

**Special Called Meeting of the City of Sandy Springs City Council was held Wednesday, August 6, 2014, at 6:00 p.m.**

**CALL TO ORDER**

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

**ROLL CALL**

City Clerk Michael Casey reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during the Public Comment segments of the meeting are required to complete a public comment card. The cards are located at the entrance and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

**Mayor:** Mayor Paul present

**Councilmembers:** Councilman John Paulson, Councilman Ken Dishman, Councilman Gabriel Sterling, Councilman Tibby DeJulio, and Councilman Andy Bauman were present. Councilman Graham McDonald was absent.

**Natural Resource Protection**

1. Erosion and Sediment Control
  - Overview of changes implemented to date
  - Proposed Erosion and Sediment Control Ordinance Amendment

**Community Development Director Angela Parker** gave a PowerPoint presentation on Erosion and Sediment Control.

Best Management Practices (BMP's) is an amendment that will notify staff when a site needs to be maintained. In terms of an erosion control violation, citizens must contact the call center directly. There is a process in place that entails recording of the call, and then a ticket of the incident is created which allows for an expedited response. Hot spot projects have recently been implemented in order to expedite inspections that are aimed at protecting streams.

**Councilman Tibby DeJulio** asked how much time elapses between a citizen being cited and resolving the issue.

Community Development Director Parker stated it depends upon the size of the site. There is a provision in the amendment that would provide less time and provide the inspector with the authority to act based on his judgment.

**Councilman Gabriel Sterling** asked if the City issues stop work orders when issues occur.

Community Development Director Parker responded yes.

**Mayor Rusty Paul** inquired if issuing a fine currently acts as a deterrent or should the City propose increasing the amount of the fine.

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Community Development Director Parker stated the maximum fine for less than an acre of disturbance is \$1,000 and the maximum fine for a project that is more than an acre of disturbance is \$2,500 per incident.

Mayor Paul asked if there are any other proposed changes.

Community Development Director Parker stated proposed changes to single family development projects of less than one acre will be presented for action on August 19, 2014.

Mayor Paul asked if it is typical that amendments go to Planning Commission prior to coming before Council.

Community Development Director Parker stated in the past the development regulations have not gone to the Planning Commission.

Mayor Paul called for public comments.

**PUBLIC COMMENT**

**Patty Berkovitz, 800 Crest Valley Drive**, suggested the City consider forming a group or development advisory committee, similar to Fulton County, to review regulations before approval. Rules are not enforced due to a limited number of inspectors.

**Lee Duncan, 515 Rivercrest Court**, stated rules are not enforced efficiently and citizens and area users are not completely educated. A proactive approach that offers paid certifications to working inspectors needs to be implemented.

**Alan Toney, 331 Riverkendell Drive**, stated he commends Community Development Director Parker on the wonderful job of presenting a solution for erosion and sediment Control. Council should support and pass the regulation as amended.

**Jeff Mitchell, 8 Braemore**, asked if there is a plan to stop the number of violations issued at the same construction site due to the inadequacy of the original plan.

**Councilman Bauman** asked if repeat offenders can automatically be placed on the hot spot list.

Mayor Paul stated certain violations depend on the decision of the judge and solicitor working on the case. Repeat offenders could receive jail time.

Councilman DeJulio asked if the City maintains a list of developers who have received violations.

Community Development Director Parker stated the City may not have the ability to query a violation by individual listed in the system. Staff generally knows who the "problem" builders are.

**City Attorney Wendell Willard** stated if there is a continuing practice by a business that violates the City ordinance, the business owner can receive a hearing process and have their business license revoked or suspended. This can be drafted as part of the ordinance.

**Councilman John Paulson** asked who teaches Best Management Practices within the city, county, and community.

Community Development Director Parker responded there are no certified instructors in the City.

Councilman DeJulio asked if the judge can mandate a violator to take a course after receiving a violation.

City Attorney Willard responded yes, the violator can be given probation. If the violator is found guilty, they can be sentenced and the sentence can be imposed by a fine and probation.

**Mayor Paul** closed the public hearing.

2. Stormwater – New Development
  - Overview of changes implemented to date
  - Overview of proposed amendment – single family homes
  - Proposed Litter Control at Construction Sites Amendment
  - Encouraging the use of innovative storm water measures

**Community Development Director Angela Parker** presented this item. Downstream impacts are exacerbated by the size of the drainage basin. The plan review process provides staff with the ability to identify potential stormwater problems. Commercial and residential developments that are three or more acres are required to have a stormwater detention. They will detain the water onsite and release it at a slower rate over time in order to reduce flooding downstream. The goal is to have no post development increase in flow downstream. The City has traditionally required that the first 1.2 inches of rainfall from all impervious surfaces be captured within a 24-48 hour timeframe.

**Councilman Tibby DeJulio** asked about the requirements for stormwater control devices.

Community Development Director Parker stated there is a description of a flow well, so that anyone can figure out how they are constructed.

**Councilman Andy Bauman** stated this isn't designed to stop development. A quality, thoughtful redeveloper should be able to comply with what is being suggested.

Community Development Director Parker stated it may require engaging professionals. The normal home builder may not know how to do this.

**Mayor Rusty Paul** stated what you're trying to do is standardize these across the City, so that everyone is developing designs and installing them in a way to manage the water properly

Community Development Director Parker responded yes. The goal is to reduce the impact of downstream water runoff to the neighbors.

**Councilman Gabriel Sterling** asked is there a formula that exists for Best Management Practices

Community Development Director Parker responded yes.

Councilman DeJulio asked what a slow well is.

Community Development Director Parker stated it is an underground tank that has a perforated bottom, generally in a bed of rock, that slowly percolates water downstream.

**Councilman Ken Dishman** asked what incentives are established for the current incentive program.

Community Development Director Parker answered incentives have not been established.

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Community Development Director Parker stated the district requires that all governments adopt a model ordinance. This one in particular will be brought before Council for adoption at the August 19, 2014 City Council meeting.

**Councilman John Paulson** asked what is the requirement for discarding building materials on construction sites.

Community Development Director Parker stated she believes they can be buried on site once the bury pit is identified. On most of the sites in the City there is no room for that, so the materials are generally hauled off site.

Mayor Paul called for public comments.

**PUBLIC COMMENT**

**Larry Young, 260 Riverhill Drive**, stated he had continuous flooding issues on his property since 1976. He encouraged City council to pursue Community Development Director Parker's suggestions. He is concerned about future property values.

**Brian Cutler, 250 Marn Trail**, stated he had issues with flooding on his property in 2009. He suggests the City implement a community rating system that could reduce homeowner's insurance premiums and flooding risk.

**Susan Joseph, 425 Stone Mill Trail**, stated she is member of Watershed Alliance of Sandy Springs and was delighted to see the City taking this matter under serious advisement. She emphasized the integrity and importance of development and how it is allowed to go forward in terms of the amount of water run off that impacts the stormwater and the tree canopy issues.

**Lee Duncan, Sandy Springs Planning Commission member**, stated he helped create a stormwater ordinance that was adopted by the City. It was an incentive based stormwater program that was intended to incentivize improvements on sites. This ordinance was the same one recognized by the Atlanta Regional Commission. The City received an environmental award for this ordinance. It was then passed to all of the municipalities in the ARC region as a model ordinance. The intent was to collect water at the same time while reducing the amount of stormwater runoff from different sites whether it may be a single family home, new Costco or shopping center.

**Patty Berkovitz, 800 Crest Valley Drive**, stated she agrees with everything that Community Development Director Parker has said. The things that we've been working towards include, the use of pervious paver systems, infiltrate detention rain gardens using native plants, and drought tolerant plants instead of grass, which uses too much water.

Mayor Paul closed the public hearing.

3. Stormwater – Infrastructure Improvements

- SWMP
- Summary of pipe and detention pond maintenance/improvement projects
- Summary of environmentally friendly projects (cistern, pervious pavers)
- Johnson Ferry regional detention project overview
- Street sweeping 160 miles a month last year

**Director of Public Works Garrin Coleman** presented this item. He stated every five years the Stormwater Management Plan (SWMP) plan must be updated and submitted as 20% of the infrastructure is inspected every year. In 2005-2007, the City did not have a stormwater budget, so repairs were managed through the field services unit. Throughout the years, the City has averaged \$1.8-2 million in stormwater repairs. This year \$1.75 million will be invested in infrastructure. In 2008, a feasibility analysis for the stormwater utility was completed. It was later decided not to move forward and infrastructure improvements were funded through the general fund. In 2010, debris removal in the amount of \$1.2 million was completed after the flood while the City worked with FEMA to be reimbursed. Staff completed the North Metro Georgia Water Planning District in conjunction with EPD and the audit is completed every five years. With the FEMA hazard mitigation grant program eleven homes were purchased, demolished, and transformed into green space. A pervious paver parking lot has been constructed that is approximately half of an acre in size, for which a prior percolation test was completed. The Marsh Creek Water Center improvement project will feature bio retention areas to include a pond and fountain. The goal is to reduce pollution by 20%. The project's construction will take approximately 7-8 months and the projected completion time is November 2015.

**Mayor Rusty Paul** called for public comments.

#### PUBLIC COMMENT

**Brian Cutler, 250 Marn Trail**, stated the Marsh Creek program appears exciting due to the 90% reduction in flooding. He asked if the program could lead to a reevaluation of the FEMA insurance or flood maps, so that Marsh Creek can once again be enjoyed.

Director of Public Works Coleman stated the level of detail of the analysis used to generate the FIRM (Flood Insurance Rate Map) panels is at a lot higher level than what the City used in the analysis to complete the Marsh Creek analysis. The City is not currently participating in the Community Rating Service (CRS) program.

**Patty Berkovitz, 800 Crest Valley Drive**, stated redevelopment is supposed to correct some of the sins of the past. Major redevelopment is occurring in the City Center. The retention pond project in the City Center area has nice features, but it does not correct the past. It does not keep with the City's stormwater plan by routing the water somewhere else, and certainly not by routing it into a stream. This project will cost the tax payers \$3.5 million as an incentive to the developers that she is not comfortable with and has objections to. The City should be protecting streams.

**Councilman John Paulson** stated over eight years ago, every time it rained, there were intersections that were flooded and you couldn't drive through. The City has come a long way in eight years from where we were, but that does not mean we can't continue improving.

Mayor Paul closed the public hearing.

#### 4. Tree Canopy

- Tree Canopy Study comparison (2010, 2013)
- Tree Canopy Study by drainage basin comparison (2010, 2013)
- Tree Ordinance matrix comparison overview
- Recommended Tree Ordinance Amendments
- Landscaping projects accomplished to date
- 2014/2015 Tree Fund planting recommendations - two fire stations

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**Community Development Director Angela Parker** presented this item. Trees are important in the reduction of stormwater. The tree canopy study was conducted in 1991, 2001, and in 2005. The City began using a 30 meter resolution. In 2013, the City contacted the University of Georgia and began a canopy study using data from 2008, and the result was 51.82% tree canopy. Recently, staff decided to look at a more targeted canopy study. Staff has taken the drainage basins within the City and overlaid them onto the canopy study using the 2010 and 2013 data. Data will be available to conduct canopy studies every three years. The City requires coverage under the boundary tree protection that covers trees that are 18 inches or greater in diameter. If an individual or developer damages a neighbor's tree that is 12 inches in diameter, the neighbor will incur expenses.

**Councilman Andy Bauman** stated Sandy Springs is an urban forest. From 2010 to 2013, the City did not have much development. He asked if more trees have been planted compared to what has been cut down. During the winter time, when ice is on the road, it does not melt on many streets in the City because there is a large canopy. This information is not to suggest that the City does not have a targeted issue in certain neighborhoods or parts of the community with respect to trees.

Community Development Director Parker stated staff looked at the ordinances in other jurisdictions in Georgia such as Athens, Atlanta, and Decatur. The items that were looked at were the tree removal permits and where the City is in regards to the other cities. The City requires a tree removal permit for eighteen inches or greater and staff does not recommend changes in this regard. The City has a boundary tree recommendation. The City of Atlanta and Decatur are lower than Sandy Springs in this regard. If a thirty inch tree is removed in Sandy Springs, the City is on the low end compared to the other cities. This is because of how the City's canopy placement is calculated. Staff is making a recommendation to change that. The specimen and landmark tree standards for Sandy Springs are comparable to other cities. Sandy Springs is in the middle range compared to other cities for canopy coverage requirements. The newer trends are tree protection is part of canopy protection. The City's boundary tree threshold is eighteen inches in diameter. Staff recommends the eighteen be reduced.

**Councilman John Paulson** asked how a tree will be protected with this ordinance.

Community Development Director Parker stated if there is an encroachment that is twenty-five percent into the root zone, then that tree has been negatively impacted. Staff requires a bond be placed to protect those trees for three years.

Councilman Bauman stated he still does not completely understand this. Property owners are digging and cutting on their own property that they purchased for redevelopment. The root zone of a tree on someone else's property may encroach or exist on the redeveloping property. When the property owner cuts more than a certain percentage, that can put the tree on the neighbor's property at risk, and that is the premise of this.

Community Development Director Parker stated there are two sides to each situation.

Councilman Bauman asked if the landmark tree mitigation calculation will result in more tree canopy.

Community Development Director Parker responded yes, it will result in replacing more canopy for a larger landmark tree of 27 inches or greater.

**Chief Environmental Compliance Officer Michael Barnett** stated because Sandy Springs is heavily forested, if the canopy is considered per the drip line, the canopy will be much smaller than the benefit received from the tree. If the critical root zone is used, it gives staff something to make sure the calculations are correct to use as a mechanism for double checking on the plan.

Councilman Paulson asked if this is a function of the diameter.

Chief Environmental Compliance Officer Barnett stated the calculation will depend on the size of the critical root zone.

Councilman DeJulio asked if the critical root zone could be enormous.

Community Development Director Parker stated there is a calculation based on the trunk size.

Chief Environmental Compliance Officer Barnett stated typically the critical root zone is further out than the canopy. If just the canopy is used, the results will be skewed towards lower numbers.

Community Development Director Parker continued the presentation discussing canopy replacement.

Councilman Bauman stated there is a difference under the current code of a minimum of thirty percent on residential versus forty percent on the commercial sites. He asked what the impact will be of measuring this way compared to the current thirty percent.

Community Development Director Parker stated she does not have an answer, because it varies from site to site. If someone is cutting a tree in violation of the ordinance, the call center should be immediately contacted. Staff suggests increasing the minimum planting size from 2 to 2½ inches. From a cost standpoint it's almost insignificant, but for smaller trees they require staking and work to have them grow to be a nice straight tree. Better results will be seen in some of the trees that are planted if they are 2½ inches. We do not recommend going to four inches; because three other jurisdictions have used the larger tree size requirement and it is more difficult for the tree to survive the first couple of years. Staff recommends implementing a condition evaluation for a tree, submitted by an ISA certified arborist. This condition evaluation allows a certified individual to approve a written notification stating that a tree is dying.

Councilman DeJulio asked is there a requirement to replace a tree located in a front yard that has been affected during a storm.

Councilman Bauman suggested using the tree fund to replant trees in a homeowner's yard.

Councilman Sterling responded funds cannot be used for that purpose.

Community Development Director Parker stated the tree funds are collected whenever a project cannot meet canopy requirements. The current tree fund balance is \$113,000 as of July 2014. Staff recommended applying these funds to fire stations to enhance curb appeal, the Johnson Ferry Road medians, and replacing removed trees in the Abernathy area during the road widening project.

Councilman Sterling asked if the medians on Johnson Ferry are concrete or plantable.

Community Development Director Parker stated the contractor removed the concrete.

Councilman Sterling asked to get a micro level view of the areas in the City that have experienced more tree loss in order to focus public and private efforts to increase planting education with those individuals.

Community Development Director Parker stated as part of the canopy study, the data is used to make informed decisions.

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Councilman DeJulio asked if there is a requirement that allows trees to be planted a few feet apart.

Community Development Director Parker responded yes. There is a requirement to increase landscaping in parking lots as an innovative measure.

Councilman Sterling stated the main issue is everything discussed this evening is being driven by a private citizen's interaction with the City. The ordinance does not address the existing infrastructure as it stands. There is no public leverage by which to require a property owner to comply with something. If the City waits to address the issues when development occurs, the City will be working in small increments for the next thirty years.

Councilman Paulson stated he is sure the commercial property owners that have a lot of asphalt in front of their properties would be amenable to planting trees to enhance their property, as long as it is not too costly.

Councilman Bauman stated he is happy to see the treescape requirement. He asked Council to consider the specific policy point about the one tree for every thirty linear feet or lower the 100 feet to 75 feet. He would like to see the number less and use the linear feet. He endorses using the tree fund on trees and would like it to be used in the areas that are losing the trees. He asked if when staff and the arborist review site plans are they empowered to suggest better practices or better ways to encourage developers to destroy the least amount of trees.

Community Development Director Parker responded yes. Staff encourages attending the Thursday development meetings before starting a Planned Development to discuss a future project.

Councilman Bauman asked staff to create a one or two page informational guideline regarding tree permits.

Councilman Sterling agreed with the request for a one page informational guideline.

**Mayor Rusty Paul** called for public comments.

**PUBLIC COMMENT**

**Eric De Groot, 455 Stone Mill Trail**, commented it's important that we maintain an excellent quality of life and protect one of our most beautiful and treasured assets in Sandy Springs. Trees make the streets more attractive, provide shade, and cool the streets. He requested that Community Development evaluate how the City can advise residents to help civic associations and other subdivisions. He asked if civic associations could present their covenants to the City, and then in return the City could provide on the website a link to the covenants.

**Karen Meinzen McEnery, 4604 Meadow Valley Drive**, stated the September 30, 2013 and November 12, 2013 Work Session minutes provide an opportunity to review specific comments made in regards to strengthening the tree ordinance. She supports staff's presentation thus far, but does not believe it has gone far enough. The City needs to get back to the point where the existing tree canopy underlies better stormwater management practices as well as erosion, and revise clear-cutting in the tree ordinance to 65% of the property. She suggested increasing the canopy percentage from 30% to 40% on residential lots and allowing administrative appeal for landmark trees. The City needs to add a provision in the residential code that alerts neighbors of building permits applied for.

**Bill Cleveland, 6441 Wright Road, 6441 Wright Road**, stated he is President of the Sandy Springs Environmental Project. We are seeing the end of the life cycle of the housing stock from when Sandy Springs began developing in the 1960's. What will be seen now is an increase in impervious surfaces in the projects and a reduction in the tree canopy. A residential suburban community tree coverage should be 50%. About 3% of the City is federally protected land. He thinks that Council should understand the tree coverage in the residential areas.

Mayor Paul stated he has a great perspective on the City's tree canopy. He has an office on the 21<sup>st</sup> floor of the Wells Fargo building in Midtown facing Sandy Springs. He can see the City, but he can't, due to the tree canopy. The Council has a tremendous pride in the City and wants to protect the trees. When trees grow too closely together, the roots get bound and don't have the room to expand and their life cycle is shortened. If the trees are not managed properly, it will create an environment problem. Trees can get infestations and diseases. He has heard about protection of the canopy, but it also needs to be managed. Trees that are threatened should be identified early. He asked for staff to look at the tree canopy into the future. He went through a difficult period when the town where he grew up was hit by a tornado. Five 200 years old oak trees were lost, two 100 years old plus oaks, and a 100 years old, or more, hickory. Trees are assets that need to be managed. The City needs to have a plan before a problem rises.

Mayor Paul closed the public hearing.

**Councilman DeJulio** stated this evening was an exceptionally educational and useful evening for Council and the community. The City is having problems with trees being clear cut and erosion due to the increase in construction. This needs to be looked at as a whole. He complimented staff on educating Council this evening.

Mayor Paul stated he agrees with Councilman DeJulio's comments. He thanked staff for their hard work. He thanked the audience for their public comments.

Councilman Bauman stated reform cannot be done until education occurs. He thanked staff for working on this project. This is a very divisive issue and a very important message. He is glad to see the decorum of this discussion and is very grateful to all that participated. Good environmental and sustainable practices is good economic policy. A common theme was education and enforcement. Resources of Community Development and Code Enforcement were discussed during the budget process and that was discussed during the comment period. He asked the City Manager to follow up on the discussion that occurred during the budget process, look closely at staffing needs, looking at heightened standards and a resolve to enforce City code. He asked if there are metrics that can be used to objectively assess the needs of Community Development. The citizen call center should be used 24 hours a day, but citizens have different means to communicate with the City. There are three ways to communicate issues within the City including: the call center, going to the "I want to" section of the City website, and contacting Code Enforcement to report issues. He asked that the Code Enforcement option be added to the "I want to" on the City's website. Some people want to send pictures of the violations and if they can attach them to the Code Enforcement link, that would help as well.

**Councilman Ken Dishman** stated he echoes Councilman Bauman's comments on the thoroughness and the hard work of staff. This is an opportunity to establish a baseline to move forward with as a community and policy building exercise.

Councilman Sterling stated during the evenings and weekends, the old call center did not assign a tracking number to possible code violations that were submitted. He asked if the new call center is now assigning tracking numbers.

**Community Relations Manager Dan Coffey** responded yes.

Councilman Sterling stated the City used to have the COSS Spotter on the website, which allowed citizens to take photos of items they saw, report it, and the tracking number would be sent to the City's system. The City will have a "See, Click, Fix" product soon. He thanked Mr. Cleveland, who has been working with him regarding these issues. Improving the situation comes when a private owner or private developer comes to the City with issues. The City does not have a system in place to be proactive. He wants to have a partnership with a private organization such as the Water Enhancement Through Trees and Environmental Recovery (WETTER) program, but that will require a few things to be done by the City first. He referenced a map of all the inlets and outfalls of the stormwater facilities that exist in the Marsh Creek basin. The City has the most control over Marsh Creek. Long Island Creek is the worst in terms of its pollution level and how it will be impacted by I-285, but the City cannot control I-285. Liz Kramer with the University of Georgia is an expert on modeling stormwater situations. He would like to see the City allocate \$20,000 from the innovations or stormwater fund to go towards modeling the City's stormwater. This can be done in order to get a baseline, so the City and private organizations can take the nonpoint source pollution and figure out the point sources for them. The City can then proactively address the situations. This can be done in an attempt to get Marsh Creek delisted and help the stormwater. The City can partner with Trees Atlanta to plant trees. The City can work with homeowners to plant trees in right-of-ways. The City cannot spend money on private property, even if for a public policy purpose. The City can set aside money for a specific public policy goal, which is to help the citizens in the City. Money could be set aside from the tree fund or another funding source to subsidize planting. The money can be used for stormwater detention devices such as rain gardens, flow wells, and infiltration devices. He believes the citizens want to be environmentally sound. He asked if Council will consent to using \$20,000 to move forward with the UGA study.

Mayor Paul asked that this be deferred to the September 19<sup>th</sup> Council meeting.

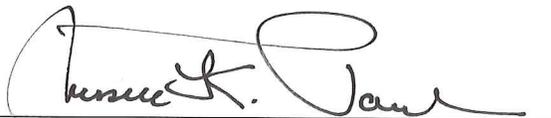
Councilman Bauman stated some of these ideas may work and some may not. The monitor and review of the tree canopy should be done. He thanked his predecessor Karen Meinzen McEnerny, who has been a great source of education. He thanked Councilman Sterling regarding the policy.

Councilman Paulson stated citizens need to be involved in how storms affect this community. Many times at a construction project, even with all the best practices in place, things happen. If citizens see something, they should report it. Developing an erosion and stormwater control primer for home building and small sites will not be a hard tool for the City to create. He enjoyed this presentation. The EPA is pushing Low Impact Development (LID).

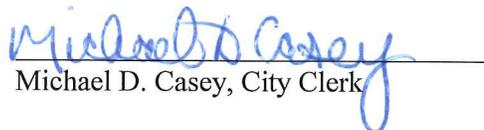
#### ADJOURNMENT

There being no further discussion, the meeting adjourned at 8:42 p.m.

Date Approved: September 16, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk