

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, October 7, 2014, at 7:15 p.m., Mayor Rusty Paul presiding.

Councilmembers present: Councilman John Paulson, Councilman Graham McDonald, Councilman Gabriel Sterling, Councilman Tibby DeJulio, and Councilman Andy Bauman.

STAFF DISCUSSION ITEMS

Public Works

1. Sandy Springs Sidewalk Program Update and Decision Briefing

Director of Public Works Garrin Coleman stated Mayor and Council were briefed on this item at the August 19th City Council meeting. Based on that briefing, he presented an updated PowerPoint presentation of the Sandy Springs Sidewalk Program. Staff recommended awarding a design contract to three different firms. Based on the \$750,000 budgeted, staff recommends moving forward with \$300,000 for the capital sidewalk program. This program will include the projects Dalrymple to Spalding Drive and Hammond Drive from Mitchell Road to Long Island. The design for Interstate North Parkway northside to the county line will be design only. Staff is recommending \$200,000 for the pedestrian access program. One of the potential programs for pedestrians is located on Glenridge and another is on Nesbit Ferry. Staff recommends \$250,000 for the neighborhood sidewalk program. This program has never been funded before. Staff spoke to legal regarding a special tax assessment. In order to implement that, an ordinance would need to be passed by Council.

Councilman Gabriel Sterling asked if the City imposed a special tax assessment, would the taxes be on the specific area where the sidewalks are to be located.

Director of Public Works Coleman responded yes. If Council passes the tax assessment it would be levied by the Fulton County Tax Assessor's office.

Councilman Sterling asked about the percentage.

Director of Public Works Coleman stated the tax money could be used to fund the neighborhood sidewalk program.

Assistant City Attorney Cecil McLendon stated under State law property owners who have not consented to a tax district can be placed in it. It is up to Council whether or not they choose to approve the special tax assessment.

Councilman John Paulson asked why Council would place property owners in a special tax district.

Director of Public Works Coleman stated this could be done as a funding mechanism for neighborhoods to develop and receive the 25%, if they choose to participate in the neighborhood sidewalk program. The neighborhood can also raise enough funds to build a sidewalk on their own.

Mayor Rusty Paul stated the residents of a neighborhood can use this as an option and choose to assess themselves in order to raise money for sidewalks in their neighborhood.

Councilman Tibby DeJulio stated if there is a neighborhood with 100 residents and 60 residents vote in favor of the assessment, all 100 would still be paying for the tax assessment. This would be without the consent of the other 40 homeowners.

Councilman Graham McDonald asked if any neighborhoods have asked to impose the tax assessment.

Director of Public Works Coleman stated he does not recall that staff was asked about the tax assessment. Staff was asked to come up with innovative ideas of funding.

Councilman DeJulio stated there are a couple of neighborhoods that are adamant they want sidewalks, such as Dudley Lane and Brandon Mill.

Mayor Paul stated currently the only way the neighborhood can get the sidewalk built is to get the easement donated. This is another tool to get the sidewalks built.

Councilman DeJulio asked if 90% of the property owners are required to approve the right-of-way donation.

Director of Public Works Coleman stated the 90% is in reference to potentially amending the current sidewalk policy to include the 90% requirement.

Councilman Sterling stated Brandon Mill is an arterial road with several neighborhoods. Staff would need to create a policy in order to determine how far the requirement should reach into the affected neighborhoods.

Councilman Andy Bauman stated the difference between this policy and the traffic calming policy is the City does fund some sidewalk projects. There is an importance to the grading criteria being known and established. Some residents may want to know where they stand in the scoring system before they move forward with the neighborhood program.

Director of Public Works Coleman stated the criteria used would be similar to the CIP criteria. There is a rating based on how long the sidewalk has been on the list.

Councilman Bauman stated he would like to get the roads ranked in order for the residents to know where their neighborhoods are on the list. He would be uncomfortable with the rating policy if parks that are adjacent to but not inside the City limits are not included in the ranking. He will not object to the \$300,000 for the sidewalk program. If the City is going to make changes to the criteria before the \$250,000 is spent, the residents need to know where their streets are ranked on the list.

Director of Public Works Coleman stated his recommendation is to use the same scoring currently used on the CIP projects.

Councilman Bauman stated he thought Council was going to discuss the CIP scoring as well.

Director of Public Works Coleman stated that was not on the agenda, but it can be discussed.

Mayor Paul asked if the special tax assessment would be for a specific period and if bonds would be issued.

City Attorney Wendell Willard stated the City would be in effect funding the money and it would be paid back through the assessor's office over a period of time.

Director of Public Works Coleman stated the code ordinances would be updated to require that all future developments install sidewalks. There is currently confusion between two sections in the development ordinance. Section 50-30 states "All development or building permits require sidewalks and street

frontage except minor permits". Then in Section 103-80 it refers to only building sidewalks that are on the Master Plan. He recommends removing the Master Plan reference and revise Section 50-30 to state that any permit applied for requires sidewalks to be built.

Councilman Sterling asked if the money can be escrowed until there is a legitimate amount in the funds.

Director of Public Works Coleman stated there is currently a payment in lieu of building process. The process is used only where there are significant topography issues or utilities that are required to be moved, where it is a constraint on the developer or builder. Currently, there are only two mechanisms for payment in lieu of building now.

Councilman DeJulio asked if when the policy was originally created it stated if the developer was developing more than two or three contiguous homes, they were required to build sidewalks.

Director of Public Works Coleman stated he recalls that staff was enforcing that in the beginning. There were questions regarding the policy and at that time the Mayor and Council decided to establish a Master Plan. The plan requires the developers to build sidewalks on that Master Plan when they submit their plans to the City.

Councilman Bauman stated what happened was projects started appearing on the CIP program list based on Council's ranking outside of the Master Plan. The City was then required to build sidewalks where five new homes were built, for example on Stella Drive.

Director of Public Works Coleman stated the CIP program was totally separate from the Master Plan.

City Manager John McDonough stated with the pace of redevelopment, it seems to make sense to implement this policy and let the developers pay for the sidewalks.

Director of Public Works Coleman stated he will bring the ordinance back to Council with the language revision to Section 103-80 and delete the Master Plan verbiage.

City Manager McDonough stated staff understands that Council wants to move forward with the CIP program, not hold up the FY15 funds and implement something with FY16 funds. The quickest way to move the sidewalk program forward is to address the items in the presentation this evening. Staff is not prepared tonight to discuss the specifics of the scoring criteria.

Councilman Sterling stated there is a City policy that relates to connecting schools with sidewalks. He went to an event at Spalding Drive Charter School and all the sidewalks within .25 miles of the arterials and collector streets have been built. The City then moved onto the CIP, neighborhood, and pedestrian access programs. He was told by staff that the sidewalks were built north to Spalding Drive on the Brandon Mill section, but they were not built to the south due to the estimated cost.

Director of Public Works Coleman stated the only school where a sidewalk has not been built is around Lake Forrest School headed toward Arlington Cemetery.

Councilman Sterling stated if that is the policy, staff needs to finish the sidewalk. Even if the sidewalks are built in this area, it will be less than what the City has spent on Lake Forrest Drive so far.

Director of Public Works Coleman stated the Lake Forrest Drive project cost will be about \$750,000.

Councilman Sterling stated he spoke to staff about this project and the cost on the east side, because there is a sidewalk bridge in that area. He thinks the sidewalk would be cheaper to construct on the west side due to the topography issues on the east side. The policy was to connect the schools so children can walk to school safely.

Councilman McDonald stated he understands why getting the children to school was a top priority for the sidewalk projects and he agrees with the policy. None of that neighborhood can walk to Spalding Elementary, because Brandon Mill is so dangerous. If there was a sidewalk on Brandon Mill Road near Wyndham Drive, the neighborhood roads would be safer and the residents closer to Spalding Drive would be able to use sidewalks. These residents would be able to access the Abernathy Greenway Park or connect to the sidewalk network to get to the Lost Corners Park on the other end.

Councilman Bauman stated the New Heard's Ferry Elementary School sidewalks were done outside the Council's vote and were part of the general budget of \$750,000. Getting people from where they are to destinations, especially schools and parks, is a priority.

Councilman Sterling stated he is not advocating changing the City policy, but instead following the current policy. Getting the sidewalk to Seville Chase would accomplish the .25 miles of sidewalks around the schools. Sidewalks in this area would connect several neighborhoods along this section. To do this in a single project will save the City about \$30,000.

Councilman Paulson asked when staff last looked at the cost of building this sidewalk.

Director of Public Works Coleman stated staff has examined the cost at a planning level. No easement or right-of-way plats have been created.

Mayor Paul stated the project being referenced will use about 2/3 of the sidewalk funds for this year.

Director of Public Works Coleman stated the City cost is in excess of around \$400,000, once design, construction, and right-of-way is included.

Councilman Sterling stated the City spent about \$700,000 on the Lake Forrest project. In 2011, the City spent \$186,000 for the RidgeView project and \$721,000 on the Lake Forrest project.

City Manager McDonough asked about the section from West Spalding to the bridge.

Director of Public Works Coleman stated the cost is about \$351,000 for construction and with the right-of-way and design cost it will total about \$470,000.

Mayor Paul stated if Council agrees to this project, just so you are all aware, this project will take up all of the sidewalk funds for this year.

Councilman Paulson stated there has not been a design to review the proposed project and that cost is estimated about \$400,000. He asked if the City should first have the design planned and then look at the budget in January or February 2015 to revisit the construction of the project. If there is extra money during the budget review after the design, money can then be allocated to construct the project.

Councilman Sterling stated he agrees with Councilman Paulson.

City Manager McDonough asked Council if they want to approve the purchase of the right-of-way.

Councilman Sterling stated a discussion should be held with the homeowners first.

Councilman McDonald asked about the right-of-way acquisition process.

City Manager McDonough stated on the federal funded projects, the City has to offer to purchase the right-of-way. On neighborhood projects the expectation is that the right-of-way will be dedicated. Usually 80% to 90% of property owners dedicate the right-of-way, leaving the City to purchase some of the right-of-way.

Mayor Paul stated trying to squeeze this project into this year's fiscal budget will put all other projects at risk.

Councilman Sterling suggested looking at the budget during the midyear review.

Director of Public Works Coleman stated the top two projects based on the scoring could be constructed for around \$150,000 to \$160,000.

Mayor Paul asked Council if they want staff to proceed with a special tax assessment program to allow neighborhoods to assess themselves a percentage of a mill for the purpose of building sidewalks.

Councilman Sterling inquired what the cost will be to the City if the Tax Commissioner collects the taxes for that.

City Manager McDonough stated staff will work out the cost.

Mayor Paul stated the neighborhoods should be given the flexibility of paying 25% to 100%. The second item is recommending the current match of 75% City/25% neighborhood remain intact for FY2015 and then requiring a 90% match of right-of-way donations.

Councilman Sterling asked if the 90% will allow one person to have a veto power.

City Manager McDonough stated it depends on the numbers of residents voting.

Councilman Bauman stated the CIP program grading will take some time. Since the last time the grading was done, sidewalks have been built in some of the neighborhoods. He requested there be an emphasis on right-of-way for the CIP program and sidewalks to parks within and adjacent to the City limits.

There was a consensus of Council to move forward with the design of the project and to look to find the funds in the next fiscal year, and to move forward with other recommendations in the presentation. There was also a consensus of Council to include adding sidewalks to parks within the City, to parks adjacent to the City, and to private schools, churches, and synagogues.

Community Development

2. Article 28, Zoning and Other Amendment Procedures

Director of Community Development Angela Parker stated Council requested amending procedures to allow the Planning Commission to defer cases at least once. Other suggestions include: Splitting up the newspaper notification for the City Council and Planning Commission hearings to allow the ability for a modified deferral process; requiring the sign posting for a land use petition earlier in the process; increasing the notice by mail distance from 300 feet to 500 feet to ensure sufficient notification; reducing

the public participation plan notification requirement to the same distance as the increased City mailing requirement of 500 feet; removal of Zoning Impact Analysis standards that are vague and/or cannot be addressed by staff; and generalizing the reference to the Development Regulations Ordinance as it relates to traffic impact studies.

Councilman Gabriel Sterling asked about Section 28.4.7.a.1 and reducing the public participation plan notification.

Director of Community Development Parker stated she believes the current standard is 1,000 feet. The public participation plan requires the applicant to send letters to a number of people in the area and that number would be reduced. Staff is trying to keep the mail outs consistent so the same people get the same information.

Councilman Sterling asked if 500 feet is used by other jurisdictions.

Director of Community Development Parker stated staff did not research other jurisdictions.

Councilman Sterling stated he is not comfortable with reducing the notification required from the developers.

Director of Community Development Parker stated when this item is presented to the Planning Commission, staff will survey what other governments do and provide that information to the Planning Commission.

There was a consensus of Council to proceed with the exception of reducing public participation plan notification from 1,000 feet to 500 feet.

City Attorney

3. Regulation of Small Cell Technology in the Public Right-of-Way

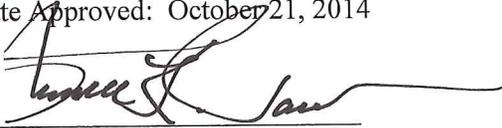
Assistant City Attorney Cecil McLendon stated this item is a follow on to an ordinance that was passed about one year ago. There was a concern that individuals that are trying to install a single node cellular system would ask for individual poles to be placed in the right-of-way. As a result, Council passed an ordinance that states if an individual is requesting to put the node in the right-of-way, it will have to be co-located on the existing structures in the right-of-way. Per the Telecommunications Act, the City cannot prohibit someone from having cell coverage. As a result, it seems like a good idea for the City to have a variance process included in the ordinance. If there is an area that is not able to be covered by any other basis, there will at least be a mechanism to be applied to allow the City to review the request. The addition to the ordinance would be adding the variance process. If the antenna is to be located in the right-of-way, it needs to be co-located on legally existing infrastructure. However, if the applicant cannot meet these criteria, the City will consider issuing a variance to allow for a standalone structure. The process will include an administrative hearing. The City Manager will appoint an individual as the hearing officer to listen to the case and hear the industry's input on why they need a standalone structure for a small node system. The applicant will have to show there is a need in that area for the coverage and that they attempted to co-locate and either they were denied or there were no opportunities to co-locate in that area. If the applicant shows those things, they will have to submit a proposal of why they want the structure in the right-of-way. The applicant will be required to show the character of the area and based upon that character that they are proposing to utilize a certain "stealth" technology. The application will be viewed for the safety and aesthetics of the pole, and any ground furniture related to the compound area. If the applicant has a request that is not obtrusive within the area or is in an area where the structure will

not have much of an effect, it allows the City to issue a permit for installing a DAS or small cell structure in those areas. If when looking at these criteria the City makes a reasonable determination that the installation is inappropriate, the application will be taken to Superior Court on a writ of certiorari.

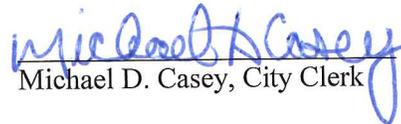
There was a consensus of Council to place a variance process into the ordinance and move this item forward to the next Regular City Council meeting.

There being no further discussion, the meeting adjourned at 8:05 p.m.

Date Approved: October 21, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

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