

**Work Session of the Sandy Springs City Council was held Tuesday, April 7, 2009 at 7:20 p.m., Mayor Eva Galambos presiding.**

**Consideration of Approval of the Acceptance of the Donation of the Temporary Construction Easement at the Intersection of Hammond Drive and Peachtree Dunwoody Road for the Fulton Perimeter Community Improvement District/ Peachtree Dunwoody Road LCI Streetscape Project.**

**Consideration of Approval of the Acceptance of the Donation of Temporary and Permanent Construction, Maintenance, and Utility Easements along Peachtree Dunwoody Road south of the intersection of Mount Vernon Highway for the Fulton Perimeter Community Improvement District/ Peachtree Dunwoody Road LCI Streetscape Project.**

**Consideration of Approval of the Acceptance of the Donation of Temporary Construction Easement north of the intersection of Hammond Drive and Peachtree Dunwoody Road for the Fulton Perimeter Community Improvement District/ Peachtree Dunwoody Road LCI Streetscape Project.**

**Consideration of Approval of the acceptance of the Donation of Permanent Construction, Maintenance, and Utility Easement and Temporary Construction/ Driveway Easements along Peachtree Dunwoody Road north of I-285 and South Concourse Parkway for the Fulton Perimeter Community Improvement District/ Peachtree Dunwoody Road LCI Streetscape Project.**

**Director of Public Works Angelia Parham** stated that the City has several Right-of-Way donations for consideration. The first four items are for the PCID/Peachtree Dunwoody Road LCI Streetscape Project from different owners.

There was a consensus by City Council to move forward with these items.

**Consideration of Approval of the Acceptance of Right-of-Way for the River Valley Road Sidewalks Project (T-0005).**

**Director of Public Works Angelia Parham** stated that this item is for the acceptance of Right-of-Way for two parcels on the River Valley Road Sidewalk Project (T-0005). The right-of-way being donated totals 0.014 acres; slivers of land the City needs to finish the project.

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

**Consideration of the approval of a Right-of-Way Acquisition Contract with the Georgia Department of Transportation for the Roswell Road Streetscape Project (Johnson Ferry to Abernathy) Project (T-0012).**

**Director of Public Works Angelia Parham** stated that this item is for the approval of a Right-of-Way Acquisition Contract with GDOT for the Roswell Road Streetscape Project (Johnson Ferry to Abernathy), Project (T-0012).

This contract is a GDOT formality required for Transportation Enhancement projects involving the use of federal funds. The contract provides for assurance to GDOT that the City will follow all applicable laws and procedures involved in the right-of-way process.

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

**False Alarm Ordinance.**

**Chief of Police Terry Sult** stated that he recommends that the City implement a Sandy Springs Alarm Policy at the start-up of the 911 Center that would allow each location "X" number of false alarms, as determined by City Council, in a revolving 12 month period. After that time, the Police Department would no longer respond to their alarm. It is the property owner's responsibility to maintain and operate these systems properly. If the owner retains a certified alarm specialist to come in and repair the alarm system, then the City could approve two (2) additional false alarms for the calendar year. The City needs to move towards obtaining verified alarms before the department responds; verified by either an individual or by technology such as active listening or video surveillance.

This policy would not apply to fire, robbery and panic alarms. The Fire Department is a completely different issue, but with Police, robbery and panic alarms are generally operator initiated, meaning someone has pushed a button.

**Councilmember DeJulio** questioned if the City could be a service provider where alarms would be wired to the 911 Center.

**City Attorney Wendell Willard** stated that a business could probably have their burglary alarm connected to go directly to the Police Department for public safety reasons.

Chief of Police Terry Sult stated that a lot of the alarm calls used to go straight to the police station. Local governments removed automatic dialing from 911 systems.

City Attorney Wendell Willard stated that when a call comes in, it has to be determined what kind of emergency exists. Most times the alarm call will go to the alarm monitoring center first to be screened as to the type of problem, and then it will go to the 911 Call Center.

Chief of Police Terry Sult stated that there are some issues of liability that the City needs to be concerned with. If the City takes a direct call on a verified response system and the department misses the call, then public duty comes into play. The department has to protect the public at large, not a particular individual. The department can explore the options and bring them back to City Council.

Mayor Galambos stated that the consensus of City Council is to go with the Policy of four (4) false alarms within a revolving 12 month period plus two (2) additional false alarms given for having repairs and training. This would apply to both residential and commercial properties.

### **Red Light Photo Enforcement.**

**Chief of Police Terry Sult** stated that due to the legislative session, the City may want to wait a year before investing in red light cameras. There is a drive to do away with red light cameras altogether in the state and the City should wait and see how the Legislature votes in the next session. We are currently focusing on the high accident locations in coordination with our Public Works Department. The three (3) highest accident locations in Sandy Springs are: Abernathy and Roswell Road, 80 accidents in 2007, 98 accidents in 2008; Hammond and Roswell Road, 70 accidents in 2008 and 45 accidents in 2007; and Roswell Road and Northridge with 57 accidents in 2007 and 43 accidents in 2008. These three (3) locations are likely to be the only areas that may qualify for a red light camera at this time. Red light cameras are all about safety as opposed to revenue. The new law which took effect in January 2009 requires that we look at the engineering factors. Maybe it's increasing the yellow light or maybe it is evaluating what causes the accidents. First, we need to see if we can reduce the number of accidents with this approach. Afterward we should know the Legislature's decision. If we feel the decision is appropriate, we can then move forward with a true evaluation of a red light system for the City.

**Councilmember Jenkins** encouraged the City to add an additional one second to the yellow light at these three (3) intersections to see if the number of accidents decreases.

Chief of Police Terry Sult stated that an analysis of the accident reports will determine if they are red light accidents or rear end collision type accidents. There may be some visibility issues. We need to review the accident reports first.

**Revisions to City Ethics Bylaws.**

**City Attorney Wendell Willard** stated that there has been a modification to the bylaws of the Board of Ethics due to the changes that were made in the Ethics Ordinance, and to clarify some provisions addressing how alternates would be used by the Board during regular meetings or during a hearing process.

There was no discussion held by City Council on this item.

**An Ordinance to Amend Chapter 103; Article 6.2.2(d) Development Regulations Ordinance of the Code of the City of Sandy Springs.**

**Assistant Director of Land Development Blake Dettwiler** stated that this is a revision to the Development Regulations Ordinance to allow a maximum of five (5) extensions for Land Disturbance Permits, for periods no more than 180 calendar days each. This text amendment will replace the current maximum allowable extensions of Land Disturbance Permits set at two (2) periods of no more than 180 days each.

This has come up in the last six (6) months and the City has had three (3) requests for extensions under the current policy for projects that have been reviewed and permitted through the City.

**Mayor Galambos** questioned what the three projects are.

Assistant Director of Land Development Blake Dettwiler stated that one is a small residential project on Windsor Parkway. The second small project is on Dudley Lane and the third is the proposed hotel project.

**Councilmember Jenkins** stated that she has concerns about this and questioned why they are requesting to have three (3) additional 180 day extensions. The language is too broad and does not address any of the financial problems. It just states that the directors are authorized to grant a maximum of five (5) extensions at this time, not to exceed more than 180 calendar days each. The extension request shall be required in writing and approved when justifiable cause is demonstrated.

Carl Westmoreland emailed her about their senior development project at Hammond saying their financial people need a three (3) year approval period for the LDP in order to obtain financing.

**Councilmember Meinzen McEnerny** concurred with Councilmember Jenkins.

**Councilmember Fries** agreed but questioned if there was a particular reason they have to have a commitment for the 36 months or can they keep asking for extensions.

Assistant Director of Land Development Blake Dettwiler stated that in this particular case they are looking for a 36 month commitment. The other cases can come in and make their request now for the two (2) additional periods of 180 days each.

Councilmember Fries asked if these could be taken on a case by case basis for these kinds of extensions.

Assistant Director of Land Development Blake Dettwiler stated that he did not see a reason why they could not be looked at on a case by case basis.

**Councilmember MacGinnitie** questioned what would happen if the Land Disturbance Permit expires.

Assistant Director of Land Development Blake Dettwiler stated that the applicant would have to resubmit the application for the permit. The real danger is if there are any ordinance changes, they would then be required to meet the current LDP standards.

Councilmember MacGinnitie stated that he did not think Council needed to see all requests for extensions.

**City Attorney Wendell Willard** stated that a provision in Article 28 is under review; the means by which a Land Disturbance Permit or Use Permit can be lost for failure to comply. We may need to look at this to make sure there is not disconnect on these two issues.

Mayor Galambos questioned if the City has a provision regarding vesting of zoning that has extensions in it, but is also dependant on financing.

City Attorney Wendell Willard stated that the property is rezoned and remains in this category, because this is a constitutional expectation and is the appropriate use of the property, whether you have financing or not. It does leave open a rezoning of the property, if there is a need by either the property owner or by the City. Use Permits are somewhat different, giving a right of use based upon the classification of zoning.

Mayor Galambos stated that it seems to her that we have two extreme positions. One would be to do nothing and the other one would be to have it come before Council for a change. Something in the middle would be to have better standards like Councilmember Jenkins suggested, but the administrative decision has to be dependent upon a certain limit.

City Attorney Wendell Willard suggested having a certain limit of what can be granted administratively and then from that point they would need to make their case to Council to receive further extension.

Councilmember Fries suggested that in this case the applicant needs the 36 months because of the financial issue and other applicants with extreme financing issues should come before the City Council. All other extensions should be handled by staff. She does not support the three year extension.

Councilmember Meizen McEnery stated what she likes about the extensions coming before Council for approval is the fact that the neighbors can object to it and Council can take their point of view into consideration. This is the reason she suggested anything over the two (2) extensions come back to Council.

Councilmember Jenkins stated that the City needs to come up with some standards.

Mayor Galambos stated she would like to wait and see what staff brings back to Council.

### **Text Amendments**

#### **TA09-002 An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance.**

**Assistant Director of Planning and Zoning Patrice Ruffin** stated that staff went back after the last meeting to update the Sign Ordinance with changes including signs during vacancy. This change is a limitation to two (2) 90 day permits twice a year with the ability to have standard informational signs and banners taken away during those 90 day periods. Staff also made a change to extend the removal of abandoned signs to 60 days rather than 30 days and eliminated the additional banners and changeable copy for those particular uses.

**Councilmember Fries** questioned if the size restriction was included and if anything about construction of signs was included.

Assistant Director of Planning and Zoning Patrice Ruffin stated that the size will be listed in each section and nothing about the construction of signs has been included. Staff would need direction from Council on what to include for construction.

Councilmember Fries stated that she would like some type of language included on how the signs should be constructed and that we should have quality standards for signs.

**Councilmember Jenkins** stated that Alpharetta has the strictest Sign Ordinance in North Fulton. Alpharetta allows banners up to a maximum size of 48 square feet and this can be done on line. She stated that signs for the townhomes and condo's are 33.8 square feet during vacancy and only 16 square feet with a height of five (5) feet and asked that it be changed to what Alpharetta allows, a maximum of 48 square feet.

**Mayor Galambos** stated that is too much.

Councilmember Fries expressed her concern about something that large blocking the line of sight.

Mayor Galambos stated that Council does not want to go to the 48 square foot signs.

**Councilmember DeJulio** questioned if the 501(C)3 provision for churches had been included as requested.

Assistant Director of Planning and Zoning Patrice Ruffin stated that at the last meeting Council indicated that they do not want to include provisions for churches.

Councilmember DeJulio questioned if the 501(C)3 was exempt from the registration fees.

City Attorney Wendell Willard stated they are not exempt, but City Council can always waive the fees.

Councilmember Fries explained that Council had decided it could be looked at on a case by case basis.

**TA09-007 An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance.**

**Assistant Director of Planning and Zoning Patrice Ruffin** stated that this item is the revision to Article 4, General Provisions with regard to setbacks for outdoor play equipment.

**Councilmember Meinzen McEnerney** stated it indicates that in no cases shall outdoor play equipment located in the rear yard be setback less than 10 feet from any side or rear property line. She questioned if the side line referred to be the adjacent neighbor's side.

Assistant Director of Planning and Zoning Patrice Ruffin stated that is correct and basically it is saying the equipment has to be behind the house, anywhere in the back yard.

Councilmember Meinzen McEnerney questioned if outdoor play equipment is an adequate term.

**City Attorney Wendell Willard** stated that it could be termed "Outdoor Children's Play Equipment" defined as swing sets, play structures, playhouses and similar type equipment.

**Councilmember DeJulio** explained that Council is trying to allow more latitude here, not less.

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

**TA09-008 An Ordinance to Amend Article 12B, Sandy Springs Overlay District, of the Sandy Springs Zoning Ordinance.**

**Assistant Director of Planning and Zoning Patrice Ruffin** stated that this item is in reference to the Overlay Standards with regard to the street trees that are permitted. The Arborist is here should City Council have questions.

**Senior Arborist Michael Barnett** stated that he is here to answer questions or discuss anything about the proposed changes to Article 12 B.

**Councilmember Meinzen McEnerny** stated that she had the opportunity to speak with Wayne Thatcher today, who worked very closely with Mr. Barnett and the landscaping community to come up with a list of potential trees for the City's Streetscape. She has provided Council and Mr. Barnett with the Trees Atlanta List of trees, and asked that Mr. Barnett, with Council's consensus, talk to Trees Atlanta to see if any of the trees they are recommending should be added to the City's list.

**Mayor Galambos** stated that Mr. Barnett will bring City Council back the best possible list.

**Discussion Item**

**Discussion of Possible Amendments to the Sandy Springs Overlay District and the Perimeter Community Improvement Design District.**

**Assistant Director of Planning and Zoning Patrice Ruffin** stated that these are discussion items only and staff will not be bringing anything to Council immediately. For the PCID, staff has met with the City of Dunwoody and representatives from PCID to begin discussion on the rewrite for that district. Some of the things staff is looking at currently are different street classifications. It is hard for staff to use this Ordinance and staff is looking at doing a whole rewrite of it and bringing it back to Council over the summer.

The second portion of this is the bus shelters in the Sandy Springs Overlay District. Staff is recommending the shelter that is outlined in the PCID Ordinance. Staff needs direction from Council, if Council is in support of this.

**Councilmember Fries** mentioned that an organization has expressed the desire to put in bike racks and they are offering to purchase and place them in appropriate locations. The City may want to discuss this with the organization.

**Councilmember Meinzen McEnerny** questioned if a rack would be strong enough to support someone if a person were to hang from it.

Assistant Director of Planning and Zoning Patrice Ruffin stated that staff did not know. Staff will check with PCID to see if they have had any issues like this before.

**Staff Report**

**Land Development/Code Enforcement Community Service Program.**

**Assistant Director of Land Development Blake Dettwiler** stated that the Community Development Department along with the City Solicitor's office has instituted a program where code violators can be given the opportunity to perform Community Service on public land within the City. Typically, this has to do with contractors, tree service companies, builders or developers found guilty of code violations in the Municipal Court.

**Mayor Galambos** questioned why this would only affect the Environmental Code Violators and not affect other people.

Assistant Director of Land Development Blake Dettwiler stated that it may, but he only has knowledge of the Environmental Code aspect of it.

**Assistant City Manager Noah Reiter** stated that staff is currently exploring with the City Solicitor other opportunities to utilize probationers and get good community service out of them.

Assistant Director of Land Development Blake Dettwiler stated that this is an option that can be given if someone is found to be in violation of the code and is unable to pay the fine the Solicitor would normally set. The first Community Service work started in January 2008 with the Allen Park Stream Buffer Restoration. The City is getting \$45,000 worth of landscape design and installation of native riparian vegetation to reestablish two stream buffers in Allen Park. Other projects that came through the Municipal Court system are Sandy Springs Middle School Athletic Field Irrigation and Allen Road Park Slope Stabilization/Grading.

Through the City's Code Enforcement Division there have been several trash and debris violators who have been tasked with cleaning up around some of the commercial areas in the City. In addition, through Michael Barnett's efforts with the City's Public Works Department, dead trees were identified in the right-of-way in need of removal. As of this week, 24 of those have been removed by a tree service company that was found to be in violation. The average cost for tree removal is about \$2,000, if the City had to allocate those funds.

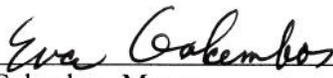
Other Community Service work the City has received through this program:

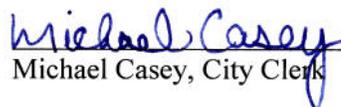
- East Conway Park Landscaping/Fencing Project - the installation of plantings, hardscape, structures (park benches) and park signage.
- Repair of culvert at 5128 Powers Ferry Road - \$3000 worth of materials and labor hours.

**Mayor Galambos** stated that one of the City's greatest needs is the cleanup of ramps to Georgia 400 and questioned if this could be included in the program.

Assistant City Manager Noah Reiter stated that the logistics of supervision of the probationers, the safety equipment vehicles, scheduling, and things of that nature are holding up the initiative with Public Works. He will look into it.

**Date Approved:** August 18, 2009

  
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Eva Galambos, Mayor

  
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Michael Casey, City Clerk