

Work Session of the Sandy Springs City Council was held Tuesday, October 14, 2008, 6:02 p.m., Mayor Eva Galambos presiding.

City Manager McDonough presented City Clerk Rowland a farewell plaque and wished her well.

Staff Discussion Items

Discussion of Traffic Calming Manual.

Public Works Director Parham stated that this item came before City Council at a previous Work Session and staff has incorporated the changes requested by Council. The policy has been changed to include these items as well as recommendations for higher petition thresholds and neighborhood matching funds. The policy has changed to include a maintenance agreement to be executed with the proper Homeowners Association.

Councilmember Jenkins stated there are several older neighborhoods that already have traffic calming. Several of these neighborhoods are scheduled to be repaved in another year or two. She questioned if there was a clause in the manual about the existing traffic calming, and if so, what would happen? A total of 90 signatures were received from the neighborhood. Only 65 signatures were needed; the same with the cost share. It seems a little unfair the cost couldn't go back down.

Ms. Parham stated that it has not been included in this policy. City Council could consider all devices are grandfathered and they could be replaced except for the replacement of speed humps with speed cushions, which is in the City's current policy. City Council could evaluate all devices to see if they are warranted as part of the current policy. If they are, then the City can replace them. It would be Council's decision on whether or not the City would pay for them.

Councilmember Meinzen McEnery stated the first bullet point on the second page is new which reads "Only local residential streets will be eligible for a neighborhood traffic calming plan. This would be roads with a speed limit of 30 MPH or less. Collector and arterial streets are not eligible for traffic calming". She questioned if staff believed that limitation to have less streets qualify for the traffic calming with adding this sentence.

Ms. Parham stated that this is the language in the original policy adopted by the City. It did not change from the original policy that was adopted in 2006.

Councilmember Meinzen McEnery stated there are four groups that have applied under the City's old policy: Stewart Avenue, Whispering Pines, North Springs and her district Civic Association. She questioned if the streets would be 30 MPH or higher. She stated if the language in the new policy limits the neighborhood's ability to qualify. She would like for the neighborhoods that applied under the old plan to be grandfathered in at the old policy.

Councilmember Paul stated the ones in his district do not qualify under the current policy because they are a residential neighborhood street with 25 MPH.

Director of Public Works Parham stated they both qualify under the previous process.

Councilmember Fries questioned if the maintenance could legally be charged or not.

City Attorney Willard stated the City cannot levy a charge like an assessment unless it is authorized by law. What the City could possibly do is enter into an agreement with a neighborhood association that will

assume that payment responsibility. The City does not want to enter into an agreement with a group of people. This agreement can be with the Association and we hope they will be able to enforce collection and payment of that to the City when the time comes for a repair in the future.

Councilmember Fries questioned if the City could charge \$10 over the cost for doing it as a retainer for the maintenance. For instance, the Traffic Calming Policy cost \$100; can the City charge \$110 and take care of it?

City Attorney Willard stated the City could work out something like that.

Assistant City Manager stated an analysis should be done and appropriate staff time charged.

Councilmember Fries recommended that if the City repaves a street and the speed humps are removed, speed cushions should automatically go in.

Councilmember DeJulio questioned if when repaving a street do the speed humps have to be removed?

Director of Public Works Parham stated they have to be removed.

Councilmember DeJulio stated the City should transition from speed humps to speed cushions at all locations.

There was a consensus from the Mayor and City Council to grandfather but to specify that speed cushions would replace the speed humps.

Councilmember Fries stated she would like for the City to have speed cushions on roads that are 25 MPH or less.

Councilmember DeJulio asked for clarification on using different speed limits, 25 MPH, 30 MPH and 35 MPH in areas.

Director of Public Works Parham stated that some of it has to do with the geometry of the roadway. Some has to do with what GDOT will accept as far as a radar permit. The City has to get a radar permit from them to enforce the speed limits to write tickets on those roadways. There are many different variables that go into that. The question comes in as to what you consider residential and what you consider collector. Some of the residential streets that have traffic by volume are collector streets. There is a little debate there.

Discussion of a Project Framework Agreement (PFA) with the Georgia Department of Transportation (GDOT) for the I-285 Underpass/Tunnel/ Interchange Project (Nos. CSMSL0009-00(159) and CSMSL0009-00(160), Fulton County, P.I. # 0009159 and 009160) Assessment and Engineering.

Transportation Planning Manager Coleman stated the City has hired a consultant. Arcadis will prepare a concept report and complete the environmental analysis for the Project Framework Agreement with Georgia Department of Transportation for the I-285 Underpass/Tunnel/Interchange Project. The concept will provide alternatives for improvements and will address the transportation needs within the corridor. To keep the project moving through the GDOT Plan development process, the City, as the local sponsor, will need to execute the Project Framework Agreement.

The Earmark is funding that was previously programmed on I-285 at the Riverside project. Through the passage of a technical corrections bill via Congress, language was added to the bill to allow the funds to be used for the assessment and engineering of a tunnel/underpass on I-285 or for interchange improvements in Sandy Springs.

The funding that is remaining after the preliminary engineering is complete can be used for construction of the preferred alternative as approved by the Mayor and City Council.

The preliminary engineering funding for the project is in fiscal year 2009 and is an 80 percent Federal, 20 percent locally funded phase. The 80 percent share is \$1,602,000 and comes to the City in the form of an Earmark. The City's responsibility is \$400,000. This can be used for Design, Right-of-way and Construction. The \$2,000,000 does not expire and would stay in GDOT's account waiting for the City to utilize it.

Mayor Galambos asked for background information regarding the divided diamond.

Transportation Planning Manager Coleman stated that there will be a Concept presentation from Arcadis tonight that will talk about the restriping plan. If the City can incorporate an underpass location into a split diamond configuration that would tie into Roswell Road, it would increase opportunities of expanding our grid network as it has been outlined in the City's Comp Plan. There are issues there. It needs to be coordinated long term with the mega project on I-285. It looks like the cost benefit analysis for doing it independently of the mega project might not work itself out. The construction cost is in the \$25,000,000 range.

Councilmember Meinzen McEnery questioned if the split diamond would run from the northern side of I-285 at the southern terminus of Sandy Springs Circle and the diamond would go somewhere to Roswell Road. She questioned if it would go south easterly to Roswell Road on the south side of I-285 where the tunnel comes out.

Transportation Planning Manager Coleman stated that the ramps would be spread further apart so that there would be a north/south road in between the fence until you come on, and there would only be a short city road in between. The diamond configuration would take the two northern ramps and move them over to the location where the underpass would be. When the ramps come off of I-285 to whatever the north/south location would be, take a short connector road that would be straight parallel to I-285 to Roswell Road. It would be either an overpass configuration or an underpass because of the way the land lays out. The terrain on the north side is a lot higher and on the south side it is lower.

Mayor Galambos stated that GDOT does not want to do this until they know the configuration of I-285. While the City is waiting to figure out what GDOT is going to do, he has another proposal to alleviate the current situation and that is the restriping plan. Restriping is a mandate for now.

Councilmember Meinzen McEnery questioned what the cost is to restripe from the Roswell Road Bridge to do a temporary fix. Mr. Coleman stated that staff's initial cost analysis is \$500,000.

Presentation of Roswell Road Bridge Re-striping Plan

Transportation Planning Manager Coleman stated based upon a recent traffic analysis by Arcadis for the I-285 Underpass Concept, staff and the consultant identified a potential short-term solution to help relieve congestion along Roswell Road at I-285. Roswell Road is a five lane section with two lanes in each direction and a center turn lane. The center turn lane on the bridge over I-285 is currently split with half of the storage length for each left hand turning movement. The current Average Annual Daily Traffic for Roswell Road is 30,000 to 40,000. The proposed re-striping plan would take one north bound

lane of the bridge and convert it into a dedicated left turn lane. This would leave one north bound dedicated lane. The option would allow for additional left turn lane storage for the south bound turning movement. The current analysis shows that with these lane assignments and minor signal re-timing an overall improvement of travel time in the corridor can be achieved.

Keith Koontz, Arcadis Engineering Consultants, (Viewing of Slides) stated at the public information open house for the Sandy Springs Tunnel Underpass that the main concern expressed was to fix the bridge. There was much discussion on widening the bridge, widening the corridor and making improvements along Roswell Road. The major improvements on Roswell Road are going to be delayed while the configuration of the main line is figured out because this is an Overpass and they will need to know where the columns are to be located. Arcadis looked at short term options for opportunities to improve the existing conditions. The shared left turn lane is very short and can hold four to five cars in each direction on top of Roswell Road over I-285. Their traffic analysis showed only one third of the traffic approaching the Interstate actually goes through and across the bridge and continues on Roswell Road. Two-thirds of the traffic is going to either direction of I-285 in the a.m. and p.m. peak. At the same time from both directions of the ramps there is an equal amount of traffic from each ramp. About one-third of the traffic is going to add back a third of that traffic volume and add back a third of the traffic going south. It will be about the same net amount of traffic going towards the interchange as it is coming away from the interchange, but only one-third of that is actually going across. That means a lot of people are turning on the bridge. In fact, as many cars are turning left on the bridge to go to I-285 as is going through and with four cars worth of capacity, that's a real problem. Because there is no turn lane capacity on the bridge what is happening out there is that one through lane is removed from the bridge. There is a five lane bridge out there but it is only acting as a three lane bridge due to one through lane getting blocked because of all the cars that need to turn left to go to I-285. The cars cannot turn left and have no other option except to stack up and block a through lane which causes a lot of confusion for people that need to move over causing them to have to use that last remaining lane. In addition, this does not just cause congestion on Roswell Road, but it also affects traffic back to the off ramps. There is a dual left turn off of the ramps, but because one of the receiving lanes is being blocked you can only receive one lane worth of traffic. Two cars will be turning and realize they only have one lane. They have to fight it out for that one lane. It keeps going like this. That causes delay of those left turn cars down each ramp, east and west bound. It is then that they start blocking up the right turn movements. They should be allowed to free flow and turn right. If you are coming east bound on I-285 you should be able to easily go south bound on Roswell Road, but you cannot because you are now caught in the back up from the dual lefts that cannot go anywhere. Those right turns that are held actually create congestion that goes all the way back to the Interstate. Now, you are actually affecting interstate traffic with this left turn capacity issue on the main line on Roswell Road. It affects Interstate operations and is a very unsafe condition because you have 55 MPH traffic and it is being met with stopped traffic.

Arcadis has tried to look at doing something that would make it flow, and alleviate the major contributor to this problem. They cannot do much to widen the bridge or replace the bridge because of the funds. What can they do to the existing footprint, the existing configuration of the road and the bridge and the signal timing? After many discussions, an idea was to remove one of the dual lanes, specifically the north bound through lane, and include a raised median to try and discourage unwise turning movements that are occurring on Roswell Road and causing weaving and congestion. This gives almost unlimited left turn storage. Realistically, they have taken the left hand storage and made it over five times of what it is currently. In addition, they took an optimized signal timing plan and doubled the frequency of the signal phases at the off ramps for both left turning movements coming from Roswell Road going to the Interstate, as well as the left turning movements coming from the Interstate going to Roswell Road. They have doubled the frequency of it to make sure that everything flushes out. Arcadis is trying to solve a lot of problems and fix the operation at the heart of this interchange and allow everything else to move smoothly. They are actually restraining some of the flow on Roswell Road as it comes toward this

interchange to make everything work efficiently and get everybody through the interchange safely. They have changed the signal timing and the result is encouraging.

Councilmember Paul questioned if they were reducing the amount of traffic that goes per cycle and if it would alleviate some of the shuffling.

Mr. Koontz stated that is correct and there will not be as much shuffling anymore. Soon the ramp meters will be turned on by GDOT which will eliminate the shuffling but it is going to cause the traffic to stack up on the I-285 ramp. It will stack up from the on ramp of Roswell Road to a point where it actually starts to get all the way to the top and then they are going to have to flush it out.

Councilmember Jenkins questioned if GDOT has cleared Arcadis to do this.

Mr. Koontz stated that Arcadis has been working with GDOT. The results of this plan were taken to GDOT and they were very open to this type of plan. With GDOT's lack of funds right now, getting bang for the buck with the existing infrastructure is what they are looking at.

Councilmember MacGinnitie questioned how confident is Arcadis in this analysis?

Mr. Koontz stated that Arcadis is very confident that it will be an improvement over the existing conditions. The existing conditions are a failing bridge and this will improve the scenario. They are keeping the north bound operation but improving the condition south bound and improving the turn lane capacity to I-285. From a geometric and an operational and safety standpoint, he feels very confident that great success will be seen there. There might be a different scenario when it is implemented, as far as the overall reduction in travel time. They might not reach the goals they are seeking.

Mr. Koontz explained the matrix stated that when Arcadis changed the operation characteristics of the Interchange what they wanted to look at was how much they can reduce travel time from all the different points. The whole area was from Glenridge to Hammond; Hammond to Glenridge in reverse; Glenridge to I-285 in both directions; and reverse. The matrix is showing all these major movements. Arcadis looked at it with a bridge widening solution as well; add one lane to the bridge at approximately \$5,000,000 to see what that would do. For more benefit at less cost, they found that the restriping option was more successful than the bridge widening option because you do not have the receiving capability on Roswell Road.

Option One, Alternative One with the restriping found if commuting through a 25 to 30 percent time reduction in total trip time, a savings of about 90 seconds. The real benefit is in the turning movement to I-285, a 50 to 60 percent time reduction coming from Hammond to Glenridge for a savings of three to four minutes in travel time. The numbers from the ramps are greatly improved because that was actually one of the bigger priorities, to prevent traffic from backing up to the Interstate because of the safety concern there. Those movements had a travel time reduction of about 70 percent. P.M. peak is about the same, a 20% reduction in commuting through movements and a savings of about 90 seconds to and from I-285.

Councilmember Fries questioned if Peachtree Industrial and Jimmy Carter was mentioned to them. She explained that there are two intersections over on Peachtree Industrial where they stop the traffic at one end and use the whole lane, all five in all. She assumes this will work better.

Mr. Koontz stated that it is a great idea and is one they have tried. Unfortunately, the volumes are too heavy on the left turn movements. What Councilmember Fries is talking about doing is to try and make a conventional diamond interchange through signal timing, to try and turn it into a single point urban

interchange which you see at Lenox and Georgia 400. Arcadis has tried it and could not get it to work well.

Councilmember Fries expressed her appreciation on the work Arcadis has done on this and believes it to be a great idea. She questioned how long it would take to get ready should Council decide to go with this.

Mr. Koontz stated the construction at full build out will need a timeline of 18 months. It will take that long because there will be a lot of coordination with Georgia DOT and the Federal Highway Administration because of altering an Interstate bridge.

Travel times are reduced and will be in demand. Other commuters from other roads might want to fill in some of this travel time. That might reduce some of the through movement of travel time back to where it is now. That is helpful because it is pulling cars off of other corridors such as Lake Forest, Glenridge, and neighborhood streets.

There will be two medians installed in the plan which will restrict some of the access and some of the dysfunctional, conflicting movements that are allowed at this time.

Councilmember Fries stated she had dealt with the center medians and believes the businesses will not be happy.

Mayor Galambos stated that there already was a plan of widening the road several years ago in this case. So it was expected to happen anyway. She questioned where the other median would be. Mr. Koontz stated that it will be on the south side of the bridge. It will go about 50 to 80 feet north of Allen Road heading south just past Northwoods and the driveway at the Chevron gas station. Currently it is a right-in/right-out from Roswell Road. This means that the left hand turn will be restricted.

Councilmember Meinzen McEnery stated that the community was very concerned about the median and talked about a western alignment and eastern alignment. Ruth Chris and some other businesses are not in favor of cutting off Allen Road. There will be issues with this. Once GDOT comes up with a better configuration for this bridge, those medians may eventually come out because the City has put the highest density of land use in the area of North Woods. Better access is needed if there are going to be high rise hotels and such in the area. The median cut will prevent people from getting onto North Woods and the area will not be supported by high density.

Mayor Galambos stated that in the long run the underpass will be available because it will provide access to that area.

Councilmember Jenkins questioned if volume counts were done for Prado for when it is fully built out. Mr. Koontz stated that Arcadis did traffic projections based on their plan.

Councilmember Paul stated that this is the kind of innovative thinking he applauds. For us to solve the problems that we have from a traffic perspective, we have to get more efficiency out of the existing system. Whether it solves all of the problems or not they are still thinking in terms of how to get the best efficiency of the existing system. This is the only way the City can solve the problems it has.

Councilmember DeJulio questioned if the \$500,000 would include re-signalization so that all of Roswell Road will be connected to the traffic management system.

Mr. Koontz stated that it is already connected to the traffic management system. Unfortunately, some signals are not working. Looking at construction cost, shifting of lanes and restriping is being done.

GDOT is going to require resurfacing in the area. The restriping will be done to include a median and the upgrading of at least four of the signals along the area to use video detection.

Councilmember DeJulio questioned when the work would start.

Transportation Planning Manager Coleman stated that the construction of this alternative could be funded solely by the City or the use of the Earmark funds. There is an option that if you fund it locally we could save some time and engineering fees and will not have to follow PDP process every step of the way.

Mayor Galambos stated the City needs to use what it has now.

Councilmember Paul agreed with Mayor Galambos on using the funds because these funds are going to have diminishing value. The funds are at their peak value today and need to be optimized now.

Transportation Planning Manager Coleman suggested the City continue with the current contract to do the underpass and finish the Concept Report and then possibly open a new contract.

There was a consensus of the Mayor and City Council to proceed with the plan as recommended by staff.

Presentation on Raised Median Pedestrian Crossings for Roswell Road

Transportation Planning Manager Coleman stated that the proposed Raised Median Pedestrian Crossing locations were developed at the request of the City Manager in an effort to look at the need for safer crossings for pedestrians along Roswell Road. Mr. Coleman stated that based upon a recent LCI study as well as field investigations, staff will be presenting several proposed locations for mid block crossings along Roswell Road. Roswell Road is a five lane road with two lanes in each direction and a center turn lane. The current Average Annual Daily Traffic for Roswell Road is 30,000 – 40,000. In areas along Roswell Road where there are pedestrian generators, this amount of vehicle traffic can provide a challenge to pedestrians who wish to cross at mid block. Staff has considered signal distance, sight distance, origins and destinations and has proposed several locations for possible implementation of mid block crossings. Pedestrian counts will also be needed to confirm the need and purpose for the program.

This presentation is only to provide information to the City Council. A future resolution to adopt the plan will be submitted after City Council review and comments are incorporated.

Mr. Coleman stated that a Raised Median Crossing is proposed for Roswell Road. A flush median is not a refuge for pedestrians crossing roads. One of the design options for Mid-block crossing would be to add curb and gutter essentially around in an oval configuration and then provide additional safety measures for the pedestrian to cross the road mid-block. These are not at signalized intersections.

One of the slides shows that the overhead mast arm has a flashing yellow beacon on it. There is an alternative lighting configuration that staff would like to consider.

The Pedestrian Signal Crossing works in two stages. Pedestrians only have to focus on one direction of traffic at a time when crossing. They would engage the signal, wait for traffic to stop, and cross to the island. At that point, they travel down the island to the next signal and then stop traffic in the other direction. This will help in turning movements and will make it safer.

The City's Traffic Services Group preferred lighting that they are leaning toward is a wigwag configuration which would be three beacons that when actuated would be in flashing yellow and then go

to a steady yellow and then to steady dark red in the crossing phase. At that point, they would start flashing and go back dark when a pedestrian is clearing the walkway. The red is stopping traffic on Roswell Road for pedestrians to cross. This is the traffic configuration that the Traffic Group is recommending the City to pursue.

Locations on Roswell Road north of I-285

Locations

South of Pitts Rd

1. City Hall
2. Fulton County GSC
3. South of Dalrymple
4. North of Abernathy

Potential Locations on Roswell Road south of I-285

Locations

1. Between Glenridge & Maryeanna
2. South of Mt. Paran
3. South of Forest Hill
4. South of Long Island
5. Between Franklin & Windsor Parkway

Published Guidelines: Mid-block pedestrian crosswalks are not explicitly covered in the current version of the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD is under review for revision (Anticipated adoption mid to late 2009). Per MUTCD, a study needs to be conducted prior to installation of any traffic control device.

Initial Study Criteria: Distance between signals, Sight Distance (Horizontal and Vertical), Origins and Destinations, Collect Counts, Two-way vehicle volumes and Peak hour pedestrian volumes.

Next Steps: Confirm preliminary locations, Counts (October/November), Detailed Design of Locations (FY 2009) and GDOT Encroachment Permit and Construction (FY 2009 – FY 2010).

Crosswalks - Guidance: Mid-block crosswalks are not explicitly covered in the current version of the Manual on Uniform Traffic Control Devices. The MUTCD is under review for revision. The new version should be adopted mid to late 2009. The proposed practice may not be adopted in its current draft form. Prior to installation of any traffic control device, a study needs to be conducted.

Proposed Device: If this crossing type is approved, staff recommends consideration of a hybrid signalized device that provides positive guidance to both the pedestrian and the driver. Vehicular signals are dark, yellow, or red for drivers. Pedestrian signals are the same as other signalized crossings, including push buttons.

New pedestrian hybrid signal: Crosswalk Study; Collect data, Two-way vehicular volumes, Peak hour pedestrian volumes, Compare with length of the crosswalk, Higher volumes, higher speeds, and longer crossing distances indicate greater need for a signalized device.

Councilmember Jenkins stated that there are two police officers in the morning stopping traffic at Webber School using flashing light movements. She questioned if two little flashing red lights are going to stop traffic on Roswell Road.

Mr. Coleman stated that the City would need to use solid red for the stop condition.

Councilmember Fries stated that it is a great idea to have these areas as a safety island but she is not in favor of stopping Roswell Road traffic because the City is spending millions of dollars on Traffic Management and on the timing of the lights. Having this would change everything. However, she is okay with a flashing caution light for pedestrians.

Mr. Coleman explained that staff has reviewed the issue and would like to have a control device wired into the City's existing network.

Councilmember Paul stated that if the City puts a lane and a refuge island there people are going to use it. The question is, if you do it, do you do it with half measures or fix it.

Mayor Galambos would like to hear how this could coordinate with making the traffic move.

Traffic Manager Messer stated that the controller could be tied into the Traffic Center. If someone pushes the button to cross as traffic is moving though the section, it will not activate for their immediate use. Staff will time the system so that the Q will go through. The side street traffic will be moving in at that time at a lower speed and catching up. This is when the timer will allow the light to come on.

Mayor Galambos stated that she would like to know if the City has designated islands where people may cross when they are safe. She questioned if the Police Department could arrest the people who are doing it in other places.

Chief of Police Sult stated that there is a legal and practical issue about that. If the City needed to enact an ordinance it could be done legally, but having the resources to actually enforce it is a completely different issue. That would be extraordinarily difficult. From time to time, the department could put forth efforts to do that and discourage it from occurring. The ordinance itself would not fix the problem.

Mayor Galambos stated that is what worries her because, even with these islands, she sees people crossing Roswell Road 100 feet from the traffic light.

Councilmember DeJulio questioned how long has this been used on Buford Highway.

Mr. Coleman stated one year.

Councilmember DeJulio questioned if a study was done showing statistics that show the effectiveness of it.

Mr. Coleman stated an FHWA done and found that raised median did protect pedestrians greater than a flashing light. Staff met with District 7 and they are receptive to the City doing a Pilot Program on Roswell Road.

Councilmember DeJulio questioned the cost to do each one. Mr. Coleman stated that this has not been bid out but the cost would be like A Mast Arm Intersection, \$100,000 each.

Mayor Galambos stated that spot enforcement could be done at some of these places where people cross and the City should try it before doing this. She questioned Council what they thought about trying one on each end.

Councilmember Fries stated that it is hard for her to see that's it is not going to mess up the Roswell Road timing.

Councilmember Meinzen McEnery stated that she would like for staff to address the I-285 signals.

Traffic Manager Messer stated that staff met with the City of Atlanta and was told the fiber was broken. Since then, Sandy Springs had Fiber Optics installed at Windsor Parkway all the way to I-285 and is being connected.

Councilmember Meinzen McEnery stated the Pedestrian Safety Refuge Island will not work until the Fiber Optic begins working.

Councilmember DeJulio questioned staff as to when the Management System south of I-285 would be up and working.

Traffic Manager Messer stated that he was waiting to hear back from AT&T about that section of Spalding. Abernathy is ready. Once he hears from them, the fiber can be put up. When that leg is put in and completed, it can be linked. He hopes to have it ready next week.

Councilmember MacGinnitie questioned where the \$100,000 would come from for this project.

Mr. Coleman stated it is not in the budget. The only option is to take it from the funds appropriated for sidewalks.

Assistant City Manager Rapson stated there are several options and the easiest option would be to take it from the Capital Contingency fund which has over \$1,100,000 for this type of purchase.

Councilmember Jenkins stated if this is something Council wants to do it needs to go on the priority list at budget time. If it gets enough votes it gets funded, if not it will not be done. She is not in favor of pulling money out of the contingency fund or anywhere else because of the economy.

There was a consensus by Council to wait on the budget process.

City Manager McDonough stated the City no longer has mid-year budget meetings. Staff will give a financial update at the first meeting in November.

Discussion of amendments to Ethics Ordinance and Bylaws.

City Attorney Willard stated that Glenn Moffett, a member of the Sandy Springs Ethics Board, is present tonight to highlight and review the Board's recommendations.

Glen Moffet, Sandy Springs Ethics Board gave the following presentation.

The Ethics Board, approved by City Council by ordinance, has been in operation for two years. It has become apparent to the Board members that some amendments to the ordinance would facilitate a better operating Board and certain changes in the language would make it easier for all to understand the Ordinance.

Glenn Moffett, Board of Ethics, stated that before Council are suggestions to amend both the Bylaws and Rules of Procedure. Mr. Maddrey, the Chairman of the Board, submitted a letter to Council which outlines the suggested changes in language of the Ordinance that the Board would like to implement. The

Ethics Board has been operating under this ordinance for several months and has held a couple of hearings. The Board has noticed some things that can improve their procedures.

Role of Alternate Board Member ("Alternate")

The Board would like to use their Alternate Board Members a lot more than they have in the past. There is a section where the Alternate could represent a Board member through a proxy. The Board, at times, has trouble getting a quorum together and would like the Chairman to appoint one of the alternate members to stand in the place of a regular board member, either for a regular meeting, or for a Board Hearing which is very important.

The Board had four members present at the last hearing. Two of the members were alternates who had no right to vote. The decision was split 2/2 and the Board could not make a decision. If the Chairperson had the right to appoint the alternate board member, he would have been the fifth member of the board and could have broken the tie. The Board needs authority from the Mayor and City Council.

Supremacy of the Sandy Springs Code of Ethics

The Code of Ethics is the supreme Code of Ethics in the whole system of Sandy Springs and there should not be a misunderstanding about it. There was a problem in one of the hearings where one of the City departments felt like they had their own rules and policy's that they needed to follow. They wanted to know why the Board was bringing forth their rules and Code of Ethics to them when they had their own rules. The Board wants to make it clear to all the department heads and everyone in the City that these rules are the first rules to go by. This does not mean the Board may decide not to allow that department, if they are exercising their policy, to do what they should be doing if they are actually taking it on themselves to try to create an atmosphere where their policies may be in conflict with the Board's policies. Their policies are being taken care of and the Board might defer to them. The language was added to provide that the Ordinance supersedes all other policies or codes of conduct applicable to public servants. The Board requests City Council consider this amendment.

Paragraph Identification

The paragraph identifications were changed to be consistent with the codified versions of the City's Official Code of Ordinance.

Definitions

Some definitions were added and others were changed for clarity purposes.

Complaint Response Timings

The Board recommends that language be added to distinguish calendar days from working days. In addition, the Board felt that it would be advisable for the Ordinance to provide that, in the case of a hearing, the Board will set a date for the hearing to take place 60 calendar days from the Board's review of the complaint instead of 30 days, giving a Respondent under the Ordinance additional time to prepare a defense to any alleged violation of the Ordinance.

Board Discretion

The Board recommends language that allows it to exercise its discretion to forego a hearing on issues that have been adequately addressed by other appropriate disciplinary proceedings.

Should there be a problem with one of the City's officers and the policies, the Sandy Springs Police Department will adequately address that issue. The Board may defer to the department's policy rather than have a separate hearing.

Councilmember Meinzen McEnery questioned why the Board suggests Council receive a copy of the alleged complaint. She expressed concern on changing this. (Section 2-155, Item 3).

Mr. Moffett stated personally he agrees, but tonight he is representing the Board and the majority ruled on this issue. Mayor and Council should be advised of what the Board is hearing and why it may be better to only file the complaints to the City Clerk and Mayor as stated in the old ordinance.

Councilmember Meinzen McEnery stated the current system being used works fine and believes that any notice in advance of a ruling would be premature.

Councilmember Paul stated he agrees with Councilmember Meinzen McEnery. Most ethics complaints get filed for political purposes. He would like the Ethics Ordinance to protect the process from being politicized.

City Attorney Willard stated that the Board believes the Mayor and Council need to be aware of a complaint filed if the person is coming up for consideration. When a complaint is filed, it becomes a public record. He does not believe it is the Board's intention to politicize it.

Councilmember Jenkins questioned if the City Manager or City Attorney could notify Council instead of providing copies on a case.

Councilmember Paul stated if someone is being reappointed and there happens to be an intersection of those two events, the City Attorney can have a conversation with the appointing authority, the Mayor.

Councilmember Paul expressed a concern with the word "Supremacy" in the Sandy Springs Code of Ethics, making the Ethics Ordinance the supreme law. He does not see it being more important than the City's Personnel Procedures. He is not sure if the City has a disciplinary process that involves an employee, if this means the Ethics Board would be involved.

Mr. Moffett stated that the Board could be. The Board is requesting to have authority to defer its jurisdiction in some matters as Councilmember Paul has suggested if the Board feels that the policy decision that has been violated is being handled adequately.

Councilmember Paul stated the Ethics Ordinance focuses on the elected and appointed officials, not employees. There may be a conflict in the Ordinance. It is Council's responsibility to resolve the conflict between the ordinances. If there is an employee disciplinary process in motion, in his mind, it would be a double jeopardy issue. The City would have two judicatory issues going on at the same time.

City Attorney Willard stated that the Police Department has language which addresses what is permissible to receive as gifts. The language addressing this issue in the Ethics Ordinance is entirely different. He questioned where the employee would go for guidance, as to what he/she is permitted to receive as a gift.

Councilmember MacGinnitie stated the way this change is written suggests it supersedes all other policies.

Councilmember Fries stated the City, Police and Fire Departments already have a policy in place. She agrees with Councilmember Paul on this as being double jeopardy. This Board should be keeping the elected officials and appointed Boards in check. The employees already have someone to be accountable to. Eventually, everyone will be accountable to the City Manager, City Manager accountable to Council, and Council accountable to the public. This Ordinance should be in reference to the elected officials and appointed boards only.

Mayor Galambos questioned if the Clerk could make sure that these various codes say the same thing in terms of gifts.

City Manager McDonough stated that the City has rules and regulations that govern employee conduct that deals with ethical standards. The City has appointed City Leadership employees that are responsible to the City Manager and the City Manager, in turn, is responsible to the City Council to ensure that the standards are met. These things are in place. The City also has a mechanism in place should someone feel like they are being sexually harassed or whatever the matter may be. They can go to someone in their chain of command, the Human Resource Director or directly to the City Manager. In the case of a City Manager violation, they can go directly to the Mayor. The point is the City already has these things in place for the employees.

Mayor Galambos stated if there are contradictions between the ethics standards and the codes, then Council needs to reconcile them.

Councilmember Paul questioned if it would be appropriate to ask the City Attorney to meet with the Ethics Commission and City Manager to work out these issues and then bring the recommendations back to Council in how these reconciliations could be made. If there is a conflict in the ordinance then the ordinance has to be changed.

Councilmember Jenkins stated it is a good idea to have the City Attorney review each of the policies to see if they are in line with one another. As stated, the ordinance only needs to cover City Council and appointed Board members and should leave everyone else out of it.

Councilmember Meinzen McEnery stated Council is dealing with the fundamental trust of the community in terms of defining an ethical standard. The City's public servants, as defined in this document, are all public servants whether they work for CH2M HILL, the City Manager, or Fire and Police departments. These public servants have a lot more interface with the Sandy Springs citizens in a way different than the City Council and appointed Board members. The City employee's department policy would apply to them. If a citizen brought up an issue they would need to have recourse to a higher level than the Police Chief or City Manager. Fewer issues go before the Ethics Board. Staff already has a policy in place. Only a few cases would go to the supreme group to decide whether or not the public trust is affected.

Councilmember Paul stated the Sandy Springs citizens do have recourse through City Council. A citizen can bring any complaint to Council at any point. Council has the responsibility to make sure that if there is an ethical or policy violation that it is dealt with. In his experience, ethics groups of this sort generally are focused on those people who have no other particular recourse than with the Ethics Board, being Council and appointed Boards. There is no real ability to hold Council or appointed board members accountable if in violation of ethical standards. The reason the City has an Ethics Board is to be able to adjudicate behavior of people Council is responsible for. He trusts that the personnel policies will govern the behavior of people who work for the City, and personnel managed and supervised by CH2M HILL. Council has an obligation in making sure policies are followed. The City has an employee disciplinary process for each department. The policies may need to be reconciled. The same standard should be for everyone regardless of what department they are in. As long as all policies are uniform across the board, he trusts that these policy processes will be effective to govern the behavior of folks. He feels strongly the Ethics Board should look at those that have no other accountability in between elections, and the people the Mayor and Council are responsible for appointing. This is what he would like to see.

Councilmember MacGinnitie questioned what is the process of other cities?

City Attorney Willard stated this would become an issue with the City's continued recognition as a Certified City of Ethics by GMA. There are certain standards that have to be recognized under the Ethic's Code in becoming certified, and the City is certified. State Law Ethics language applies to all employees of the State besides their own departmental regulations.

Councilmember Paul questioned if those were governed by the personnel process rather than having two different boards looking at that behavior.

City Attorney Willard stated he would have to look to see if they have a separate ethics hearing or is it within what the City is required to do and is answerable to the department.

Councilmember Paul stated he understands the supremacy of state law and expressed concern about the employees having a process where they could be cleared under one system and then convicted under another. There are two different standards in such cases. The rules should apply equally to everyone in an employee setting. The City has a process. He recommended the City Attorney bring back uniform changes made to the Ordinance and Personnel Policy.

The consensus of City Council was that the Ethics Ordinance only applies to Elected Officials and appointed Board members. Council directed staff to get more information as it relates to Sandy Springs remaining a Certified City of Ethics. City Council will make a decision once requested information is received and discussed.

Mr. Moffett stated this issue has only come up once with the Police Department. At that time, the Ethics Board deferred and allowed the Police Department to go forward. For this reason, the Board is requesting an amendment to the City Code:

The Board be allowed to exercise its discretion to forego a hearing and alleged violation of the Ethics Ordinance upon a determination that the respondent is already subject to appropriate proceedings that will adequately address the alleged violation. He believed that is addressing Council's concern. Councilmember Paul stated that he agrees and the Board is 90% of the way there.

Mayor Galambos reported that Kevin King and Susan Langley have agreed to serve as alternate members of the Ethics Board. This will come before City Council next Tuesday for vote.

Discussion of An Ordinance to Amend, Chapter 105-118, 119, 120, 121: Multifamily Rental Housing; of the Code of Ordinances of the City of Sandy Springs relating to fire hydrant inspections.

Community Development Director Nancy Leathers stated the Community Development and Fire Department has been working together to make City Ordinances more effective. The City Apartment Inspection Ordinance has been in effect now two years and has worked well. Staff requests to add a prior section to the Code because of the tie back to the business license to help with enforcement.

Assistant Director of Building and Permitting Wesserling stated that currently, the private inspectors check interior items and a limited amount of exterior items. At present fire hydrants are required to be inspected by City Ordinance specifically section 508.5.2 of the International Fire Code. However, at this time there is nothing that compels the apartment complex owners to have their hydrants inspected. It is already law in the fire codes that they be inspected but for lack of incentive the apartment complex has not been abiding by this standard. Also, there is a problem with certification of the inspectors.

Senior Deputy Fire Marshall Scarbrough stated the problem the departments are having with the apartment complexes during apartment sweeps is the complexes can only produce a receipt of what was paid to service the hydrants. The only service actually received was spray painting the hydrants silver. There have been accounts of fire fighters having to connect to two or three hydrants to find one that works properly. This needs to be avoided; precious time is lost, and the situation is avoidable. By connecting the hydrant inspection to the business license it will ensure that in areas of high density that the fire fighters equipment will function at the highest efficiency possible.

Assistant Director of Building and Permitting Wesserling stated this has been presented to the Apartment Owners Association. The Association does not have any problems or concerns with this Ordinance.

Senior Deputy Fire Marshall Scarbrough stated that in order to prevent fire hydrant malfunctions the Sandy Springs Fire Marshal's Office is hereby establishing a mandatory program of inspection, testing, and maintenance of private fire service mains and their appurtenances based on adopted fire codes.

The following publications shall govern the program:

- a. American Water Works Association (AWWA) Manual of Water Supply Practices M17.
- b. NFPA 25, 2002 edition.
- c. Sandy Springs Ordinances
- d. Sandy Springs Development Standards
- e. International Fire Code, 2006 edition

Qualified Companies

All repair and testing shall be done by a qualified company on file in the Sandy Springs Fire Marshal's Office.

Frequency of service

- a. Flow test fire hydrants every three years. (*Annual requirement waived due to drought*)
- b. Inspection and maintenance of hydrants and mains performed annually.
- c. Painting of hydrants – as needed. Hydrants in Sandy Springs shall be painted silver with paint from any paint supplier.
- d. Fire service main piping flow test every five years.

Records

Accurate records shall be maintained on the premises for inspection by representatives from Sandy Springs Fire Rescue or their designee. Forms as depicted in AWWA Manual M17 shall be used.

Discussion of RZ08-028, an Ordinance to Amend Article 12B, Sandy Springs Overlay District, of the Sandy Springs Zoning Ordinance.

Deputy Director of Community Development Chris Miller stated at the last Work Session staff spoke about some missing information Council had requested previously about the Overlay District relating back to the overall cost of a project and what the incremental cost change was for developing the inside of the Overlay District verses outside the district.

Mr. Miller stated that the Design Review Board had reviewed the first part and had no objection. The Board had other issues with the Main Street and some other design issues which they would like to look at further if allowed by Council and then discuss further in a Work Session. Staff has divided this into two parts. The first effort is to look at the physical design of the Overlay District. Staff requests approval by the City Council to relocate the street trees and the pedestrian lights from the design standards of where it shows at the back of curb to the back of sidewalk. This is for safety reasons and because Public

Works feels it would be more appropriate and will keep the sidewalks in better shape if they have more room to spread out behind the sidewalks.

The Mayor and City Council also requested information on the design cost. This was heard by the Planning Commission on September 19, 2008. The Planning Commission requested a 60 day deferral because they prefer that the street trees remain in the present location behind the curb. Staff still recommends that they be relocated along with the pedestrian lights to the back of the sidewalk for the safety reasons. One issue that has not been discussed enough the curb height has a lot to do with the safety on Roswell Road. On the newer sections of Roswell Road the curb height fittingly matches the current standards of 2½ inches above the grade of the road. This provides some safety zone consideration for the cars that hop the curb and hit the trees and the pedestrian lights.

The Mayor and Council indicated a preference to locate both pedestrian lights and street trees behind the sidewalk along Roswell Road at the February and June Work Sessions. Since that time, staff has been administratively requiring that both street trees and pedestrian lights be located behind the sidewalk for all new developments and re-developments. However, this amendment needs to be formally approved by the Mayor and Council on September 9, 2008 in order to determine the additional development costs associated with the overlay district and a new pedestrian light pole which will accommodate seasonal displays.

The City has five overlay districts with varying and unique design/development standards. While only the Main Street overlay district includes design standards, each district has streetscape requirements which necessitate changes to the normal sidewalk cross-section found elsewhere in the City.

The Mayor and City Council directed staff to quantify the development cost associated with each overlay district during the September 9, 2008 Work Session. To this purpose, staff selected 9700 North River Parkway for analysis because the property has more than 500 ft of total street frontage under single-ownership and the parcel is almost two acres in size.

The City requires all new development and redevelopments (if the value of improvements exceeds 40% of the taxable value) in the overlay districts to comply with the associated design criteria. The Public Works Department created cost estimates for a new streetscape plan for 9700 North River Parkway based upon the requirements of each overlay district. Because the requirements associated with the PCID are still being finalized with the Perimeter Improvement District, the PCID requirements have not been analyzed.

Mayor Galambos questioned if any were ready to be located any time soon.

Director of Community Development Leathers stated at this time, she is approving them at the back of the sidewalk. The Planning Commission had several issues. The Commission is concerned about the species of the trees. Staff will review and bring back before City Council separately rather than as part of this process. The Commission wants to keep the trees on one side and the lights on the other side to make it look better. The Commission was also concerned with the impact of cars jumping the curb and hitting pedestrians.

Both, traffic engineer and arborist agree that the street trees themselves are better to have at the back of sidewalk because of utilities and other things that occur in the right-of-way.

Councilmember Jenkins questioned the additional cost. Mr. Coleman stated it would be more accurate to say "difference in cost" between the standard sidewalk section and what one would pay if in the Overlay District. The additional cost to develop on the Main Street Village is \$128.00 per linear foot. A standard

5 foot wide sidewalk section for the subject parcel would cost approximately \$19.00 per linear foot. The streetscape requirements associated with each overlay district would increase the development costs between approximately \$95.00 and \$128.00 per linear foot depending upon the district standard. The majority of the additional cost is related to the pedestrian lights and the associated power conduit.

Councilmember Jenkins stated that the 5 foot sidewalk is only \$18.90; staff is saying \$146.92.

Mr. Miller stated that this is the additional cost incurred between the conventional development costs of a 5 foot wide sidewalk verses the major district cost. Developing anywhere else in the City the cost would be \$18.90 per linear foot. Developing in the Main Street District the cost would be \$146.92 per linear foot. The difference between the two is \$128.02. The difference is primarily due to the pedestrian lights which are \$5,000 a piece. The street tree cost is another \$500.00 each.

Councilmember DeJulio stated someone familiar to everyone has a problem with the street cost and wondered if in parts of the City an overkill of streetscape is being required. Some of the businesses are not making any improvements to their property because of the cost.

Mr. Miller stated that Article 12B.2A. of the Zoning Ordinance requires developments and redevelopments to meet the City's Overlay District Standards when the construction value exceeds 40% of the total assessed value as calculated by Fulton County. Due to this, existing developments may have a disincentive to redevelop if the value of the proposed improvements exceeds the 40% threshold. To address this, the Mayor and Council may want to consider basing the 40% threshold not upon the assessed value, but rather the significantly higher appraised value. This would help to ensure that smaller parcels can perform some limited building renovations without also being required to install the overlay district streetscape. Major development projects would still be obligated to meet all streetscape requirements.

A more significant change to the overlay district streetscape requirements would be to draw a clearer distinction between minor renovations and major developments. For instance, a small scale renovation project in which the total building square footage is not being expanded could be exempted from meeting the overlay district requirements while building/parking lot expansions or rezoning could still be required to provide the required streetscape improvements. This would help eliminate the existing disincentive for minor renovations/property investment. In conjunction with this approach, the City could provide the streetscape improvements in areas not addressed via major redevelopments as part of its on-going transportation improvement efforts. Funding could be provided via non traditional methods such as a tax allocation district or an infrastructure improvement district. These and other funding sources may need to be investigated if the City chooses to pursue the undergrounding of the overhead power lines along Roswell Road.

The Planning Commission raised several concerns about not only the placements, but also the species of trees allowed in the overlay district. The Main Street standard places the tree behind the sidewalk. Specifically, some on the Planning Commission would prefer to retain the street trees between the sidewalk and roadway as currently mandated by the Urban, Suburban and Village Districts to provide a visual buffer for pedestrians. While this could be accommodated, keeping the trees in the presently required location would visually block the seasonal banners outside the Main Street District. In addition, moving the trees to the landscape strip behind the sidewalk will help reduce long-term maintenance costs and ensure the trees have an adequate area for the roots while complying with all sight distance requirements.

Councilmember DeJulio explained his concern relates to the cost to the owner trying to earn a living on Roswell Road in this time of economic uncertainty. The cost has already increased and the City is getting ready to add another fee should business owners want to make improvements to their business. The

business owners' improvements will improve the City as well. The City does not need to over burden the business owners by having them pay \$146.00 per linear foot.

Mayor Galambos stated that the proposal for the owner making improvements to property not to exceed 40% of the appraised value is a much higher level of renovations that the owner would have to make in order for this to kick in.

Councilmember DeJulio stated Council should have the authority to waive the cost in certain cases. There are a lot of properties on Roswell Road that everyone would like to see improved.

Mayor Galambos advised that she does not like the idea of the City waiving the fee.

Councilmember Jenkins agrees that the cost should not get out of control.

Mayor Galambos questioned how far off of Roswell Road must one go. Councilmember Paul advised it would go to the rear property line.

Councilmember Meizen McEnery supports it. She also supports Council directing staff to find a way the Overlay District improvements can be more affordable. She explained that if the City increases the basis of the calculation at \$148.00 per foot, it is approximately two-thirds less expensive to put in the Overlay, should Council adopt a 40% appraised value, a significant improvement of the cost to the business owner. The City can charge \$158.00 per linear foot or can provide a compromise such as the one staff has recommended. She believes it would be fair to reduce the burden by two-thirds to the property owner. This would solve both goals.

Councilmember Fries questioned the differences between suburban and Main Street to have this \$33.00 difference.

Mr. Miller explained the primary difference is in the width of the sidewalk within Main Street and the Village district; sidewalk is nine (9) feet wide. Outside that area it becomes six (6) feet.

Councilmember Fries explained using the appraised value verses the assessed value will help tremendously. Business owners making these types of changes to their property along with the streetscape will only increase their property value and overtime, the business owners will get their money back in their raised property values. It only enhances the City and everybody's property values.

Mayor Galambos stated that the City recognizes the difficulties these changes make for small developers, yet it keeps the City's streetscape program going.

Councilmember Jenkins agreed. She would like for the record to reflect that the cost for 500 linear feet is not \$300,000.

There was a consensus of Council to move forward with the amendment to the City's Zoning Ordinance.

Discussion of RZ08-030, An Ordinance to Amend Article 8.2, Mixed Use District, of the Sandy Springs Zoning Ordinance.

Deputy Director of Community Development Miller stated that staff was directed by City Council to research the appropriate number of uses which should be required by the City in conjunction with mixed use developments. Council also directed staff to investigate the use of parcel size as a limiting factor to preclude mix developments on small lots while encouraging assemblages.

The City has processed four rezonings since the Comprehensive Plan was adopted in 2007 which have sought to redevelop and intensify parcels with a Living Working designation. For the majority of these cases the applicant has requested to change to a MIX (Mixed Use) zoning category. While this zoning category includes some development standards related to height, setbacks and building separations, the minimum parcel size is not specifically addressed (single family uses are regulated via individual conditions). Due to the lack of standards related to minimum lot size, very intense/dense developments could be approved for parcels zoned MIX with a corresponding land use of either Living Working Community or Living Working Regional, irrespective of the size of parcel.

The City adopted the current Comprehensive Plan in November of 2007. This plan contains a future land use element with three Living Working Categories. According to the Comprehensive Plan, these categories are intended to allow an appropriate and balanced mix of uses to create a live-work environment at a scale character that is compatible with its surrounding community. The Comprehensive Plan defines these Living Working Areas as follows:

Living Working Neighborhood (LWN): This is the lowest intensity option of the three living working designations. These areas are intended to serve a single neighborhood or small group of adjacent neighborhoods, and to be compatible neighbors to lower density residential neighborhoods.

Living Working Community (LWC): This is a medium intensity/density category that is intended to serve a group of adjacent neighborhoods and to be compatible with low and medium density residential neighborhoods.

Living Working Regional (LWR): This is a high intensity/density category that applies adjacent to major transportation interchanges and/or rail transit stations (with the exception of the Live-Work area at Dunwoody Place and Roswell Road). These areas have significant concentration of employment.

Staff recommends that City Council consider amendments to both the Zoning Ordinance and the Comprehensive Plan. These amendments are designed to reinforce the assemblage incentives from the Comprehensive Plan.

Mayor Galambos stated that this item was discussed previously at Work Session and all requested changes have been made.

Discussion of RZ08-031, an Ordinance to Amend City of Sandy Springs 2027 Comprehensive Plan (Minor/Local Amendment).

Assistant Director of Planning and Zoning Ruffin stated that this item relates to RZ08-030, An Ordinance to Amend Article 8.2, Mixed Use District, of the Sandy Springs Zoning Ordinance and is for the change in the Land Use Plan using the same language.

There was no discussion by Council.

Discussion of Resolution for Transmittal of the Annual Capital Improvements Element (CIE) Update to the Regional Development Center and State for Review and Comment.

Assistant Director of Planning and Zoning Ruffin stated this is for the approval of a Resolution to Authorize the Transmittal of the Draft Annual Capital Improvements Element (CIE) Update to the Regional Development Center and State for Review and Comment.

Staff is required to provide this update to the State for them to review any progress the City has made with the impact fees over the past year. Since the City only started collecting Impact Fees in March and has not spent any funds it is only a report updating the shifting all of the improvements that were outlined to the next five (5) year period.

Mayor Galambos questioned how much has the City collected in Impact Fees. Ms. Ruffin stated that the City has only collected about \$11,000 since March.

There was a consensus of Council to move forward.

Discussion of AG-1 (Agricultural District) Zoning Classification Amendment.

Assistant Director of Planning and Zoning Ruffin stated this item is the AG-1 Classification amendment. City Council started looking at this when the City first incorporated, bringing the commercial component of the AG-1 out of that district and converting it to a single family residential district.

Staff proposes an amendment to the Ordinance changing the AG-1 to Estate Residential District and have included a time line which will be brought back to the public and City Council for review.

Councilmember DeJulio questioned how much land is in the City that is zoned Agricultural. Ms. Ruffin stated that most of Agricultural is in the panhandle and she does not have the exact acreage. He is aware of an owner of property zoned Agricultural with a tax bill charge of \$12.00. He questions if some people are getting a free ride in the City because they are getting all of the City services paying virtually no taxes and the property is not being used for agricultural.

Director of Community Development Leathers stated almost all of the land in Sandy Springs that is zoned AG-1 is a single family residential use. Arlington Cemetery is also an AG-1 zoning and has other uses around it. There are two reasons why staff wanted to look at this as a conversion of the district. First, there are commercial uses because agricultural is a business in a business district that permits commercial uses; kennels, vet clinic, etc. could go into AG-1 zoning and all is zoned conditional. Potentially, it gives the ability to put that on a piece of property, particularly District 1. Secondly, if the land is actually being used for agricultural use then the storm water conservation district has indicated to the City that they do not have to have a land use permit in order to do work. Most of the AG-1 zoning is actually up in the River Corridor. From staffs' point of view, since there is very little current agricultural use, this is a good time to make the conversion and make sure the City's River Corridor is protected.

Councilmember MacGinnitie stated that he would like to have public input before the City Council moves forward because citizens in his district will be affected and will have questions. He had discussions with staff on grandfathering in the current uses that now exist, not from 1990, but from today so that the few people who have horses are not being affected by what the City is doing.

Councilmember Fries agrees with grandfathering in statement. She questioned what the reason was for reducing the minimum side, rear and width lot from what they are.

Ms. Ruffin stated most of the properties zoned AG-1 have been developed similar to the R-2 standard and reflect the two setbacks. Any properties with existing houses would have grandfathering too.

Mayor Galambos requested that in the future staff add language to the Ordinance that would protect property owners that are adjacent to a barn regarding distance requirements so as to protect them from the odors and insects animals have.

Ms. Ruffin stated the Ordinance now requires the property owner to have a certain amount of acreage for each horse/animal and requires the housing for the animal to be located at the rear of the property.

Councilmember Meinzen McEnery questioned why the date, 1990 for grandfathering agricultural use. Ms. Ruffin stated it was carried over from Fulton County. Staff will update this date to whatever date Council adopts this Ordinance.

Councilmember Meinzen McEnery questioned how staff came to the minimum acreage for the acreage per horse/animal. Ms. Ruffin stated staff reviewed the State and City of Roswell requirements because of similar districts to the City.

Councilmember DeJulio questioned if the property was actually being used for agricultural. Ms. Ruffin stated that staff has a listing of all the addresses and has not yet had the opportunity to check it yet.

Mayor Galambos requested staff find out what the assessments are. Councilmember Fries advised that it could be done online.

Discussion of Sign Ordinance Amendment

Assistant Director of Planning and Zoning Ruffin stated the intent of this proposed text amendment is to clarify the standards regarding signage, generally. Additionally, the amendment will remove current sign standards in Article 12 B, Sandy Springs Overlay District, of the Zoning Ordinance that are inconsistent with the provisions of Article 33.

There are two major items that staff is looking to change in the Ordinance:

The definition of freestanding signs: At this time it allows for the base to be one-third the width of the sign face.

- Freestanding sign – Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign which is wholly independent of a building for support with a base flush with the ground generally at the same horizontal width as the sign face. The sign face shall be continuous polygon flush with the base of the sign. The maximum size of a freestanding sign structure shall not exceed 3.5 times the sign face area. Any open air space shall be included in calculating the total maximum allowable sign structure size.

The next change is in regards to signs during vacancy; properties that have spaces for lease or for purchase. When the Sign Ordinance changed in 2007, it took away any ability to have Real Estate signs, making it difficult for staff to control what people are putting up on properties.

- Signs during Vacancy. Such signs shall be limited to one on-premise sign per street frontage and shall not exceed 16 square feet in area. They are to be removed at the owner's expense within 30 days of lease or sale. Subdivisions in which fewer than 80 percent of the lots have been sold shall be entitled to one such 16 square foot sign per access-providing street. Signs during Vacancy shall have a maximum height of five (5) feet, and not be internally illuminated

Some of the other changes are to clean up language to allow internal directional signs on the larger type developments in the commercial and mixed use district.

- **Internal Signs.** Internal freestanding signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed internal signs of 16 square feet on one side of the entrance to each section. The maximum height permitted shall be five (5) feet.

There was brief discussion held by City Council.

Discussion of Church and School Use Permit Amendments

Assistant Director of Planning and Zoning Ruffin stated that staff was directed by members of the City Council to research possible amendments to the use permit requirements; Church, Temple, or Place of Worship (Section 19.4.10) and School, Private or Special (Section 19.4.40) found in the Zoning Ordinance. Staff has reviewed each section and suggests the following amendments:

Section 19.4.10 Church, Temple, or Place of Worship

- Staff is not proposing to recommend any changes to this section of the Zoning Ordinance.
- At most staff would suggest that additional research may need to be completed to determine minimum acreage standards in other jurisdictions. There currently are no minimum acreage requirements in the Zoning Ordinance.

Section 19.4.40 School, Private or Special

- Staff suggests that this section of the Zoning Ordinance may be amended to only apply to residential zoning classifications. This section currently applies to all Zoning Classifications and all of the existing requirements may not be necessary in commercial, office, and mixed use districts.
- Staff suggests that based on the types of use permit applications received, the minimum acreage be increased above one (1) acre.

Councilmember Fries questioned if staff was looking for a consensus to move forward for additional information.

Councilmember Meinzen McEnery stated because of the growth factor associated with this use in a residential area, she had suggested that staff look into appropriate suggestions for minimum sizes for a school, based on enrollment. The State Regulation for 550 students is between the 14 and 20 acre campus size. She would like for staff to research to see if it is possible to minimize the impact of these uses in the City's residential areas in future.

Councilmember Fries explained she has no interest in moving forward with investigating school size. The small schools are great. She would hate to see them go away. She does not want staff to waste time on it. However, she is concerned about the churches. The question is what constitutes a church.

City Attorney Willard stated this is a Constitutional issue. The Constitution preempts the City from doing things that regulate what may be considered a church. Churches are allowed almost anywhere.

Councilmember Paul suggested that City Council look at churches on a case by case basis.

The consensus of City Council is to look at churches on a case by case basis.

Call to Order

Mayor Galambos called the meeting to order at 8:55 p.m.

Roll Call and General Announcements

City Clerk Rowland 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.

City Clerk Rowland called the roll.

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

Approval of Meeting Agenda

Motion and Vote: Councilmember DeJulio moved to approve the meeting agenda. Councilmember Paul seconded the motion. The motion carried unanimously.

Executive Session-real estate & personnel

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss real estate and personnel. Councilmember Paul seconded the motion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session began at 9:00 p.m.

Motion and Vote: Councilmember Paul moved to adjourn Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session adjourned at 9:50 p.m.

ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Paul seconded the motion. The motion carried unanimously. The meeting adjourned at 9:58 p.m.

Date approved: February 17, 2009



Eva Galambos, Mayor



Michael D. Casey, Interim City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

October 14, 2008

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 14th day of October, 2008, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Future acquisition of real estate pursuant to O.C.G.A, 50-14-3(4);

Discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, but not receiving evidence or hearing argument on charges filed to determine disciplinary action or dismissal of a public officer or employee, pursuant to O.C.G.A. 50-14-3(16);

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.

Eva Galambos

Eva Galambos, Mayor

Sworn to and subscribed before me,
this 14 day of October, 2008.

Christina V. Rowland

Notary public (SEAL)

