

**Work Session of the Sandy Springs City Council was held Tuesday, August 12, 2008, 6:05 p.m.
Mayor Galambos presiding.**

Discussion of a Resolution to approve an amendment to the Department of Natural Resources Project Agreement for Ridgeview Park to reflect the City of Sandy Springs as the holder of title and grant sponsor for the Park with respect to a federal grant used to assist in the development of the Park.

City Attorney Willard stated that the DNR recently inspected Ridgeview Park and must report its findings. Since the City now owns Ridgeview Park and is responsible for the operation and maintenance of the Park, it should be named as the grant sponsor under the Project Agreement. In order for the DNR to update its records and database, it has prepared the Amendment to Project Agreement for execution by the City and Fulton County to reflect the new ownership.

The City Attorney's Office recommends that the Council approve the resolution authorizing the execution of the Amendment to Project Agreement.

Update on recent tax abatements under consideration by Fulton County Development Authority.

City Attorney Willard stated that there has been no word back from Mr. Shaw yet. The City is requesting information about their plans for abatement. City Attorney Willard stated that he will update City Council at the next meeting.

Update on TPL Green print process.

Communication Services Coordinator Coffey stated that on November 7, 2007, the City Council approved a contract with the Trust for Public Land (TPL) to engage in a partnership to define a public outreach process for land conservation and park goals.

Three meetings have been set with an appointed group of stakeholders. The green print process will help set goals and criteria for Green print Sandy Springs. At the first workshop held on May 19, 2008, stakeholders were provided with an overview of the Green print Sandy Springs study process and a summary of research TPL conducted on existing conditions related to parks, recreational and open spaces as well as a review of relevant plans and studies.

Input from stakeholders and city staff was used to develop the green print goals and criteria. At the September workshop, stakeholders will weigh goals and criteria within each goal and review and refine the prioritization maps. This information will help set the stage and will guide the rest of the Green print Sandy Springs mapping and action planning.

Councilmember Meinzen McEnery questioned who the stakeholders are. Mr. Coffey stated that it is comprised by each of the Council district, Mayor Galambos, Councilmember MacGinnitie and representation from Trees Sandy Springs.

Mayor Galambos questioned what the completion date of the study is. Mr. Coffey stated that this process began in March. The third stakeholder meeting will be held in November and the contract should be completed in December 2008 or January 2009.

Mayor Galambos had concerns in completing this process in time. Mr. Coffey stated that there should be no problem getting the information to TPL in the timeline staff has established.

Councilmember Fries stated that one of the goals in the packet is "Promote open space through conservation subdivisions. Councilmember Fries suggested that conservation easement be added.

Discussion of a Variance for Night Work for the 2009 Capital Paving Contracts and the 2008 Local Area Resurfacing Program (LARP) Contract.

Director of Public Works Parham stated that this request is for a variance for night work to help make traffic flow better during the day hours. Staff would like to have a blanket request from the City Council and have it on record.

Councilmember Meinzen McEnery stated that she would like for the contractor to get approval from any landowner in which they are placing their equipment. Director of Public Works Parham stated that there was a meeting held with the contractors and this will be one of the points emphasized by staff.

Discussion of the Acceptance of the Right-of-Way at 5901 Peachtree Dunwoody Road in Land Lot 19 of the 17th District

Director of Public Works Parham stated that staff is recommending that City Council accept the right-of-way donation of 0.024 acres that would be donated by SRI Seven Palisades, LLC for the PCID Peachtree and Dunwoody Road LCI Streetscape Project.

Discussion of the Acceptance of the Right-of-Way at 1005 Crestline Parkway in Land Lot 19 of the 17th District

Director of Public Works Director Parham stated that this is a request to accept right-of-way at 1005 Crestline Parkway. This is being donated by BRE/AMERISUITES PROPERTIES, LLC in the amount of 0.15 acres and is for the Fulton Intersections and Sidewalks Project in cooperation with the PCID.

Discussion of Motion to Authorize the Mayor and the City Council to approve the appropriation of the property located at 43 Abernathy Road through the Use of Eminent Domain Process.

Director of Public Works Director Parham stated that this is a request to Eminent Domain process for the parcel at 43 Abernathy Road and have reached impasse on negotiations. This item came before City Council once before but there were problems with the dates of the advertising.

Councilmember MacGinnitie questioned how many properties are left. Ms. Parham stated that there are four (4) in condemnations and one (1) left in negotiation.

Mayor Galambos questioned if staff had heard from Commissioner Abraham about the letting of the contract.

City Manager McDonough stated that he received a report back today from Senator Isakson's office which had called about setting up meeting to discuss this matter further. The response back was that this would be put on for a let date in November. Staff will continue to follow-up on this.

Discussion of the Transportation Master Plan.

Director of Public Works Director Parham stated that the Transportation Master Plan (TMP) is a transportation based study that builds upon the City's Comprehensive Plan adopted on November 20,

2007. The TMP will be used as a general guideline for the development of transportation infrastructure through the Year 2030.

The plan has been on the web site several weeks, presented to the Planning Commission on April 17, 2008 and a public hearing was held on May 20, 2008.

Mayor Galambos questioned how much this commits the City to do these things.

Transportation Planner Moore stated that it does not commit the City at all. This would be used for long range planning especially at the staff level. Individual projects, whether it would be trying to get matching funds for the state or federal level, ARC would call the projects or the local commitments for capital improvement dollars and would be brought as staff suggestions to City Council and voted on by Council as to put it in the program or not. Any project would be decided by City Council. Mayor Galambos questioned if there were any items City Council would like taken out. Mayor Galambos stated that the local cost is \$30,000,000 a year, which is unrealistic.

Councilmember DeJulio stated that he would like to have Glenridge between Roswell Road and Glenridge Connector taken off the plan. Councilmember Meinzen McEnery supports removal of this item because it is a capacity improvement. The capacity improvements are D6 through D10.

Councilmember Fries stated that this Master Plan allows the City to look into the future a little and possibly get some state funds for a project in future years. Councilmember Fries stated that she had rather change the items Council wants to a long term standing rather than short or mid. Glenridge and Peachtree are four lanes already and it just makes sense to have them in there as long term.

Councilmember DeJulio stated that this plan has to be redone every five years. There is nothing to preclude the City from putting them back in the plan. There is no value of having it on the waiting list for year's verses having it on the list of what the City wants to do for two years.

Councilmember Fries stated that it is having the experts telling the City what they think these roads should be in conjunction with the City's Comprehensive Plan. This is their suggestion. Councilmember Fries stated that she is not willing to support it but would be willing to move it to long term.

Mayor Galambos stated that the City is going to be involved in a North Fulton Study with ARC. They have given the City a strong commitment to look at the east/west roads. She questioned what if ARC has come up with Glenridge and it is not in the City's transportation plan, what would happen.

Director of Public Works Parham stated that the City's Transportation Plan can be amended. Ms. Parham stated that by having something in the plan would allow the City to acquire some right-of-way as land development occurs for future use and would save the City a great amount of money. That is one way it could make a difference now verses not having it in the plan.

City Attorney Willard stated that if Council takes an item out then the City can not demand a developer to dedicate right-of-way for expansion because the plan does not show the road being expanded. There must be a purpose there as a means of requiring a dedication.

Councilmember Meinzen McEnery stated that the neighbors on Glenridge have been involved in this discussion for many years which predate the City of Sandy Springs. The neighborhood does not want the road widened. She stated that there is no reason to have it in the plan at this time.

Councilmember Paul stated that he would like to have the opportunity to reserve right-of-way because it helps on development and serves as a tool to limit density. Councilmember Paul offered and suggested leaving Glenridge in the plan and noted that it is a low priority project. Should a developer come in with a project next year and it is not in the City's plan for 2035 and is listed as a low priority that is a specious argument because the plan calls for this road to be widened. The other side is that will make the City eligible for funds. The City has been very good at getting funds and could program them for the uses needed. Resources may be available by leaving this project in the plan and working within the rules. There are all kinds of advantages by leaving projects in the plan.

City Manager McDonough stated if the City wants to bury the overhead electrical, more right-of-way is needed to do that. It leaves flexibility that if the City has that then it is an option in the future.

Transportation Planner Moore stated that there is nothing in the Transportation Plan that would legally bind or allow a developer to have any sort of density above or beyond what they would normally be able to get because of something in the plan. The only thing that it binds is the future land use plan, which is part of the Comprehensive Plan, a totally different document. Councilmember Paul suggested this be sent back to staff for a solution to put in the plan that will deal with Council concerns.

Councilmember Jenkins stated that would be Abernathy, six (6) lane portions from Roswell Road to GA 400, four (4) lane of Peachtree Dunwoody from Abernathy to Spalding. In a meeting it was discussed that B5 and B6 be put in the short range list.

Transportation Planner Moore stated that the commentary could be put with the table about all the capacity projects as a general statement.

Councilmember Jenkins stated that there are two trails in her district that runs through condo complexes that have to be removed.

Discussion of the authorization for the Mayor to sign a letter to the Transportation Planning Board regarding the Regional Transit Vision Plan.

Director of Public Works Parham stated that this item is for the authorization for the Mayor to sign a letter to the Transportation Planning Board regarding the Regional Transit Vision Plan.

The Transit Planning Board is a partnership that will establish and maintain a seamless, integrated transit network for the Atlanta region. It was created by a joint resolution of the Atlanta Regional Commission, Metropolitan Atlanta Rapid Transit Authority and Georgia Regional Transportation Authority. Staff recommends that the City submit formal correspondence to the TPB regarding the options of Bus Rapid Transit and Light Rail Transit as they relate to Roswell Road and Hammond Drive, based upon review of the proposed recommendations known as Concept 3, arterial Bus Rapid Transit along Roswell Road from Buckhead to Alpharetta and the light Rail Transit along Hammond drive from Roswell Road to Georgia 400.

Mayor Galambos stated that there is a big controversy on the fixed rail BRT along Perimeter. The City wants BRT.

Director of Community Development Leathers stated that the City has talked about the possibility of using that to be able to connect the Roswell Road activity node with Perimeter Center and that would make more sense having BRT.

Mayor Galambos explained that the fixed rail does not give flexibility and the BRT is much more flexible. Cobb County is for the fixed rail.

Director of Public Works Parham stated that staff will revise the letter in Council's packet.

Discussion of the Revised GDOT Project Framework Agreement (PFA) Project No. STP000-6-00(727), Fulton County, P.I. # 0006727 for the SR 9 Advanced Traffic Management System (ATMS) Project (T-0013).

Director of Public Works Parham stated that this item is to authorize the Mayor to sign the revised GDOT Project Framework Agreement for the SR 9 Advanced Traffic Management System Project.

Councilmember Meinzen McEnery stated that she spoke with staff today and inquired about the federal money being allocated from Fiber Optics from Abernathy north. She had questioned what happened to the Fiber Optics that is in the ground at Abernathy south. The answer was that it was not part of the federal grant. It is something that she would like for City Council to consider in the future if it is implemented north of Abernathy. She would like for Council to consider funding it for the south as well.

Mayor Galambos questioned what it would do for the Sandy Springs traffic.

Director of Public Works Parham stated that it would help to have smaller versions of signs with advance information ahead of time like what is on Georgia 400.

Councilmember DeJulio questioned if studies had shown that those signs along the highway saying that there is an accident up ahead, actually make a road safer for traffic.

Director of Public Works stated that the sign will provide an alternative route to take.

Discussion of the contract to Construct River Valley Road Sidewalks Project T-0005.

Deputy Director of Public Works Drysdale stated that the City received a Notice to Proceed from the Georgia Department of Transportation to bid this out. Bids were received and opened this morning. Nine (9) bids were received and the low bid was for \$986,000, significantly lower than all other bids. Public Works staff will review the bids and make an award recommendation. The Georgia Department of Transportation will contribute up to 80%, a maximum of \$960,000, SSRI \$149,000 and the remainder would be City funds.

Councilmember Jenkins questioned when construction would start once the bid is awarded.

Director of Public Works Parham stated that it would be between 30 to 60 days depending on GDOT.

Discussion of a Permit for the Installation of a Traffic Signal at Riverside Drive and the Interstate 285 Westbound Ramp.

Director of Public Works Parham stated that this item is to install a traffic signal at Riverside Drive and the Interstate 285 westbound ramp. GDOT will provide the equipment for this installation and the City will pay for the installation. Public Works staff recommends that City Council authorize the City Manager to sign a permit approving a signal permit for the intersection.

Discussion of a Litter Control Ordinance.

Assistant Director of Code Enforcement Kellum stated that item is to adopt a Litter Control Ordinance. The primary purpose of the ordinance is to comply with the Metropolitan North Georgia Water Planning District and implement a plan to protect water quality. It is modeled after the Georgia Litter Control law and contains provisions for enforcement and control of littering on public and private streets as well as the water ways. The enforcement of this litter ordinance would be a joint effort in with the Land Development Division and Code Enforcement Division.

Mayor Galambos questioned if Code Enforcement were to see someone throw something out of the car would they be able to enforce it.

Assistant Director of Code Enforcement Kellum stated that Code Enforcement was not empowered to pull someone over but can take down the tag number and take pictures of the litter or if it's a bag of trash go through it and get a name.

Councilmember Jenkins questioned if it were a garbage truck that lost the bag of trash.

Assistant Director of Code Enforcement Kellum stated that there is language in the ordinance that would cover that as well as the Solid Waste Ordinance.

Councilmember Fries stated that she has a concern with the possibility of a person's trash falling off the garbage truck rather than the person's car. She would hope that if one showed their trash bill it would be understood that it did not come from their car but the garbage truck.

Councilmember Jenkins questioned if the police could enforce this ordinance. Mr. Kellum stated that the police do have enforcement powers of this ordinance and it is a state law that allows the officers to enforce litter control.

Mayor Galambos questioned how useful did he feel the City's litter ordinance will be. Mr. Kellum stated that before Code Enforcement had no enforcement powers and this ordinance would allow Code Enforcement to act on violations.

Councilmember DeJulio questioned if this ordinance would allow Code Enforcement to enforce litter control on construction sites. Mr. Kellum stated that the ordinance has provisions for public and private streets.

Presentation of water conservation alternatives researched by the stakeholder group.

Lee Duncan, Chair of Stakeholder Group & Chairman of Sandy Springs Planning Commission, stated that the litter ordinance discussed was a recommended ordinance that the Commission put through. The real intent of the ordinance is to promote and encourage an educational process to occur in the community.

The Stakeholders Group is recommending that there be a reduction in impervious surface, minimum requirements of underground storages to be installed. The details of this should be worked out at the staff level. Mr. Duncan suggested Council to direct staff to come back before them with recommendations. Mr. Duncan also recommended additional language in the resolution that would direct staff to provide recommended incentives at the city level and be specific in what those would be. Secondly, direct staff to identify incentives to be considered for negotiation with outside utility providers such as Fulton County Sewer and Atlanta Water.

Councilmember Meinzen McEnery stated that in the documentation provided to Council before the meeting, there is a paragraph that talks about a bullet point that confused her and she would like to know what it means.

- Increase Impervious Surface when underground storage has been installed.

Mr. Duncan stated that this point is the one he just mentioned and that the underground storage would hold rainwater and stormwater, one in the same. The language is unclear and should be cleaned up.

Councilmember Meinzen McEnery stated that the more pervious surface you have the more potential water gets into our groundwater. If you build underground detentions so that you can have more impervious then it does not seem to her to be a water conservation recommendation. The City needs more water and needs to control the stormwater as a function of the impervious. The City does not need to encourage more impervious than what is absolutely needed.

Councilmember Fries stated that she would have to agree. More and more businesses are putting in these underground detentions. Councilmember Fries would not mind having more incentives and does not mind having an incentive on this and asked staff to not go crazy with it because a lot of people are doing it anyway.

Mr. Duncan stated that the City needs a Resolution that provides a broad framework for staff and then provided staff with directives and asked staff to examine alternatives to each of the areas and then come back before City Council with more specificity on each of these.

Mayor Galambos stated that these are incentives to do big things and questioned what happened to the proposal of low water in toilets and other things.

Director of Community Development Leathers stated that staff can bring that back.

Mayor Galambos questioned if Council had passed it.

Assistant Director of Building and Permit Wesserling stated that Council did not pass it. The State has adopted it and it will be law in January. It will be in Appendix O, use of grey water and the low flow fixtures.

Mayor Galambos stated that grey water should be an incentive and the low flow fixtures should be mandate.

Councilmember Jenkins questioned the metering. Mr. Wesserling stated that City Council approved the metering.

Director of Community Development Leathers stated that staff can put together a report and modify the Resolution.

Mayor Galambos stated that the whole area is moving in the direction of the low flow fixtures and Sandy Springs needs to do so as well.

Director of Community Development Leathers stated that the next three agenda items relate to litigation regarding Adult Entertainment. City Attorney Willard will present the amendments to the Zoning Ordinance to City Council.

Discussion of RZ08-022, an Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance.

Discussion of RZ08-023, an Ordinance to Amend the Regulations of the City of Sandy Springs Adult Entertainment Ordinances.

Discussion of an Ordinance to Amend Chapter 26, Article 2, Adult Entertainment, of the Code of the City of Sandy Springs.

City Attorney Willard stated that the City is involved in two law suites that deal with the Adult Entertainment. The case is close to the end of discovery and as part of the preparation for filing a motion and summary judgment; Bentley Bentley & Bentley are to review the City's Ordinance. There is a clause in the City's ordinance now that by a certain time these establishments will have to relocate to come into compliance with the ordinance. The experts came back and made some recommendations of changes to be made to the City's ordinance.

- An Ordinance to Amend Article 3, Definitions of the Sandy Springs Zoning Ordinance. The purpose of this text amendment is to add or amend terms relating to adult business.
- An Ordinance to Amend Article 19, Administrative Permits and Use Permits, of the Sandy Springs Zoning Ordinance. The purpose of this amendment is to amend the administrative permit requirements for adult bookstores and adult entertainment establishments.
- An Ordinance to Amend Chapter 26, Article 2, Adult Entertainment, of the Code of Sandy Springs. The purpose of this text amendment is to add or amend the following terms in general definitions adopted by the City of Sandy Springs: check cashing establishment, flag lot, grade plan, height (residential), height (commercial), laundries, pawn shop, seasonal business use, and shopping center.

Discussion of an amendment to Chapter 9, Building Codes as it relates to height.

Assistant Director of Building and Permitting Wesserling stated that staff was directed to revisit the following three items as future amendments to the City's local building code:

1. Measuring Height from Sub-retaining Walls for Lots with Extreme Grades: The maximum height of the wall may not exceed fifteen (15) feet. Approved by DCA.
2. Mean Building Height: staff recommends using a "weighted mean" to compensate for homes with multiple building sides and significant grade changes. Approved by DCA.
3. Inclusion of Building Height Calculations on Building Plans: Building height to be shown on plans. This will significantly aid in the enforcement of the forty (4) height restriction while possibly also reducing the errors during plan review and construction. Approved by DCA.

Councilmember Meinzen McEnery questioned if the building height would be at the highest point or would there be various descriptions of the height or will they be describing the height along the elevation.

Assistant Director of Building and Permitting Wesserling stated that it would still be the average grade plane or the weighted mean grade plane. It would be at the mid point.

Councilmember Meinzen McEnery questioned if the statement of height will be done by a licensed engineer.

Assistant Director of Building and Permitting Wesserling stated that it would vary. It does not allow the City to require a licensed professional residential on buildings unless they go over 5,000 square feet. Once the plans are approved, those figures are then locked into that height number.

Councilmember Meinzen McEnery questioned if the State of Georgia says that this City can not require stamped licensed engineering drawings on residential homes if they are less than 5,000 feet.

City Attorney Willard stated that a person can come in and get a building permit for a residential structure without the requirement of an architect engineer stamping the plans. State law controls this issue. It preempts the City from requiring it.

Mayor Galambos questioned the mean height of a building. Mr. Wesserling stated it is measured at the average of the highest roof.

Director of Community Development Leathers stated that staff would take a look at it.

Discussion of Development Regulations.

Director of Community Development Leathers stated that this is a joint effort of the Community Development Department and Public Works Department. Staff has put together some consistent regulations. This document should help folks find things. Staff will come back to City Council at a later time to recommend removing items from other ordinances so that it is clearer.

Assistant Director of Building and Permitting Wesserling stated that the Development Regulations serves as a compendium of the City's current requirements from a number of separate ordinances. As part of the process to compile the City's existing regulations, staff has added some new requirements and modified others to better reflect local community standards.

The most significant changes are:

- **180 Day Expiration Clause** – The City does not currently have an expiration clause for Land Disturbance Permits tied to schedule inspection requirements. Because of this, a site could technically be active without any significant construction activity being performed. In response to concerns of Mayor and Council, Article 6.3.8. has been included in the Development Regulations to provide for the expiration of a Land Development permit if 180 calendar days elapses and the approved schedule on the permit documents has not been adhered to.

Councilmember Jenkins stated that she did not see how this would have an impact on a land owner who has clear cut the site and has not done anything.

Director of Community Development Leathers stated that this is being done in combination with working on the expiration clause of the zoning ordinance. These ties back to Article 6, of the Zoning Ordinance which says that they must have completed 50% of the infrastructure work on one phase of project before the expiration of the zoning. Staff is trying to put in place a procedure which will allow staff to have a clear schedule for that construction. Staff can then make a determination on whether the developer is making progress or not.

Councilmember Jenkins stated that the penalties are very insignificant. The \$1,000 a day fine is not enough. Ms. Leathers stated that two things can happen. One, if the developer is not making progress on the schedule that is in their Land Disturbance Permit, it can be expired. Second, if the developer has not

made progress on the zoning, it can be expired. Staff is working now so that the expiration clause can be implemented by end of the year.

Councilmember MacGinnitie questioned if a Land Disturbance Permit is pulled and the work starts and then stops, the developer could lose the zoning on the property.

Director of Community Development Leathers stated that the City's current ordinance has an expiration clause in it and would have to come back before Council to allow it to expire. This is something that staff could do and a procedure is needed to do this.

Councilmember Meinzen McEnerny questioned if the developer could get the property rezoned and then do nothing. Ms. Leathers stated that the expiration clause has a second provision which is if they haven't done anything on the property; Council could also consider its expiration.

City Attorney Willard stated that a developer could not lose its zoning. Council can look at the conditions to see if they have been met. As far as the Land Disturbance Permit is issued after this is done, the City can set a limitation on how long it may remain there. If the developer comes in and does some work, there may be some legal barriers. It is hard to say that because the time has past and you have not fulfilled everything within a timeframe that discretionary authority could cause you to lose the permit.

Director of Community Development Leathers stated that staff is suggesting that there be set a standard on how you would review if someone has not completed work on it and what the repeal process would be available to someone who thought they completed the work. The difficulty you have is when projects are zoned and the Land Disturbance Permit is pulled and funding goes away for one reason or another, no one does anything on the site. There is no way to make the old Land Disturbance Permit go away and then issue a new one under the new provision when circumstances change. Currently, there is a time limit of six (6) months on the building permits and the developer must get an inspection in order to keep their building permit. Otherwise, they would have to come back and get a building permit when they choose to go back to work. The City does not have a provision in the Land Disturbance Permit. There was no way to terminate old Land Disturbance Permits. Sandy Springs has some as old as nine (9) and ten (10) years and are still active. The City does not have a way to terminate those. This is a way to move the process along and to get people to make decisions on whether or not they want to proceed or not.

The sureties occur when they actually are doing land development on a property and have done most of what they need to do but for one reason or another they are not able to complete it before they need to occupy a building. The City then allows them to bring money forward to put in a place where the City can ensure that the public improvements that are required are actually put in place. In most cases, the City does not take them because it is preferred that the developer put the improvements in.

Councilmember Fries questioned what would happen if the owner had the property rezoned, pulled the building permit, then decided not to build and put property on the market and it sits there for ten years, then what.

City Attorney Willard stated that if they did not go forward with the building permit within the time that is listed in the ordinance, the permit may expire. The question is when you go forward and do something with regards to development, how far can they go that you then become vested with the benefits of that zoning.

Director of Community Development Leathers stated that the clause is still in the ordinance. Staff would like to discuss this with the City Attorney before the end of the year. Staff would then come back to City Council with recommendations related to that.

Councilmember Jenkins stated that Roswell Road/Hammond, Peachtree-Dunwoody, Glenridge/Mt. Vernon have been clear cut. The LDP has been pulled at some point and now no work is going on any of those three sites. She questioned if the amendment still would not be able to fix this problem. The people that live behind one of these areas can not sell their home because they have no clue what will be put there. This is creating a huge hardship on that neighborhood of the branches. City Attorney Willard stated that there is nothing that the City can do because the owner of that property has a vested right under the Land Disturbance Permit.

Director of Community Development Leathers stated that it will not fix them because they were in existence already and Roswell Road/Hammond is in litigation right now.

The reason staff is bringing this item back to Council is to try to develop a set of standards. At the beginning when a developer comes in, there will be a schedule and staff will be able to tie their activity back to that schedule, something in which they presented and also addresses the issue of the infrastructure. Staff is trying to make it something that can be enforced and to work with them in making sure they know in order to keep active.

The goal would be to be able to expire the Land Disturbance Permits that have not met their schedule and are not even close to the 180 days. At the end of the 180 days the City would have the authority to go through the criteria review and make the determination that they had not actively carried out their land disturbance permit. The developer could come back later for another land disturbance permit. Staff would like direction on what City Council wants addressed in this.

- **Well and Septic Tank Regulations** – Currently, a developer is not required to coordinate with the City when a well or septic tank is installed. Without any notification, the City's inspectors may be unaware of this type of land disturbance as it only requires a Fulton County Health and Wellness Department permit. Article 6.2.7 has been included in the Development Regulations to require a pre-construction meeting with the City prior to the construction of groundwater wells or septic systems.

Councilmember Meinzen McEnery questioned why the underground storage unit was not included in this. Ms. Leathers explained that this section is not yet complete and staff will be adding this in the Development Regulations.

Councilmember Fries questioned where staff is finding some of the issues.

Assistant Director of Land Development Dettwiler stated that there is some conflicting language as far as the definition of a buffer. The same terminologies used in three different ordinances; Zoning Ordinance, Tree Ordinance and Stream Buffer Ordinance. There is a lot of housekeeping type issues that need to be cleaned up.

- **Addressing:** The City does not have a complete set of codified requirements related to addressing. Rather there are separate portions found in the Building Code, fire Code and the Zoning Ordinance. This has led to some confusion on the part of both staff and the development community as to who has the authority to issue and approve new/revised addresses. Additionally, the City does not have clear regulations related to the posting of addresses within Sandy Springs. Article 7.3 is contained in the Development Regulations to better manage the assignment and posting of addresses in the City.

- **Tiered Retaining Wall Regulations** – The City does not have a code requirement that addresses the construction of tiered retaining wall systems. Due to this, it is currently possible to construct an assemblage of walls, with each individual wall being less than four feet in height, but the total height being far greater than four feet, without having to obtain a retaining wall permit or provide required indemnification/certifications analysis. Article 13.3.6 has been included in the Development Regulations to require tiered wall systems that result in a vertical elevation difference greater than or equal to four feet in height to obtain a retaining wall permit, along with applicable indemnification/certification agreement based on criteria found in Section 13.3.3 of the Development Regulations.

Chief Engineer of Land Development White stated that the current Ordinance requires that a permit is needed for any retaining wall that exceeds four (4) feet in height. If the retaining wall exceeds six (6) feet in height among the requirements is that a professional engineer certify the design of the wall. What the ordinance does not address is situations where there are assemblages of wall, all of which could be four (4) feet or less, but are tiered so that when everything gets constructed there is a change in vertical height compared to a change in horizontal distance that exceeds the two to one slope. Simply, if there is an assemblage of short walls that is close together that the change in height is too abrupt for the natural repose of the soil. Staff would like to have a provision that would require a permit that if it is a great enough vertical change, then a professional engineer would also certify the design of the wall.

- **Sidewalks**: The City has several different areas that regulate sidewalk construction. The Subdivision Regulations and the Zoning Ordinance each have sections pertaining to sidewalks. Furthermore, the City recently adopted a new Sidewalk Policy to provide clear direction as to when and where new sidewalk sections are required. The attached Development Regulations include applicable sections from the existing City regulations while incorporating the over-arching provisions from the Sidewalk Policy.

Councilmember DeJulio stated that Mayor Galambos has made it very clear over the past about the width of sidewalks and questioned if this change specified the width of the sidewalks and whether or not grass strips are required.

Transportation Planner Moore stated that it has been included in the standards for sidewalks requiring that sidewalks are no less than five (5) feet.

- **Land Disturbance within Buffers** – The existing regulations are unclear as to whether driveways, wells, septic tanks, utility connections/lines are permitted to be located within buffers. In an effort to make the development regulations easier to administer, staff is recommending the above-referenced uses be permitted to only cross perpendicularly into buffers. If a crossing is not perpendicular, it could still be permissible provided it is approved either administratively (with an approved set of standards) by the Director or through the City's existing variance process.

Councilmember Meinzen McEnery stated that she would like to see the structures included in the Development Regulations.

Director of Community Development Leathers stated that staff will bring to City Council the proposed amendments of the Zoning Ordinance and if approved, this would allow staff to put the amendments in use.

Councilmember Meinzen McEnery questioned if there would be a public hearing on the Development Regulations after the approval of the Zoning Ordinance.

Director of Community Development Leathers stated that the amendments to the Zoning Ordinance would occur after Council takes action on this ordinance. Ms. Leathers suggested the month of September for the public hearing on this item.

Councilmember's Discussion Items

Discussion of holiday decorations

Councilmember Fries presented City Council with samples of holiday decorations for the City and received input from Council. She suggested that the City put decorations up from Hammond to Sandy Springs Circle. The total annual cost to the City for the three year lease agreement would be \$5,365.00.

City Attorney Willard reported that the closing on the Lost Corners property has occurred by the Trust of Public Land. The City will get the conditions as far as covenants on the property. Problems have occurred on the type of language that will be placed on the deed to transfer the property to the City. There is a dispute between the Trust for Public Land and the State Department of Natural Resources which is putting up funds in a grant for part of the purchase. Once this has been worked out the closing can take place.

Assistant City Manager Rapson stated that staff would like to amend the existing Surplus Policy for purchasing. At this time surplus items have to come before City Council individually for approval to dispose of them. Staff requests that the City Manager be authorized to dispose of items up to \$25,000.

Councilmember Paul moved to adjourn the meeting. Councilmember Jenkins seconded the motion. The motion carried unanimously and the meeting adjourned at 8:01 p.m.

Date Approved: September 16, 2008



Eva Galambos, Mayor

Christina V. Rowland, City Clerk