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**Work Session Meeting of the Sandy Springs City Council was held on Tuesday, August 2, 2011, at 7:30 p.m., Mayor Eva Galambos presiding.**

## **STAFF DISCUSSION ITEMS**

### **Community Development**

#### 1. 2011 Planning Commission Work Program

**Planning Commission Chair Lee Duncan** stated the Planning Commission met with the Atlanta Regional Commission and discussed the cleanup of ordinances. The Comprehensive Land Use Plan narrative has inconsistencies. Staff is bringing one chapter at a time to the Planning Commission for review in the next twelve months for cleanup at the Work Session. At the end of twelve months a summary of changes will be completed.

**Manager of Planning and Zoning Patrice Dickerson** stated Council was provided with a calendar schedule that included an amendment spreadsheet. This spreadsheet has been evolving since the Comprehensive Land Use Plan was adopted in 2007. Staff has been adding to the list of recommendations and amendments as items have arisen. The spreadsheet includes the Planning Commission, staff, public, and Council recommendations. Many of the items on the list are corrections and clarifications on definitions or policies that are not clear. Once the review of the Comprehensive Plan is completed, staff would like to ensure the Zoning Ordinance coincides with what is in the Comprehensive Plan.

**Mayor Eva Galambos** asked if this is a cleanup of the Comprehensive Land Use Plan.

Manager of Planning and Zoning Dickerson responded yes.

Mayor Galambos asked if these are substantive changes.

Manager of Planning and Zoning Dickerson stated there are some that are policy changes, such as the quarter mile nodes around the MARTA station.

Mayor Galambos asked if there is some way staff can separate policy changes from the Scrivener's changes. Anything that is a policy change needs to go as a special item before Council.

**Councilmember Karen Meinzen McEnery** stated this is a lot of work over a twelve month period, which requires staff time. It seems like a huge amount of time to make scrivener's changes. It is always best practice to review an ordinance, policy, or plan after a period of time and make suggested changes if needed. If we proceed with this work, it is important to include all the stakeholders involved.

Mr. Duncan stated his goal is to maintain a transparent operation to keep everyone fully informed. He recommends that the Planning Commission update Council quarterly on what is being considered and what will be considered in the next quarter.

Mayor Galambos asked Mr. Duncan to have the editorial corrections separated from the policy decisions.

Mr. Duncan stated if the Commission comes across an item that may require be a change in policy, the item will be set aside for Council to review first.

**Councilmember John Paulson** stated separating substantive changes and editorial changes is a good idea.

Manager of Planning and Zoning Dickerson stated she will separate the substantive and editorial changes and Council will have that next week.

**Councilmember Dianne Fries** stated she would like to see the before and after language of what is being changed and what it may mean.

Mr. Duncan stated in an effort to keep the lines of communication open, he will try to attend all the City Council Work Sessions.

## 2. Mapping Designation for new Floodplain Areas

**Plan Review Engineer Bennett White** stated this item was discussed at the last Work Session. He is before Council to go over this item again to receive guidance on an option that was presented to staff by FEMA.

**Councilmember Karen Meinzen McEnerny** asked about the time frame in which the City has to respond to FEMA.

Plan Review Engineer White stated FEMA will need this information as soon as possible. In September 2011, preliminary maps will come out that show these areas as special flood hazard areas. The City has missed the deadline to influence the designation before the preliminary maps come out. There is a comment period after the maps are distributed during which we can ask for those areas not be changed.

**Councilmember Tibby DeJulio** stated the City will have additional time after the preliminary maps come out to meet with the public and make requests to not change areas. Will the maps include the changes when they come out next year?

Plan Review Engineer White stated he is not sure how long FEMA will have to incorporate the changes. FEMA's desire was to have input before now. If it is the will of Council to get public input, staff can go to the consultants at FEMA and let them know this. Staff will have to wait for FEMA's response.

Councilmember Meinzen McEnerny stated she and Councilmember DeJulio have many homes in their districts that this would affect. Her concern is to make sure the newly incorporated homeowners are informed. She asked about the existing hazard areas and how many homes are going to be added.

**Deputy Director of Public Works Walt Rekuc** stated there are 320 properties total. We are asking to include the 120 homes in the existing area.

Councilmember Meinzen McEnerny stated the number of homes affected would be increased by two thirds. She wants to make sure there is feedback received from the community.

**Councilmember Dianne Fries** asked if the City accepts and uses the revised FEMA maps, would the homeowners have the option for the FEMA buyout.

Plan Review Engineer White stated the homes would have to be in the special flood hazard area to have that option. If we do not change the classifications to a special flood hazard area, then the residences within those areas would remain in non flood hazard areas. Those residences would not be qualified for the buyout.

**Mayor Eva Galambos** stated the bottom line is these residents would lose all possibility of FEMA buying their homes if they were to get totally flooded out.

Councilmember Fries added even if the homeowner has insurance.

Councilmember DeJulio stated if the homeowner has insurance, it will pay to repair the home. He wants to make sure the homeowners are aware of this information.

Mayor Galambos asked Councilmember DeJulio if his position is the people affected should decide what the Council's position would be.

Councilmember DeJulio stated the homeowners would not decide, but they would be able to give public input. He understands that if a home is in an A or AE flood zone, it affects the homes marketability. Whoever buys that house would be required to purchase flood insurance.

Councilmember DeJulio stated if a homeowner has information about their property, they have a legal obligation to share that information.

Councilmember Fries asked what the cost of flood insurance is per \$1,000 is in these zones.

Plan Review Engineer White responded he does not know the cost.

Councilmember Fries stated she would want the FEMA map to reflect if her home is in a special flood hazard area. It may decrease her home value, but it would not be as traumatic as most people think. It would be more traumatic if she did not have the insurance just because she did not want the value of her home decreased or an expenditure of \$1,000 a year for flood insurance. If her home was flooded she would want to be able to qualify for the FEMA buyout. She could not sleep at night if the map does not reflect what FEMA recommends. If the consensus of Council is to not change the map, all the homeowners should be notified every single year.

Councilmember DeJulio stated he agrees that the maps have to be changed. He also feels that the residents should know what the new maps will look like. If Council knows certain homes are in a flood area and particular houses are removed, does the City have a legal obligation or liability.

**City Attorney Wendell Willard** stated the fact that the City is aware that a property is being designated by FEMA in a flood plain does not transmit a responsibility to the City. A buyer who purchases a property is under the obligation to determine if the property is or is not in a floodplain. FEMA makes the decision on where the flood plain boundaries are established.

Councilmember Gabriel Sterling asked if the map is all or nothing. Can we move some of the boundary lines?

Plan Review Engineer White stated the boundary lines would be the same regardless of how the zone is designated. The question is whether the area will be a special flood hazard zone or a shaded zone X, which is not a special flood hazard area.

Councilmember Sterling stated one of the houses has a property line that touches the corner of the boundary line. Is there any way to make that area a shaded zone X?

Councilmember Fries asked if we can change parts of the map.

City Attorney Willard stated no, he believes that goes to FEMA.

Councilmember Sterling stated the house is 100 yards away from the actual boundary, but the corner of the property touches the boundary line. The house is elevated 50 feet up and there is no way the house is in the flood area.

Councilmember Fries stated FEMA is asking the City's opinion on if we want to change the flood zones or not. Can we ask FEMA if we can change part of it and leave the other alone?

Plan Review Engineer White stated staff has not asked that question, but will. Council is asking if some areas that have this option can be changed to special flood hazard areas, but request that some areas not be changed.

Councilmember Fries responded correct.

Mayor Galambos stated that would require a house-by-house analysis by staff. Is that what you are asking?

Councilmember Fries responded no. Council is asking if the change is either/or, or can be partial. There may be a section in the middle of the map that Council would prefer not changed. Can this area remain the same, but then another area be changed?

Plan Review Engineer White stated he does not know the answer to that.

Councilmember Sterling stated there is an appeals process for the homeowners. He wants to make it easier for the homeowners, when it is obvious their house is not located in the flood plain area. He does not want the homeowner to have to go through the hassle of paying an engineer for a survey. He asked about changing areas to a shaded Zone X.

Plan Review Engineer White stated this option exists in the areas where the results of the study done in 2008 and 2009 map a 100 year flood zone, but the drainage area is less than a square mile. For areas that have a drainage area greater than a square mile, this option does not exist.

Deputy Director of Public Works Rekuc stated flood insurance is only for the house. If the flood plain touches your property, by law you are not required to have flood insurance. Flood insurance is required if the flood plain goes into the house.

Plan Review Engineer White stated a mortgage lender has a service that provides information of which lots are touched by a flood zone. If the flood zone touches a lot that is requesting a home loan, the lender will require the buyer to purchase flood insurance. The homeowner then has the option to provide to the lender information showing that even though the flood zone boundary touches their lot, their house is not in the flood zone.

Councilmember Paulson asked if there are some homes in the shaded area that want to be designated as a special flood hazard area and some homeowners down the street that do not, can the City choose which homes are included. Once the homes are designated in a special flood hazard area, the homeowner is required to get flood insurance.

Mayor Galambos stated the homeowner will have to get flood insurance if their house is in the flood area, not their lot. The homeowner may have to hire a contractor to survey the property to verify the house is not in the flood plain.

Plan Review Engineer White stated the requirement of flood insurance is determined by whether the flood plain touches the house. The service that the mortgage company uses does not have access to other information, so they base it on if the flood zone touches the lot. The mortgage company can require flood insurance, even if the home is not in the flood zone.

Councilmember Paulson asked if it is up to the City Council to decide if the 220 homes will be moved into the special flood hazard area.

Mayor Galambos responded yes.

Councilmember Fries stated Council is being asked if we want to take FEMA's recommendations on the new flood plain map or not.

Councilmember Paulson stated he would prefer informing the residents every year.

Councilmember Fries asked if in flood zone A and AE it is a requirement to have flood insurance.

Plan Review Engineer White responded yes, if the loan is federally funded.

Councilmember Fries stated she would rather the 200 residents know what is going on and the City take FEMA's recommendation, so they can get assistance if a flood occurs.

Mayor Galambos stated this is a moral obligation of telling people the truth. When people move into our community they have a right to have up-to-date zoning information. Withholding information that people are entitled to would be derelict in our duty.

Councilmember Meinzen McEnery stated one reason for government is to protect the general welfare of the citizens. She would like to defer Council's decision on whether or not to include the new areas in the A or AE zones until Council has had a chance to share the information with the public. She is most likely to recommend that Council take FEMA's recommendations for the map.

Councilmember DeJulio stated his purpose to have a town hall meeting is to ensure everyone knows what is going on, not to change FEMA's decisions. If the City were even to attempt to change FEMA's decision, we would be in the wrong. We are equally in the wrong if we do not notify the residents who are in the flood plain districts. He is not saying to ask the residents if they want to be taken out of the flood plain.

Councilmember Fries stated she misunderstood Councilmember DeJulio's purpose for a town hall meeting.

Councilmember Sterling stated there is a consensus we should probably defer to FEMA and let the residents know what is going on, either way.

Mayor Galambos asked if Council can defer the response to FEMA until the town hall meetings are held.

Plan Review Engineer White stated he will ask the consultants working for FEMA to see if there is a deadline date to make this decision. FEMA stated the preliminarily draft maps will be available in September. After that time, FEMA will ask all the communities to invite the public to view the maps, and obtain comments. Perhaps obtaining information from the public would warrant changes in the map, if there is additional technical data that was not considered.

Councilmember Meinzen McEnery stated maybe FEMA would be able to join the Councilmembers at the town hall meetings.

Mayor Galambos stated Council would like to have town hall meetings with FEMA in attendance and request FEMA to give Council until October 1<sup>st</sup>, to make a decision.

### **City Manager**

#### 1. Memorandum of Agreement with Gas South

**Kevin Greiner, President and CEO of Gas South**, stated his colleague Phil Weatherly, the Business Development Manager is with him. Gas South is a provider of natural gas in the State of Georgia and serves over 250,000 customers. The market share is about 18.5%. They compete for customers on the AGL pipeline network, which covers all of Sandy Springs. Of his customers, 4,500 of them are in Sandy Springs. This program was developed and introduced to the cities of Roswell, Norcross, Woodstock, Marietta, Acworth, Kennesaw, and College Park. The municipal alliance program began in 2007. This program is for cities, their residents, and businesses. The way the program works is there is a \$.02 per therm discount off all the rate plans for the residents of the municipal alliance partners. This discount applies to new customers as well as existing customers. In addition, all connection fees are waived for the customers in those municipal areas. A benefit for the cities is funding provided for every customer who signs up through the program and customers that remain with Gas South for a certain time. The finder's fee is paid to the City up front and the loyalty payment is paid over time. Many cities designate the funding for particular projects or investments in the community. The City of Kennesaw has dedicated those funds for the reconstruction of their Swift-Cantrell Park. The City of Woodstock has a walking trail network called GreenPrints, to which they have dedicated the funding. Gas South becomes a true community partner to the City. This is done by helping sponsor community events the City may have. His company asks the cities in the program to feature Gas South on the city's website, so the residents and businesses can find out about Gas South and sign up for the program. Gas South would also request to use the City's name and logo in their advertising that may be sent to residents from time to time. The City would not pay any cost of these programs whatsoever. Anything done as part of the program is approved by the City partner.

**Councilmember Karen Meinzen McEnery** stated she applauds Gas South for coming up with this great program and service. She has a bit of pause that the City would have to support exclusive discounted natural gas rates.

Mr. Greiner stated the exclusivity is for the residents. They are able to receive the discount while others who live in neighboring jurisdictions do not receive the discount. It was not to imply the arrangement would be exclusive with Gas South. Most of the cities do work with Gas South exclusively and have agreed to do that. There is a variant of the program offered. The City of Roswell recently entered into an agreement with Gas South, which is not exclusive in nature. If Roswell is approached by another natural gas company and decides to have an agreement with the company, that can be done.

Councilmember Meinzen McEnery stated she would want the freedom for another provider offering the City a cheaper rate. It is a great opportunity for the residents. She does not mind Gas South advertising on the City website, but she does not want it to be exclusive.

**Councilmember Dianne Fries** stated the exclusive aspect is a moot point, because no other gas company does this type of program. This agreement would have an annual renewal. The City would receive a larger benefit if the agreement is exclusive.

**City Manager John McDonough** stated it would be helpful to Council to understand the difference between the benefits of the exclusive and the non-exclusive contracts.

Councilmember Fries stated with the exclusive contract, the City would receive paid benefits for each person that signs up for service. If the City does not have an exclusive contract, the amount paid to the City is reduced. This is a wonderful thing to offer.

**Councilmember Gabriel Sterling** stated a non exclusive agreement would not be the best idea. Anyone can come to the City within a year and offer to do the same thing. Gas South has put hard work into this program. The City should agree to have an exclusive agreement with Gas South.

**Councilmember Tibby DeJulio** asked if the gas bills the residents of Sandy Springs receive have the address Atlanta or Sandy Springs.

Mr. Greiner stated he is sure the address is Sandy Springs, but he will check.

Councilmember DeJulio asked what revenue the other cities have received in a year.

Councilmember Fries stated it is estimated the City will receive \$300,000 over five years.

Mayor Galambos asked if Gas South's rate schedule is posted online.

Mr. Greiner responded yes. There is also a comparison schedule showing their rates versus other company's rates.

Councilmember DeJulio asked if Gas South is a public company or a division of a larger company.

Mr. Greiner stated Gas South is a privately held company owned by Cobb EMC.

Councilmember Paulson asked if the City is approached to enter into an agreement with another company, would that be ok with Gas South.

Mr. Greiner responded yes. If this situation occurred, the alliance agreement would be converted to the infinity agreement, which removes the mention of exclusivity and changes the consideration.

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

### **City Attorney**

#### 1. Requirements for Legal Advertising or Official Advertising for the City

**City Attorney Wendell Willard** stated there was an inquiry from a local newspaper as to whether the City would consider using them for legal advertising. The law does not state how a municipality should contract for advertising. The City currently uses the Daily Report for advertising. The Daily Report is not usually read by the general public. Mostly attorneys and judges read this newspaper. He would like Council to consider using two of the newspapers for advertng that are circulated throughout the City. He compared the cost of the two publications to what the City pays the Daily Report. There would be money saved if the City uses the two local newspapers that are circulated throughout the City.

**Mayor Eva Galambos** asked if this proposal is to advertise in one of the two newspapers or both.

City Attorney Willard answered the suggestion is to use both newspapers.

**Councilmember Tibby DeJulio** asked how much the City spends a year on advertising costs.

**City Clerk Michael Casey** stated the City Clerk's office occasionally advertises for special events, but not on a regular basis like the Community Development department.

Councilmember DeJulio stated it is a good idea to take a price reduction and advertise in the two newspapers.

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

2. A Resolution authorizing a referendum to allow package sales on Sundays by retailers of package malt beverages, wine and distilled spirits

**City Attorney Wendell Willard** stated this is a resolution for consideration of the Council desire's to include a referendum to allow package sales on Sunday on the November ballot with the ESPLOST in Fulton County. Staff is not sure what the cost will be. The cost will be presented to Council before adopting the resolution. There is a time frame that needs to be met to get the information to the County to place on the ballot.

**Councilmember Dianne Fries** stated if it is free, move forward with it.

City Attorney Willard responded it will not be free.

**Mayor Eva Galambos** asked why Fulton County would charge the City if they are having a countywide election.

City Attorney Willard stated he believes the City will be able to share the cost of the election with the other cities participating.

Mayor Galambos asked if a city that decided not to have the referendum on the ballot would pay a different amount, compared to a city that does.

City Attorney Willard responded no. If a city did not have a referendum on the ballot, they would pay nothing.

Mayor Galambos stated all of the cities will have a referendum on the school item.

City Attorney Willard stated the school board will handle that cost. The question is if another item is added to the ballot, what share of the cost the cities will pay.

**Councilmember Tibby DeJulio** asked what potential revenue the City would receive to offset the cost of the referendum.

**Councilmember Gabriel Sterling** stated the revenue projection is marginal at best. Other counties and cities will be passing this resolution, which will cause the City to have negative revenue that will be marginal as well.

City Attorney Willard stated the cities of Dunwoody, Roswell, Johns Creek, Alpharetta, and Milton, are having elections.



Councilmember Sterling stated this item is not about the revenue, but allowing people the freedom of choice.

**City Manager John McDonough** stated staff has heard there would be a cost of \$13,000 to \$250,000 that would need to be split by the cities. The City Clerk will speak to the company that assisted the City with the last election and see about the possibility of us holding our own election.

Mayor Galambos stated the only extra cost is to print a ballot that has one extra line on it.

Councilmember Sterling stated and that ballot would be the absentee ballot. The ballots for the residents are electronic, so there is almost no extra cost. We do not have to have the election with every single precinct involved. We could open three precincts instead of all thirty-one.

Mayor Galambos stated she wants to find some way that would not require paying such a large amount to the Fulton County Board of Elections.

City Attorney Willard asked if Council wants to move forward with potential consideration of the referendum. Between now and the next City Council meeting the cost can be researched.

Councilmember Sterling stated Council has to make a decision at the next meeting. If not, this item will not be in time for the ballot.

There was a consensus of Council to move forward with this item and discuss it again at the next City Council meeting.

### **CITY COUNCIL DISCUSSION ITEMS**

#### 1. Discussion on Real Estate Signs

**Councilmember Dianne Fries** stated the document that Council has includes five or six photos of real estate signs. The first two signs are the signs that the City ordinance does not allow without a permit and fee. It was not the intent of the City to leave that out of the ordinance in 2006. The Harry Norman Realtor sign is five square feet. The next sign is roughly five square feet as well. The following sign is closer to four square feet, but by adding the additional part to the sign, it increases the size to five square feet. This is the cantilever sign. The Beecham sign is closer to six square feet. The sign next to it is called an informational sign, which holds the real estate flyers. The next picture is the Harry Norman sign with the attached sign underneath it. This sign is too tall. The next sign has two more add-ons than what should be allowed. The very last sign is the worst example of a real estate sign. She referenced a photo of a sign located on a golf course property. She has been debating if the sign size maximum should be five or six square feet. This sign with the golf course advertisement on top is over the five square feet. We need to have the size be six square feet to accommodate what all of Council thinks is norm.

**Councilmember Gabriel Sterling** asked if the standard universal size of a real estate sign is five square feet.

Councilmember Fries responded yes.

Mayor Galambos stated if the property was under contract, the advertisement would be placed on top of the sign.

Councilmember Fries responded yes. The sign would be similar to the sign that states golf course lot. The addition on top of the sign increases the size to more than five square feet.

**Councilmember Karen Meinzen McEnery** asked how large the informational signs are.

Councilmember Fries stated those signs are a little over one square foot. The informational signs do not require a permit and are referenced in the City's ordinance. Those signs are two feet by two feet. These signs are used for caravans, open houses, and house for sale as directional signs. The language that was created stated the two informational signs will remain the same at four square feet. She would like to add the language to include the standard sign and its size. The language will cover the cantilever and the larger signs. Currently, the ordinance states two informational signs are allowed without a permit. The language states where standard informational signs are allowed, one of the allowable two standard informational signs can be six square feet. Only one of the two informational signs can be a larger sign.

Councilmember Sterling asked if he could place two signs on his property if his house is on a corner lot.

Councilmember Fries responded yes. The ordinance does require frontage.

Councilmember Meinzen McEnery stated what is offensive to her is the clutter of the signs in the last photo. Are we modifying the ordinance to say that a five foot and a four foot sign are allowed?

City Attorney Willard stated what needs to be modified is the definition of what is the standard informational sign. The current definition for informational signs is 2 signs of four square feet. The language can now state two informational signs are allowed, one of which cannot exceed four square feet, and the second sign cannot exceed five or six square feet. The sign being five or six square feet in size is left up to Council to decide. What also needs to be defined in the ordinance is if the second sign can be an informational sign or a cantilever sign.

Councilmember Meinzen McEnery stated this is an important improvement. Currently, individuals are allowed to display a five or six square foot sign.

City Attorney Willard stated to keep in mind informational signs is a general term. This is not only used by real estate individuals, but commercial property owners as well.

**Councilmember Tibby DeJulio** stated the no trespassing sign on the property is unattractive. When the High Point Civic Association placed their signs out for a community wide garage sale, Code Enforcement removed all the signs. He asked if the signs can be used for advertising a community garage sale.

Councilmember Fries stated as long as the sign is not in the City's right-of-way.

City Attorney Willard stated each lot may display two standard informational signs without a permit.

Councilmember Fries asked the Council their opinion on the size of the signs. This item will go before the Planning Commission. Should we allow the sign size to be five or six feet?

Councilmember DeJulio, Paulson, and Sterling responded six feet.  
Councilmember Meinzen McEnery responded five feet.

Councilmember Fries stated the consensus is six feet. This item will be proposed to the Planning Commission. The second part of this item relates to commercial signs. These are vacancy signs and such. She suggested Council give the commercial sign size some thought. This item should not be

addressed at this time. She will speak to the Atlanta Board of Realtors commercial group and ask their opinion. The very last photo in the packet is a nice sign, but it is too large. All of the signs in the packet are required to be permitted. Under the vacancy ordinance, the sign must be permitted and cannot be any larger than sixteen square feet. She asked Council if the commercial properties should be allowed the same courtesy as the residential properties in regards to signs. The ordinance states that commercial property owners are allowed 2 ninety day periods to have their signs displayed. The real estate market is so bad that the property owners keep coming to the City for variances for extensions.

Councilmember DeJulio stated the sign on the Glenridge connector has been displayed for seven to eight years.

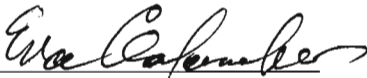
Mayor Galambos stated she would like a list of the variances that the commercial property owners applied for. This ordinance was created because of the apartment complexes. The apartments are ninety percent occupied and they still display advertising signs.

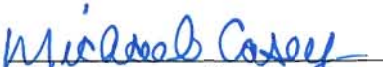
Councilmember Meinzen McEnery stated she would prefer one of the sign size maximums to be five square feet, because we are increasing everyone's ability to have two informational signs.

There was a consensus of Council to move forward with this item and allow the residential real estate signs to be a maximum size of six square feet.

There being no further discussion, the meeting adjourned at 8:47 p.m.

Date Approved: August 16, 2011

  
Eva Galambos, Mayor

  
Michael Casey, City Clerk