John Cruse stated this item is a change in ownership application for retail package wine and malt beverage for Jasmine Food, which is better known as the Northridge Chevron. The applicant has met all requirements and staff recommends approval.

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

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 15-113, Alcoholic Beverage License Application for Jasmine Food & Gas, Inc, 8295 Roswell Road, for Retail/Package Wine and Malt Beverage. Councilman Dishman seconded the motion. The motion carried unanimously.

7. **15-114** Approval of Alcoholic Beverage License Application for Y&Y Holdings, LLC DBA Citi Wine & Spirits, 5861 Roswell Road, Sandy Springs, Georgia 30328. Applicant is Hae Kyuong Yun for Retail/Package Wine, Malt Beverage & Distilled Spirits

Revenue/Business License Manager John Cruse stated this item is a new application for retail/package wine, malt beverage, and distilled spirits. The applicant has met all requirements and staff recommends approval.

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

Motion and Vote: Councilman McDonald moved to approve Agenda Item No. 15-114, Alcoholic Beverage License Application for Y&Y Holdings, LLC DBA Citi Wine & Spirits, 5861 Roswell Road,

for Retail/Package Wine, Malt Beverage & Distilled Spirits. Councilman Sterling seconded the motion. The motion carried unanimously.

River Corridor

8. 15-115 Approval of RC-15-01SS (2095 Clay Drive)

Community Development Director Angela Parker stated this request is a 4.66 acre parcel where there is an existing home. The owners are seeking to add a garage and parking area. The area had not been previously reviewed for a River Corridor, so staff sent the application to the Atlanta Regional Commission (ARC). The ARC is recommending a certificate be issued and staff recommends approval.

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

Motion and Second: Councilman Paulson moved to approve Agenda Item No. 15-115, RC-15-01SS (2095 Clay Drive). Councilman Dishman seconded the motion.

Councilman John Paulson asked if staff has received any comments from the neighbors.

Community Development Director Parker responded no.

Vote on the Motion: The motion carried unanimously.

9. 15-116 Approval of RC-15-02SS (Meadow Gate Subdivision)

Community Development Director Angela Parker stated this application began when a property owner within the subdivision was seeking to construct a pool. When staff looked at the application, which had been initially reviewed in 1999, staff realized the River Corridor line was incorrect in the 1999 application. Only a portion of this subdivision lies within the Chattahoochee River corridor. The owner requested permission from the entire subdivision to submit the entire subdivisions for reconsideration and they agreed. Staff recommends approval.

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

Motion and Second: Councilman Paulson moved to approve Agenda Item No. 15-116, RC-15-02SS (Meadow Gate Subdivision). Councilman Dishman seconded the motion.

Councilman John Paulson asked if the pool is currently existing.

Community Development Director Parker responded yes. The approval in 1999 was for River Corridor for the entire subdivision. When the City was doing a review it was decided the proper documents needed to be submitted.

Vote on the Motion: The motion carried unanimously.

Abandonment of ROW

10. 15-117 Consideration of Preliminary Approval of an Application and Affidavit to Obtain Abandonment of a portion of the Right of Way of Nunnally Place; filed by Judith E. Cowart

City Attorney Wendell Willard stated this item deals with the developer not meeting the placement of a cul-de-sac exactly where it should be according to the submitted plans. This plan is now being changed to show what is in place, a small piece of land the City will receive from one of the property owners and a small piece that is being given up. He asked that the motion include a final review by the City Attorney's office before completion of the transfer.

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

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 15-117, Preliminary Approval of an Application and Affidavit to Obtain Abandonment of a portion of the Right of Way of Nunnally Place; filed by Judith E. Cowart, subject to final review and approval by the City Attorney's office. Councilman Sterling seconded the motion. The motion carried unanimously.

Resolution No. 2015-04-29

11. **15-118** Consideration of Approval of an Application and Affidavit to Obtain Abandonment of a portion of the Right of Way of Old Johnson Ferry Road; filed by Saint Joseph's Hospital of Atlanta, Inc.

City Attorney Wendell Willard stated as a part of the hospital's redevelopment Johnson Ferry Road has a cul-de-sac with the ability to drive and continue to Old Johnson Ferry Road. This property is deeded and conveyed to the City. The City did not convey to the hospital what will be the old right-of-way. This is being completed at this time by the process of abandonment.

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

Motion and Second: Councilman DeJulio moved to approve Agenda Item No. 15-118, Approval of an Application and Affidavit to Obtain Abandonment of a portion of the Right of Way of Old Johnson Ferry Road; filed by Saint Joseph's Hospital of Atlanta, Inc, subject to final approval by the City Attorney's office. Councilman Paulson seconded the motion.

Councilman John Paulson stated when he read the documents this weekend they were confusing to him. He spoke to legal staff to clarify which properties are being abandoned and which are being accepted.

Assistant City Attorney Cecil McLendon drew a picture to explain the process and he requested the picture be shown for the public to view.

City Attorney Willard stated the portion in yellow is what the City will be abandoning to the hospital. The portion in green is the current road configuration which was previously conveyed to the City. The pink area is an additional part that will be required to complete the circle. The City is abandoning the yellow area.

Councilman Tibby DeJulio asked if the property owner previously abandoned the green area.

City Attorney Willard stated the green area was dedicated to the City as part of making a public right-of-way.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2015-04-30

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

12. **15-119** Consideration of Approval of a Contract to Construct Project T-0041, Riverside Drive Realignment Project, Subject to Validation and Approval by the Legal and Finance Departments

CIP Unit Manager Marty Martin stated the City received four bids on March 4th to reconstruct Riverside Drive at the intersection of Johnson Ferry Road. This area has a sharp turn that this project would remedy. There is also no buildable road shoulder, so there are exposed buried utilities. The lower bidder, JHC Corporation, was at a cost of \$667,269. The contractor subsequently withdrew their bid as allowed per Georgia Statute and City purchasing policy. That left the City with Precision 2000 as the next apparent low bidder. With midyear budget corrections, there was an engineer's estimate that indicated an insufficient budget to build the project at that time. Council increased the budget, but the quotes that were received during the bid process will need more funds to execute the project. Based on Precision 2000's bid, the project will need an additional \$212,000 to execute. Staff recommends awarding the contract to Precision 2000, pending completion of review of reference by the Purchasing and Legal Departments, as well as requesting an additional \$212,000 out of the capital contingency funds.

Motion and Second: Councilman Paulson moved to approve Agenda Item No. 15-119, Approval of a Contract to Construct Project T-0041, Riverside Drive Realignment Project, Subject to Validation and Approval by the Legal and Finance Departments, and to also approve the use of up to an additional \$250,000 from the capital contingency fund. Councilman Sterling seconded the motion.

Councilman John Paulson asked what is the reason for the increase in pricing and what is the line item.

CIP Unit Manager Martin stated the line item that reflected the greatest concern is the grading complete line item. The site will have a significant amount of removal of the hillside, hauling away the hillside to realign the roadway and creating the buildable shoulder. The grading complete number was much higher this time during the bidding process compared to when two bids were placed out about one year ago.

Mayor Rusty Paul asked if that is due to the uncertainty on what is under the ground.

CIP Unit Manager Martin stated there have been some investigations in the ground and they indicate rippable weathered rock. There is still belief there are risks with that. All other numbers were relatively consistent across the bids.

Mayor Paul asked if the ground is not that bad, can the City work out a deal to receive a rebate on what is not needed.

CIP Unit Manager Martin stated with the way the clause is structured, the risk is pushed on to the bidding contractors.

Councilman Paulson asked that staff confirm that is the reason why their numbers are higher and if there is a way to adjust the numbers so the City does not have to spend all this money.

Councilman Gabriel Sterling asked if Council is adopting both the contract and budget amendment, can a single motion cover this.

City Attorney Wendell Willard stated a single motion will be fine.

Councilman Tibby DeJulio asked if staff knows why the low bidder withdrew their bid.

CIP Unit Manager Martin stated he can only speculate, since staff did not ask. At that point JHC saw the numbers of the other bidders and maybe they felt they had undue risk.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2015-04-31

13. **15-120** Consideration of Approval of a Contract to Construct Project T-0051 (T-7182), Heards Ferry Road and Raider Drive Intersection Improvement Project, Subject to Validation and Approval by the Legal and Finance Departments

Director of Public Works Garrin Coleman stated the City received four bids for this project. The engineer's estimate was \$769,000 and the apparent low bidder is Baldwin Paving at \$593,349.48. Staff would like to authorize awarding this contract to Baldwin Paving and move forward with construction.

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 15-120, Approval of a Contract to Construct Project T-0051 (T-7182), Heards Ferry Road and Raider Drive Intersection Improvement Project, Subject to Validation and Approval by the Legal and Finance Departments. Councilman Bauman seconded the motion.

Councilman Andy Bauman stated the City's estimate was in the middle of the four bids. He asked about the engineer's estimate.

Director of Public Works Coleman stated the \$769,000 bid includes the signal equipment. In an attempt to speed up this project, staff purchased that equipment at a cost of around \$70,000. Baldwin Paving was the apparent low bidder for GDOT's project for Riverside Drive as well, which is located very close to this site. Staff anticipates that is why there are cost savings.

Mayor Rusty Paul asked when staff anticipates this project will begin.

Director of Public Works Coleman stated staff would like this project to begin by late May. Some of the projects have utilities that staff is working towards relocating.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2015-04-32

14. **15-121** Consideration of Approval of a Contract to Construct Project T-0052 (T-7227), Interstate North Parkway at Riveredge Parkway Intersection Improvement Project, Subject to Validation and Approval by the Legal and Finance Departments

Director of Public Works Garrin Coleman stated there were five bidders on this project and the engineer's estimate was \$375,000. Staff recommends awarding the project to Baldwin Paving at the price of \$347,839.77

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 15-121, Approval of a Contract to Construct Project T-0052 (T-7227), Interstate North Parkway at Riveredge Parkway Intersection Improvement Project, Subject to Validation and Approval by the Legal and Finance Departments. Councilman Dishman seconded the motion.

Councilman John Paulson asked if Baldwin Paving has the capability to complete all of this work.

Director of Public Works Coleman responded yes, from his understanding they do.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2015-04-33

15. **15-122** Consideration of Approval of a Contract to Construct Project T-0051 (T-7229), Powers Ferry Road at Heards Drive Intersection Improvement Project, Subject to Validation and Approval by the Legal and Finance Departments

Director of Public Works Garrin Coleman stated there were four bidders for this project. The engineer's estimate was \$741,000. The low bidder is Baldwin Paving at \$571,017.71 and staff recommends awarding the contract to Baldwin Paving.

Motion and Vote: Councilman Bauman moved to approve Agenda Item No. 15-122, a Contract to Construct Project T-0051 (T-7229), Powers Ferry Road at Heards Drive Intersection Improvement Project, Subject to Validation and Approval by the Legal and Finance Departments. Councilman Dishman seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2015-04-34

16. **15-123** Consideration of Approval of a Contract to Construct Project T-0051 (T-7230), Powers Ferry Road at Dupree Drive Intersection Improvement Project, Subject to Validation and Approval by the Legal and Finance Departments

Director of Public Works Garrin Coleman stated there were four bidders for this project. The engineer's estimate was \$373,000. The apparent low bidder is Baldwin Paving at \$323,612.76. Staff recommends approval to Baldwin Paving.

Motion and Vote: Councilman Bauman moved to approve Agenda Item No. 15-123, a Contract to Construct Project T-0051 (T-7230), Powers Ferry Road at Dupree Drive Intersection Improvement Project, Subject to Validation and Approval by the Legal and Finance Departments. Councilman Sterling seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2015-04-35

17. **15-124** Consideration of Approval of CSM Bakery Incentive Request

Community Development Director Angela Parker stated this is a request for a potential relocation of CSM Bakery Supplies to 5775 Glenridge Drive. This company specializes in commercial bakery products, providing the products to the global market. The company proposes making an approximately \$3 million improvement to property at 5775 Glenridge Drive. The improvements do not include any fixtures, furniture, and equipment. The company will be committing to a ten year lease. The company proposed bringing 125 jobs to Sandy Springs immediately and over the next five years up to 120 additional jobs. About 26-99 jobs will make above the average wage level, therefore qualifying them for a Tier II economic development incentive. Staff recommends approval of this request.

Mayor Rusty Paul asked if this will be a headquarters location.

Community Development Director Parker stated she believes so.

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 15-124, CSM Bakery Incentive Request. Councilman Dishman seconded the motion.

Councilman Gabriel Sterling stated this is another great win for the City, if this company relocates here. The company is on four different continents, offers many jobs, and this is another headquarters relocation for the City as well.

Councilman John Paulson stated under the project description on page three the company is asking for an incentive of \$250,000. The next page states they are only entitled to \$165,000. He asked if the company is aware they will not receive the full incentive amount they requested.

Community Development Director Parker stated she believes so. Director of Economic Development Andrea Hall has been handling this request and there has been a great deal of communication.

Councilman Sterling stated the approval cannot be more than the \$165,000, because there is a statutory limit, unless the incentive policy is changed.

Vote on the Motion: The motion carried unanimously.

18. 15-125 Approval of Amendments to the Tree Conservation Ordinance

Community Development Director Angela Parker stated this ordinance amendment is part two of a three part amendment project that staff is working on. The first was approved by Council, which is the erosion control amendment. The second is the tree ordinance and for the third staff is working on amendments to the stormwater ordinance. The recommended changes culminate from an August 2014 Special Called Work Session that Council held that focuses on natural resources. The tree ordinance has three primary areas of focus; tree conservation, increased renewal of trees in the tree canopy, and the protection of existing trees. The City's tree ordinance seeks to accomplish all of these. Staff is additionally very focused on ensuring the ordinance is complied with. With a tree ordinance violation a citation is issued, unlike erosion control or other ordinance violations that can be corrected by issuing a stop work order. When there is a violation of the tree ordinance, a citation is issued. That citation can result in fines. The fine would be \$1,000 per offense per day. If a tree is removed, it will be considered a one day offense. The maximum fine per tree is \$1,000. That is not a fine that Council can raise. The ordinance also includes the payment into the tree fund when a tree is removed. Staff has defined damaged tree in the ordinance which previously has been defined as "removed or damaged", and that would call for payment into the tree fund. The ordinance amendments include a number of changes including language changes, increasing the trees that are protected, canopy that is planted, defining what a damaged tree is, and focusing on increased protection of landmark trees. Landmark trees are trees that are twenty-seven inches or larger. Council asked staff to offer a couple of alternatives related to the tree planting along frontages. The ordinance as proposed has two options. Council will need to make a decision this evening on which option they prefer. Option 1 calls for planting along the frontage of a street and this would be required planting. Option 2 provides an incentive to plant along the street and also a similar incentive for planting along stream banks, but not necessarily in the stream buffer. Staff recommends approval of these changes.

Motion and Second: Council Member Sterling moved to approve Agenda Item No. 15-125, Amendments to the Tree Conservation Ordinance, including Option 2, and with a change to the square footage of mitigation allowed from 1.5 to 1.25 for commercial and residential properties. Councilman Bauman seconded the motion.

Councilman Gabriel Sterling stated all the suggested changes make sense. There have been many discussions amongst Council about how to look at the ordinance. This is an emotional issue for many people. The ordinance addresses the environment and the character of neighborhoods. One thing that is unseen is the way it is now enforced where most developers are required to sit and talk with staff. Staff does encourage developers to only remove the trees that they absolutely must. The City should be consistently looking at all the City laws and this is a step forward in the process.

Councilman Bauman offered a series of friendly amendments to the motion:

1. That the tree bank funding shall be restricted to the planting of trees and preservation of the Sandy Springs tree canopy. Councilman Sterling accepted the friendly amendment.

Councilman Tibby DeJulio asked what the City's current policy is.

Community Development Director Parker stated that is the City's current policy. However, this is a recently changed policy and it has not been codified in the ordinance. When the recompense is paid after a tree is removed, the ordinance reads, "removal of a tree protected under the terms of this article shall call for payment into the tree funds". Staff would like the language to read "damage or removal of". The ordinance defines damaged as twenty-five percent of the root zone. The City has effectively been operating as if the ordinance did read that way. This process is codifying what the City is currently doing.

2. To insert the word "Damage" into Section 109-372 (c) of the ordinance. Councilman Sterling accepted the friendly amendment.

3. To change the reference in the ordinance for required tree canopy from 30% tree canopy to 35% tree canopy for residential properties. Councilman Sterling accepted the friendly amendment.

4. **Motion to Amend and Second:** A motion was made by Council Member Bauman, seconded by Council Member Paulson, to amend the main motion to accept Option 1 with respect to the street frontage, so that if the entire street frontage is cleared that a requirement be provided for the replanting of one tree for lots with 100 feet of frontage, two trees for lots with greater than 100 feet of frontage and up to 200 feet of frontage, and three trees for lots with greater than 200 feet of frontage. Councilman Paulson seconded the motion.

Councilman Bauman stated in lieu of that, if Council chooses Option 2 with incentive based replanting, he suggests there be an expansion to include side and rear setback areas. The stated goals of the tree conservation amendment as articulated by Director of Community Development Parker include the protection of existing trees. He sees that area where this tree ordinance is still somewhat deficient. A developer in the residential redevelopment can still seek approval for clear cutting any tree. The developer could be subject to recompense and planting requirements. That goes to the character of the neighborhood that is important to so many people in this community. Areas of importance are the street frontage, environmental benefits as it relates to stormwater, and reduction of heat island effect. There are documented reasons to have street frontage and side setbacks. If one were to clear the entire frontage, he believes a nominal requirement would be to impose a single tree to be planted for each 100 feet.

Councilman DeJulio stated as someone that has a home with a lovely tree in his front yard, he is opposed to Councilman Bauman's suggestions. A property owner should have the right to plant trees where they desire them. The trees may interfere with driveways, turnarounds, and other things. The idea of giving someone credit and encouraging them to do that is better than requiring them to do that. He would hate for Sandy Springs to be a City that requires so many things. If Council feels this is important, the property owner should be given an incentive rather than making it mandated.

Councilman Sterling stated he thinks staff has done a good job on the ordinance and Council has been very deliberative about this ordinance. He was struggling with both options. He understands that the character of the neighborhood is an extremely important thing. There is nothing stopping someone from planting trees when buying a house. When it comes to these situations he is much more willing to incentivize rather than require. Many times people will use the incentives.

Councilman John Paulson stated one of the items in the motion was to reduce the 1.5 square foot credit to 1.25. He asked why the reduction.

Councilman Sterling stated one way this could be used is to lower the physical number of trees on a property by giving too big of a credit. The property owner could use the credit to mitigate the overall number of trees. The concern is 1.5 credits means the property owner could plant one fewer trees overall. For the overall environmental quality you want to have as many trees on a property as possible, but in the right places. The 1.5 is encouragement to place trees in these places to protect the character of neighborhoods while still ensuring there is no environmental degradation.

Councilman Bauman stated this is deficient because it goes to the replanting. The credit will do nothing to incentivize protection and preservation. If Council chooses the incentive route, preservation should be the focus. He proposed accepting Option 1 and layering in incentives for preservation at the 1.25 credit.

Councilman Paulson asked if Option 1 applies to trees along the street frontage that are cleared.

Councilman Bauman stated Option 1 only says that if you clear a front of a property a tree needs to be planted. That will go to the character of the neighborhood and the other benefits. Above and beyond that he would like to see Council go further, since we have not taken steps to prevent the most extreme situations of clear cutting, to provide incentives for preservation of canopy, particularly landmark trees. That will give owners a choice for the preservation of trees in the areas that benefit the adjacent property owners and the character of the neighborhood. This will be in the setback areas and other protected areas including the front. The first piece of this is Option 1 that we would require if a property is clear cut.

Councilman Sterling stated Councilman Bauman is not speaking to his exact amendment. Council should move on this amendment and then move on to another amendment.

Mayor Paul stated the point of order is accepted.

Vote on the Motion to Amend: The proposed amendment to the motion failed by a vote of 2-4, with Councilmen Paulson, McDonald, Sterling, and DeJulio voting in opposition.

5. To insert an incentive for the preservation of landmark trees at an increased credit of 1.25 canopy coverage over the current canopy credit that homeowners would receive for not taking down a tree in side, rear and front setback areas. Councilman Sterling accepted the friendly amendment.

Councilman Graham McDonald stated this mostly aligns with Option 2 in terms of credits for the front of the house.

Councilman Bauman stated Option 2 relates to the preservation of landmark trees.

Councilman Sterling stated to fully understand and mitigate out what Councilman Bauman's proposal would do he will give an example. For a tree that is over twenty-seven inches for a hardwood and thirty inches for a pine tree, if they had 800 square feet of canopy coverage, this change would increase it to 1,050 square feet. He asked if this is something that can be easily seen and given leverage when the pre meetings are held regarding setbacks.

Community Development Director Parker stated she wants to make sure she understands the amendment. It is to incentivize the preservation of existing landmark trees in the side, rear, or front setbacks.

Councilman Bauman stated that is correct.

Community Development Director Parker stated when those trees are counted, instead of counting them as normally counted, they would be counted as 1.25. It would give someone more credit for those trees. Also in the ordinance there is a 150% penalty for cutting the trees.

Councilman Sterling stated right now Council has a range of options for incentives. This would expand the City's options to have more tools in the toolbox to work with developers in an attempt to preserve existing tree canopy.

Community Development Director Parker stated that is correct.

Vote on the Main Motion as amended: The motion carried by unanimous vote.
Ordinance No. 2015-04-06

19. **15-126** Consideration of Revisions to Sandy Springs Capital Sidewalk Program Scoring Model for use in the Implementation of the FY 2016 Sidewalk Program

CIP Unit Manager Marty Martin stated a few weeks ago at the Work Session a draft of this scoring model was discussed. Based on Council's comments, he revised the scoring model. On slide 11 of the presentation there was a scrivener's error in the original presentation provided in the agenda package. A revised copy of the presentation was provided to Council.

Motion and Second: Councilman Paulson moved to approve Agenda Item No. 15-126, Revisions to Sandy Springs Capital Sidewalk Program Scoring Model for use in the Implementation of the FY 2016 Sidewalk Program. Councilman Dishman seconded the motion.

Councilman Graham McDonald stated slide 7 overviews the scoring associated with evidence of pedestrian activity and related issues. This has been amended to take into account dangerous roads and curves where the topography and nature of the road may deter people from walking on the road or on the difficult to navigate shoulder of the road. He asked staff to confirm this and show him on slide 7 exactly where that is taken into account.

CIP Unit Manager Martin stated during the Work Session Council discussed road shoulders where they are walkable and a path that indicates pedestrian desire to use the road shoulder, which is a pedestrian demand. The other element discussed was dead man's curve and specifically pedestrians walking in the roadway and the danger they might be placed in. The other element added to that is the recognition that the shoulder not being walkable contributes to the hazard to the pedestrians.

Councilman McDonald asked how the steep shoulder language takes into account situations where there is pedestrian activity.

CIP Unit Manager Martin stated that is otherwise precluded, because the shoulder is not conducive to pedestrian activity.

Councilman McDonald stated a situation is on Riverside Drive where the road is being realigned. Right now no one in their right mind walks on that section of the road, because it is too dangerous. He asked if that intent is imbedded in the steep shoulder language.

CIP Unit Manager Martin responded yes. The intent is to give the project credit for the fact that the shoulder is not walkable.

Councilman Gabriel Sterling stated if the City is working on trying to be transit oriented in what we are doing, there are still bus stops that have no sidewalks. One thing that is not included in the scoring model is access to transit. He asked if staff can add this to be reviewed.

CIP Unit Manager Martin stated transit oriented can be included with roadway classification. Typically, transit will follow the higher volume roadways. The City had a companion program, the MARTA

reimbursement program, that just concluded and focused on access to transit. Many sidewalks were built outside of this program and there was scoring criteria to enhance access from bus stops.

Councilman Sterling stated there are areas where sidewalks to bus stops do not exist and where there is evidence of pedestrian activity. He suggested this be added to this section.

Mayor Rusty Paul stated if there is transit it will fall under the continuous activity along the roadway and there will be some evidence of pedestrian activity around a bus stop. He suggested staff work on the transit oriented suggestion and it be brought back to Council at a Work Session.

Councilman John Paulson asked how many feet of sidewalk are missing where there are major bus lines.

CIP Unit Manager Martin stated with the CDBG project on the north end of the City, only those on the west side of Roswell Road outside of those limits might be underserved. For instance, across the street from Roberts Drive, that bus shelter is not served by a sidewalk right now, because it is outside the limits of the CDBG project.

Councilman Sterling stated there is a section of the sidewalk outside of Hammond Drive that made him think of the underserved bus stops. He asked if staff can add those bus stops to the list.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2015-04-36

REPORTS

Mayor and Council Reports

Mayor Rusty Paul stated the legislative session adjourned this week and one item that was in the budget was another \$6 million for the GA400 and I-285 interchange project.

Assistant City Manager Bryant Poole stated GDOT advised they have three apparent low bidders for the project and hope to select one by December 2015 and award in January 2016. After that the design process will begin and the targeted completion date is December 2019.

Mayor Paul stated he met with the Secretary of the Interior in Sandy Springs yesterday at Island Ford for the 50th Anniversary of the Soil and Water Conservation program.

City Attorney Wendell Willard stated there is a need for the City to identify funding for the performing arts center through the hotel/motel tax. The first avenue is the local bill that authorizes up to 8% and Council authorized 7% in an approved resolution. That bill was submitted as local legislation and passed both the Houses and is expected to be signed by the Governor. The bill will authorize Sandy Springs to impose a 7% tax. The other is a general bill that deals with the existing legislation that was passed in the early 1990's authorizing within Fulton County and the City of Atlanta a tax of 7% of the hotel/motel revenue in Sandy Springs. A portion of that money, which is 39.7%, is identified to be used for the retirement of bonds or funding of the Georgia Dome. The City is seeking to have a change to this, because in that legislation it speaks of the portion of the money being used for the Dome, but is silent as to what can be done with the funding once the bonds are paid off. The bonds will be paid off in the near future. The City will then be free from the existing responsibility to have that funding continued. The money can be reallocated. The bill was approved by the House, but was not approved by the Senate. He believes that under the existing general law it identifies twelve different items that funding can be used for from the hotel/motel tax for the tourist destination program. Within that language the City should be

allowed to use the funds for its performing arts center, once the bond is paid off. The local bill was passed and the general bill is still with the Senate and will hopefully pass next year and become law. Another matter that was addressed for all the cities created in Georgia in recent years is recognizing that the right-of-way that is received by the new municipalities from the county is owned and maintained by the new cities. This has become a continuing point of discussion with certain utility companies. He referenced House Bill 477. The City has experienced continuously delayed road projects as a result of trying to resolve ownership of right-of-way for the purpose of utilities. He hopes the House Bill will help with the construction projects.

Mayor Paul stated often in legislative work there are things you don't see that have the most important impact. There was Senate Bill 4 which would have required the City to pay for the utility relocation for projects. City Attorney Willard was appointed to a committee and with his efforts that language was removed. He thanked City Attorney Willard.

City Attorney Willard stated two new cities, Lavista Hills and Tucker, were authorized in DeKalb County. The City of South DeKalb did not pass and neither did the City of South Fulton. Fulton County still has about ten percent of the population unincorporated. There are a couple of areas in the St. Simons island area that are looking to become a city in the next year.

Councilman John Paulson asked about the status of the Northridge Bridge construction.

Assistant City Manager Poole stated staff received a report from GDOT late last week and they are still on schedule as of this time and should be completed by September 2015.

20. 15-127 Staff Reports

1. February 2015 Financial Report – Finance Director, Karen Ellis

Finance Director Karen Ellis stated the City is at sixty-seven percent of the year and the general fund revenue is trending above average at 84.36%. The City is under budget on expenses at 55.63%.

Councilman Gabriel Sterling asked about the City's CD's.

Finance Director Ellis stated there are a couple of CD's that are coming to maturity. The City's financial advisor is working on the next plateau so there will be a good maturity date to enable the cash flow to be available for the upcoming City Center project.

2. Riverside Roundabout Landscape Plan Update – Community Development Director, Angela Parker

Community Development Director Angela Parker stated late last year staff presented the concept plan for the Riverside roundabout that included more plantings than the GDOT plans. Staff has brought the plans to twenty-five percent completion and developed specifications as well as maintenance specifications for the plan. Staff contacted GDOT and the State has selected a contractor. The City will meet with the contractor within the next thirty days to present those plans.

Councilman Tibby DeJulio stated the trees are coming out at the intersection of I-285 and Roswell Road. He asked how many trees have been lost in that project.

Community Development Director Parker stated she does not have a number for that, but those trees will be replaced.

Assistant City Manager Poole stated many are interested in the roundabout at I-285 and Riverside Drive. The information received from GDOT is this is a design build project. The contractor and design team have 540 days from notice to proceed to reach completion of the project.

PUBLIC COMMENT

Karen Meinzen McEnerny thanked Council on what they accomplished this evening and thanked staff for their efforts. She mentioned a recommendation from Nancy Leathers on a best management practice for reviewing all ordinances. It was her opinion that all ordinances should be reviewed every three to five years. She encourages Council to do this with the tree ordinance.

EXECUTIVE SESSION

21. 15-128 Litigation and Real Estate

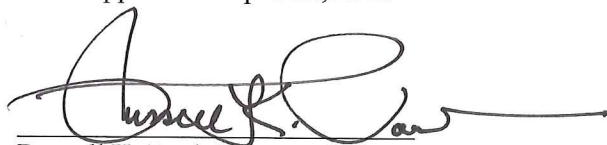
There was no Executive Session.

ADJOURNMENT

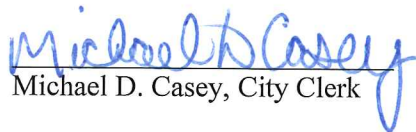
22. 15-129 Adjournment

Motion and Vote: Councilman DeJulio moved to adjourn the meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:44 p.m.

Date Approved: April 21, 2015



Russell K. Paul, Mayor



Michael D. Casey, City Clerk