

**Work Session of the Sandy Springs City Council was held Tuesday, May 5, 2009 at 6:22 p.m., Mayor Eva Galambos presiding.**

### **Sandy Springs Alcoholic Beverage Ordinance**

**City Attorney Wendell Willard** stated that the Community Development Department was contacted earlier this year by a local merchant interested in obtaining a license to hold occasional wine tasting events. A review of the business license file for this location indicated the operator had a valid license for package sales, but not pouring. Currently, the Alcoholic Beverage Ordinance does not have a provision for a wine shop seeking to hold an occasional wine tasting event. The only option currently available to serve wine at a tasting event would be to obtain a pouring license.

If approved, the proposed amendments would enable the holder of a wine-only package store license to also be eligible for an ancillary wine tasting license. This ancillary license would allow the merchant to provide samples of wine offered for sale to customers with the following important restrictions:

- Wine sampling shall be on limited occasions and conducted at a wine counter area constituting no more than ten (10%) of the entire floor area of the premises.
- Wine sampling for customers shall be limited to no more than one (1) time per day for a period of not to exceed two (2) consecutive two-hour periods in any one day.
- Not more than one (1) time per week for a period of not to exceed two (2) consecutive hours, the holder of an ancillary wine tasting license may conduct educational classes and sampling for classes.
- Wine bottles shall be opened only by the licensee or an employee, and no open containers of wine shall be removed from the licensed premises.

Staff feels this is an appropriate step to allow the City's businesses a means of remaining competitive with other types of establishments in the area. He asked City Council how many times they want to allow the merchant to have the ability to do this: once a day; two hours; three hours; or whatever it may be. Mr. Willard suggested that classes be held on a twice a week basis, but they would like input from Council.

**Councilmember DeJulio** asked if staff has talked with any of the merchants to see what they feel is necessary for them to do their business.

**Community Development Deputy Director Chris Miller** stated that this was actually prompted by a request from a merchant on Roswell Road who has a package license currently, and would like to also have wine tasting at his business. The person staff spoke with feels that the following would work for them: one (1) time per week, maximum two (2) hours, in a very constricted area of floor space, ten percent (10 %) counter space to do the actual wine tasting. It is meant to be a very minor function within the business in order to get people to try different wines and possibly make a purchase.

**Councilmember Jenkins** stated the business "Total Wine" would like to do this as well.

**Councilmember Fries** asked if the special permit to get a pouring license could work for wine tasting.

City Attorney Wendell Willard stated that the special permit is a separate license. I do not believe the City would want to require a business to go through that process with the extra expense of obtaining a sale permit as well as a pouring permit. This has been sort of ancillary to their sale permit.

**Mayor Galambos** asked which establishment made the request.

**Community Development Deputy Director Chris Miller** stated the request came from the New York Butcher Shop located on Roswell Road.

**Councilmember Paul** stated that a number of stores would like to be able to offer wine tasting.

Councilmember Jenkins stated this is a great idea.

**Councilmember MacGinnitie** questioned the theory of restricting it to once a week or a period other than twice a week. He asked if there was a reason for being restrictive.

Councilmember Paul stated that the City needs to restrict it, because we do not want a business to use this as a subterfuge instead of getting a pouring license. If this is left too wide open, it could create problems where some of the people use it as an opportunity to get around other provisions.

City Attorney Wendell Willard suggested that the training classes be allowed twice a week, on two (2) different dates each week. This could be done on Thursday and Saturday. In discussions with others, the idea of twice a week might be a little broader and useful for the merchants.

- Not more than two (2) time per week for a period of not to exceed two (2) consecutive hours, the holder of an ancillary wine tasting license may conduct educational classes and sampling for classes.

There was a consensus of City Council to move forward with this item as stated. This item will be heard at the next Regular Meeting of Council.

**Consideration of Approval of the Permanent Easement for the Dunwoody Club at Spalding Drive Project (T-0016).**

**Transportation Planner Garrin Coleman** stated this agenda item is for a Temporary Construction Easement being donated at 7506.4 square feet and permanent right-of-way of 2111.86 square feet for the purposes of the Dunwoody Club at Spalding Drive Intersection Improvement Project. This is for the Capital Improvement Project T-0016. There is a stipulation to pay the school \$7,800 for re-landscaping.

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

**Consideration of Approval of the Right-of-Way for the Sandy Springs Circle and Hammond Drive Pedestrian Enhancements, Phase 1 Project (T-0006).**

**Transportation Planner Garrin Coleman** stated this item is for the Sandy Springs Streetscape for Sandy Springs Circle, Project T-0006. The total amount of permanent right-of-way is 22.24 square feet.

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

**Consideration of Approval of the Permanent and Construction Easement for the PCID Peachtree Dunwoody Sidewalk Project (CSSTP No 006-00(267)).**

**Transportation Planner Garrin Coleman** stated this easement is for the PCID Project at Peachtree Dunwoody Sidewalks Project. The total area being donated is 0.03 acres or 1,400 square feet of permanent construction easement. This is at the intersection of Peachtree Dunwoody Road and Hammond Drive. There will be one additional easement coming forward and then staff will be able to certify the right-of-way for this project.

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

**Presentation of the U.S. Departments of Energy's Energy Efficiency and Conservation Block Grant Potential Projects.**

**Transportation Planner Garrin Coleman** stated this item is the Energy's Energy Efficiency and Conservation Block Grant. This is a grant that is administered through the Department of Energy, American Recovery and Reinvestment Act, as a part of the ARRA funding. There is \$3,200,000,000 nationwide and currently the City is looking at \$851,900 contingent on the City submitting an application and an Energy Efficiency and Conservation Strategy (EECS). The Energy Efficiency and Conservation Strategy can be submitted with the application or within 120 days of application. Applications are due June 25, 2009.

The Public Works and Community Development staff, as well as the City's Grants Coordinator came up with a list of projects. The first project from Public Works is the switching over to LED from existing incandescent traffic signals. The City has currently switched over 70 different bulbs and would like to do the remaining 70. The estimated cost of this project is around \$250,000. Staff feels it is a good cost, because the City gets up to 80 percent energy savings per intersection. It will meet the requirements and will be relatively easy to do the reporting requirements. An annual report must be completed for each project. We could show the energy savings going forward.

**Assistant Director of Land Development Blake Dettwiler** stated that along with Public Works, Community Development has looked at several additional projects. One falls under the Materials Conservations Program eligibility and would provide monies to bolster the existing recycling center on Morgan Falls Road. It could also be used to provide a mobile recycling center that could be used at special events, or areas of high traffic such as commercial areas, but also to establish a program to expand outreach to schools and businesses to increase recycling and provide additional collection bins.

An additional proposed project would be to install solar panels on existing and future City buildings. This is eligible under the Renewable Energy Technologies on government buildings portion of the grant. It could be used at fire stations, park facilities, or future City buildings with the reduction of electricity cost associated with HVAC and heating hot water. It could also be used to provide exterior lighting, back up battery lighting, and for emergencies, ambient lighting for these facilities. It could be implemented as retrofits to existing facilities or part of a design for a new facility. We are looking at a reduction in what is currently about a \$20,000 per month expenditure. This could also be used in association with the Georgia Power Solar Buy Back Program, which allows up to 500 kilowatts of power generated by these facilities that is not actually used to provide power to be purchased by Georgia Power and sold to other clients at a current rate of just under 18 cents a kilowatt.

**Mayor Galambos** stated it was indicated that the City could use solar panels on future facilities. She asked if the City could bank the money until we have a future facility.

Assistant Director of Land Development Blake Dettwiler stated yes, for facilities that are currently part of a plan and are underway, such as the Parks.

**Councilmember Meinzen McEnerny** asked if it could be used to offset the \$250,000 the City is spending on the lighting at the ball fields each year.

Assistant Director of Land Development Blake Dettwiler stated that staff could look into that.

**Councilmember Paul** stated that the money would have to be used for capital expenditures, and could not be used to pay the electric bill. The City would also have to replace the lights, which we have just put in.

**Councilmember Fries** stated the City could put in solar panels at Morgan Falls Park and use this power to generate the lights and for other electricity needs at the park.

Mayor Galambos asked about the amount from the grant for the Materials Conservation Program.

Assistant Director of Land Development Blake Dettwiler stated that the information staff received from the Solid Waste Plan shows that the center currently operates annually at a deficit of about \$100,000. The amount would be somewhere in this range and would bolster the existing facility, so the Center would not have to be as reliant on donations and volunteers.

Mayor Galambos stated this is very loose and is afraid if the Center gets the \$100,000, they could end up using it for salaries and this would become a permanent problem for the City.

Councilmember Paul stated that it would be a problem, because if they do, the City would have to pay the money back. He asked about the energy saving component.

Assistant Director of Land Development Blake Dettwiler stated that the way it is explained is basically, we will see energy savings on a larger level, because it will take less energy to make products from raw materials, instead of using materials that are being recycled.

Mayor Galambos stated it has not yet been proven in terms of some of the things we recycle.

Councilmember Paul stated the City is better off looking at putting in solar panels at Parks and Fire Stations.

**Councilmember DeJulio** suggested providing solar panels for the ball fields at Morgan Falls. This would eliminate the cost forever.

Councilmember Paul stated I am not sure there are solar panels that can generate enough electricity to light a ball field. You can do electrical reduction on Fire Stations and Park building facilities like at Hammond and other places, where you can actually use them to generate electricity to power lights, to offset some of the HVAC and hot water costs. These are the primary functions that are used for solar power right now.

Mayor Galambos asked how much the City put in for the grant for the solar panels.

**City Manager John McDonough** stated this is money that has been set aside. Staff wanted to bring forward some suggestions. It sounds like the recycling idea is out and sounds like there may be interest in the solar panel. Staff can refine and bring back specific recommendations. Staff really just wanted to get a sense of direction from the City Council on which of these items you might support. The LED is a good idea. Staff can bring back some tangible savings and provide Council with the dollar amounts on these, perhaps a combination of the LED and the Solar Power.

Councilmember Paul stated the City would have to demonstrate energy savings because there are certain goals and criteria that have to be met.

City Manager John McDonough stated that the LED is proven in the literature to demonstrate the savings. This should be relatively easy to do.

**Councilmember Jenkins** asked if this applies to street lights and if they could be switched out? She asked if this is included in the City's plan, or is this only for traffic lights.

Transportation Planner Garrin Coleman stated staff approached Georgia Power on this. Georgia Power will not maintain this type of technology right now. The City would be responsible for it.

Councilmember Meinzen McEnery asked staff to demonstrate the mobile recycling center. I believe the mobile recycling center would be great to have at events.

Councilmember Paul stated I am not sure how neatly it will fit into this project. If you don't achieve the energy savings that you say you are going to achieve, then the Inspector General of the Department of Energy at some point will do an audit and will require the City to pay back the money. The City needs to be sure this meets the criteria of the program. The mobile recycling center may be a little too loose for this.

Councilmember Meinzen McEnery stated that staff could measure the mobile unit and the savings and asked Mr. Dettwiler if he felt it would be measurable.

Assistant Director of Land Development Blake Dettwiler stated it would be harder to quantify than the savings from something like the solar panel.

Mayor Galambos stated if the City is going to do anything regarding recycling, a more practical suggestion would be to use some more off site paper bins. The City needs to disburse some of these bins. Newspapers are recycled and are also energy savers. It cost more to demolish glass and reuse it than to start with fresh sand.

Councilmember Paul stated that a lot of recyclables are ending up in the landfill, because there is not a market demand for some of those commodities.

Mayor Galambos asked staff to look into the cost for bins and stated that in the past the bins were given to the City for free by the newspaper recyclers because it was in their interest.

Councilmember DeJulio stated that commodity prices are incredibly low and does not think there is a market for recycled newspapers right now.

Councilmember Meinzen McEnery stated her husband is a stockholder in Waste Management and he just received the annual report which mentioned prices for all these things. I will provide a copy of the report to City Council to show how they are dealing with the leftovers that do not sell.

Councilmember Paul stated that it would be tough to quantify the savings on it, because you're not getting any economic value out of the materials right now. Hopefully, this will change. If the commodity prices stay low for any extended period, you're not going to get your money back in the savings.

Councilmember DeJulio stated the City needs to look at areas that will produce permanent savings like the LED lights and solar panels. These will save the City money for many years and will not require the City to put more capital into it.

There was a consensus of City Council to use the grant money for LED /traffic signal and solar panels.

### **Presentation of the Options Concerning the Mystic Drive Curb Replacement.**

**Field Services Manager Ron Adderley** stated the City has paved over 60 miles of roads in the last couple of years in the Paving Program. This is a unique situation on Mystic Drive where there is an inconsistent cross section of the road. The strategy staff has employed in the Paving Program is to try not to negatively impact the drainage of the road by milling the old surface off. The City inherited these roads from Fulton County and some of the roads have been overlaid, but most of them have not. The situation on Mystic Drive is that there are small pieces of granite curb versus a concrete curb in front of all the homes. Because of the inconsistent cross section, there is a gap in the new pavement and where the new curb sits. In some places it is about six (6) inches and in other places it is about four (4) inches. Staff has encountered this before, but in places where there is a regular cross section, it's never been an issue.

The City Manager instructed staff to come up with options on what could be done to fix this. Staff has tried to stay away from the granite curb, because it is very labor intensive to fix. Staff looked at the possibility of putting in a regular curb section. Staff also looked at the possibility of putting in four (4) foot granite pieces, because this is what already exists on a couple of the streets that are adjacent to Mystic Drive. Staff also talked about the possibility of resetting the existing granite curbs. Staff provided pictures to Council showing a place where there is a hole on one of the streets. One of the pictures shows the gap that exists between the new pavement and granite pieces.

**Mayor Galambos** asked how many feet of road have this gap.

Field Services Manager Ron Adderley stated that this is only on Mystic Drive. The curb footage is 1,600 feet on both sides.

**Councilmember Fries** explained that the Mayor is trying to find out how much of this street section is gapped.

Field Services Manager Ron Adderley explained that the entire street would need to be done.

**City Manager John McDonough** stated that typically it goes from curb to curb. This is the first time the problem has come up. As the City continues with the Paving Program, there may be similar situations. That is why staff is bringing this item before City Council, to get feedback and direction on how to approach this situation as well as others that will be encountered going forward.

Councilmember Fries asked if this is something Council needs to consider with the Resurfacing Program, where the roads are categorized. Maybe the City should not resurface the road until the City is ready put in the curb and gutter.

City Manager John McDonough stated the City could take that approach. Mr. Adderley will give Council three options to look at. One would be to leave the street as it is and there are two others that vary in cost. Staff wants to make sure the City has a uniform policy going forward to address this type of situation.

Mayor Galambos asked if this will be a permanent problem. She asked if in the future the paving company could manage to get to the very edge of the curbs.

**Councilmember Jenkins** stated I drive in this area all the time and know for a fact that most of the streets look like this. Is staff looking for direction by City Council on how to proceed with this street and future streets?

Field Services Manager Ron Adderley stated that is correct.

City Manager John McDonough stated there is a cost component for this particular project in moving forward. Going forward with a linear foot basis, you can get a picture of what it would cost to address this type of situation.

Mayor Galambos asked if in the future when paving is being done, there is a way to avoid having these little strips.

Field Services Manager Ron Adderley stated the only way is to pave all the way to the gutter and lose some of that curb appeal.

City Manager John McDonough stated that is a possibility. The City could pave all of it, but over time the curb will disappear.

Field Services Manager Ron Adderley stated that if the City goes with the concrete curb and gutter, it gives the opportunity to come in and put in a consistent width of road, and a consistent curb and gutter that will actually improve the drainage. The negative of this is that you lose some of appeal that some homeowners want.

The next option would be to put in a granite header curb. This would be somewhat decorative. It is more expensive and more labor intensive, but you do maintain the granite finish. It can be cut to make it a consistent section. If the City resets the granite pieces, it will take a lot of labor to get it done. If the City does nothing, staff will be trying to manage maintenance issues that come up in the future.

**Councilmember Meinzen McEnerny** stated that in the attachment of the presentation there are four suggestions. The last two are not acceptable. Leave as is at a zero (0) cost means that as you see in the photographs, water is coming through the 30 year old strip and going underneath, and into the right-of-way, underground, and pops up to the adjacent lot below, where all the dirt is. The City has to do something in the right-of-way.

Field Services Manager Ron Adderley stated I should have said that leaving as is is not to do a whole sale change, but to handle it on a maintenance basis as issues arise. It could be handled as a maintenance issue, rather than a policy issue.

Councilmember Meinzen McEnerny stated that the third option is not acceptable because this particular street has little chunks of granite, not the granite curbing that is typical in the curbs south of I-285. The \$235,000 option is more costly and would not be efficacious. That leaves us with replacing the granite pieces with concrete curbing and guttering or granite pieces with a granite header. You can go on Collier Road right now and see the City of Atlanta setting down four (4) foot solid granite sections. These are little rocks. The advantage of resetting with real granite is that it is a permanent fix; the paving contractors will have an even shot so they can spread their asphalt; and the citizens will get a better product that they are used to. My recommendation would be to consider on this particular street replacing the granite curb stones with real ones and going ahead and resurfacing. We had looked at putting some type of sealant, like a parking lot sealant, in that small stripped area and that again is a temporary fix and would degrade after five (5) years. The adjacent roads in the subdivision have the real granite curbing. This is truly a unique street, though there may be others like it.

Councilmember Fries stated that granite was put up on a home located on Indian Trail, so that they could build a turn around for the National Park & Recreation area. They are big and heavy, but if a car hit them, they would still move. Eventually, they may crack and eventually you could have little pieces like this.

Field Services Manager Ron Adderley stated they are sturdier than the pieces, but not as sturdy as concrete curb and gutter.

Councilmember Fries stated that the City has many other roads like this and although granite is pretty, it is almost twice as expensive and still not as permanent as the curb and gutter.

Field Services Manager Ron Adderley stated that there are about 140 miles of road with some type of granite pieces other than concrete curb and gutter. Staff recommends treating this as maintenance, and to address the issues as they come up.

Councilmember Fries stated that there are 100 + miles of roads that are costly to take care of. I still would like to know if Council needs to look at these roads for the City's Resurfacing Project and consider what type of curb is in there, because if this creates a bigger problem resurfacing the road, we might want to shift or move those until the City is in a position to put in curb and gutter.

City Manager John McDonough explained that Councilmember Fries raises a good point and as we get in the FY10 budget and look at how many dollars may be available for paving, I would ask Council to allow staff to do an analysis when bringing forward the list of roads with this as one of the criteria.

Mayor Galambos asked if the City Council adopts a policy to use standard concrete curb and gutter anywhere there is granite stones, then we will have to add \$41.67 per linear foot to the paving cost.

City Manager John McDonough stated that is correct.

Councilmember DeJulio asked if all need to be replaced.

Field Services Manager Ron Adderley stated staff would have to look at it on a case by case basis. Several of the roads are fine as they are.

Councilmember Meinzen McEnery stated that most of the granite curb stones are in the older neighborhoods, south of I-285. If you are dividing up the paving, and doing the cheapest ones first, that means there will be a significant number of streets south of I-285 that will continue to degrade because of the cost of having to install or repair or adjust for the fact that they have the old granite pieces and/or perfectly adequate granite curb stones.

Councilmember Fries stated I was not suggesting doing the cheapest streets first. I just think it needs to be taken into consideration.

Councilmember Meinzen McEnery stated I agree, because of the inadequate way this one was paved. I do not want Council to think that all of the streets, all 140 miles of them, have inadequate gutters right now. That is \$51,000,000, if that number is overstated. Staff needs to individually look at each road and decide if the pieces have subsided or whatever.

Councilmember Jenkins stated that's what Mr. McDonough was suggesting, to go into the classification category when looking at the roads that the City is going to repave. You can not go in and put all decorative stone, you need something functional. I am not in favor of leaving it as is, and repairing and maintaining. There is obviously a problem with this section. The City needs to go in and replace the granite pieces with the concrete curb and gutter. From here on out, when the roads are evaluated, add the \$41.67 per linear foot as needed.

There was a consensus of City Council to fix Mystic Drive with concrete curb and gutter.

Mayor Galambos stated that CH2M HILL is known for its engineering solutions. I am not satisfied that there can't be some type of a paving system that would be able to go from curb to curb without having this little strip. I would like someone to research this.

Councilmember Paul stated the problem is that the paving machines pave at standard unit widths based on the manufacturer's design.

Councilmember DeJulio asked if there was a process by which people, when paving these roads, actually lift the stones up.

Field Services Manager Ron Adderley stated no, not as part of the paving.

Councilmember DeJulio asked if there was a possibility of just raising the stones up. The stones are probably 10-12 inches deep.

Field Services Manager Ron Adderley stated that in case of the pieces, it varies. This is the cost staff has tried to capture in the estimates.

**Councilmember MacGinnitie** asked where the \$125,000 is coming from.

**Assistant City Manager Steve Rapson** stated the paving account has enough funds in it to cover this particular project.

Councilmember MacGinnitie asked Council if this is the best use of the \$125,000.

City Council agreed that this is the best use of the money. The problem needs to be fixed.

City Manager John McDonough stated it would be the standard City wide curb and gutter, not granite.

Councilmember Meinzen McEnery stated it is not so much decorative, but it is more expensive. Over the long run, it might not be as permanent as concrete.

Councilmember Paul stated some streets will have granite and some will have concrete, because you can't save it. You might as well go ahead and make it uniform now.

Councilmember Fries stated I am not interested in replacing it with granite at twice the cost.

There was a consensus of City Council to fix Mystic Drive with the standard concrete curb and gutter.

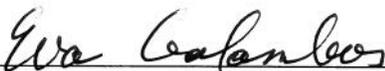
Councilmember Meinzen McEnery stated for the record, I think the City should continue replacing the granite curb stones with something that is adequate. I recognize that it is on a case by case basis. If there are inadequate granite pieces there, then the solution is for the continuity for those subdivisions. I would recommend in this instance, that the City replace it with granite curb stones.

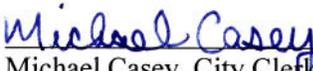
City Manager McDonough suggested that City Council take a break and adjourn into the executive board room for Budget Workshop #1. Following that will be a very brief Executive Session.

Mayor Galambos explained this is not a public hearing on the budget. This is the first budget workshop where some of the issues are worked out.

After no further discussion, the meeting adjourned at 7:03 p.m. with Budget Workshop #1 to follow.

Date Approved: August 18, 2009.

  
\_\_\_\_\_  
Eva Galambos, Mayor

  
\_\_\_\_\_  
Michael Casey, City Clerk