

**Work Session Meeting of the Sandy Springs City Council was held on Tuesday, September 6, 2011, at 7:12 p.m., Mayor Eva Galambos presiding.**

## **STAFF DISCUSSION ITEMS**

### **Community Development**

1. An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance

**Manager of Planning and Zoning Patrice Dickerson** stated this item went to the Planning Commission at the August meeting and they recommended a deferral for ninety days. The Planning Commission would like staff to do a re-work of the entire sign ordinance all at once.

**City Attorney Wendell Willard** stated the changes to the ordinance have been made based on a discussion with Council. This revised ordinance would make legal the signs currently being used in the City for the advertising of residential property for sale. The signs are currently acceptable in all districts. These signs will now be allowed only in the residential district. In Section 17 of the handout there are five categories where signs do not require permits. A sixth category was added that states "Standard Informational Signs in all other districts". The signs that the City approves as cantilever and expanded informational signs will be allowed in those listed residential districts. Standard informational signs will be allowed in the commercial and industrial districts without a permit. On page 329 of the document it references the standard informational signs and where they are being used. The language in the section deals with the permitted use of standard informational or cantilever signs. The ordinance was changed on page 332 to allow two standard informational signs in the O-I commercial and industrial districts.

**Councilmember Dianne Fries** stated the definition of expanded informational signs is on page 316.

**Mayor Eva Galambos** asked if this definition applies to the cantilever signs.

Councilmember Fries stated the two sections that have had a language change are 'sign cantilever' and 'sign expanded informational'. The change is only to a, b, and c, which are the residential districts.

Mayor Galambos stated staff has made legal the existing residential advertising signs that are used in the residential areas, but they are not allowed anywhere else.

Councilmember Fries stated there is still a disagreement on the size of the sign. The standard "For Sale" sign is five square feet. She would like the ordinance to state the maximum size of a sign be six square feet, so the real estate agents can place a small sign above the "For Sale" sign stating: Sold, Pending, Lake Lot, View, or Swimming Pool. The smaller sign placed above the "For Sale" sign then increases the total size to five and a half square feet. We are trying to allow the real estate professionals to not have to buy new signs. They should be able to utilize the signs they bought and have been using for years.

**Councilmember Tibby DeJulio** asked if the real estate agents already own the signs and have been using them.

Councilmember Fries responded yes.

Councilmember DeJulio stated we do not want to force all the companies in Sandy Springs to have to buy new signs.

**Councilmember Karen Meinzen McEnery** stated she appreciates the accommodation allowing the signs only in the residential districts.

Councilmember Fries stated it was never meant for the signs to be allowed in all districts.

Councilmember Meinzen McEnery stated the current ordinance allows for a four foot square sign that is three feet high. This ordinance amendment will be increasing the size of the signs by thirty-three percent. The City allows any residential lot to have two informational signs without a permit. These should be two, four foot square signs, for a total size of eight square feet.

Councilmember Fries stated that was in the original ordinance she brought before Council in 2006, so that directional signs would be allowed. That is where the 2X2, four foot square signs came from. The other part was erroneously removed during a change of the ordinance.

Councilmember Meinzen McEnery stated at that time Councilmember Fries worked with the Atlanta Board of Realtors and got their approval in 2006 for the eight square feet of signs to be allowed without a permit. She appreciates the fact that real estate signs need to be posted. The current ordinance allows a total of eight square feet for two signs. The revised ordinance would allow a four square foot sign plus a six square foot sign, which is a total of ten square feet. The Code Enforcement officers will not be able to easily remove the cantilever posts, which are six feet in height. If the sign size is going to be modified, it should allow a sign that can be easily removed. The allowable signs should be one at four square feet and one at five square feet in size. She does not understand why the size of the signs should be six square feet. All that is needed is a sign that states the house is for sale.

**Acting Director of Community Development Nancy Leathers** stated if the cantilever sign is located in the right-of-way, it is more difficult to relocate it. However, if the signs are located in the residential districts only, it becomes a less significant issue. Her concern was taken care of by not including the commercial districts in the amendment.

Councilmember Meinzen McEnery asked what a Code Enforcement officer can do in a residential area in regards to a sign being in the right-of-way.

Councilmember Fries stated the officer can knock on the homeowner's door and hand them the sign.

Councilmember Meinzen McEnery stated it is difficult to pull a six foot high pole out of the ground and load it in the truck.

**City Attorney Wendell Willard** stated the officer will not be pulling the sign out of the ground, but will instead issue a citation.

Councilmember Fries stated these signs have already been made and bought by the thousands by real estate agents. We should not make it necessary for the real estate agents to purchase all new signs.

Mayor Galambos stated she does not believe the City has had widespread complaints about real estate signs in the residential areas. Why are we making this an issue?

Councilmember Meinzen McEnery stated there have been complaints. The City is not enforcing its ordinance. Changing the ordinance would be an accommodation to the real estate industry. Five square foot signs are an accommodation. This item should go before the Design Review Board.

Mayor Galambos stated the Design Review Board does not address issues in residential areas. She asked which Councilmembers think uniform signs need to be enforced in the residential districts.

Councilmember Fries asked if that would require all signs to be the same size.

Mayor Galambos stated she is referring to a uniform sign according to the ordinance.

Councilmember Fries stated she does not understand the question.

**Councilmember Chip Collins** stated uniform as to specifications in height and size.

**Councilmember John Paulson** asked if the ordinance would require the size of all of the signs to be the same or if there would be a maximum sign size.

Mayor Galambos stated the ordinance would specify the maximum size of a sign. She withdrew her original question and asked how many Councilmembers favor that the maximum size of the signs be five square feet.

There was a consensus of Council to leave the sign size in the amendment at a maximum of six square feet.

### **Public Works**

1. Acceptance of Encroachment and Indemnification Agreement located at 5620 Glenridge Drive, in Land Lot 38 of the 17th District for the Glenridge Springs Master Condominium Association, Inc.

**Director of Public Works Kevin Walter** stated this item is a recommendation that the Council approve an encroachment and indemnification agreement to erect a sign at 5620 Glenridge Drive. This access to right-of-way was caused by the relocation of Johnson Ferry Road and the Glenridge Drive intersection. This is where the road moved away from the development and created a piece of land that is in the City's right-of-way, but is no longer in the roadway. The Condominium Association has requested permission to erect a sign, landscaping, and irrigation for this area. The maintaining of right-of-way is a good thing for the City.

**Councilmember Tibby DeJulio** asked where the property is located.

Public Works Director Walter stated the property is at the intersection of Johnson Ferry Road and Glenridge Drive.

Councilmember DeJulio asked if this is the intersection behind his house.

**Mayor Eva Galambos** responded no.

Councilmember DeJulio stated the map does not show the area being referenced.

**Assistant City Attorney Cecil McLendon** stated this would be the sign for the apartment complex that is being built.

Councilmember DeJulio asked if this location is where the original entrance was for Crawford and Company.

Assistant City Attorney McLendon responded he believes so. As part of the project, the road was relocated, and that created the right-of-way. The Condominium Association is asking to place their sign where the old road bed was.

Councilmember DeJulio stated when driving in that area the sign would be in the line of vision.

**Acting Director of Community Development Nancy Leathers** stated when the project was originally approved, it was anticipated this would be part of the adjacent property, since it was outside of the right-of-way. The Public Works Department would like to retain the right-of-way and allow the sign to be placed at this location. It was always intended that the sign would be in this location and this was part of what was previously approved.

Councilmember DeJulio asked if the sign will be placed where it was always intended to go.

Acting Director of Community Development Leathers responded yes.

Councilmember DeJulio stated there is a driveway that comes out of that property.

**Councilmember Dianne Fries** asked what will be done with the driveway.

Acting Director of Community Development Leathers stated she is not sure what will happen with the driveway. When this conversation previously occurred, the right-of-way was going to be moved. She thinks it would be to the City's advantage to keep the property and allow the sign to be at this location.

Councilmember DeJulio stated as long as it is the same sign and location as was originally planned.

There was a consensus of Council to move forward with this item.

2. Right of Way Acquisition for Sidewalk Program Project, T-6010-9, Glenridge Sidewalks – Mt. Vernon Highway to Abernathy

**Director of Public Works Kevin Walter** stated this project has been designed and an allocation has been set aside in the budget of over \$500,000 to construct the project. Half of the right-of-way has been acquired for sidewalks on the west side of Glenridge Drive to allow access on both sides of the road. The remaining properties are residential properties that are in a mixed use district. The reason this item is on the agenda is to clarify the current policy for donations of right-of-way. In some cases, the City may offer landscaping relocation reimbursement or other items that are part of the negotiations for right-of-way. The five properties that are left to be acquired provide the best location for the sidewalk. There is some landscaping on the parcels that is buffering the properties from the street that would have to be moved. The City's policy in the past was instead of moving the landscaping and replanting it on private property, to offer reimbursement for the owner to do the relocating of the landscaping.

**Mayor Eva Galambos** asked if the amount of money involved is because of the landscaping reimbursement or due to the acquisition of land.

Director of Public Works Walter stated staff has not made formal offers to the owners. There are indications the owners will not totally donate the property. The total cost for five different parcels is about \$30,000.

**Councilmember Dianne Fries** asked if the property is located at the intersection near Mount Vernon High School.

**Councilmember Karen Meinzen McEnerny** stated the property is located where Glenridge dead ends into Mount Vernon, west of GA400, and west to Abernathy on the south side of the road. The City has a budget process where we allocate funding for sidewalks and paving and the Council ranks the projects. She is sensitive to the fact that Roswell Road does not have any sidewalks starting at the City of Atlanta to part way up the road. She asked if the \$500,000 was included in the budget and if this project was approved outside of the normal process.

Mayor Galambos stated this project was not approved outside of the normal process.

Councilmember Meinzen McEnerny asked why this project is being placed before many other projects that are also meritorious.

Director of Public Works Walter stated this project was budgeted and it is a meritorious project. There are not sidewalks on both sides of the street. This project would create one route to enable people to transit this corridor.

**Councilmember Chip Collins** asked if this was budgeted as a separate project.

Director of Public Works Walter responded yes.

**Councilmember Tibby DeJulio** asked if there is a map that shows where the sidewalk will be located.

Director of Public Works Walter stated he does not believe there is a map in the handout.

Mayor Galambos asked if there is a sidewalk across the street where the new subdivision is located on the east side.

Director of Public Works Walter stated there are incomplete sidewalks. On the east side of the street there is a lot of vegetation that would make it more extensive and difficult to place sidewalks at that location.

Mayor Galambos stated the City has a policy for residential areas.

Councilmember DeJulio stated there was an issue with Windsor Parkway, which caused an upset with the Council, because the City had to pay outrageous amounts of money for right-of-way. The City will pay to relocate the landscaping. If citizens do not want to give the City the right-of-way, the sidewalks can be built somewhere else. He is familiar with this area of Glenridge Drive and he does not believe anyone uses the sidewalk.

Councilmember Fries stated people that use the sidewalks may be coming from the businesses to the bus stops. Other than that, she does not see people walking along the street. The east side of the street has a hill with rocks that end up falling into the street. She asked if the sidewalk should be placed on the other side.

Director of Public Works Walter stated she was thinking of another location.

Councilmember Meinzen McEnerny stated we are not supposed to place sidewalks next to private schools. That is why there are no sidewalks to Chastain Park in District 6. She asked why this project is being done.

Councilmember Collins stated he thinks that question has been answered. This specific project is one Council has already agreed upon in the budget. Staff is asking Council for the authority to acquire the last pieces of right-of-way to finish the project, despite the City policy. The problem is the policy may allow a couple of property owners to stonewall the project. He asked if the City had the right-of-way before this specific project was approved as part of the budget. If the City does not have the right-of-way, the project should be moved to the bottom of the list.

Director of Public Works Walter stated staff is not asking for a change in policy. He wanted to alert Council of this situation in anticipation that the question may come up. Staff is not proposing to offer the property owners the full value of their property.

Councilmember DeJulio stated he understands the City would pay to have the property owners' landscaping moved. If the City is going to relocate some of their property, then it is the City's responsibility to pay for landscaping. He is opposed to paying a property owner to place a sidewalk in front of their house.

Councilmember Fries stated in a previous situation property owners were feeding off of each other and the price for the properties kept getting higher. It was outrageous because people thought they were getting a windfall of money from the City. If one person does not want the sidewalk in the neighborhood, the sidewalk can be omitted in front of their property, or the sidewalk project could just be shelved.

Councilmember DeJulio stated there was an issue in the commercial areas, which are financed by mortgage companies. The mortgage companies were refusing to give releases when they had to do without compensation. That is a different issue than the homeowner not allowing a sidewalk in front of their house, because their property might be damaged. That is how this issue came about.

Councilmember Collins asked, if the property owners say no, is Council ready to pull the plug on the project?

Director of Public Works Walter stated he requests that staff be permitted to make offers to the property owners that would be reimbursement for landscaping, surveying fees, legal fees, and other incidental items. Generally, the money being offered to pay those costs is a fraction of what the property is worth. Staff would like to continue this policy. If any of the property owners insist on full value reimbursement, this project would be brought before Council again.

There was a consensus of Council to continue with the existing policy.

There being no further discussion, the meeting adjourned at 8:44 p.m.

Date Approved: September 20, 2011

  
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Eva Galambos, Mayor

  
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Michael Casey, City Clerk