

Regular Meeting of the Sandy Springs City Council was held on Tuesday, August 16, 2016, at 6:00 p.m., Mayor Rusty Paul presiding.

INVOCATION

Rabbi Joshua Heller, Congregation B'nai Torah, 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: Council Member John Paulson, Council Member Ken Dishman, Council Member Chris Burnett, Council Member Gabriel Sterling, Council Member Tibby DeJulio, and Council Member Andy Bauman were present.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance.

APPROVAL OF MEETING AGENDA

1. **16-298** Add or remove items from agenda

Motion and Vote: Council Member DeJulio moved to approve the Meeting Agenda for August 16, 2016. Council Member Paulson seconded the motion. The motion carried unanimously.

CONSENT AGENDA

2. **16-299** Meeting Minutes
 1. July 19, 2016 Work Session
 2. August 2, 2016 Regular Meeting
 3. August 2, 2016 Work Session
(Michael Casey, City Clerk)

Motion and Vote: Council Member Sterling moved to approve the Consent Agenda for August 16, 2016. Council Member Burnett seconded the motion. The motion carried unanimously.

PRESENTATIONS

3. **16-300** Presentations

1. Appreciation Plaque from SSPD to SideTick.TV– Police Chief Kenneth DeSimone

Police Chief Kenneth DeSimone stated it has been a tough year in law enforcement in the United States. Since the shootings in Dallas, Texas and Baton Rouge, Louisiana, the Department has been inundated with food and gift baskets at the Police Department. There is one corporate entity in the City that has gone above and beyond. They have brought pizzas to the Police Department about every month for the last year or so. Each time they bring nearly 100 pizzas. SideTick.TV is located on Glenridge Drive. A representative from SideTick.TV was not in attendance to accept the appreciation plaque for their continued support and kindness to the Sandy Springs Police Department.

2. North Fulton Comprehensive Transportation Plan – Ms. Cristina Pastore, Project Manager at Kimley-Horn

Cristina Pastore, Project Manager at Kimley-Horn, gave the North Fulton Comprehensive Transportation Plan presentation.

Mayor Rusty Paul recognized State Representative Elect for District 52, Deborah Silcox, who was in attendance.

PUBLIC HEARINGS

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

Rezoning

4. **16-301 RZ16-0088** - 0 River Exchange Dr., to rezone from C-1 (Community Business District) to O-I (Office Institutional District) to allow for the construction and operation of a senior memory care facility with two (2) concurrent variances

Planning & Zoning Manager Ginger Sottile stated the applicant and property owner have requested rezoning of the subject property from C-1 to O-I to construct a senior memory care facility. The applicant proposes an approximately 39,000 square-foot, two-story building that will have approximately 91 units with 182 beds and will employ 22 employees. To accommodate staff and visitors, the applicant is providing 53 parking spaces, meeting the required minimum number by the Zoning Code. Due to the nature of the facility, the applicant is anticipating few, if any, of the occupants will have vehicles parked on the site. The applicant also requests two (2) concurrent variances, to allow for parking spaces in the minimum setback for the side corner yard and within required landscape areas. Due to its proximity to the Chattahoochee River, the site is regulated by the Chattahoochee River Corridor development standards, which limits the allowable clearing and impervious coverage for the entire site. The applicant was able to obtain additional credits to comply with the Chattahoochee River Corridor standards. In addition, a stream occupies the southwest corner of the parcel, and the applicant is proposing to keep the development completely outside the regulated buffers of that stream. Staff cites the application is consistent with the City of Sandy Springs Comprehensive Land Use Plan and Policy. The subject parcel is designated as Living Working Community (LWC) in the Future Land Use Plan. Living Working Community Districts are “intended to be compatible with low and medium density residential neighborhoods.” The proposed development is similar in size to the apartment community to the northwest, and acts as a buffer between the shopping center to the east and the residential areas to the west along Spalding Drive. The Comprehensive Plan emphasizes the preservation of the City’s tree canopy as a policy. It states: “Forested areas within the City help define the character of Sandy Springs and should be preserved.” The development will maintain a large part of the existing vegetation on the site and will maintain a buffer towards the future Lost Corners Park located to the west. Staff recommends approval of the rezoning request and of both concurrent variances. At the July 21, 2016 Planning Commission hearing, the Commission recommended approval of the rezoning

application and of the two concurrent variance requests, with staff's recommended conditions, and requested an enhanced landscaping plan.

Joe Dan Rogers, applicant, stated he is the Chief Development Officer for Mansions Properties. He thanked the Mayor and Council for allowing his company to be a part of Sandy Springs. His company operates the independent living facility adjacent to the subject property. He is seeking to rezone this property from C-1 to O-I for the development of an assisted memory living care facility. One of the things pertinent about this is to develop a campus style living for the residents. There are 130 units. When people reach a time in their life where additional care is needed, residents currently have to leave the facility to seek further care at a different center. Currently, Mansions Properties is developing a property in Fulton County that resembles a campus style property, which will allow residents to continue care at the same site. He is seeking Councils approval for this rezoning to emulate that in the City of Sandy Springs.

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

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 16-301, RZ16-0088 - 0 River Exchange Dr., to rezone from C-1 (Community Business District) to O-I (Office Institutional District) to allow for the construction and operation of a senior memory care facility, with two (2) concurrent variances. Council Member Dishman seconded the motion.

Mayor Paul asked if the two concurrent variances include the landscape requirements that were distributed earlier today.

Planning & Zoning Manager Sottile stated the landscape plan has nothing to do with the variances. The variances are related to parking and a reduced landscape buffer. Some of the plantings will be in the landscape buffer. Additional conditions were added and Council should have those.

Mr. Rogers stated he is fine with the newly added landscape conditions.

Council Member John Paulson stated he has been to the facility that currently exists, and it is quite nice and well occupied. This will be a good addition to the City. These properties make it convenient for those that would otherwise have to make a move from one facility to another. He expects the new building to be up to the same standards as the building currently in place.

Council Member Gabriel Sterling stated this follows the City's long term policy that we need to have more places for seniors to age in place. When the residents move to that next portion in life it will be easier for the families, too, because the residents will not go any farther away.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2016-08-20

Zoning Modification

5. **16-302 ZM16-0015** - 1100 Johnson Ferry Road, to modify Zoning Condition 2(a) of Rezoning Case Z83-0185FC as modified by ZM07-010, ZM09-009, and 20130404 to substitute Site Plan received by the Department of Community Development on February 29, 2016 in lieu of and in replacement of the site plan received by the Department of Community Development on January 11, 2013, to allow construction of a 450-space parking deck on the northern side of the existing building

Planning & Zoning Manager Ginger Sottile stated this item was heard by the Council on June 21, 2016, at which time Council requested the applicant explore solutions to accommodate the parking needs of the medical office complex. This request is to modify condition 2a of Z83-0185 from Fulton County to amend the previous City approved site plan that involved the construction of a 450 space parking deck over an existing surface parking area at Center Pointe Office Park. This will result in a net increase of 346 parking spaces with no additional office space being proposed. This property was the subject of several modifications dealing with conversions of general office use to medical office use, and resulting parking improvements. The proposed parking tally is 1,630 spaces with an increase in impervious surface of approximately 1,000 square feet. The applicant will be required to dedicate right-of-way and install streetscape per PCID overlay standards (561.53 feet along Johnson Ferry Road, directly northwest of Emory St. Joe's/North American Properties Mixed-use development). The Department of Community Development finds that this modification is suitable and reasonable in light of the current and surrounding development, and the future land use of the area, therefore, staff recommends approval. On May 19, 2016, the Planning Commission recommended approval, with a request to coordinate construction with North American Properties and Children's Healthcare of Atlanta. In addition to the staff recommended conditions of approval, we would like to add the following condition related to a commitment letter, a draft of which we would like to enter into the record at this time. This letter commits all of the hospitals to a shared parking and congestion management strategy.

Woody Galloway, representative of the applicant, stated since the last meeting when this item was before Council the applicant has tried to use the changes that Duke tried to address over the years with traffic. The Applicant has met City staff, designated representatives, the hospital, North American Properties, the PCID, Perimeter Connects, MARTA, and GRETA. The applicant has also partnered with Perimeter Connects to host multiple lunch and learn events for tenants and employees regarding van carpooling, ride sharing, and using Zip cars. The Applicant has also encouraged tenants to enact flexible work hours, and promote the use of MARTA through the use of free MARTA passes. The applicant has worked with MARTA to establish a bus stop for Center Pointe, and to add a sidewalk for the bus stop from Johnson Ferry Park to the townhomes across from Peachtree Dunwoody Road at a cost of \$156,000. The guard house was relocated at the main entrance to allow for additional parking and stacking. The parking lot was restriped to increase spaces for compact cars, handicap and visitor parking. Parking concierges were employed to monitor parking lots to direct people to available spaces and to provide valet and shuttle service for tenants. Northside Hospital operates their own shuttle for their employees. The shuttle that Duke provides operates at a cost of \$8,000 a month. There also have been numerous meetings that staff has hosted with those various entities including Perimeter Connects, Northside Hospital, PCID, and others in an attempt to try and address the persistent needs of Center Pointe. The City's effort to try and bring the hospitals and other commercial property owners together is a good effort. Duke Realty needs to solve its parking problem. They have spent \$10 million in the last nine years to convert these buildings from general office buildings to medical office buildings. Based on what the parking consultants say, more parking is needed for medical office than general office space. The surface parking has been maximized. From these meetings with the hospitals, Emory projects a much higher use of their facilities than they have now. The hospital is using space for additional parking on adjacent decks. There is no lease for these parking facilities. It is on a month-to-month basis, so those owners leasing the parking could cancel at any time. The parking study shows that in August 2015 there were 1,571 cars coming onto the site during the peak hours. The peak hour for this facility is not the peak hour for the roads. The peak hour is between 11:00 a.m. and 12:00 p.m. There currently are only 1,284 parking spaces on site, which is a large deficit. The property owner gets by, by having offsite spaces to lease. Those cars are still coming to the "Pill Hill" area. The cars are currently going to Northside or St. Joseph's parking deck and then the drivers are being shuttled to this site. The applicant is trying to place the cars on the subject property and provide the necessary parking for this property. The applicant is requesting 1,630 parking spaces, which is only 3.7% more than the 1,571 car space number that he mentioned earlier. This will not add a lot of extra parking spaces. In this situation, the parking deck can be parked with fewer spaces because there are dominant tenants that take up a majority of the parking and they can designate where their employees park. There will be employees and doctors

parked in the deck. All the surface parking is going to be for those that come to the site and are patients. The idea is to provide the most convenient space for those patients and provide that in a way that meets the needs of the patients and the tenants. Duke Realty does not want to waste money on this facility. They also do not want to waste any more money on extra parking spaces, and that is why they have not asked for a ten, twelve, or fourteen percent increase over the total number of parking spaces that was projected. He referenced a chart that shows the parking demand of 1,571 parking spaces needed. There is quite a bit of demand for parking during the mid-day hours. The patients do not want to be out during the a.m. and p.m. times when traffic is the worst. The applicant has been asked to consider this statement of intent and the applicant is willing to do that. The applicant has contributed about \$64,000 a year to the PCID, as well as adding the sidewalk that has contributed to the ability for those that use public transportation to get to a MARTA stop and get where they want to go. If in Council's view the parking space number needs to be reduced, he asked that they consider a very minor reduction. He does not want to reduce the number, because he feels that 1,630 parking spaces is the right number. He believes that everyone knows there is a concerted effort to address this issue. The applicant will try to do their part to facilitate changes and address problems that can be addressed. If one is a landowner, you are in a different situation compared to being an employer. The applicant will have to go to the tenants who are the employers to ask them to do various things. Many of these leases extend out ten years.

Council Member John Paulson stated there is new technology that gives drivers who visit parking structures knowledge of how many spaces are empty. This technology is typically an LED board. The cost of installing this system is about a tenth or an eighth of the cost of building a parking structure. He asked if this type of system can be applied in this situation in order to not have to build so many parking spaces. If so, is he considering it; and if not, then why not.

Mr. Galloway stated that technology does have its place in very large parking decks. He has worked with projects that use these types of facilities. If there are multiple levels with multiple entrances, and if the parking structures are opened to the general public, then these facilities can be very beneficial, because they provide an ability to direct people to open spaces, so they do not spend a lot of time trying to find a place to park. These facilities are cost effective when reducing excess parking spaces by ten to fifteen percent. In this case, however, the applicant is not asking for that. The parking spaces will either be assigned or designated based on where the doctors and employees work. The patients will only look for parking spaces in the surface parking area. A parking concierge will be instituted in that area who helps people find the spaces.

Mayor Paul asked if Mr. Galloway would agree that a six percent reduction in the total number of parking spaces requested is achievable based on the other things the applicant is doing.

Mr. Galloway responded yes.

Mayor Paul stated he applauds Duke Realty for the many things they have done.

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

Motion and Second: Council Member Sterling moved to approve Agenda Item No. 16-302, ZM16-0015 - 1100 Johnson Ferry Road, to modify Zoning Condition 2(a) of Rezoning Case Z83-0185FC as modified by ZM07-010, ZM09-009, and 20130404 to substitute Site Plan received by the Department of Community Development on February 29, 2016 in lieu of and in replacement of the site plan received by the Department of Community Development on January 11, 2013, to allow construction of a 420-space parking deck on the northern side of the existing building, along with a condition that Duke Realty sign the Agreement to a Shared Congestion and Parking Management Strategy as presented on August 16, 2016. Council Member DeJulio seconded the motion.

Staff Conditions:

2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development received February 29, 2016 and the conceptual landscape plan received May 10, 2016. Said site plans are conceptual only and must meet or exceed the requirements of the Code of Ordinances and these conditions prior to the approval of any Permits. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy. Parking booth and gate locations are subject to the Sandy Springs Traffic Engineer approval.

Additional Condition:

In addition to the staff recommended condition, the applicant agrees to participate and adhere to the letter of commitment, in which all of the hospitals agree to a shared parking and congestion management strategy.

Council Member Paulson stated according to the chart with the number of cars entering the property, there are more than 500 cars before 6:00 a.m. He assumes that number is from employees, because the cars stay until about 5:00 p.m.

Council Member Tibby DeJulio asked if the 420 parking spaces will be employee spaces. The employees will not park on the surface area, which will be restricted to patients.

Mr. Galloway stated that is correct.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2016-08-21

Text Amendment

6. **16-303 TA16-0007** – An Ordinance to Amend Article III, Section 3.3 Definitions; Article XII-B Sandy Springs Overlay District – Section 12B.7 Prohibited Uses; and Article XIX Administrative Permits and Use Permits, Part II Administrative Permits, Section 19.3.4 Fireworks – Consumer Fireworks Retail Sales as Primary Use, of the Sandy Springs Zoning Ordinance

Director of Community Development Michelle Alexander stated this agenda item request is a consideration of an amendment to bring the City's fireworks regulations in line with the most recent changes to State legislation. This change addresses definitions, specifically the sections related to uses. This does not address other sections such as noise ordinances. The considerations are related to the distance of fireworks from fire hydrants. Also addressed is the distance of fireworks in certain locations from 150 to 300 feet because of the changes in fireworks that are available. The number of days was increased for the review, which is now 60 days, so staff can do all the reviews. The review process includes Business Revenue, the Fire Marshall, and Planning and Zoning.

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

Motion and Second: Council Member Dishman moved to approve Agenda Item No. 16-303, TA16-0007 – An Ordinance to Amend Article III, Section 3.3 Definitions; Article XII-B Sandy Springs Overlay District – Section 12B.7 Prohibited Uses; and Article XIX Administrative Permits and Use Permits, Part II

Administrative Permits, Section 19.3.4 Fireworks – Consumer Fireworks Retail Sales as Primary Use, of the Sandy Springs Zoning Ordinance. Council Member Burnett seconded the motion.

Council Member Ken Dishman stated he has had many constituents who have complained about fireworks and the prevalence of them and how it is legal to purchase them in Georgia. The City is being proactive in looking after the community's interest.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2016-08-22

River Corridor

7. **16-304 RC-16-02SS** (285 Crosstree Lane) - the addition of pool and deck to an existing single family residence

Director of Community Development Michelle Alexander stated this agenda item concerns a parcel that is located within the Metropolitan Protection Corridor. This application had to go through a special review to make sure it is compliance with the river corridor regulations. Specifically, depending on how far a property is from the corridor, you are restricted by the amount of impervious surface you can add. The applicant is requesting to construct an addition of a pool and a deck. The total impervious surface that will be added is 5,840 square feet. This application has been reviewed by staff and is found to be in compliance with the regulations of the Atlanta Regional Commission. The rear of the subject parcel faces along Riverside Drive and is across the street from the Chattahoochee North subdivision.

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

Motion and Second: Council Member Burnett moved to approve Agenda Item No. 16-304, RC-16-02SS (285 Crosstree Lane) - the addition of pool and deck to an existing single family residence. Council Member Sterling seconded the motion.

Council Member John Paulson stated the address on this application has the zip code 30350, but it should be 30328.

Council Member Gabriel Sterling stated in relation to the City's Blue Book adoption, this is a residential parcel that is adding nearly 6,000 square feet of impervious surface. Under the City's new rules, the applicant would be required to do remediation on the site.

Director of Community Development Alexander responded yes. Any property over 5,000 square feet will be required to abide by stormwater mitigation under the current stormwater policy, regardless of any changes.

Council Member Chris Burnett stated other than being within the 2,000-foot river corridor, there are no other variances for this project.

Director of Community Development Alexander stated the application still has to go through the full review. Staff has not finalized the full review to see if there are any additional variances that the applicant may need for land disturbance. If variances are required, the applicant would be required to go before the Board of Appeals.

Vote on the Motion: The motion carried unanimously.

UNFINISHED BUSINESS

8. 16-305 Consideration of the Acceptance of the Dedication of Right of Way as part of the Development Regulations Ordinance Requirements (5400 Lake Forrest Drive)

Council Member Chris Burnett stated the applicant is a client of his company, so he is recusing himself from this vote.

Director of Public Works Garrin Coleman stated this item came to Council at the last City Council meeting on the consent agenda. There was a discrepancy on the cover memo. Staff has since updated that information. The dedication of 13,693 square feet along the frontage of Lake Forrest Drive is required due to the subdivision plat of this lot. This lot has approximately 693 square feet along the frontage of Lake Forrest Drive. The approximately 9.8-acre lot is being divided into three individual lots. The requirement of right-of-way dedication is called for in the City's development ordinance. Staff recommends approval of this item.

Council Member John Paulson stated if he recalls correctly, this item was tabled at the last meeting.

Mayor Rusty Paul stated the appropriate motion is to remove this item from the table.

Motion and Vote: Council Member Paulson moved to remove Agenda Item No. 16-305, Consideration of the Acceptance of the Dedication of Right of Way as part of the Development Regulations Ordinance Requirements (5400 Lake Forrest Drive), from the table. Council Member Sterling seconded the motion. The motion carried unanimously.

Motion and Vote: Council Member Bauman moved to approve Agenda Item No. 16-305, Acceptance of the Dedication of Right of Way as part of the Development Regulations Ordinance Requirements (5400 Lake Forrest Drive). Council Member Dishman seconded the motion. The motion carried unanimously.

NEW BUSINESS

9. 16-306 Request Waiver of Late Fees and Penalties for 2016 Business Occupational Tax Certificate for BIAS Corporation located at 1100 Abernathy Road NE Ste. #950 Sandy Springs, GA 30328

Finance Director Karen Ellis stated BIAS Corporation is requesting a full waiver of late penalties and fees for their 2016 business occupational tax renewal in the amount of \$4,180.25. The business has been in operation in the City since 2007. The applicant claims they never received the 2016 renewal form. In the City's Code, Chapter 54 states the renewals are due every year no later than March 31st, regardless if a renewal notice was received or not. Staff recommends a refund in the amount of \$500, which is the City Finance Director's limit. The due date has not changed and the business is aware that even if not in receipt of a renewal notice, this bill was due on March 31st.

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 16-306, Request Waiver of Late Fees and Penalties for 2016 Business Occupational Tax Certificate for BIAS Corporation located at 1100 Abernathy Road NE Ste. #950 Sandy Springs, GA, with a refund of \$500, as recommended by the Finance Director. Council Member Sterling seconded the motion.

Council Member Chris Burnett asked if the \$500 is a goodwill gesture and what is the purpose for a business to not pay the full late penalties and fees.

Finance Director Ellis stated when a business has a first time late renewal, staff likes to try and work with the business owners and only one waiver is allowed that is up to \$500. If more than a \$500 waiver is

requested, the request has to be brought before Council for approval. If the same company were to come back the following year and request a refund, it would be denied.

Council Member Gabriel Sterling stated the penalties were \$4,800. He asked how much was the actual tax bill.

Business License Manager Donica Williams stated the actual tax bill was \$34,951.93 without penalties and interest.

Council Member Sterling asked if the business has been paying on time since 2007.

Business License Manager Williams responded yes.

Council Member Sterling stated this would be a goodwill gesture for the business if Council approves.

Vote on the Motion: The vote was split 3-3 with Councilmembers Paulson, Burnett, and Sterling voting in favor and Councilmembers Dishman, DeJulio, and Sterling voting in opposition. The motion carried 4-3 with Mayor Paul breaking the tie by voting in favor of the motion.

10. 16-307 Request Waiver of Late Fees and Penalties for 2016 Business Occupational Tax Certificate for Software Paradigms International located at 5 Concourse Parkway, Ste. #500 Sandy Springs, GA 30328

Finance Director Karen Ellis stated Software Paradigms International is requesting a waiver of late fees and penalties for the 2016 business occupational tax renewal in the amount of \$8,249.23. The applicant claims the reason for their late filing is a transition within their finance department and they are requesting a full waiver due to a challenged financial state and tight budget. Software Paradigms has been in operation in the City since 2004. They have been late previously in tax year 2010 and were fully denied, including no goodwill gesture of a \$500 waiver. Staff is recommending the \$500 minimum waiver for the current tax year penalty.

Motion and Second: Council Member DeJulio moved to deny Agenda Item No. 16-307, Request Waiver of Late Fees and Penalties for 2016 Business Occupational Tax Certificate for Software Paradigms International located at 5 Concourse Parkway, Ste. #500 Sandy Springs, GA 30328. Council Member Dishman seconded the motion.

Council Member Tibby DeJulio asked if this is not the first time the business has been late on their occupational tax renewal fees.

Finance Director Ellis stated that is correct.

Council Member DeJulio stated if Georgia Power, the phone companies, and the rest of the businesses are late because of inaccuracy by their own finance department, they would not be offered \$500 as a goodwill gesture.

Finance Director Ellis stated that is correct.

Council Member Chris Burnett asked what the total tax bill was for this company in 2016 and for the total taxes paid to the City.

Business License Manager Donica Williams stated for the total taxes paid to the City she would have to look that information up and get back to Council. For the 2016 tax bill the amount is \$66,973.40.

Council Member Ken Dishman stated the local businesses should be held to the same standards that the private citizens are. If a citizen was in arrears with their taxes, most taxing bodies would not give the citizen a break.

Council Member Gabriel Sterling stated this situation is different than the last request, in which they made a mistake. If this company has a tax bill that large, they should have someone in charge to take care of this.

Vote on the Motion: The motion carried unanimously.

11. 16-308 Approval of an Ordinance to amend Section 105-19 of the Code relating to Construction Classification Building Height

Mayor Rusty Paul stated there are some people who submitted public comment cards on this agenda item. The City's meeting procedure does not allow for public comment at this point. There is a public comment period at the end of the City Council meeting.

City Manager John McDonough stated Assistant City Manager Tolbert may have indicated there would be an opportunity to speak. He recommends that Council allow up to ten minutes for a public comment period.

Mayor Paul asked if there is objection by Council to allow for ten minutes of public comment.

Council Member Tibby DeJulio stated he objects. If the Council is to stick with the procedures, there is a public comment period at the end of the meeting. If the public wishes to make public comment at that time, they are welcome to. If Council starts interjecting public comment into places during a meeting where we do not normally have public comment, the meeting will be extended even further.

Motion and Vote: Council Member Sterling moved to suspend the meeting rules to allow for a public comment time period of ten (10) minutes for Agenda Item No. 16-308. Council Member Paulson seconded the motion.

Council Member Gabriel Sterling stated it was communicated to those people interested in speaking that they would be allowed to, and they have a right to be heard before Council votes on this agenda item.

Vote on the Motion: The motion carried 5-1, with Council Member DeJulio voting in opposition.

Assistant City Manager Jim Tolbert stated this is an item where Council raised concerns about the quality of construction in the community and asked that staff look into this. The building code regulates construction materials. In Georgia, we are allowed to revise those provisions to promote an increase of quality, sustainability, durability, and longevity. Staff was asked to draft a proposed ordinance. Council saw that draft a few months ago and voted to have it sent to the Department of Community Affairs for review. Staff received a response letter from the Department of Community Affairs, dated July 25, 2016, saying they had no comment on the changes and the City is free to make the changes as desired, though they do not want the City to change the building code to less than the State restrictions. The proposal would simply amend Section 105-19 of the State minimum standards of Section E and would state that any new building or structure design intended to be over three stories in height and which individually or in aggregate of other principal buildings or structures on the same site exceeds 100,000 square feet of gross floor area shall be of Type I or Type II construction as defined in the International Building Code. This would require steel and masonry construction for any building over three stories. The current codes allow wood frame construction up to four stories and a fifth floor of wood frame if a sprinkler system is installed. This would change that to two floors of wood frame construction. As this ordinance is presented to Council, it will be

dated effective immediately. However, any project for which a land disturbance permit (LDP) has been submitted to the City on or before today would not be compelled to comply with this change, if the applicant applies for their building permit prior to February 16, 2017. If there is a land disturbance permit in review as of today, they have six months to apply for a building permit and they would not be subject to the change provision.

Sam Francis, One Dutton Farm, West Grove, Pennsylvania, stated he is with the American Wood Council. He is not sure what the problem is that the City is trying to solve. For example, if the City is trying to solve a fire safety problem by reducing height, he is not sure how height impacts sustainability. Any life cycle assessment would show that wood products, by far, are a more sustainable and green construction method than the two types of construction the City is considering. If you look at the International Energy Code, you will discover that a comparable steel building has a considerably lower energy conservation requirement than the wood building that the City will prohibit in favor of the steel building. Wood is a natural carbon item and trees absorb carbon dioxide from the air. That has a direct and positive impact on global warming. In the last 25 years, in the period that these buildings came into being, the National Fire Protection Association shows that the number of fires is less than half today of what it was 25 years ago. The dollar loss is approaching half and life loss is approaching half. He asked what is the problem that the City is trying to solve. Maybe the homes should be smaller and behave like one to two family dwellings. Sixty-five percent of the fires in multi-family buildings are cooking fires. Those will occur in the first, second, or third floor or the fifth in a concrete building. Those cooking fires then tend to be content fires. That is true for every type of construction. He does not see that the ordinance addresses sustainability, but instead will have a negative impact on the energy status. This ordinance is the wrong direction for sustainability and is not supported by any of the data, including fire safety.

Matt Hestad, 1143 Main Street, Porterdale, Georgia, stated he is the Director of Public Relations for the Georgia Forestry Association. They applaud the City Council's desire to encourage safe and durable development in the City. In addition to safety, he encourages the City to help ensure the citizen's benefit from Georgia's homegrown, environmentally, and economically sustainable building material wood. Nothing is more important than the safety of the citizens. Georgia's building code, which is developed from the International Building Code, reflects the global consensus regarding building safety and fire. The codes address life safety for all building occupancy types. He encouraged Council to ask Mr. Francis any questions along those lines. According to a study on renewal and industrial materials, wood products used in construction store more carbon and use less fossil fuels than any other materials. Wood framing in a home produces 26% less CO2 emissions than concrete. In addition, the U.S. Department of Agriculture estimates that three to five story buildings made from emerging wood technologies have the same emissions control as taking 550 cars off the road for one year. Wood adds to the economic sustainability of Georgia, including the Metro Atlanta area. According to the Georgia Tech Enterprise Innovation Institute, in the ten core counties that comprise Metro Atlanta, forest land owners and forestry related industries provide \$3.7 billion in total economic impact. They provide \$667 million in wages and salaries, and more than 10,000 jobs. We urge the Council to reconsider this ordinance. This ordinance will not add to the safety and durability of buildings in the City. The ordinance promises to hinder the environmental and economic sustainability of Georgia, Metro Atlanta, and Sandy Springs. He respectfully requests that Council consider a no vote on this ordinance and he welcomes an opportunity to work with the City as a leader in the use of Georgia's homegrown, safe, durable, and sustainable, renewal building product, wood.

Michael Paris, 5901 Peachtree Dunwoody Road, stated he is President and CEO of the Council of Quality Growth, whose members are proud corporate residents. Some spoke about the safety aspects and he agrees with their comments. He would like to focus on the consideration of the redevelopment aspects. Sandy Springs is very concerned about how they approach redevelopment. His concern is that this ordinance inhibits new investment. The proposed ordinance will require much more expensive building techniques and will eliminate opportunities for redevelopment that are desperately sought out in the City. The proposed ordinance might be contrary to the City's Comprehensive Plan. The Next Ten Plan encourages the

promotion of redevelopment and provides a full range of housing choices. He is concerned that some of these goals might be unattainable causing the development industry to seek other alternatives to developing in Sandy Springs. The desire for quality development in the City is exactly what everyone should be looking for. This should be done through the zoning code, Comprehensive Plan, and other methodology that is available involving all the citizens. This ordinance is perhaps not the right way to go. He encouraged Council to reconsider this proposal and asked that they rescind this item.

Mayor Paul closed the public hearing.

Motion and Second: Council Member Burnett moved to approve Agenda Item No. 16-308, an Ordinance to amend Section 105-19 of the Code relating to Construction Classification Building Height. Council Member Paulson seconded the motion.

Council Member John Paulson stated it almost sounds like the City will not allow wood construction and that is not the case. This amendment is reducing the height of wood construction down one or two floors, if the top floor has a sprinkler system. He believes this is enhancing the construction quality for the taller structures.

Council Member Chris Burnett stated to address the point Mr. Francis made, he does not think the City is trying to solve a problem, but instead set a goal. Sandy Springs is blessed to be an extremely desirable area and it is Council's job to make sure we are bringing in the highest quality development we can where development is occurring. This change would allow up to 100,000 square feet, or three story facilities, in wood. The City is not discriminating against wood; in fact, the City is in a forest and we love our trees. Once a building is four stories or higher and 100,000 square feet, it is for safety, aesthetic, and longevity reasons that he supports this item. LEED certifications in terms of environmental conservancy is certainly achievable with steel construction, as much as it is with wood construction.

Mayor Paul stated on most nights he is the only tree farmer in the room and that might not be the case tonight. His family used to plant about 3,000 trees a year. He would not disparage wood and its usage. He pushed for this ordinance and the reason is outlined by Council Members Paulson and Burnett. The City will be coming out with the new zoning and land use plan soon. There are many wood products being constructed in the City currently. This is not a discrimination against wood at all. This is a narrow utilization and very narrow application. There are still many construction uses in this community for wood products. Wood products are an economy of the State and this region. He understands the concerns that the industry has, but he does not think this will be a situation where the City will do long term damage to the industry. The City is trying to deal with specific issues that are isolated to this community.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2016-08-23

12. 16-309 Ordinance to Amend the Sandy Springs Post Development Stormwater Regulations

Director of Community Development Michelle Alexander stated this agenda item requests Council consider adoption of an ordinance to amend land development regulations Chapter 109, Sections 109-187 and 109-191. This concerns the stormwater regulations and is found in the natural resources and environmental protection section of the Code. Staff was before Council in April 2016 to brief them on the new regulations found in the Georgia State Stormwater Manual. Staff has presented ideas to Council about strengthening that Chapter for particular needs and came back to Council again in June to provide further considerations. Council directed staff at that time to proceed with making sure it is clear in the land development regulations that we follow the 2016 update and that is what this ordinance does. The ordinance also addresses some of the requirements we need to ask of the applicant to make sure we can enforce those specific regulations related to how to manage subdivisions. Staff also has a narrative requirement so the

applicant is able to concisely explain how the proposed stormwater management system is designed to function. Staff will come back to Council after completing more research on how to strengthen the ordinances for single family homes.

Motion and Second: Council Member Bauman moved to approve Agenda Item No. 16-309, Ordinance to Amend the Sandy Springs Post Development Stormwater Regulations. Council Member Dishman seconded the motion.

Council Member Andy Bauman stated he wants to thank Director of Community Development Alexander and staff for their work on this. For the duration of this Council term, the City has been working to move the need in several areas such as the tree canopy ordinance, erosion control, and stormwater regulations. The City is doing that with this ordinance and will continue to do it. The theme this evening is to continue to embrace best practices and demand quality in our new construction and redevelopment. This does that and will continue to do that. The virtue and value is not just environmental, although it is there. For several reasons, this has to do with adjoining owner property protection and ultimately property values in the City. He expects the City will continue to adopt best practices in these very important areas.

Council Member Gabriel Sterling stated on page 4 line 33 it states the developer of a subdivided parcel may provide runoff reduction. He asked if that should be "may" or "shall" to make it a requirement.

Director of Community Development Alexander stated the intent is to allow for individual lots. This section is trying to address and make sure subdivisions are addressed as a whole and that they are not exempted via the current residential exemption. This is to say the City addresses subdivisions as we would a commercial property. Each subdivision can be done separately for the individual lots. Currently, a developer is not required to do individual lots.

Council Member Sterling stated this is a detention facility versus having individual property stormwater management.

Director of Community Development Alexander stated as a subdivision comes in with several lots, this will not preclude individual lots having different stormwater management.

Council Member Sterling stated the City ran into this issue with a redevelopment project. The developer can choose to construct a detention facility, if there are three or more lots. Instead of having a giant concrete pit, this will allow developers to potentially create the detention on each lot by using greener infrastructure and buried stormwater measures.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2016-08-24

13. 16-310 Ordinance to Amend the Sandy Springs Development Regulations

Director of Community Development Michelle Alexander stated another section of the development regulations, Section 103-28, addresses swimming pools. This item was presented to Council last month and they directed staff to proceed with adoption. She is requesting that Council adopt the amendments as proposed. Section 105-46 will require as-built drawings. This will make a difference in protecting future property owners and for the maintenance of the locations of actual built construction aside from stormwater.

Motion and Vote: Council Member Sterling moved to approve Agenda Item No. 16-310, Ordinance to Amend the Sandy Springs Development Regulations. Council Member Paulson seconded the motion. The motion carried unanimously.

Ordinance No. 2016-08-25 and Ordinance No. 2016-08-26

14. 16-311 Resolution to approve the updated Schedule of Fees and Fines being recommended by the Municipal Court Judges

City Attorney Wendell Willard stated periodically staff brings to Council the schedule of fees and charges that are used by the municipal court for assessing fines for violations of various laws and local ordinances. This requires updating to modify and clarify those fines. Before Council is a resolution with the fines to be approved. In attendance this evening are Judge Donald Schaefer and Judge Joseph Buford. They would be happy to answer any questions if Council needs clarification on any of the fines.

Motion and Second: Council Member Paulson moved to approve Agenda Item No. 16-311, a Resolution to approve the updated Schedule of Fees and Fines being recommended by the Municipal Court Judges. Council Member DeJulio seconded the motion.

Council Member Tibby DeJulio asked about the schedule of fees for the Emission Certificate Violations and the base fee being \$79.20. He asked if the surcharge is the court fee.

City Attorney Willard stated the court fee is established at \$78 on each item and that is to cover the actual recognized cost of the case being charged and proceeding with all the court actions, if necessary. Many times the State law will give a range of fees. For example, \$500 to \$1,000, or \$500 to \$5,000.

Judge Donald Schaefer stated the municipal court has nothing to do with State law. The State law states the City is required to assess surcharges on all fines except for seatbelt violations. The surcharges go to different funds. If there is a base fine of \$70 for an alcohol related case, the surcharges will be over twice that amount. The City is required to collect that amount and send it to the State.

Council Member DeJulio asked about the fine for obscene and profane signs on vehicles, which has decreased.

Judge Schaefer stated he and Judge Buford tried to bring the fines in line with other jurisdictions. There are very few fines that actually increased. The ones that increased are the ones that the City has serious problems with.

Council Member John Paulson stated he needs clarification on 40-5-20, which is operating a vehicle without a license while being towed. If someone's vehicle is being towed, they are not actually operating a vehicle.

Judge Schaefer stated that is a license charge. The State mandates certain punishments on license charges. If you are driving a car without a license, the State says the fine has to be at least \$500. On the second offense the required fine is at least \$1,000. They tried to bring up all of the license charges to make the fees the same across the board. The solicitor and judges still have discretion within the bounds of the law, but on driver license cases they do not. If the fines are payable online, a lot of people will pay online.

Council Member Gabriel Sterling asked if the City is charging a \$75 fine.

City Attorney Willard stated the fine is now \$78.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2016-08-94

15. 16-312 Consideration of an Ordinance to restrict the hours during which consumer fireworks may be lawfully discharged or ignited

City Attorney Wendell Willard stated Council has asked staff to look at the things that can be done to assist the citizens with controlling when and how fireworks are discharged in the City. Staff looked at the zoning resulting in recent zoning amendments this evening. This is another tool that can be beneficial in putting restrictions on the hours when the fireworks can be discharged. These hours correspond with what are the minimum times that fireworks are allowed to be discharged under State law. This will now be included in the City ordinance for the purpose of having enforcement should someone discharge fireworks outside of the stated times. If the fireworks are discharged outside of the stated times, the individual could be cited for violation of the ordinance.

Motion and Second: Council Member Bauman moved to approve Agenda Item No. 16-312, an Ordinance to restrict the hours during which consumer fireworks may be lawfully discharged or ignited. Council Member Dishman seconded the motion.

Council Member Andy Bauman stated he was going to attempt to not use the word restrict, but it is in the agenda item. He will proudly embrace the word in this case. Many emails have come from District 6 and he would go as far as the City possibly can on this subject. There is an appropriate time and place for the discharge of fireworks. He does not personally see that this is in the neighborhoods. This is a proactive, responsive, and neighborhood friendly response to this issue.

Council Member Tibby DeJulio stated this ordinance change is also dog friendly.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2016-08-27

16. 16-313 Resolution to Increase the Guaranteed Maximum Price for Construction of the City Springs Project, as Established by Change Order Pursuant to the Provisions of a Certain Contract for Construction between the City of Sandy Springs, GA and Holder Construction Group, LLC, dated June 30, 2015, and to Authorize the City Manager to Execute the Change Order

City Manager John McDonough began with the City Springs Project GMP Update presentation, and stated there is no change to the overall budget. The presentation provided a review of prior budget approvals, the proposed amended budget and a discussion of the project contingency. Regarding updates to budget, there were a number of items carried in the City's budget such as theatre, audio/visual, furniture, fixtures, equipment, office audio/visual, and security. It was anticipated the City will move these items over to Holder. Holder will acquire and receive the items, make sure they are properly installed and make sure the warranties are kept up to date. There are also a number of design changes that total about \$1.2 million. He asked Hayes Todd, a representative from Holder Construction, to share the specifics related to the design changes of \$1.2 million.

Hayes Todd, representative of Holder Construction, stated 87% of the increase cost to the GMP is in the budget and the remaining 13% is part of the design changes. When Holder was before Council in February 2016, three major exposures were recapped related to the construction budget. Those items were site changes/site conditions, design completion, and procurements. For the site conditions, there was a low percentage of those costs based on a project of this scale. Holder is still working through the design changes. They continue to see increases in concrete and re-steel quantities throughout the life of design, as well as some update on building envelopes and water proofing design evolution during construction. The third is the procurement, in which they have seen purchasing savings through the life of a lot of the trade procurement. That increases the number to the \$1.2 million or the 13%.

Mayor Rusty Paul asked if these changes were anticipated at the beginning.

City Manager McDonough responded yes. That is why we carry a contingency amount. He proceeded with the Updates to Budget – Consultants portion of the presentation. An onsite architect was added to Rosser's scope in order to have an expert onsite who is familiar with the plan in order to be there to interact directly with the contractor in the event there are questions. The addition was \$188,880 to Rosser's scope, but we took a deduction on the program management side that resulted in a credit of \$7,120. We moved the FF&E up to \$8.948 million and ended up with \$56,366 to the overall project contingency. We always want to look to the future and share what we know when we know it. Based on the construction drawings and bulletins that have been provided by Holder, there is about \$1.7 million in exposures/risks. Those things include items such as water proofing design completion, electrical design completion, coordination of park grade and utilities, coordination of private development, acoustical epoxy paint, banner revisions over time for the steel crane, request of the government office level sequencing, and Georgia Power items. We do not know if those items will come to fruition, but we anticipate that they are likely to. On the wish list, if there is contingency left over towards the end of the project, staff would like to include some items for the balcony patio which is associated with the large conference room on the third floor of the facility. There are some items that staff would like included in the studio theatre, and there are also banner arms on the project that would total a little over \$500,000. When adding those items together it is over \$2.2 million. We currently carry \$5,459,642 in owner's contingency. Today, Holder is carrying about \$3.487 million in contingency. If we factor these items in, we still have about \$6.6 million in contingency to get us through the remainder of the project. As things change, staff will bring those changes before Council for an update. About a year ago, some items were deferred such as site furniture and office FF&E. He anticipates either midyear or during the FY18 budget process staff will be back before Council and include those items in the budget. The Triangle Park and the Pavilion were also deferred in the project. When those two items are added together, the cost is about \$6.75 million of deferred items. When looking at the amended project budget, the construction cost goes from \$180 million to \$188,956, 290 and the budget change is \$8.898 million. That number is offset by the FF&E reduction along with a slight reduction in consulting, plus an owner contingency of \$56,366. The budget is still balanced at \$222,712,000. It is staff's recommendation that Council authorize the resolution for the increase of the Guaranteed Maximum Price for construction of the project.

Motion and Second: Council Member DeJulio moved to approve Agenda Item No. 16-313, Resolution to Increase the Guaranteed Maximum Price for Construction of the City Springs Project, as Established by Change Order Pursuant to the Provisions of a Certain Contract for Construction between the City of Sandy Springs, GA and Holder Construction Group, LLC, dated June 30, 2015, and to Authorize the City Manager to Execute the Change Order. Council Member Paulson seconded the motion.

Council Member Tibby DeJulio stated he is extremely frugal and the reason for him making this motion is because it does not increase the City's costs. The City is doing creative accounting by moving funds from one line item to the next. The real chore is on the contingency, which is about \$6 to \$7 million, and to make sure we have all the contingencies on here. It is nice to hear that we are actually saving some money while experiencing the increase to construction costs over the last year. What was presented makes sense to get this first class facility.

Council Member Gabriel Sterling stated contingency in this kind of construction is not intended to be the way we think of contingency when we renovate our house. This is a design contingency and we know we will spend this money. In a design build, we are not sure where we will spend it, yet. As we keep going through this, it is not unanticipated, which is why the budget has remained the same. These fall under the unknowable-unknowns as we are working our way through the process.

Mayor Paul stated the fact that there is still a balance in both the owner and the contractor contingency shows that the project has been well managed. There are always surprises and challenges, but most of this stuff was anticipated. The biggest item on the budget is moving money from one pocket to another. This

gives the contractor the ability to procure those items for the City as our agent and install them, which was anticipated at the beginning of the project.

Council Member John Paulson stated undertaking a construction project is risky. The exposures and unknowns should be getting smaller and smaller as we get further along in the project. The challenges are the contingencies that we have are unencumbered and whether they are going to be sufficient for the unknowns that are coming forward.

Council Member Andy Bauman stated he understands Council Member DeJulio's intent with the words creative accounting, but it is really not creative accounting. There is no ambiguity in that it is regular accounting. This is appropriate.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2016-08-95

REPORTS

Mayor and Council Reports

Mayor Rusty Paul stated he has been to a couple of TSPLOST meetings in the last two weeks. One meeting was with the North Fulton Mayors, and Council Member Sterling and he went to Alpharetta and met with other council members and Chamber of Commerce organizations to talk about the educational effort on the TSPLOST. There may be some type of public launch for that project in the fall. The various Chambers are meeting to talk about what to do for an education program. There will need to be a lot of clarification, because there are two different referendums that will occur. One will be for the City of Atlanta and the news media will cover that. That is a totally different vote than will be held in North Fulton and South Fulton. The City of Atlanta is holding its own referendum, so it is incumbent upon all of us to make sure, particularly in the news media, that it is clear to the voters and citizens. The City of Atlanta has two questions on the ballot. One of the questions is a \$.04 TSPLOST set aside for roads and streets for five years and a .5% tax over forty years to help fund transit projects within the City of Atlanta. In North Fulton and South Fulton, it is three quarters of \$.01 TSPLOST for transportation. He thinks there will be a lot of voters confused when they walk in to vote. We are going to have to do a very good job of educating citizens on what they are being asked to vote on.

Council Member John Paulson stated he is looking forward to this, because he does not know how many people in the community understand the TSPLOST. Also, Leadership Sandy Springs is holding the first Movies by Moonlight event on August 26th. The movie Zootopia starts at dusk.

17. 16-314 Staff Reports

1. Atlanta Braves / Cobb County Project Update – Bryant Poole, Assistant City Manager

Assistant City Manager Bryant Poole began the SunTrust Stadium Traffic Management Update presentation.

Council Member Andy Bauman asked if Council can now tell the citizens there will not be directional signage on the City roads in that area to SunTrust Park. He understands that Cobb County is saying drivers will not be directed off of I-285. He asked that for the drivers that do get off I-285, will there be signage on Sandy Springs roads directing the drivers.

City Manager John McDonough stated that question will be answered further along in the presentation.

Council Member John Paulson asked if the Cobb County Manager supports not pursuing the idea of a ramp coming off of I-285 westbound.

Assistant City Manager Poole stated that is different. When the gentleman from Cobb County spoke at a previous Work Session meeting, the gentleman shared with Council that drivers going to the east parking area will get off I-285 at a certain exit.

Mayor Rusty Paul stated there will not be signage telling people to get off at New Northside and Powers Ferry.

Assistant City Manager Poole continued with slide page 9.

Council Member Paulson asked who will be responsible for the verbiage on the message board. Assistant City Manager Poole stated the City will seek to know what will be placed on the message board. He is not sure of the details and if GDOT or Cobb County will control the message board. He believes Cobb County will control it, and not the City. The City will have input and request particular messages to be placed on the board.

Council Member Tibby DeJulio stated if he understands correctly, the first season is next year and the first game is usually in April, which is about nine months from now. He asked if the Braves are thinking about the amount of construction already down there, the intersection of I-285 and I-75, and if the full construction will be done before the opening of the stadium. If not, it will be an unbelievable mess.

Assistant City Manager Poole stated he is not sure if the Interstate 75 North Express project will be completed by then. When driving in that area today there is no impact, because most of the work is done at the night time or on weekends. As you drive like you are going to take I-75 north, the asphalt and the new barrier wall are in place. He believes that area will be complete in time for the April games. The big interstate managed lane project will still be going on, but he doesn't think it will impact the games. They are trying to get the other pending infrastructure projects done in time.

Council Member DeJulio asked about the slip lanes.

Assistant City Manager Poole stated if a decision can be made by everyone to agree to do the slip lanes, then that project could take three to four months.

City Manager McDonough stated one of the positive things that came out of this meeting is that we agreed to sign a joint letter related to these items. He signed the letter today, which will be delivered to Cobb County tomorrow. Once signed by Cobb, the letter will be sent to the Braves and GDOT. It is a joint letter that shows both Cobb and Sandy Springs are in support of this request.

Council Member Gabriel Sterling asked about the fiber installation and if we can take the traffic lights at New Northside and get them to the Level 4 adaptive mode.

Assistant City Manager Poole responded yes. Staff is working on that now.

Council Member Sterling asked if the City's Traffic Command Center (TMC) will be able to have access to the cameras on the Cobb County side in order to see where the traffic is stacking up and be able to respond to that.

Assistant City Manager Poole stated during snow operations, the City of Roswell and Cobb County allow one another to see each other's traffic cameras. Similarly, the City of Sandy Springs and Cobb County have agreed to allow access to each other's cameras.

Council Member Bauman stated his understanding is Cobb County is asking for signage on the City's local roads. He asked if it was just the electronic billboards or more regular street signs on local roads.

Referencing the billboard image on page seven of the presentation, he asked if that large of a billboard will be on local roads.

Assistant City Manager Poole stated Cobb County is asking for that billboard to be located on Interstate North Parkway near the river.

Council Member Bauman stated he would defer to Council Member Burnett and his constituents to comment on the aesthetics of the billboard. We recognize we are dealing with a maximum impact that is close to fifty weeknight baseball games. A year round billboard of such magnitude may not be needed. He asked if smaller street signs are being considered. For a driver that exits at New Northside, will the City be asked to place street signs on Powers Ferry Road, Riverside Drive, and other roads in that area to direct that driver to SunTrust park.

Assistant City Manager Poole stated that is something the City will need to look at. As we all know, people will drive where they want and the Waze application will take them the shortest route. The primary concern is to make sure that people are not being misguided or misdirected into the City's residential areas. Signs potentially need to be placed along the City roads to confirm the direction of how to get to the stadium instead of turning right onto Heards Ferry and then turning around in neighborhoods. If you are on surface roads, how do you get to I-75, GA400, or I-285? Something similar to that could be considered. The primary purpose is to not put the signs on the interstate directing people to get off on a particular exit.

Council Member Bauman stated he thinks there is a desire to hear about game day plans related to the police officers directing traffic.

City Manager McDonough stated staff will bring an update to Council as information becomes available. The Police Department had their first meeting two weeks ago with Cobb County Police. It will take some time to work out the details.

Council Member Chris Burnett stated if the digital signs are going to be on I-285, there needs to be one that instructs drivers not to exit on Riverside Drive. He was at a homeowners meeting on Sunday and the residents that live in this area are really concerned about this. He asked that staff make this a top priority of keeping traffic off of Riverside Drive and Heards Ferry.

Mayor Paul stated we have made considerable progress. We are not close to nirvana, but we are at least getting dialogue with our comrades in Cobb County. Even if we had the perfect plan for this project, people coming into that area will still be very confused. There will be confusion and dislocation at the start until people learn their way around that area. The challenge for us will be to have patience as the process starts and then we will have to figure out the unknowns. There will have to be some flexibility in this process to see the problems that we cannot anticipate. At least there is conversation going on right now and we are seeing some solutions come into play. The City does not have the ability to stop people from getting off at certain interchanges. He is concerned about it as well. Under the law, drivers can get off on any exit they choose. All we can do is work as hard as we can by moving the traffic as far west as we possibly can and Cobb County has been helpful in that process. Traffic will back up in that area at certain times of the day and all we can do is try to adapt to it.

Mayor Paul stated Council will recess and go into Executive Session. Typically, we do not do business after the Executive Session, but tonight may be different. There is the possibility that there may be an item added to the agenda.

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION

18. 16-315 Litigation and Real Estate

Motion and Vote: Council Member DeJulio moved to enter into Executive Session to discuss litigation. Council Member Paulson seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Dishman, Council Member Burnett, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive Session began at 8:31 p.m.

Motion and Vote: Council Member DeJulio moved to adjourn Executive Session. Council Member Sterling seconded the motion. The motion carried unanimously, with Council Member Paulson, Council Member Dishman, Council Member Burnett, Council Member Sterling, Council Member DeJulio, and Council Member Bauman voting in favor of the motion. Executive session adjourned at 8:52 p.m.

Motion and Vote: Council Member DeJulio moved to add an item to the meeting agenda: Resolution of the City Council of the City of Sandy Springs, Georgia, Authorizing Legal Action Pertaining to City of Sandy Springs, Georgia Project – P.I. NO. 0006984, Fulton County Peachtree-Dunwoody from I-285 to Abernathy Road – LCI Project. Council Member Dishman seconded the motion. The motion carried unanimously.

- 19. 16-322** Resolution of the City Council of the City of Sandy Springs, Georgia, Authorizing Legal Action Pertaining to City of Sandy Springs, Georgia Project – P.I. NO. 0006984, Fulton County Peachtree-Dunwoody from I-285 to Abernathy Road – LCI Project

City Attorney Wendell Willard stated the City has had a relationship with the Perimeter CID for a number of road projects. There was one project completed in 2008. The funding for this project came from a Federal program through GDOT. There are certain requirements to be met as far as the granting of these funds that require certain documentation. Through an audit it was determined that some of the required information to support the program was lacking. As a result, the PCID and the City were faced with having to pay back the funds. The Federal government looks at the State DOT, who then looks at the local government for those granted funds. The audit occurred in 2014 and the City was advised by GDOT the charge back had been made to them and in turn GDOT charged the City. The responsibility for performing the work and contract was all through the PCID. The City was then being administered for the day-to-day operations of the government through a contract with CH2M Hill. Both of these parties have been notified by the City's legal office that there is a claim. The purpose of this resolution is to ask Council to give the City Attorney's office the authority to bring action, if necessary, in the name of the City.

Mayor Rusty Paul asked if the resolution authorized the City Attorney's office to take action to preserve the City's rights under any claims. This does not preclude continued negotiations to try and resolve these issues.

City Attorney Willard stated that is correct.

Motion and Vote: Council Member DeJulio moved to approve Agenda Item No. 16-322, a Resolution of the City Council of the City of Sandy Springs, Georgia, Authorizing Legal Action Pertaining to City of Sandy Springs, Georgia Project – P.I. NO. 0006984, Fulton County Peachtree-Dunwoody from I-285 to Abernathy Road – LCI Project. Council Member Dishman seconded the motion. The motion carried unanimously.

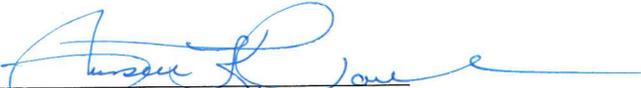
Resolution No. 2016-08-96

ADJOURNMENT

- 20. 16-316** Adjournment

Motion and Vote: Council Member DeJulio moved to adjourn the meeting. Council Member Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 8:56 p.m.

Date Approved: September 6, 2016



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

August 16, 2016

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Russell K. Paul, Mayor of the City of Sandy Springs, who on oath says that to the best of his knowledge and belief, on the 16th day of August, 2016, 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.



Russell K. Paul, Mayor

Sworn to and subscribed before me,
this 16th day of August, 2016.



Notary public

