

Regular Meeting of the Mayor and City Council of the City of Sandy Springs was held December 9, 2008 at 6:00 P.M., Mayor Galambos presiding.

Call to Order

Mayor Galambos called the meeting to order at 6:00 P.M.

Roll Call and General Announcements

Acting City Clerk Tye reminded everyone to silence their cell phones and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or at the conclusion of the meeting under the public comment section, are required to complete a public comment card. They are located at the back counter and need to be turned in to the Clerk.

Acting City Clerk Tye called the roll.

Mayor: Mayor Eva Galambos

Councilmember's Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance.

Approval of the Meeting Agenda

Motion and Vote: Councilmember Paul moved to approve the Meeting Agenda as presented. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

New Business

Consideration of Approval of a Resolution for the Adoption of the 2009-2013 Capital Improvements Element (CIE) Update.

Assistant Director of Community Development Chris Miller stated that the annual update of the Capital Improvements Element and Short Term Work Program was approved by the Atlanta Regional Commission Regional Development Center on November 14, 2008.

The Mayor and City Council is required to adopt the approved 2009-2013 Capital Improvements Element (CIE) Update to maintain the city's Qualified Local Government (QLG) status.

Councilmember Jenkins stated that one of the projects not listed on this plan that Council wants is Peachtree Dunwoody at Spalding and Peachtree Dunwoody at Abernathy intersections.

Mr. Miller stated that staff will make sure that everything that is in the City's finalized Capital Improvement Plan makes it into the Capital Improvement Element and is transmitted to DCA. The element being transmitted to the State relates back to the Impact Fees that are collected each year. The city must show and verify that the impact fees were collected appropriately as they were categorized and put in a special account.

Councilmember Jenkins stated that Peachtree Dunwoody is one of the streets the City will be collecting Impact Fees on and this is why she wants to make sure it is on this plan, so that the fees can be allocated to the area.

Mayor Galambos stated DCA does not affect the funding of this and there is no need to worry about it.

Mr. Miller stated staff would make sure both plans match.

Councilmember Meinzen McEnery stated she would appreciate prior knowledge of any item to be approved at a City Council meeting.

Mr. Miller stated staff was alerted by the State on Monday about the document needing to be adopted by City Council this evening, in order to maintain status. Mr. Miller stated staff would ensure that City Council receives documentation prior to Council Meetings.

Councilmember Paul stated this was an emergency item, therefore was not included in Councils packet.

City Manager McDonough stated Councilmember Paul is correct. This relates to keeping the City's certified local government status in order to continue to have access to state and federal grants, in the stimulus package as well as a state package and staff did not want to miss this opportunity. This is a several month review process period and DCA expedited the review. This has put the city in a position to save 60 days in the process.

Motion and Second: Councilmember Fries moved to approve (Agenda Item No. 08-314), annual update of the Capital Improvements Element and Short Term Work Program covering the five-year period 2009-2013, as per the requirements of the Georgia Planning Act of 1989. Councilmember Paul seconded the motion.

Amendment to Motion: Councilmember Jenkins moved to amend the motion to reflect the October 2008 Plan City Council adopted which includes the Peachtree Dunwoody intersections at Spalding and Abernathy and anything subsequently approved tonight to be included in Resolution. Authorize the City Manager and Mayor to make any necessary changes. Councilmember Paul seconded the motion. The motion carried unanimously

Vote on Main Motion: The motion carried unanimously.

Consideration of Approval of an Extension to the Existing Intergovernmental Agreement for the Provision of 911 Emergency Communications Services between Fulton County, Georgia and The City of Sandy Springs, Georgia.

City Manager McDonough stated this is an extension of the existing E-911 Agreement with Fulton County. The agreement the City previously looked at engaging with the County would have run through the end of 2009. It is staff's intent to move forward with the City of Johns Creek with Resolutions that City Council has already passed and any Intergovernmental Agreements to establish a joint 911 center earlier than that. In order to accomplish this before the City can sign the contract with IXP through the 911 Authority; this matter needs to be resolved with Fulton County. Staff made suggestions and it came back from Fulton County and is exactly everything the City asked for with an end date of July 31, 2009, giving the City a 60-day extension, should the City need the 60-day extension. Once approved by this Council, it is scheduled to be on the Fulton County Commissions Agenda December 17, 2008. Once approved, the 911 Authority can enter into contract with IXP to begin preparations for providing the City's own 911 Service.

Motion and Vote: Councilmember DeJulio moved to approve (Agenda Item No. 08-315) an Extension to the Existing Intergovernmental Agreement for the Provision of 911 Emergency Communications Services between Fulton County, Georgia and The City of Sandy Springs, Georgia. Councilmember Fries seconded the motion. The motion carried unanimously.

Consideration of Approval of a Resolution directing staff to waive enforcement of the provisions of the Official Code of Sandy Springs, Georgia related to Banners from the date of this Resolution to January 1, 2009.

City Manager McDonough stated over the past month or so he has challenged staff to look at streamlining some of the City's processes. This came out of a recent meeting Councilmember Paul and he had with one of the HOA representatives. This is not the first time they have heard this. Staff is trying to improve and streamline the Special Events process and will put it on the City's web page. One of the things that came from this process is something we can do to improve the business climate given the economic down turn and recognizing this time of year between Thanksgiving and the first week of January represents 45 to 50 percent of retailers' annual revenue. Given the dire economic climate we have right now, staff felt it to be in order to bring before City Council for consideration the loosening of the Banner Permits, advertising requirements and waive this section of the Ordinance between now and the end of the first week of January in order to support the City's local businesses.

Mayor Galambos questioned if this meant there would be no restrictions on banners during this time. Mr. McDonough stated that is correct.

City Manager McDonough expressed it would generate great good will with the business community.

Councilmember MacGinnitie stated that it is a good idea but has concern in that his understanding of Sign Ordinances is that they are pretty delicate instruments. He questioned by doing this now if the City would have implications later about the ability to enforce the sign ordinance.

City Manager McDonough explained based on the review and Ms. Leather's suggestion staff feels comfortable with this provision related to the banners and advertising for the businesses. The City would be fine.

Councilmember Meinzen McEnery questioned if this item could be deferred to the next meeting.

Mayor Galambos stated that there are upcoming events with associations and church events going on now, therefore, this cannot be deferred. Her concern with this is that the City's downtown area could be turned into a huge banner. She would like to see it loosened for associations and churches and needs to know more about doing away with this for businesses.

City Manager McDonough stated staff is in the process of doing this with the Non-Profits and churches to loosen these restrictions permanently going forward to lessen the bureaucratic burden on these types of organizations in dealing with City Hall on these types of things.

Councilmember Fries stated that she has dealt with this issue with the Non-Profits. Getting a permit for a special event is a one hour at max process. What Council is looking at here is predominately helping the businesses and focus needs to be on helping the business. The process for Non Profits is easy.

Councilmember DeJulio stated the problem with Non-Profits is that they are restricted to three (3) times a year and there is a \$50 fee and that can get expensive for churches. He questioned if the City tries it this year, where it would put the City in following years?

City Manager McDonough stated the suggestion is only for this onetime event, not multiple years. Staff is only requesting that the time period be from when adopted by City Council through January 1, 2009.

Councilmember Jenkins expressed concern with the Resolution not having any of these restrictions in it. It does not mention that it is due to the terrible economic time period or that the City wants to allow the businesses to advertise their wares during the holiday period. Her concern is about getting rid of the provision after the time period.

City Manager McDonough suggested that Council come back and revisit this once City Attorney Willard arrives.

Mayor Galambos questioned if any requests have been made by businesses for banners that exceed what they are allowed.

Councilmember Fries stated that requests have come from apartments.

Mayor Galambos questioned if this would allow apartments to have banners as well. Councilmember Fries stated this is open ended.

City Attorney Willard joined the meeting at this time.

Councilmember Meinzen McEnery informed the City Attorney that Council is talking about a temporary waiver of the banner portion of the City's Sign Ordinance.

City Manager McDonough explained Council's biggest concern seems to be the issue about the ongoing Billboard litigation and if this would have any impact on it.

Councilmember Jenkins questioned if it needs to be stated why the City is doing this at this time. There is no language in the Ordinance that says "due to extraordinary economic times to allow businesses to do this".

City Attorney Willard stated that the "whereas" portion would cover this and a statement of purpose of why the City feels it is necessary or beneficial to have the waiver for the time being.

Councilmember Paul questioned if it was possible to limit it to a specific set of businesses or once it is done, is there an equal protection issue?

City Attorney Willard stated if Council has the ability to put the Ordinance in place as to saying there are no banners, now we are saying that banners as a limitation is going to be abated for a period of time and must apply to everyone.

Mayor Galambos explained the reason Council questions this is because the apartment complexes will come in with the banners too.

City Manager McDonough explained to put into perspective it is December 9, 2008 and there are only 22 days between now and the end of the period on January 1, 2009.

Councilmember Meinzen McEnery stated that additional language needs to be included stating that banners should be no more than a certain size and also perhaps refer back to the sign ordinance .

Mayor Galambos stated there needs to be a limit on the number of banners.

Councilmember Paul stated it is a three week period. The economy is pretty rugged and this is a short experimental time. If it gets out of hand, Council will know not to do it again. There is an opportunity to try and do something for the business community. Staff can monitor the situation.

Motion and Second: Councilmember Paul moved to adopt the Resolution directing staff to waive enforcement of the provisions of the Official Code of Sandy Springs as it relates to banners from December 9, 2008 through January 1, 2009 with caveat that the City Attorney, Mayor and City Manager all expand the "whereas" and put as many restrictions in and empower staff to make those changes. Councilmember Fries seconded the motion.

Discussion on Motion: Councilmember Fries stated that banners for special events are 32 square feet in any direction. She questioned staff as to why the waiving of the banners has come up. Mayor Galambos questioned what types of businesses have asked for this.

City Manager McDonough stated that staff hears regularly from the business community regarding the sign limitations whether it is permanent or banner signs. This is only for banner signage for the holiday shopping season. This does not include anything that would affect the permanent signage.

Director of Community Development Leathers stated in a meeting with the Chamber of Commerce, several issues came up and one issue was banners, particularly for temporary situations. Staff felt this would be something to take a look toward the end of the year to see whether modifying the banner regulations or the waiver of enforcement would be helpful. It makes sense to try this during the holiday season.

Councilmember Fries questioned if the businesses would have to follow the Ordinance as it is for size, height and setback.

Director of Community Development Leathers responded if that is the desire of City Council. Staff was trying to provide for the ability to have them for a longer period and to not have to go through the permitting process for a short period of time so that businesses would have the advantage of the holidays.

Mayor Galambos questioned how many businesses have exhausted the number of times they can have a banner during a year?

Director of Community Development Leathers stated it is primarily from shopping centers and from businesses that have regular events at their business. There have been a number of these from both shopping center owners and from small businesses that have a number of events throughout the year. It takes 60 days to get a variance for this.

Mayor Galambos stated that she is in agreement with Councilmember Fries in that the City has certain standards the banners have to meet and the community should have to follow them.

Councilmember Fries questioned if it would be beneficial to these businesses for this temporary emergency purpose to let them have it up longer and more often, but bring down the size from the 32 square foot.

Director of Community Development Leathers explained since the City is giving them less than a month, giving them a larger size for a shorter period of time may not be as helpful. In a number of cases they will reuse those banners several times when they have an event. She is suggesting just having it for this time period to allow them to have additional business. We are talking about using the City standard for size, which makes sense because if they are going to reuse them, she would want them to have manufactured something that they could use again.

Councilmember DeJulio explained he received an email from a party in Sandy Springs that was complaining that they were going out of business and they had somebody standing out on the street with a banner saying "Going out of Business Sale" and they were asked to leave. There are also a lot of real estate developers and apartment complexes that put up big bouquets of helium balloons and have people out there in clown costumes. He questioned if any of that would be affected by this Ordinance?

Director of Community Development Leathers stated that it would not and this is the reason they are only dealing with banners. Staff looked for something that was already in the Ordinance that they could do for a longer period of time but not to allow things that the Ordinance does not normally allow in and which Council has directed staff not to permit when they have taken action on the Ordinance.

Councilmember DeJulio stated that this is waiving the notice and letting the businesses have extra time this year for this three or four week period during the Christmas holidays to put up a banner that meets the City Ordinance for the banners.

Director of Community Development Leathers stated that is correct.

Councilmember Meinzen McEnery questioned if Councilmember Paul would consider a friendly amendment to his motion. To change the language in the Resolution such that the City will be temporarily waiving due to economic circumstances the 60 day application period and that the banners in all situations will comply with the City's existing Ordinance on signs.

Councilmember Paul stated that Councilmember Jenkins has given him the following language: "Whereas, there is an extraordinary down turn in the economy" and add to Resolved: direct staff to waive enforcement of the provisions of the Official Code of Sandy Springs, related to permitting, but not the size and location of Banners from the date of this Resolution to January 1, 2009.

Motion and Vote: Councilmember Paul moved to withdraw his previous motion. Councilmember Fries seconded the motion. The motion carried unanimously.

Motion and Vote: Councilmember Paul moved to approve the Resolution directing staff to waive enforcement of the provisions of the Official Code of Sandy Springs, Georgia related to banners from December 9, 2008 through January 1, 2009 and that the Resolution before Council be changed to insert "Whereas, there is an extraordinary down turn in the economy" and add a resolution in the "Resolved" portion that states: "the size and other requirements except for permitting, length of time, fee would be the only things that are waived. All other requirements would remain as currently in the Ordinance. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Councilmember Paul commended staff on making the City's regulations more flexible and friendly to the City's constituents.

Councilmember DeJulio questioned when the new Banner Ordinance for the Non Profits and churches might come before Council for approval?

City Manager McDonough replied we are aiming for the January Work Session agenda.

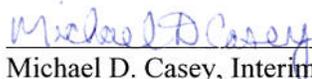
Adjournment

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously. The meeting adjourned at 6:34 p.m.

Date Approved: March 17, 2009



Eva Galambos, Mayor



Michael D. Casey, Interim City Clerk