

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, November 1, 2011, at 6:25 p.m., Mayor Eva Galambos presiding.

STAFF DISCUSSION ITEMS

Community Development

1. An Ordinance to Amend Section 58-32, Restrictive vehicles required to use truck routes; exceptions, of the Code of the City of Sandy Springs

Mayor Eva Galambos stated this item is a revision of the ordinance for clarification purposes.

Manager of Planning and Zoning Patrice Dickerson stated in working with neighbors adjacent to the Orchard Park Kroger in District 1, staff realized the ordinance presently limits deliveries by trucks on residential streets to the nighttime hours. The intent of the ordinance was to restrict the deliveries to the daytime hours instead. This change will be a correction to the restrictive hours in the ordinance.

Councilmember Gabriel Sterling asked why the City would tell businesses when they can and cannot receive deliveries.

Manager of Planning and Zoning Dickerson responded the delivery area is adjacent to a residential neighborhood.

Councilmember Sterling asked how the City defines residential streets.

Manager of Planning and Zoning Dickerson stated the truck routes for the City are the State Routes and the major roadways. The particular street in question that prompted this review is located at Mount Vernon Highway and Dunwoody Club Drive at Jett Ferry.

There was a consensus of Council to move this item forward to the next Regular meeting.

2. An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance related to Signs during Vacancy

Manager of Planning and Zoning Patrice Dickerson stated staff has revised their recommendations for this item. Staff's previous recommendation was an eighteen month permit with a six month extension. Council mentioned they thought that time frame was too long. Staff changed the recommendation to a six month permit with one six month extension and to include design standards. Staff recommends that for multi-family developments the allowance for the sign permits be based on the occupancy level. The expiration of the ordinance was left in the language to allow staff to review the ordinance at a future time.

Councilmember Dianne Fries stated there are many vacancy signs throughout the City that are not in conformity with the City ordinance. It was brought to the attention of Council that ninety days was not enough time for the posting of vacancy signs. She has an issue with the undesirable signs posted in the community. She would prefer a uniform vacancy sign for commercial properties. The sign located on Roswell Road across the street from Big Lots is a nice sign. She would prefer all of the signs have the same frame, no neon colors, and be either stained or painted.

Mayor Eva Galambos asked what the range of vacancy rates is along Roswell Road. The older apartments are pretty much filled to the occupancy maximum, while the newer apartments still have

trouble with occupancy rates. She thinks the required occupancy rate for the permit requirement should be lower than ninety percent.

Councilmember Fries stated there are several different types of commercial properties, which include apartment complexes, shopping centers, and office buildings.

Councilmember Tibby DeJulio asked if anyone had thought of speaking with the sign companies that make the signs. The sign companies could create a sample of a standard sign that Council could adopt. Council could approve a sign standard before speaking to the sign companies, but then the companies might not be able to build and comply with the sign standard.

Councilmember Fries stated that sounded like a great idea for staff to pursue.

Councilmember Karen Meinzen McEnerny stated the idea of a uniform vacancy sign is wonderful and she would support it. It would be best for Council to view a prototype of a sign. She agrees with having a sunset provision on the ordinance and believes a six month permit with a six month extension is adequate. The ordinance should not allow illuminated signs.

Mayor Galambos asked if the ordinance should apply to multi-family, commercial properties, and office buildings.

Councilmember DeJulio suggested there be a uniform sign for all.

Councilmember Meinzen McEnerny stated the three sectors for real estate have different vacancy rates. A multi-family property that has an occupancy rate below eighty-five percent is struggling. An occupancy requirement of eighty-five percent or below is a good number.

Councilmember Gabriel Sterling stated he agrees with an occupancy rate requirement at eighty-five percent or below for a permit. He does not agree with the City having a uniform vacancy sign design. There could be multiple variations of similar vacancy signs. The City should not limit the marketing of the companies that are advertising the vacancies. Some of the commercial properties have been using the same signs for years. If the City requires a uniform sign, those companies will then have to buy all new signs.

Mayor Galambos asked if Councilmember Sterling agrees to one uniform vacancy sign for multi-family properties.

Councilmember Sterling stated he is not sure. He is not comfortable dictating to the companies what their vacancy signs should look like.

Mayor Galambos stated the City might be dictating what the sign should look like, but on the other hand the City is giving the property owner more leeway on how long the sign can be posted.

Councilmember John Paulson stated he has an issue with the tacky homemade signs. He suggested staff speak with the companies that make the signs and have them bring in examples of different signs. Instead of one uniform vacancy sign, there could be a variety of options.

Councilmember Meinzen McEnerny stated the idea was to have the frame, height, and material be uniform. The companies would have the ability to place their logo and color scheme on the sign as they determined.

Councilmember Fries stated there should be at least a couple of options for the sign frames. Along Roswell Road the signs are sixteen square feet and are attached to 4 X 4's. Council does not want to regulate what is placed on the sign; just what the sign is made of.

Councilmember Sterling stated there should be more than one option for the sign design.

Mayor Galambos asked staff to speak with the sign companies and come back to Council with several sign designs.

Councilmember Fries asked if this item will need to go to the Planning Commission.

Manager of Planning and Zoning Dickerson responded yes. Staff will not take this item to the Planning Commission until the discussion with Council is concluded.

There was a consensus of Council to move this item forward to a future Work Session meeting.

3. Seasonal Lights and Decorations Discussion Item

Manager of Planning and Zoning Patrice Dickerson stated she hoped Council had time to review the emails regarding the inflatable Frankenstein that was on top of a commercial building north of City Hall. During staff discussions it was suggested this subject be brought to Council for consideration. Seasonal lights and decorations in general were topics of staff discussion. In the memo provided to Council, photographs were included to show what staff has encountered over the past few years. Staff is requesting direction on how to proceed with this item.

Councilmember John Paulson stated the ordinance originally allowed signs or lights to be posted thirty days before a holiday and now it is being reduced to twenty-one days. He asked for the reasoning behind this change.

Mayor Galambos stated the balloon type decorations were not previously allowed in the ordinance.

Councilmember Paulson asked if the twenty-one day display time is only for the inflatables.

Manager of Planning and Zoning Dickerson stated the ordinance applies to string lights as well as the inflatables.

Councilmember Dianne Fries stated the ordinance specifies three weeks before and one week after a holiday, which adds up to twenty-eight days.

Mayor Galambos stated she will agree to a string of lights being up for more than thirty days, but thirty days for the inflatables is a long time.

Councilmember Tibby DeJulio stated he is sensitive about holiday decorations. Commercial and residential holiday decorating should be separated. Decorating versus marketing should be separated as well. A large sign that states Fireworks TNT is an example of marketing. People should be able to decorate their homes or businesses for the holidays however they choose. More money is now being spent on Halloween decorations than on Christmas decorations. He asked about the Christmas tree decoration that is placed on the roof of Northside Hospital every year.

Manager of Planning and Zoning Dickerson stated this section of the ordinance is specifically related to marketing items. The ordinance does not address residential holiday decorations, but does address

businesses and how they are advertising for holidays. The property in question had other decorations including scarecrows, hay bales, and pumpkins that complied with the ordinance. The issue was with the inflatable decoration and that it was on the roof.

Councilmember DeJulio asked if the inflatable was for marketing or celebrating the holiday.

Councilmember Fries stated the ordinance prohibits inflatables whether they are for marketing or holidays.

Councilmember DeJulio stated there should not be a restriction for residential properties on holiday decorations.

Councilmember Fries stated Council needs to decide what they want commercial properties to be allowed for holiday decorations. If decorations are going to be allowed, there should be a maximum number allowed. She asked if a permit should be required for the holiday decorations. The ordinance states the string lights have to be white and clear. Should the ordinance state the lights have to be white and clear or should it state the City would prefer the lights to be white and clear? She asked about holiday/seasonal versus marketing.

Assistant City Attorney Cecil McLendon stated currently in the sign ordinance there are specific holidays included under the definition of holiday. The decorations should pertain to a holiday or they would end up being allowed all year. The ordinance cannot regulate content regarding the inflatables. The language states an inflatable has to be stationary.

Mayor Galambos stated if inflatables are going to be allowed, they should not advertise the business name.

Councilmember Fries stated content cannot be addressed in the ordinance.

Assistant City Attorney McLendon stated the type of zoning districts that allow the inflatables can be regulated.

Mayor Galambos asked if the ordinance can state no writing is allowed on inflatables.

Assistant City Attorney McLendon stated he will have to check to see if that can be done legally.

Councilmember Karen Meinzen McEnery stated the easier way to deal with this item is to categorize the different property types. Flexibility should be given to residential homeowners on the type of holiday decorations allowed. She asked if the decoration concerns are just for commercial properties.

Mayor Galambos responded yes. She asked Council if they object to inflatables being placed on the roof of a building.

Councilmembers Fries and Meinzen McEnery objected to allowing inflatables to be placed on the roof.

Councilmembers Sterling, Paulson, and DeJulio were in favor of allowing inflatables to be placed on the roof.

City Manager John McDonough asked if there is a height limitation for the inflatables.

Mayor Galambos asked which Councilmembers have a desire to limit the use of inflatables based on the height of the commercial building.

Councilmembers Fries and Meinzen McEnerny agreed there should be a limitation based on the height of the building.

Councilmember DeJulio stated if there is abuse of this ordinance in the future, it can always be revisited by Council.

Mayor Galambos asked Council if they would like to limit the number of inflatables for a property, as proposed in this ordinance.

Councilmembers Fries and Meinzen McEnerny agreed the number of inflatables should be limited to one.

Councilmember Fries asked the Red Barron business owner the height of the Frankenstein.

Bob Brown, Red Barron business owner, responded twelve feet high.

Councilmember DeJulio asked if the inflatable was only ten feet in height, would it still be visible from the ground.

Mr. Brown stated he did not order the inflatable specially made. He purchased the balloon from a company that designed the inflatable to be twelve feet in height. The balloon is propelled by air.

Councilmember DeJulio asked if the inflatable operates by electricity.

Mr. Brown responded yes.

Councilmember Fries stated in the proposed ordinance the maximum height of an inflatable can be fifteen feet.

There was a consensus of Council that the maximum height of an inflatable should be fifteen feet.

Mayor Galambos asked the property owner how many days before the holiday they displayed the inflatable.

Mr. Brown responded twenty-eight days.

Councilmember Fries asked if Council thinks the ordinance should allow the inflatables to be erected three weeks before the holiday and one week after; or thirty days before the holiday and no amount of time after.

Councilmember Sterling stated from October 10th of each year until January 2nd or 3rd of the following year there will be holiday decorations posted.

Councilmember Fries asked if Council agrees to allow the decorations to be displayed thirty days before the holiday and seven days after.

There was a consensus of Council to allow the decorations to be displayed up to thirty days before the holiday and seven days after.

Councilmember Sterling stated there should not be two different display time restrictions for holiday decorations and seasonal lights.

Councilmember Fries stated she does not think the City should regulate that the lights be clear and white. She would like the ordinance to state the City would prefer the lights to be clear and white, but not make it a requirement.

Councilmember DeJulio stated let the Main Street Alliance or the Chamber of Commerce coordinate with the businesses as far as light colors are concerned.

Mayor Galambos stated before Sandy Springs became a City the Red Barron coordinated with businesses along Roswell Road during several holiday seasons to display clear white lights. The light decorations were beautiful, tasteful, and distinctive. The City should strive for something that looks attractive and will make the City look special. She asked Mr. Brown to coordinate with businesses downtown to decorate with white lights like he did several years ago.

Mr. Brown stated in order for all of downtown Sandy Springs to be decorated with clear white lights, he will need support from Council.

There was a consensus of Council to allow lights to be displayed up to thirty days before a holiday and seven days after.

Manager of Planning and Zoning Dickerson stated several businesses are interested in having string lights framing their outdoor patios.

Mayor Galambos asked if the businesses want to keep the lights up for an indefinite period of time.

Manager of Planning and Zoning Dickerson responded yes.

Councilmember DeJulio stated if a business wanted to keep its lights up indefinitely, it would need to come to the City for a variance, because that would be more than thirty days. Each request can be addressed on a case-by-case basis.

Manager of Planning and Zoning Dickerson stated that can be done.

Assistant City Attorney McLendon stated he will work with staff on the ordinance.

Councilmember Fries asked when this item will go before the Planning Commission.

Manager of Planning and Zoning Dickerson stated staff is trying to place this on the Planning Commission agenda for November 17, 2011, and after that it will come back to Council.

Assistant City Attorney McLendon stated at the next City Council meeting a moratorium could be placed on the enforcement of certain sections of the ordinance. This action could be taken without having to go through the entire Zoning Procedures Act.

There was a consensus of Council to move this item forward to the next Work Session meeting.

There being no further discussion, the meeting adjourned at 7:03 p.m.

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Date Approved: November 15, 2011



Eva Galambos, Mayor



Michael Casey, City Clerk