
Regular Meeting of the Mayor and City Council of the City of Sandy Springs was held April 15, 2008 at 6:00 p.m., Mayor Eva Galambos presiding

Invocation

Rabbi Elana Perry, Temple Sinai gave the invocation.

Call to Order

Mayor Galambos called the meeting to order at 6:01 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 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.

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

Mayor Galambos led the Pledge of Allegiance.

Approval of Meeting Agenda

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

Consent Agenda

1. Meeting Minutes:
 - a. March 18, 2008 Regular Meeting Minutes
 - b. April 1, 2008 Regular Meeting Minutes
2. Approval of the award for Municipal Insurance Services to Georgia Interlocal Risk Management Agency (GIRMA).
3. Approval of a Resolution to authorize reimbursement of fees and expenses ("reimbursement Resolution") in connection with the implementation of a stormwater utility and stormwater utility enterprise fund for the City of Sandy Springs.
Resolution No. 2008-04-19
4. Approval of a Resolution to approve the initiation of a zoning modification for the Rivergate Subdivision Located in Land Lots 350, 351, 358, and 359, District 6, Sandy Springs, Fulton County, Georgia to the minimum side yard from 15 feet to 10 feet..
Resolution No. 2008-04-20
5. Approval of a Memorandum of Understanding with the State Soil and Water Conservation District-Fulton County.

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

Presentations

Proclamation-Medical Laboratory Professionals Week

Mayor Galambos read the Proclamation and presented it to Beverly Horton, Saint Joseph's, Pam Brownhill, Saint Joseph's and Louise McLean, Northside Hospital.

Motion and Vote: Councilmember Paul moved to amend the Meeting Agenda, moving Agenda Item No. 08-101, RZ08-02, An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance to be heard first in the Public Hearing. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Public Hearings

(Agenda Item moved by motion of vote)

RZ08-002 - An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance.

Assistant Director of Building and Permitting Wesserling gave the following presentation.

▪ **Code Definitions**

- **Height, Building** - The vertical distance from the grade plane to the average height of the highest roof surface.
- **Grade Plane** - A reference plane representing the average of the finished ground level adjoining the building at all exterior walls.

Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 ft (1829 mm) from the building between the structure and a point 6 ft (1829 mm) from the building.

- It is the policy of Sandy Springs that on extreme lots, the top of a retaining sub-wall shall be used in the determination of Average grade. The retaining sub-wall shall not exceed 15' in height
- **Suggestion:** on steep lots that would make one side very tall limit the increase to a percentage. For example, if the zoning says height restriction of 60' but the average grade would end up allowing one side to be 80' – to protect us from that scenario, what about a limit of a percentage let's say – like 15% over the 60' max.

Average Grade Plane “A”

Each corner is 8' from First Finished Floor:

$$(8+8+8+8)/4= 8$$

The Average Grade Plane is	8
The Average Roof Height is	5
The distance from First Finished Floor to soffitt	8

Height 21'

Average Grade Plane - “B”

To Get Grade Plane of Each Side

North Side	8 and 8	therefore	$(8+8)/2=8$
East Side	4 and 4		$(4+4)/2=4$
South Side	4 and 6		$(4+6)/2=5$
West Side	5 and 8		$(5+8)/2=6.5$

To obtain weighted grade per side

Therefore:

$(8+8)/2=8$	multiply by length of wall	$8 \times 20=160$
$(4+4)/2=4$		$4 \times 40=160$
$(4+6)/2=5$		$5 \times 20=100$
$(5+8)/2=6.5$		$6.5 \times 40=260$

$$160+160+100+260=680$$

$$20+40+20+40=120$$

$$120/680=5.6$$

The Average Grade Plane is 5.6

The Average Roof Height is 5

The distance from First Finished Floor to soffit 8

Height is 18.1

Average Grade Plane "C"

At the house

To Get Grade Plane of Each Side

North Side 6 and 8 therefore $(6+8)/2=7$

East Side 6 and 2 $(6+2)/2=4$

South Side 4 and 4 $(4+4)/2=4$

West Side 4 and 8 $(4+8)/2=6$

Therefore:

$$(8+8)/2=7 \text{ multiply by length of wall } 7 \times 20=140$$

$$(4+4)/2=4 \quad 4 \times 40=160$$

$$(4+6)/2=4 \quad 4 \times 20=80$$

$$(5+8)/2=6 \quad 6 \times 40=240$$

$$140+160+80+240=620$$

$$20+40+20+40=120$$

$$120/620=5.1$$

The Average Grade Plane is 5.1

The Average Roof Height is 5

The distance from First Finished Floor to soffit 8

Height is 18.1'

Average Grade Plane "C"

At the 6' point

To Get Grade Plane of Each Side

North Side 8 and 8 therefore $(8+8)/2=8$

East Side 8 and 3 $(8+3)/2=5.5$

South Side 3 and 3 $(3+3)/2=3$

West Side 3 and 8 $(3+8)/2=5.5$

Therefore:

$$(8+8)/2=8 \text{ multiply by length of wall } 8 \times 20=160$$

$$(8+3)/2=5.5 \quad 5.5 \times 40=220$$

$$(3+3)/2=3 \quad 3 \times 20=60$$

$$160+220+60+220=660$$

$$20+40+20+40=120$$

$$120/660=5.5$$

The Average Grade Plane is 5.5

The Average Roof Height is 5

The distance from First Finished Floor to soffitt 8

Height is 18.5

Average Grade Plane with multiple sides

- Average grade per wall
- "A" = $(5 + 10) / 2 = 7.5$
- "B" = $(5 + 25) / 2 = 15$
- "C" = $(10 + 15) / 2 = 12.5$
- "D" = $(15 + 15) / 2 = 15$
- "E" = $(15 + 15) / 2 = 15$
- "F" = $(25 + 15) / 2 = 20$
- Therefore
- "A" = $(5 + 10) / 2 = 7.5$ $7.5 \times 40 = 300$
- "B" = $(5 + 25) / 2 = 15$ $15 \times 30 = 450$
- "C" = $(10 + 15) / 2 = 12.5$ $12.5 \times 20 = 250$
- "D" = $(15 + 15) / 2 = 15$ $15 \times 20 = 300$
- "E" = $(15 + 15) / 2 = 15$ $15 \times 10 = 150$
- "F" = $(25 + 15) / 2 = 20$ $20 \times 20 = 400$
- Therefore
- $300 + 450 + 250 + 300 + 150 + 400 = 1850$
- $40 + 30 + 20 + 20 + 10 + 20 = 140$
- $1850 / 140 = 13.2$
- Height of house = 26.2'

Measure at existing grade

- The mechanics of measuring at existing grade requires two trips to the site
- To do every final inspection at existing grade would take 32, 3 12 man hours or 16 man years to complete these inspections properly.
- This equates to about 16 new inspectors and 16 helpers
- Equipment will cost \$27,684 per team of inspectors
- Total equipment cost will be \$442, 944
- Problem on lots that have to be cut down such as the Prado. Deep cuts to level property would allow very tall structures.

Assistant Director of Building and Permitting Wesserling stated that the City's Code uses the ICC Law on measurement. City's can not change it to make it more lenient, but can change it to make it stricter.

Councilmember Meinzen McEnerny stated that she would like a deferral on the definition section of the amendment. In the illustration there does not seem to be a scenario for a house perched on a very steep lot. Council does not like cliff hangers in the community. She would like to see how the average grade plane is measured on a very steep sloping lot.

Assistant Director of Building and Permitting Wesserling stated that basically it is the same way. No matter how steep the plane is, it will end up just a little bit above the center of the slope side. A retaining wall changes the plane because one side is up and one side is down. This will move the plane back up the hill because it skews the average.

Mayor Galambos stated that Sandy Springs has a lot of extreme street lots and this would eliminate the economic liability of some of them. Mr. Wesserling stated that it would cause these lots to be un-buildable.

Mayor Galambos called for public comments.

Joe Padilla, 110 Susobell Place, Woodstock, Greater Atlanta Home Builders Association, stated that he has worked with City staff and the Planning Commission on this. The Homebuilders Association is satisfied with the way the language has been written. This is a complicated issue. The language is better than what was drafted in the building code regarding the average grade plane. There are lots in Sandy Springs that are unique. Other than in the river corridor, there are not many that are as extreme as what they are dealing with. The Association is concerned with the height limitation being only 15 feet. The perfect example of an extreme lot is when there is a limitation on the sub-wall and the inability to exclude the sub-wall from the grade calculation. The lot then becomes un-buildable. He understands the concern about the height of a sub-wall but, no builder will build an extremely high sub-wall just for the fun of it. There is a lot of cost involved and a lot of engineering work and a builder will only build a high sub-wall to avoid having to grade that lot in a way that it eliminates topography and the sales value associated with it. That is what the issue is. Should this go back to the Planning Commission, the Greater Atlanta Home Builders Association will continue to work with them to revise and clarify the language. They believe that the present solution is a very workable one.

Bobby Webb, 206 Steward Drive, Atlanta, Greater Atlanta Home Builders Association, stated that he builds a lot of homes in the Sandy Springs area. The way the code is written now, the builders are being penalized for not being able to use the sub-walls calculation. Sandy Springs has a lot of steep lots that will need to have sub-walls. He had questioned what the intent and purpose of having the building height limitation, and was told that it was mainly to keep other houses from towering over other homes.

Jahnee Prince, 6500 Sugarloaf Parkway, Duluth, Council for Quality Growth, stated that Councilmember Fries and she had discussion on commercial buildings and how to measure them on a very steep grade. Councilmember Fries stated that when a commercial piece of property had a real steep grade that the City could look at setting a percentage of how much it can go over without triggering the need for a variance. It would be the same with the retaining wall. She questioned the intent of the ordinance and stated that there needs to be a stop gap mechanism to trigger it so that it will not need a variance. Ms. Prince stated that the ordinance should be reviewed every year to see how many variance requests have been received.

Mayor Galambos closed the public hearing.

Main Motion and Second: Councilmember Meinzen McEnerny moved to defer RZ08-002, an Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance to the Planning Commission. Councilmember MacGinnitie seconded the motion.

Discussion on the Motion: Councilmember Meinzen McEnerny stated that she is concerned about the effect of push up houses and still does not have a complete understanding. Her motion is to proceed with the adoption of the Ordinance to amend Article 3, with the exception of the building height definitions and adopt the rest of the ordinance since the Planning Commission has requested this to come back before them.

Councilmember Fries stated that there may not be a better way to do it and does not think it needs to go back to the Planning Commission. Her concern was addressed with the sub-walls and it may cost the developer more to build another retaining wall because not all lots are perfect. There needs to be a stop-gap somewhere and the developer may need to get a variance for the extreme lots. The grade plane for commercial property is the best way to go. She can not support deferring this item.

Councilmember Paul stated that he agrees with Councilmember Fries. This item has been deferred once and there has been plenty of time to research what other cities do.

Substitute Motion: Councilmember Paul move to approve RZ08-002, an Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance. Councilmember Fries seconded the motion.

Discussion on Substitute Motion: Councilmember Jenkins stated that she still has concerns. Staff does not have final language and new issues have been raised regarding the 15 foot sub-wall and what the percentage would be for a steep slope. Councilmember MacGinnitie stated that the 15 feet is fine. Council does not seem to know what is being voted on. Councilmember Jenkins stated that this item needs to be deferred back to the Planning Commission. Council needs to have clean version of the amendment.

Withdrawal of Substitute Motion: Councilmember Paul withdrew his motion. Councilmember Fries withdrew her second.

Vote on Main Motion: The motion carried unanimously.

River Corridor Review

River Corridor Review RC08-01SS at 5800 Winterthur Drive

Assistant Director of Land Development Dettwiler stated that RC08-01SS is a river corridor review for the property located at 5800 Winterthur Drive. The applicant proposes the construction of a patio, pool house and associated landscaping adjacent to the existing single family residential home and swimming pool on lot 22, of the Winterthur subdivision. The proposed area of disturbance is 625 square feet and the site acreage is 8.72 acres.

The subject application was submitted to the Atlanta Regional Commission on December 7, 2007, and was found to be consistent by the ARC on February 25, 2008.

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

Motion and Vote: Councilmember Paul moved to approve the River Corridor, RC08-01SS at 5800 Winterthur Drive. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Zoning Modification

ZM07-010 - 1100 Johnson Ferry Road, Applicant: Duke Realty Corporation-To modify conditions 1.a., 2.a., and 3.e. of Z83-0185 to change the permitted net leasable floor area to gross floor area, to substitute the approved site plan, and to delete the impervious surface requirement.

Planner Ruffin stated that this zoning modification was heard at the January 15 and February 19, 2008 Planning Commission hearing.

The applicant during deferral period, met with Mayor Galambos, the City Transportation Planner and an agent for St. Joseph's hospital, to go over options for alternative access plans. There were some limitations on that access so the applicant has revised their request, rather than convert 170,000 square feet of office space to medical office. The applicant has reduced it to 126,000 square feet. Staff is recommending approval of the revised request.

Michael Prochaska, 3950 Shackleford Road, Duluth, thanked the Mayor and City Council for taking time to meet with Duke Realty to discuss options and review the development plans. At the last meeting, Duke Realty was asked to explore tying into the private access road that belongs to St. Joseph's. After the meeting, Duke Realty met with Mayor Galambos and the agent for St. Joseph's and learned of an agreement that exist between St. Joseph's Hospital and the Byrnwyck Neighborhood Association that would prohibit Duke Realty doing anything at this time.

Duke Realty has spoken to everyone about their future development plans and has realized that a greater density will be needed sometime in the future. It will take a lot of planning between Duke Realty and St. Joseph's to accomplish a lot of the issues. In the meantime, Duke Realty would like to add 36 new parking spaces to their site while working on all the other issues of the future traffic that was discussed earlier.

Mr. Prochaska stated that Duke Realty currently has 1,234 spaces on this site which allows the applicant to have 90,000 square feet of medical, 291,000 square feet of general office. The requested 36 parking spaces would allow 3,600 square feet of new medical space. The applicant understands the concerns of the homeowners association and has reduced the request from 79 spaces to 36 spaces. At the last meeting, Council requested that the applicant prepare a Transportation /Traffic Study. The study shows that there is no need for a traffic light at this time. Currently, Duke Realty is requesting the addition of 36 parking spaces in order to add a canopy and a patient drop off on the site.

Marvin Weintraub, 36 W. Ferry Drive, stated the neighborhood is not in opposition of the applicant's request but, for safety reasons, the neighborhood strongly feels that a traffic signal should be installed at the applicant's expense. Mr. Weintraub believes that the traffic study did not include 43% of their homes. There are a total of eight traffic lights in less than a mile from Johnson Ferry Road, to the next major intersection, three of which, are less than 500 feet apart, so there are exceptions.

Bryan Kovacs, 31 Johnson Ferry Parkway, President, Johnson Ferry Park Homeowners Association, stated that there is a safety concern and an issue on how to solve the traffic problems. The Homeowners Association requests that Council approve the application with the condition a traffic light be installed. This would solve the issue of egress and ingress for both properties.

Harriet Mills, 9754 W. Kingston Drive, President, Ridgeview Neighborhood Civic Association, stated that the City needs to continue studies on all three hospitals in order to come to a conclusion.

Michael Prochaska stated the Duke Realty is open to putting in a traffic signal but at this point, it is not warranted. In the future Duke Realty will come in for more density, and at that time, a light may be necessary. There are many things that need to be explored. If they are required to put in a traffic signal now, it would not be limited to what the applicant is asking for tonight.

Councilmember Fries stated that there are public concerns that 43% of the neighborhood was not included in the study. She questioned if this had been addressed. She questioned if the 43% was doubled, what it would do to the traffic study.

Transportation Planner Moore, stated that the traffic study was mythological sound. For purposes of a signal warranted analysis, the number of cars coming out of the townhouse development is irrelevant. If the amount of traffic coming out of the Duke Realty were to be the higher volume, it would control whether or not a signal was warranted. If the 43% were doubled, it would not make a difference.

Mayor Galambos closed the public hearing.

Councilmember DeJulio stated that he did not understand the analysis. Mr. Moore explained to Council how a signal is warranted. The studies consist of volumes on the main road, entering the intersection and are counted. (east and west) These numbers would be added together in order to get the main street volume, this number is compared to the highest volume of the side street approaches. In this case, it is Duke Realty's property, not the townhouse development. Then those two numbers are compared. There are a number of different calculations made based on these two numbers and go through a series of individual signal warrants to see whether or not a signal is necessary, and if it would improve operations. For purposes of whether a signal is warranted or not, technically the volume is irrelevant and would not be used in the calculations. In the traffic study, they performed a peak hour operational analysis. A person would sit out in the parking lot with a count board, counting cars as they came through. Even if the placements were incorrect for the hourly automated counts that would have been there for a multiple 24 hour period. In the townhouse development the actual peak hours that is used for the operational

analysis would have the correct volumes of cars coming in and out, because they would have been observed by a human and marked down as they happened. Given the operational analysis in the corridor if you do add the signals indicated last time, it would more than double the travel time through this corridor through Johnson Ferry.

Councilmember Jenkins questioned what the addition of this light would do to the operational capacity on Johnson Ferry. Mr. Moore stated that based on the calculations of the traffic study it would double the travel time for through trips going through this area.

Mayor Galambos questioned what had been done with the telephone pole and shrubby that was limiting the visibility to the east. Mr. Moore stated that within the next seven (7) days a couple of the pines and vegetation will be removed. Staff contacted Bellsouth regarding the pole and he does not have a timeline on when that will be done.

Councilmember Meinzen McEnerny questioned if he felt there was a safety issue for the townhome development to enter onto Johnson Ferry Road. Mr. Moore stated that the only safety issue that he has been able to observe, and can confirm, is the site distance deficiency, which staff is taking steps to correct now.

Councilmember Meinzen McEnerny stated that the public has mentioned that there are a lot of traffic signals that are less than 500 feet apart. She questioned, had he had the opportunity, would he have approved the traffic light at High Point and Glenridge, which is within 500 feet of another light. Mr. Moore stated that in that particular area, there are quite a number of spacing. The signal was warranted based on the traffic coming out of High Point Road compared to the traffic on Glenridge. In its current configuration and design, and without modifying the signal at Crawford, it ends up an operational mess. Had it come in directly to him, he would not have approved it.

Mayor Galambos questioned if the intersection of Peachtree Dunwoody and Johnson Ferry was done by the Fulton County Traffic Engineering Department. Mr. Moore assumed it was done by Fulton County.

Councilmember Fries stated that with the anticipation of what the traffic will be in the future, and if this is approved, would a light still not be warranted. Mr. Moore stated that it would not, and does not think the conversion of general to office space will make a difference.

Councilmember DeJulio stated that he will support the increase of 36 additional parking spaces because the area will continue to grow and more medical services will be needed. He is supporting this because Council has taken a step towards doing something about a master plan for the area. The City can not continue to piece mill for temporary solutions. A permanent solution is needed for this area. The City and all three hospitals need to be involved in making a better plan for the area. Part of this plan may include a traffic light at this section, because they are building more medical buildings. Before the applicant comes back before Council for additional density, the City has to have a master plan for the area.

Mayor Galambos stated that the City is committed to starting the dialogue with all three hospitals and to engage them into the master plan process.

Councilmember Paul stated that he has concerns and feels misled by the developer. He will need more time to work through this.

Councilmember Meinzen McEnerny stated that the requirement for the additional 36 spaces is a function of the applicants use. It would seem highly unlikely for the developer to request the 36 spaces per the City's use requirement, knowing he needed them to get the net of 3,600 square feet, and then make a deal that would reduce some on the other side.

Councilmember Paul stated that the developer made certain representation about future transportation enhancements in this corridor. If the developer was not forthcoming in the meeting they had, how can Council believe them about all the transportation improvements that are yet to come. This is a creditability issue and now

he needs to make sure that the developer is making concrete steps and not just promises. Councilmember Paul stated that he would need more from this developer than simply representations and promises.

Motion and Vote: Councilmember Paul moved to defer ZM07-010, 1100 Johnson Ferry Road, Applicant: Duke Realty Corporation to the June 17, 2008 Regular Meeting. Councilmember DeJulio seconded the motion. The motion carried 5-1, Councilmember Meinzen McEnerny voting in opposition.

Rezoning

RZ07-038/U07-015/CV07-028 - 1140 & 1150 Hammond Drive, Applicant: Corporate Campus, LLC-To rezone the subject property from MIX conditional to MIX for the development of 753,000 square feet of commercial and office space, a 160-room hotel, and 400 residential units, with concurrent variances and a use permit to exceed the maximum district height.

Ordinance No. 2008-04-13

Planner Ruffin stated that this is a request to rezone the subject property from the MIX Use District conditional to MIX Use for the development of 753,000 square feet of office and commercial space, a 160-room hotel, and 400 residential units, with concurrent variances and a use permit to exceed the maximum district height.

The plan approved in 2005 by Fulton County, showed the addition of four (4) retail buildings, a 36-story mixed-use office/residential building, a parking deck, and renovation of one of the existing office buildings into retail space.

Under the plan that has been submitted to Sandy Springs, the applicant is requesting the addition of the 160-room hotel, a second 36-story mixed-use office and residential building, and a two 2-story retail building.

Staff is recommending approval conditional of the rezoning request withdraw of variances No. 2, 3, 6 and 7, and approval conditional of the remaining variances, and of the use permit for the height. Staff would also like to add to Condition 3.C., a required right-of-way along Hammond Drive shall conform to the January 2008 Kimerly Horn Corridor Study that was provided to the City.

The Planning Commission heard this item at the March 20, 2008 hearing. The Commission recommended approval subject to the applicant's request amending variance #1 to limit it to the existing retail building under construction, variance #4 & #5, and to the March 13, 2008 site plan and the remainder of staff conditions.

Pete Hendricks, 6085 Lake Forrest Drive, stated that the property is 19.42 acre tract, northeast corner of Peachtree Dunwoody and Hammond. The application was deferred for purposes of having further assessment and evaluation, to find out how much right-of-way would need to be given and how it would affect the building setbacks. The applicant has submitted a modified site plan based on results of the Traffic Study. What the applicant is trying to do is fold into the 19.42 development, a 162 room hotel for the development of 753,000 square feet of service commercial office retail as the property is presently zoned. The building height is up to 30 stories with structured parking. The original request was exactly the same. The applicant had seven (7) variances to begin with and now has three (3). The applicant is asking that within the 20 foot landscape strip along Peachtree Dunwoody Road be allowed to continue to have in place a building that is located there and the parking. This is the only relief the applicant is seeking. The applicant is also requesting an additional monument sign due to the length of right-of-way along Peachtree Dunwoody Road. The applicant is requesting approval on an interior directional sign. The Comprehensive Plan calls for Live-Work-Regional on the property. The applicant is in compliance with the level of density and mixed uses being proposed. The MARTA Station is to the east of this property.

Mayor Galambos called for public comments.

Arra Hawkins, 503 Dunwoody Chase, expressed concerns with the building height, increase in traffic, and with the light and noise of the proposed development. Ms. Hawkins requested that a traffic signal be installed across from Dunwoody Springs due to not being able to make a left turn into the hospital.

Patrick Chesser, 660 Fair Oaks Manor, Applicant, stated that this is a request for a height of 10 stories for a 160 room hotel. In 2005, approval was granted on the two units and two towers for a 30 story building, 400 units and could be used for condominiums with a minimal size of 750 square feet, or a 400,000 square foot office building. He can not fit 400 units into one pad.

Mr. Hendricks stated that staff is of the opinion that the petition to rezone the subject property, MIX conditional to MIX is in conformity with the policies of the Comprehensive Plan and the intent of the Future Land Use Map, as the proposal is consistent with the uses and densities recommended. Staff is recommending approval of the petition for rezoning and of the concurrent variances and use permit subject to conditions. Mayor Galambos closed the public hearing.

Councilmember DeJulio questioned when the lease expires, if the two and three story buildings would be torn down and replaced with more 30 story buildings. Mr. Hendricks stated that there were at least two more years on these leases. The applicant would have to come back before City Council through a similar process to seek anything further in regards to density and building height.

Mayor Galambos questioned if the 36 story building and structured parking would affect the open space. Mr. Hendricks stated that the applicant is complying with the open space. Mayor Galambos questioned if open space was being gained by going higher. Mr. Hendricks stated that the applicant is strictly limited to 30 stories.

Mayor Galambos questioned if any open space was gained by putting the parking under the building. Mr. Chesser explained that by putting parking underneath the buildings, green space is gained. He explained that he is only requesting a 160 room hotel and variances tonight. There is a user that is under a contract that plans to come before Council sometime in the future with plans for a two building age restricted high rise living project. Ms. Leathers stated that there will be a new classification of zoning and this is what they are waiting on before bringing it to Council.

Councilmember MacGinnitie questioned if this plan would work with 30 stories. Mr. Chesser stated that it would not. Mr. Hendricks stated that the applicant would respect Council's decision.

Councilmember Meinzen McEnery stated her question relates to traffic mitigation. Traffic is a major issue in Sandy Springs. The applicant is planning two interparcel accesses on the northern part of this site. Mr. Chesser stated that is correct. They are jointly pursuing the mitigation at High Street. Councilmember Meinzen McEnery questioned if the east and west interparcel access will go all the way to Perimeter Center West. Mr. Chesser stated that he did not anticipate it going that far. Councilmember Meinzen McEnery stated that she knows this area very well and as a commuter she understands the concerns about a traffic light. She questioned the applicant if he would consider adding another north-south interparcel access to a location to be determined that would access the office condominium. This would allow Dunwoody Chase to work out an access east-west access points and perhaps get out at a light at Hammond. Mr. Chesser stated that he would be open to this and that it would require an agreement with the office development.

Councilmember Jenkins stated that the applicant has already dedicated some property at Dunwoody and Hammond but, does not see a time line in making the traffic improvement with the right hand turn going from Hammond north onto Peachtree Dunwoody. She would like to see this traffic mitigation done now in conjunction with the construction.

Director of Community Development Leathers stated that it would need to be permitted when the next LDP is issued and required to be in place prior to the issuance of the CO on this particular portion of the development.

Mr. Chesser stated that would be for an additional turn lane from Hammond on Peachtree Dunwoody. This study shows an additional lane plus a turn lane. If he adds a turn lane it would be a temporary turn lane.

Transportation Planner Moore stated that the DRI requirement is for this. The condition has been changed so that the applicant would dedicate right-of-way to the six (6) lane plan. The right hand turn lane put there now would be a significant benefit today.

Councilmember Meinzen McEnerny questioned if there would have to be some small signal changes at that intersection. Mr. Moore stated that is correct and there are two signal issues here. It does not make sense to build a six (6) lane section just on the applicant's frontage. Part of the Kimerly Horn Study is a signalized intersection located in the middle that would provide access both on the Hammond Drive and Corporate Campus and properties to the south and secures an access point. This would happen in conjunction when Mr. Muchins property comes in, a right turn lane there and the work required might require some signal changes or signal upgrade at Peachtree Dunwoody and Hammond. All of these items are in the staff conditions.

Mayor Galambos questioned if this was for one or two signs at Peachtree Dunwoody. Mr. Chesser stated that it is for two signs.

Motion: Councilmember DeJulio moved to approve RZ07-038/U07-015/CV07-028 - 1140 & 1150 Hammond Drive, Applicant: Corporate Campus, LLC, to rezone the subject property from MIX conditional to MIX for the development of 753,000 square feet of commercial and office space, a 160-room hotel, and 400 residential units, with concurrent variances and a use permit to exceed the maximum district height subject to the following staff conditions.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office, retail, and/or service commercial and associated accessory uses, including all exterior food and beverage service areas, at a maximum density of 38,759.69 gross square feet per acre or 753,000 gross square feet, whichever is less, but excluding convenience stores with gas pumps, commercial amusements, and freestanding fast food restaurants, except for bagel, pastry and coffee shops, and ice cream parlors.
 - b. No more than 400 residential units at a maximum density of 20.59 units per acre, whichever is less.
 - c. To a maximum 160-room hotel.
 - d. The maximum building height shall be 30 stories for the two (2) office/residential towers. (U07-015)
 - e. The maximum building height shall be 10 stories for the hotel. (U07-015)
2. To the owner's agreement to abide by the following:
 - a. To the site plan submitted to the Department of Community Development dated received March 13, 2008. 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 minimum design standards are:
 - Minimum front yard (Peachtree-Dunwoody Road): 20 feet
 - Minimum side corner yard (Hammond Drive): 12 feet
 - Minimum side yard: 10 feet
 - Minimum rear yard: 10 feet
 - Minimum heated floor area per dwelling unit: 750 square feet

- b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Peachtree-Dunwoody 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.
- c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Hammond 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.
- d. The owner/developer shall install a westbound right turn lane from Hammond Drive onto Peachtree-Dunwoody Road. Said improvement shall be installed at such time a new Land Disturbance Permit is approved by the Department of Community Development for the subject property.
- e. No more than two (2) curb cuts on Peachtree-Dunwoody Road; one to align with existing median break and the other restricted to right-in/right-out. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.
- f. No more than three (3) curb cuts on Hammond Drive. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.
- g. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Public Works Department.
- h. To delete the required twenty (20) foot landscape strip along the area adjacent to the retail building currently under construction and along the west property line adjacent to existing as shown on the site plan submitted to the Department of Community Development dated received March 13, 2008 (Peachtree-Dunwoody Road frontage) (CV07-028).
- i. To allow for an additional freestanding sign on the Peachtree-Dunwoody Road frontage (CV07-028). Said sign shall be no larger than seventy-two (72) square feet with a maximum height of eight (8) feet.
- j. To allow internal signs throughout the site to be used as directional signage (CV07-028). Said signs shall be no larger than twenty (20) square feet with a maximum height of six (6) feet.
- k. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with adjacent properties to the north and east. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained; permanent easements shall be recorded allowing for future interparcel access along the entirety of the boundary of the adjacent properties, prior to the issuance of an LDP.

Second: Councilmember Jenkins seconded the motion.

Motion and Second: Councilmember Meinzen McEnerny moved to amend motion and have the owner/developer attempt to provide interparcel access with adjacent properties to the north and east. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

Vote on Main Motion: The motion carried unanimously.

RZ08-001 - 240 Sandy Springs Place, Applicant: Re/Max Around Atlanta-To rezone the subject property from C-1 conditional to C-1 to maintain the existing structure and to remove the dental office only use restriction on the property.

Ordinance No. 2008-04-14

Planner Ruffin stated that this is a request to rezone the subject property from C-1 conditional to C-1 to maintain the existing structure and to remove the dental office only use restriction on the property. Staff is recommending approval conditional of the request.

The Design Review Board heard the petition at the January 22, 2008 meeting. The Board recommended approval of the request limiting the property to the existing structure only.

The petition was heard at the March 20, 2008, Planning Commission hearing. The Commission recommended approval subject to staff conditions.

Kristin Ancien, 240 Sandy Springs Place, stated that it is the applicant's intent to remove the 'dental office only' use restriction on this property. The request is for setbacks, parking and any other requirement be reduced or altered to the extent necessary to be in compliance.

Mayor Galambos called for public comment. There were no public comments.

Motion: Councilmember Meinzen McEnery moved to approve RZ08-001, 240 Sandy Springs Place, Applicant: Re/Max Around Atlanta, to rezone the subject property from C-1 conditional to C-1 to maintain subject to the following staff conditions.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and associated accessory uses located in the existing 4,082 square foot structure. No modifications shall be made to the exterior of the structure, other than normal maintenance.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated January 9, 2008. 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 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.
 - b. Reduce all minimum yards, landscape strips, undisturbed buffers, and improvement setbacks to the extent necessary for the existing structure to remain.

Second and Vote: Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

RZ08-006/CV08-003/U08-002 - 915 Crestline Parkway, Applicant: J. Craig Harper-To rezone the subject property from A-L conditional to O-I for the development of a 130-room hotel, with concurrent variances and a use permit to exceed the maximum district height.
Ordinance No. 2008-04-15

Planner Ruffin stated that this is a request to rezone the subject property from A-L (Apartment Limited District) conditional to O-I for the development of a 130-room hotel. The applicant is requesting six (6) concurrent variances. Staff is recommending approval conditional of the rezoning request, the concurrent variances and the use permit to exceed the maximum district height.

The petition was heard at the March 20, 2008 Planning Commission hearing. The Commission recommended approval subject to staff conditions and directed staff to obtain an original signed copy of the private agreement between the applicant and the surrounding neighborhoods. The private agreements are included in Councils packet.

Pete Hendricks, 6085 Lake Forrest Drive, stated that this is a request to rezone the subject property from A-L conditional to O-I for the development of a 130-room hotel. The applicant is also seeking concurrent variances and a use permit to exceed the maximum district height. An agreement between the applicant and Dunwoody Springs has been entered into in regards to the drainage issues.

Mayor Galambos called for public comment. There were no public comments.

Councilmember DeJulio started that there has been a big problem with runoff water into the Dunwoody Springs Neighborhood. He requested the applicant to explain the agreement made with Dunwoody Springs.

J. Craig Harper, 1690 Ashebarle Court, Marietta, Developer, stated that this issue has been very complicated due to having to deal with multiple entities in the arrangement. The applicant developed the 48 unit townhome complex south of this property several years ago, under the Fulton County jurisdiction. There is runoff that drains from the Costco pond across the street. Water is coming out of the headwall and the applicant is putting in Gaddeon Basket Systems which consist of bags or rocks to take the flow of water and try to minimize the effect on the land.

Gary Russell, 703 Garden Court, President, Dunwoody Springs Community Association, stated that the neighborhood is pleased with the amended agreement.

Motion: Councilmember DeJulio moved to approve RZ08-006/CV08-003/U08-002, 915 Crestline Parkway, Applicant: J. Craig Harper, to rezone the subject property from A-L conditional to O-I for the development of a 130-room hotel, with concurrent variances and a use permit to exceed the maximum district height subject to the following staff conditions.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. A 130-room hotel (without a restaurant) and associated accessory uses.
 - b. The maximum building height shall be 100 feet or 6 stories over 2 stories of structured parking, excluding any penthouses for mechanical equipment. (U08-002)
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated March 10, 2008. 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 Crestline Parkway 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. To reduce the required front yard setback from forty (40) feet to fifteen (15) feet along the Crestline Parkway frontage of the subject property to allow conformity with the Perimeter Community Improvement Design District standards (CV08-003).
 - c. To reduce the required forty (40) front yard setback to ten (10) feet along the west property line adjacent to the GA-400 frontage to allow the construction of an underground parking deck (CV08-003).

- d. To reduce the required twenty (20) foot landscape strip to ten (10) feet along the west property line adjacent to the GA-400 frontage to allow the construction of an underground parking deck (CV08-003).
- e. To reduce the required twenty (20) foot landscape strip to ten (10) feet along the east property line adjacent to the Crestline Parkway frontage to allow the construction of a patio, steps, and pedestrian walkway to the proposed building (CV08-003).
- f. To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback to a ten (10) foot landscape strip planted to buffer standards along the south property line adjacent to a residential use to allow the existing shared driveway to remain (CV08-003).
- g. To increase the number of parking spaces between landscape islands from every sixth space to every ninth (CV08-003).
- h. No less than 27% of the site shall be maintained as greenspace as shown on the site plan received by the Department of Community Development dated January 7, 2008.
- i. The owner/developer shall construct the hotel building with a brick and/or stucco architectural finish.
- j. The external lighting in the development shall be screened, cut-off type and shall not glare into adjoining residential properties.
- k. To a maximum illuminance level of 0.5 footcandles along all property lines abutting residentially zoned property.
- l. At the time of application for a Land Disturbance Permit, the owner/developer shall be required to submit a photometric study detailing the illuminance level as outlined in the previous condition and illustrating the proposed lighting fixtures.
- m. The owner/developer shall install a decorative fence along the south property line adjacent to the townhouse residential development and heavily landscape both sides to provide a visual screen. The location and type of said fence and landscaping shall be subject to the approval of Sandy Springs Arborist.

Second and Vote: Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

Text Amendments

(Agenda Item moved by motion of vote)

RZ08-002 - An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance.

RZ08-004 - An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance. Ordinance No. 2008-04-16

Planner Ruffin stated that this is a text amendment to Article 33, Sign Ordinance to address two issues; non conforming signs and when they are required to be replaced with conforming signs and also to allow for construction signs within the O-I zoning classification.

The Planning Commission heard the amendment at the March 20, 2008 hearing. The Commission recommended approval as presented by staff.

Mayor Galambos called for public comment. There was no public comment.

Motion and Vote: Councilmember Paul moved to approve an Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**RZ08-010 - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance – Cemetery Protection.
Ordinance No. 2008-04-17**

Deputy Director of Planning and Zoning Miller stated that this item originally came before City Council in February 2008. There were a couple of provisions that the Planning Commission had issues with. Council remanded it back to the Planning Commission. The Commission had a special called meeting on April 7, 2008. At that time, there were three (3) items E., F., and G. This is a revised Ordinance prepared by the City Attorney this afternoon. The letters have been replaced with a numbering system. The Planning Commission asked staff to review pages 3 and 4 of the ordinance more closely, staff has done this. Staff feels that this is the best possible ordinance to protect existing cemeteries in the City that have land disturbance activity adjacent or upon them.

Mayor Galambos called for public comment. There were no public comments.

Councilmember Meinzen McEnerny stated that a draft ordinance was passed out to Council tonight. She and staff have spent a good deal of time on the draft. The draft represents the changes that will enable the ordinance to comply with the intent, which is to preserve cemeteries. She would like to make three changes to the ordinance; add the three (3) diagrams with the header that these are for “for illustrative purposes”. Mr. Miller helped the City Attorney incorporate the changes. The other changes; additional language changes, page 3, 5. If the cemetery or burial ground is located on an adjacent parcel, the fence shall be located either along the outside border or along the common property line as maybe approved by the Sandy Springs Arborist **to avoid damage or removal of existing trees**. Additional language changes, Page 4, (7) A maintenance plan for a cemetery, burial ground, **or buffer** located on the parcel for which a Land Disturbance Permit or Building Permit is sought shall be developed and implemented. The First Illustration shows that the fence can be located as set by the Arborist, either on the exterior of the buffer which is on the, to be developed property, not the owner of the cemetery or on the common property line. There needs to be some mechanism for the parcel to be disturbed to maintain that buffer if there is a fence on the outside. This will only deal with a parcel to be developed and does not deal with existing cemeteries. It is triggered by someone coming in wanting to develop a parcel that is adjacent to the cemetery. The City will not be requiring the owners to do an archeological survey to define where the graves are. There needs to be a buffer to protect the cemetery because it has not been surveyed. This will not put a burden on the cemetery owners that are not coming in for redevelopment. They are being left along. We are putting a 25 foot buffer which is a state standard.

Deputy Director of Planning and Zoning Miller stated that most of these items have already been adopted by the Mayor and Council. Planning Commission had asked Staff to work on the language at the end of the ordinance.

Councilmember Paul questioned what would happen if a church wanted to add onto the church within 25 feet.

City Attorney Willard stated that on page 2, C., there is an exception “A cemetery or burial ground that is owned, operated and used by a church, temple or place of worship shall be exempt from the provisions of this section”.

Motion and Vote: Councilmember Meinzen McEnerny moved to approve an Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance – Cemetery Protection with the following amendments; to include diagrams from draft ordinance entitled: Option A, Option B, Option C to be notated “for illustrative purposes”, 4.14 D.(5) add additional language: If the cemetery or burial round is located on an adjacent parcel, the fence shall be located either along the outside border of the 25-foot natural undisturbed buffer or along the common property line(s) as may be approved by the Sandy Springs Arborist **to avoid damage or removal of existing trees**. 4.14 D. A maintenance plan for a cemetery, burial ground, **or buffer** located on the parcel for which a Land Disturbance Permit or Building Permit is sought shall be developed and implemented. Councilmember Paul seconded the motion. The motion carried unanimously.

Unfinished Business

Consideration of approval of an Ordinance amending Article I, Section 1.03(b)(30) of the Charter of the City of Sandy Springs relating to the power of the City 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.

Ordinance No. 2008-04-18

City Attorney Willard stated that this is the second reading of an Ordinance amending Article I, Section 1.03(b)(30) of the Charter and has been advertised. This amendment is to allow the City to enter into a contractual agreement for a sole franchisee of the ambulance service for the City.

Motion and Vote: Councilmember Paul moved to approve an Ordinance amending Article I, Section 1.03(b)(30) of the Charter of the City of Sandy Springs relating to the power of the City 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. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

New Business

Consideration of approval of a contract for Emergency Medical Services and approval of bylaws for the North Fulton Emergency Medical Response Oversight Committee.

Assistant City Manager Reiter stated that effective July 1, 2008, the Fulton County Board of Commissioners has elected to no longer subsidize EMS in North Fulton. This could be viewed as an opportunity to enhance current levels of ambulance service for our City and our citizens. Maps have been provided to City Council that shows an analysis for the calendar year 2006 of Fire Department responses. Red: highest concentration of Fire/EMS calls, majority are medical calls – 501 – 1,010 calls. A very heavy concentration of calls on the north end and a couple of clusters around Roswell Road and I-285 and GA 400 and I-285 South. Orange: GA 400, Roswell Road corridor signifies medium concentration – 251-500 calls. Green: 76-250 calls. White: 0-75 calls.

Currently, Rural Metro is the City's state designated ambulance provider. For the foreseeable future, the City does not have the ability to directly influence that although the City could through this Regional Council that reports up through the Georgia Department of Human Resources.

Assistant City Manager Reiter stated that the second map provided to Council shows the proposed current peak deployment for ambulance response times of 7, 9 and 11 minute coverage. This takes into account the City's road network, assuming that those ambulances can only travel at the posted speed limit. It does not take into account traffic or other delays. Post speed limits plus two (2) minutes or 120 seconds at the level of 911 call processing. This allows for call answer time, call processing and dispatch and there is an additional minute called "alert time" the amount of time it takes the crew to get to the vehicle, look up the call on the map or put into their GPS and actually get moving to the call. This gives the drive time plus three (3) minutes, and is how you get the 7, 9 and 11 minute coverage. Green: Less than 7 minutes, Orange: 7 to 9 minutes, Red: 9 to 11, anything outside the red 11 minutes plus.

Councilmember Meinzen McEnerny stated that all three ambulances are going to be located north of Abernathy. Mr. Reiter stated that this is how Rural Metro does it today.

Assistant City Manager Reiter stated that the City has Station No. 1, Station No. 2 and Glenridge and Roswell. Add to the vicinity of Dalrymple Road / Roswell Road., and add in the vicinity of Station No. 3. The units shown on map would be the peak time deployment for additional half day units layered on top of what the City has today.

This would be in the middle of the afternoon peak time deployment. The middle of the night would be a different view because call volumes drop off.

Councilmember Jenkins questioned if the Roswell Fire Station No. 7, has anyone to help out in District 1. Mr. Reiter stated that they do not post an ambulance at this location, but have fire, medical and first response. Staff looked to see what the Roswell Fire Station No. 7, would do for the City and because of this very narrow road network, they were only able to get out in six (6) minutes. Councilmember Jenkins questioned if they had paramedics on their fire trucks. Mr. Reiter stated the question just asked, supports why Sandy Springs is trying to work with other counterparts in North Fulton to create a regional model EMS. It is possible there could be an ambulance somewhere in this area that would help on the northeast side and one of Sandy Springs units help them on the south west side. The trade off goes back to the call concentration map. Those conversations are still on going. These are only proposed posting locations. Over the next few weeks, the task force anticipates to look at the call concentration map by time of day. In the evening hours, it could be possible to reposition the units by hour of day. The reason for the five (5) units in Sandy Springs during the peak hours is to compensate for some inefficiency at the level of 9-1-1. The ambulance personnel will not know there is a call until it gets through Fulton County 9-1-1. This will improve once the City has its own 9-1-1 center. It is just as important what the communication center does with these units when they are not on calls, as far as positioning them, when they need to be for shorter drive times for the next call. When the City has its own 9-1-1 center, the city will directly control the process and will have access to 100% of the data and would need to re-evaluate this deployment. Rarely will there be five (5) units in service in the City of Sandy Springs.

Assistant City Manager Reiter stated that Rural Metro provides the City two (2) units at the off peak deployment. The call volumes are lower at night and fewer units are needed. Staff would propose an additional unit for the off peak deployment. Staff is trying to accomplish what would be reasonable during the peak times and off peak times. Staff feels strongly the need to create a cushion until the City has control over the movement of these resources and the processing of the 9-1-1 center.

Mr. Reiter explained that if the City did nothing and stayed with the current deployment levels, it would translate into an annual cost of \$293,467. If Council were to approve the proposed five (5) units during the day, three (3) units at night and the City has regional collaboration, it would be a little less than \$493,000. If for some reason those conversations with Sandy Springs partner cities fell apart, the City would pay \$450,000 annually. The difference would be for some regional benefit similar to the Roswell scenario discussed. Staff is seeking Councils approval to spend up to the \$492,764 and enter into a performance based contract with Rural Metro that would allow the City to review their financials periodically and ensure that they are not understating the revenue or understating their cost and if they have, staff would adjust it accordingly and, also to enter into an Intergovernmental Agreement with four cities for the North Fulton Emergency Medical Response Oversight Committee.

Councilmember DeJulio questioned if the City's contract with Rural Metro, a cost plus. City Manager McDonough stated that it would be a fixed cost contract and staff will evaluate it on an annual basis.

Councilmember MacGinnitie questioned if the City would have the ability to revise the agreement within the 90 day or have to wait till the annual renewal. Mr. Reiter stated that the City would have the ability to revise deployment levels with appropriate notice to Rural Metro.

Mayor Galambos stated that the City would be able to make sure it was getting what it paid for but, would not be able to change the price. City Manager McDonough stated that the flexibility could be written into the contract.

Councilmember Meinzen McEnery stated in regards to the one year contract, with the gas price rising, if there was a way to have the City Manager negotiate options that would fix the price. City Attorney Willard stated that there is a restriction of appropriations in contracting with other local governments and that the City is doing everything based on the funding ability. The City could set up an authority that has ambulance responsibility and enter into an intergovernmental contract but would have to have approval of legislation to do that.

Motion and Vote: Councilmember Jenkins moved to approve a contract for Emergency Medical Services and approval of bylaws for the North Fulton Emergency Medical Response Oversight Committee in the amount of \$493,000. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Reports and Presentations

Mayor and Council Reports

Mayor Galambos announced that CH2M Hill has presented the City with the 2007 Best Partnership Award and the Safety Award.

Mayor Galambos stated that she attended a meeting in which Gina Abrahams, GDOT spoke at length about many DOT projects having to be canceled. She question Ms. Abrahams about the projects that already had the right-of-way and the engineering complete. Ms. Abrahams had told her that those projects were not canceled and the Abernathy project is safe. We can expect quiet a bit negotiation on some of the other projects that GDOT does not have money for. The City may have to evaluate the Capital Projects list after having discussions with ARC. Ms. Abrahams had stated that congestion mitigation was one of her top priorities in terms of what would get funded. Then she talked about I-285 being a major problem and that GDOT would never be able to buy the right-of-way to widen it, that it would be elevated.

Executive Session – Pending Litigation

Motion and Vote: Councilmember Paul moved to enter into Executive Session to discuss pending litigation. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session began at 9:18 p.m.

Motion and Vote: Councilmember Paul moved to adjourn Executive Session. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session adjourned at 9:31 p.m.

DarCourt Development

Motion and Vote: Councilmember Paul moved to suspend all appeals on DarCourt Development. Councilmember Fries seconded the motion. The motion carried 5-1, Councilmember Meinzen McEnerny voting in opposition.

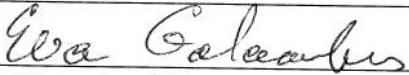
Settlement on Burns Property

Motion and Vote: Councilmember Fries moved to approve settlement payment on property located at 120 Abernathy Road in the amount of \$27,500. Councilmember MacGinnitie seconded the motion. The motion carried unanimously.

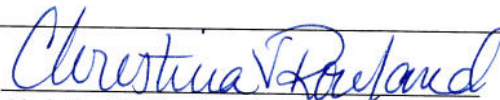
Adjournment

Motion and Vote: Councilmember Paul moved to adjourn the meeting. Councilmember MacGinnitie seconded the motion. The motion carried unanimously. There was no Council discussion. The meeting adjourned at 9:35 p.m.

Date Approved: May 6, 2008



Eva Galambos, Mayor



Christina V. Rowland, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

April 15, 2008

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 15th day of April, 2008, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.



Eva Galambos, Mayor

Sworn to and subscribed before me,
this 15 day of April, 2008.

Notary public

