

Work Session of the Sandy Springs City Council

November 13, 2007

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Work Session of the Sandy Springs City Council was held Tuesday, November 13, 2007 at 6:04 p.m.

Mayor Eva

Galambos presiding.

Councilmembers Present: Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, Councilmember Karen Meinzen McEnery.

Swearing In Ceremony-Candidate-Elect Doug MacGinnitie

Eleventh Circuit Court of Appeals Judge Stanley Birch administered the Oath of Office to Douglas J. MacGinnitie. Councilmember MacGinnitie took his position at the dais.

Review of Dog Park Plans for Morgan Falls.

City Manager McDonough introduced John Willis. Mr. Willis will present two options for Phase I improvements at Morgan Falls/Bull Sluice Park. His presentation will include an overview of two potential options (Plan A and Plan B) which include areas for parking, a dog park, walking trails, picnic shelters, boat dock and boat house. He will also present pros and cons of each option and updated cost estimates.

Mr. Willis will also provide Council an update regarding potential funding sources to assist the City in this endeavor.

Mr. Willis gave the following presentation.

Morgan Falls Plan – Phase I

Plan A

Pros

- Least impact to the existing conditions
- Provides all the functions
- Least amount of impervious area
- Most Original in design
- Best meets the needs of Georgia Tech rowing team

Cons

- Areas of parking lot are not visible from the main street
- Board trailers turn around could be an issue at the end of parking

Plan A Estimated Cost \$276,220.00

Morgan Falls Plan – Phase I

Plan B

Pros

- Parking is near main road area
- Impervious areas are further away from the water
- Reducing parking spaces could significantly decrease costs
- Actual dog areas are move off the main street

Cons

- Longer distance to the rowing dock from the paved area
- Plan has the most grading involved

Plan B Estimated Cost \$260,850.00

Discussion of water restriction ordinance.

City Manager McDonough stated that staff will discuss option that are tied to trigger points based on the levels in the lake.

City Attorney Willard stated that one of the handouts is a document entitled, Building & Development Water Conservation Measures prepared by the Director of Community Development and her staff. Staff has made suggestions of changes to be made in regards to building and redevelopment of property. These items can be considered by Council.

City Manager McDonough stated that the City has two issues, one, legal authority of the Council to regulate water usage above and beyond the dry level 4 that the City is in. Second is conservation measures that Council may want to consider.

City Attorney Willard stated that this issue was discussed at the last meeting and the City Manager had requested that he prepare a memo outlining what measures Council could impose for the enforcement of water usage reduction.

- The City may impose a full water ban on all outdoor watering which would include both residence and commercial without exception.
- The City may impose a ban on all car washing, both residence and commercial, but a noted exception would be commercial car washes which reclaim and recycle water within their facility.
- The City may impose a ban on all private pressure washing. Commercial pressure washing could be permitted for the purposes preparing a house for painting.
- The City, if it wishes, may impose civil penalties for the deliberate violation of any of the above regulations such as the following: First offence, written warning, Second offence, Fine of not more than \$200.00, Third offence, Fine of not more than \$500.00, Fourth offence, Fine of not more than \$1,000.00.

He stated that for reasons of health and welfare, the City may not terminate water service.

Councilmember Fries questioned if Atlanta has asked for the City's assistance to enforce their water restrictions. City Manager McDonough stated that he is not aware of them asking for help. Councilmember Fries stated that she is not in favor of putting more of a hardship on anybody in our City, if Atlanta is not willing to do in their own city. Atlanta already has a ban on car washing at home. She does not want to go a step further and put anybody else temporarily out of business. All private pressure washing is already restricted. She does not want to put any further restrictions on our citizens that Atlanta is not willing to put on their own. She would rather teach our citizens conservation.

Mayor Galambos concurred. She does not think it is fair to put our businesses at a disadvantage against the businesses in Atlanta to the extent that Atlanta is not going to cut off commercial landscaping. The City has to think about the business community.

Councilmember Jenkins stated that she is concerned about taking police and code enforcement officers away from their regular duties in order to enforce the water restrictions. There are businesses in the City that are already doing things to conserve water. The City should promote the businesses that are doing this. If the City of Atlanta is not going to restrict their homeowners and their businesses then she does not believe Sandy Springs should.

Councilmember Meinzen McEnery stated that she agrees that the City should not unduly restrict the commercial businesses. However, the City needs to be in a leadership role to help the community through this drought. She does not have a problem hiring additional code enforcement officers to enforce the law.

Councilmember MacGinnitie questioned who is imposing the current restrictions now.

City Manager McDonough stated that the restrictions are imposed by the state. The Governor has been presented with possibilities for additional restrictions which are under review. What Council is discussing tonight is locally going above the state requirements. The City has the responsibility to ensure a safe water supply for our community and there are a number of challenges related to that. The City does not own its own system and is very dependent upon others. Anything the City can do to help extend the supply is a step in the right direction. He explained the lake levels at Lake Lanier.

Councilmember Paul questioned if the City of Atlanta could enforce the Sandy Springs area. Mayor Galambos asked staff to look into this.

Mayor Galambos stated that there has been a huge decrease in the amount of water everyone is using. The consciousness of this community has been raised tremendously with voluntary effort. She would be interested in finding out from the City of Atlanta now, the difference of the water consumption in Sandy Springs in October 2007 from what it was in October 2006. She believes that it is a huge drop. The City's public relations department and news media can be depended on to keep putting out good information that will help.

Councilmember Paul requested that the City Manager and City Attorney meet with the appropriate people in the City of Atlanta to find out if they are enforcing these water restrictions in Sandy Springs. He questioned what the City could do to deal with the infrastructure problems that are causing more problems than anything else in the community. We are leaking millions of gallons of water through the system through bad meters. City Manager McDonough stated that staff will be contacting Atlanta on these types of issues.

Councilmember Meinzen McEnery stated that John Gillian is in charge of water issues in the Sandy Springs area. The City of Atlanta watershed does not have enough enforcement for the entire city in Sandy Springs. This is why the City should use its own code enforcement to issue citations on water usage.

City Manager McDonough stated that staff has compiled a very detailed list of complaints the City has received regarding types of issues. Staff has had an opportunity to follow up and some of the issues have been resolved. These issues have been presented to the Commissioner. The Call Center forwards many of these calls to the City of Atlanta. The biggest problem is that Atlanta does not have the manpower to keep up with everything.

Environmental Engineer Dettwiler stated that the following items are water conservation measures from a building and development aspect that are suggested to be included in any recommendations prepared for distribution to water utility providers and affected municipal governments.

Building Officer Wesserling stated that the first item will mandate low flow fixtures on new construction and appliances, also added a recirculation pump on hot water heaters if the length from the hot water heater to the shower head is more than 25 feet. This will eliminate the waste of water when you turn the water on and having to wait for the hot water. It also requires waterless urinals in commercial buildings which will save a tremendous amount of water. New Construction over \$500,000 could use the grey water system. There was a consensus from Council to direct staff to move forward with this.

Environmental Engineer Dettwiler explained all entities using 100,000 GPD or greater. Once identified, concentrate efforts on how each entity can conserve water as a part of their operations process to include the identification of possible grey water recover/reuse systems and applications.

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He stated that it would be effective immediately; with the assistance of the City of Atlanta Department of Watershed Protection (in identifying these users), staff will contact and coordinate conservation efforts with each entity to determine where conservation measures can be/are being applied.

Councilmember Meinzen McEnery stated that apartment property that is not separately metered would fall very much under this 100,000 GPD. She questioned if any consideration had been given in the new construction section requiring separate metering for apartment units.

Councilmember Jenkins stated that she brought this up in early 2006, Council did not vote on this.

Director of Community Development Leathers stated what was discussed was that there would be metering and sub-metering. The apartment complex could then give an individual bill to an individual apartment owner and that way there is some ability to monitor that.

Councilmember Jenkins requested that staff bring forward the ordinance that was drafted in 2006. Councilmember Paul stated that the apartment complex issue needs to be resolved.

Environmental Engineer Dettwiler stated that the next two items triggered by the level of Lake Lanier itself as it continues to decrease. The next recommendation is to require all new projects currently served by septic systems (i.e. demolitions-redevelopment projects) to connect to public sewer by way of extension. This is to include all proposed additions or renovations to existing properties when such additions or renovations would require an increase in the capacity of the current septic systems.

Councilmember Fries stated questioned if the City was planning to force someone that wants to remodel their kitchen to run a five- mile line to get to the closest sewer because there is not sewer through 13 miles of road.

Environmental Engineer Dettwiler stated that it is only required when it would increase the capacity of the current septic system.

Councilmember Fries requested that verbiage be put in, that if it is not available to connect to the public sewer, then all new projects would not be required to run 13 miles of sewer. City Manager McDonough stated that would be addressed by including language stating that if a property is within a certain number of feet from an existing sewer system.

Councilmember Meinzen McEnery questioned if that was currently 1,500 linear feet.

Director of Community Development Leathers stated that it depends on the location. The City usually gets a read from the Health Department as well as Fulton County Sewer. What staff would like to do is reduce the distance. The City is not going to do something that is going to require a huge extension.

Councilmember Fries questioned if there were a lot of septic tanks in Sandy Springs.

Director of Community Development Leathers stated that there is a fair number of septic tanks in Sandy Springs. Before staff brings this back to Council, they will map the general locations of what areas are septic so Council will have a sense of what they are dealing with.

City Manager McDonough stated that an average household can use between 7,000 and 10,000 gallons of water. If that water actually makes its way back into the sewer system; eventually, it is treated and will go back in to the river. The withdraw permits are now tied to the total volume in the river itself. If you are not putting the volume back in they will not let you increase your withdraw permit. At some point with redevelopment, all of the Metro area will be in the position of needing to increase the amount of water that is taken out of that system, so every drop that is put in, there is a possibility that it can be taken out on the other end.

Councilmember Jenkins requested a cost estimate for new projects currently served by septic systems. She has heard estimates from \$10,000 to \$30,000 plus a \$1,500 tap fee depending on how far away they are. When staff comes back with changes she would like to have a cost estimate so this will let Council know how much more this is going to put on to redo a house.

Councilmember Meinzen McEnery stated that the majority of homes that were developed in the 1950's were on septic because there were no trunk lines in District 6. Fulton County's policy is not to extend trunk lines in our district. She is very happy with the septic because it is going eventually through the stream behind her house and is watering her trees. Councilmember Fries point is well taken; in general it is much better to add more quickly into the river so we could possibly withdraw more.

City Manager McDonough stated that this would only be triggered by a 1035 elevation level.

Councilmember MacGinnitie stated that if it is a good idea long term then the City should do it.

There was not a consensus from Council.

Councilmember Fries indicated that the City needs to make sure that what is limited depending on the availability. City Manager suggested that it state; within 500 feet of existing sewer system Councilmember Paul stated that he would like to have more information. He would like to know what the cost implications are.

Environmental Engineer Dettwiler stated that the City could require a moratorium on all new development/construction or a part thereof. This can be manifested as a moratorium on individual uses such as swimming pools, or as a moratorium on all building related and land disturbance permits.

He explained that staff is recommending that the moratorium on swimming pool permits be effectively immediately, no new applications will be accepted for the construction of new swimming pools, whether public or private in use.

He further explained that a moratorium on all new building-related and land disturbance permits would be effective when Midnight Pool at Buford Dam measures 1035' (the point where the conservation pool has been exhausted, and the inactive pool remains).

Mayor Galambos stated that if it were to get to that dire situation then the state would step in and stop all development.

Councilmember Meinzen McEnery stated that there are people in the City that are building swimming pools and need to fill them right now and have a swimming pool permit. They are filling those pools by drilling wells. The City should require that the swimming pools that are permitted but not yet filled or be filled up with purchased water from somewhere else. She suggested, at a minimum, we not allow local water sources to fill it up.

Councilmember Fries questioned if there was not a restriction that they can not fill up pools right now. Also, a lot of people tap into wells, springs to water their yards and for other things.

Councilmember Meinzen McEnery stated that filling up a pool with well water is allowed under the drought 4 City of Atlanta Watershed rules but does not think that filling up a pool with local water sources.

Mayor Galambos stated that it is the state's responsibility to put statewide restrictions on digging wells.

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Councilmember Meinzen McEnery stated that if you are going to fill up a pool that has recently been permitted, the water be purchased from an outside source not in Georgia.

Councilmember Fries stated that the City should not put more of a hardship or burden on residents and developers when the state is not doing it. Sandy Springs falls into a different category in this. There is a big difference between redevelopment and new development.

Councilmember Paul questioned the amount of permits the City has for swimming pools.

Environmental Engineer Dettwiler stated that the City has received 90 for the year. At this time, there are several pending and currently in review.

Councilmember Paul stated that there are two triggering events. One, a moratorium on swimming pool permits and the second is a moratorium on everything.

City Manager McDonough stated that part of the challenge here when he asked the staff to come up with this list of suggestions was something that the City could convey to the state as a local government by way of suggestion. What he is hearing Council say is that there is concern about having a level playing field. That everyone should be in this together and that it should not just be Sandy Springs. Our thought was that with these types of suggestions if Council were supportive of them that we would forward them to the Governor for his consideration, as part of his on-going review right now about his additional restrictions. These are only some suggestions for Council as a starting point.

Mayor Galambos stated that the City should go along with all of them.

Councilmember Paul stated that there are certain things the City can take a leadership role on.

Councilmember Meinzen McEnery stated that on new construction she would like staff to come up with a percentage of parking lots, pavements, and roadways that has to be made of pervious material.

Mayor Galambos stated that there are two to three that are in the process of asking for permits.

Environmental Engineer Dettwiler stated that the triggering event for swimming pools would be tied to a lake level at Lanier. If it drops below that, the moratorium could go into effect then when it rises above that, it could be lifted.

Director of Community Development Leathers stated that the ones that are in the process need to be completed.

Councilmember Paul stated that he would support a moratorium with a caveat that if they trucked their own water in, they would be permitted to go ahead but not fill it up with public supply.

Councilmember Fries stated that the City is putting an undue restriction on its citizens that Atlanta is not willing to do.

There was a consensus from Council to direct staff to review this.

Environmental Engineer Dettwiler stated that the next recommendation is for a moratorium on all new building-related and land disturbance permits. He stated that the triggering event would be when Midnight Pool at Buford Dam measures 1035' (the point where the conservation pool has been exhausted, and the inactive pool remains).

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Councilmember Fries stated that this item needs more language because there are a lot of different types of new buildings. There was not a consensus from Council.

Councilmember Meinzen McEnery requested that staff review the possibility that new construction guidelines be amended so that the non-roof area of the structure which includes parking lots, roadways include a certain percentage be made of pervious material so that the water table can be replenished.

Councilmember DeJulio questioned if that would not be addressed in the storm water utility fee. Storm water utilities are going to be based upon the ratio of impervious and pervious.

Councilmember Meinzen McEnery stated that would be in another year and the need now is for conservation. She has been told that the cost to put in pervious porous asphalt is approximately the same as to put in regular asphalt. The biggest barrier to use porous asphalt is the construction industry reluctance to adopt a new policy product.

Mayor Galambos stated that she would like to hear from some developers on this issue.

Councilmember Fries stated she would like more information. She also questioned if the City could give an incentive with the pervious surface as the City has done with the trees.

Councilmember Meinzen McEnery asked Mr. Crace if he provide her with the specifications from the Gwinnett Environmental Center of the four different types of pervious materials they used in their parking lots so that she can share them with staff and City Council. Program Director Crace stated that he would.

Mayor Galambos stated that a public hearing would be scheduled as soon as possible for this.

Mayor Galambos called for public comment.

Susan Joseph stated that there seems to be more of an interest from Council in what revenue the City can bring in. There is not any cost that will be worth it if there is no drinking water. If Sandy Springs does not take the lead, there will not be any water. Without water we do not have anything. Sandy Springs needs to stop having impervious surfaces. Council needs to take the lead to make sure everyone has drinking water.

Patty Berkovitz, Long Island Creek Watershed Preservation Association stated that Council is talking about a moratorium on more building, somebody has to do it. When we had the last drought, we were short a few million people and we survived that drought. We know how much water it takes per person for a person to survive. We know how much water we have and we keep building. Each concrete truck that comes out and delivers for a large project takes a set amount of water for each concrete truck. She questioned if the City wants the water to go to flushing toilets, drinking water or into more buildings. Sandy Springs should be a leader and say that it is not about the money, not about the growth but about the quality of life of the people who are here. Somebody has got to be strong enough to do that at some point. She would like to see Sandy Springs take leadership and not wait for the state to set the bar. She believes that the people of Sandy Springs feel this way as well.

Mayor Galambos stated that at the last meeting it was addressed that the Chattahoochee River for the Metropolitan area is not going to cut it. She spoke with the Governor today about the idea of pursuing desalination. We lived through the 1986 drought and this one will come to an end too and we can't forget about it again. The City has to do something proactive to ensure our long run water supply or it is going to be a terrible place to live.

Land Conservation Strategy-Local Greenprinting Partnership (This item was moved forward on the agenda)

Councilmember Rusty Paul stated that one of the things that has always been a major concern for the community has been, how do we in a very mature area go about preserving green space and capturing it. His firm has been fortunate to work with the Georgia Land Conservation Council. The City Manager and staff have taken the lead in putting together the land conservation strategy and the greenprint in addressing the need for open space, green space and land conservation. This greenprinting is the first step in a long process of being able to make sure there is green space and begin to plan for how the City is going to do this. Information has been provided by the Trust for Public Land that should familiarize Council with the greenprinting process and how it has worked effectively in other communities.

City Manager McDonough stated that this is a strategy that has been employed by a number of communities successfully across the country. The first step in building a community vision in the consensus is to develop a plan. The information Council has received provides such a plan for our community. It is very community involvement intensive. There are going to be a number of opportunities for all the citizens to come forward and tell Council what is important to them, what areas the City should preserve, what are the criteria for preserving these. This is typically something that a grant agency would be looking for. There are multiple millions of dollars available through the state of Georgia to fund these very types of plans. There is money at the national and private level that they look to communities that have gone through a process like this. Having gone through this in Beaufort County, this was the first step there and as a result of that, partnerships were developed, a public bond referendum was brought forward and successfully passed and now they are on their second bond because they were so successful the first time around. This is the first step in helping people identify what are the high priority parcels and what parts of this community should be preserved. This is a great venue for public input in developing such a plan. The cost for these services will be \$79,693. He has letters of support from the Friends of Sandy Springs totaling \$25,000, Sandy Springs Conservancy \$15,000 and from Georgia TPL for \$20,000. The balance for the City is a little over \$19,000.

Councilmember Paul stated that currently in the state budget in this fiscal year is \$100,000,000 set aside for cities, counties and the Department of Natural Resources in the form of grants. Once the City gets this plan in place, the City can start applying through the state for grants or low interest loans. There is a real opportunity for the City to work with the state. There are over 300 public/private foundations that fund land conservation parks and other kinds of things. This will allow the City to go into those entities and begin to pull down resources to help implement this plan.

City Manager McDonough stated that staff will move forward with this proposal and begin to outline a strategy for one of these public meetings will be held on the project.

Discussion of tri-party agreement with Target and Prado regarding building locations.

Assistant City Attorney McLendon stated that this item is an agreement that came up during the process of permitting the Prado parcel. He explained the need for this agreement. If Council approves this agreement, it would be recorded in deed records at Fulton County and would run with the land. This would be found in any future title searches and any future property owner would be bound to in the future and the only way it can change is if all three parties and City agree. Both Fire and Building Inspections participated in this and were satisfied. Staff recommends approval of agreement. Upon approval it will go to the closing where Target acquires the property, it will become a closing document and would be recorded at the same time as other documents in conveyance in the records at Fulton County.

Discussion of Special Events Ordinance.

Director of Administrative Services Horn stated that this is a proposed draft of a Special Events chapter to replace the existing ordinance in order to provide clarity and ease for reading, issuing of permits, and enforcement of provisions. He only addressed areas of concern.

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- Definition of a Special Event – The question here is what is a gathering and what is an event. Typically, the ordinance says if you are making lawful use of the City streets for parking and are not impacting any city services other than normal daily routine that would not be called a special event. Staff went a step further with “Protective Neighborhoods and commercial encroachment and that type of thing and basically said “any commercial activity” in a private residence to be considered a special event. That is one end of the spectrum. We could move as far as to the other side of the spectrum which says anything happening in a residential neighborhood is not subject to this ordinance so long as they make lawful use of the streets and other public facilities. Staff would continue to enforce other City ordinances relative to that.
- Fees – At this time there is a \$50 application fee associated with administering the ordinance. The Ordinance currently provides for a waiver of that fee authorized by the City Manager at his discretion in cases where the event is a charitable event or contributes to the purpose of non-profit.

Councilmember Fries suggested a blanket policy which a non- profit organization does not have to pay fees. They will have to meet all the guidelines and requirements for the permit.

Director of Administrative Services Horn stated staff will make that change.

- Section 7. Vendors of Alcoholic Beverages – People were unclear if they needed a permit or not. This section points back to the Alcoholic Beverage licensing ordinance. All the guess work was taken out.

Councilmember Paul asked if wine tasting was allowed in ordinance.

City Attorney Willard stated that there is a provision in the ordinance that allows wine tasting. Businesses would be required to have an Alcohol license for this purpose.

Director of Administrative Services Horn stated that the existing application is being redeveloped because currently one comes in and puts in application then they have to other departments for approval. This process allows applicant to submit one form at one location.

City Attorney Willard stated this item will come back before City Council at the next meeting.

Discussion of Authorizing the Mayor and the City Council to Approve Partnering with the Georgia Department of Transportation and the Perimeter Center Improvement District as Sponsor for the Construction of a Half Diamond Interchange at Hammond Drive and State Route 400.

Public Works Director Parham stated that this item is to recommend approval of the project partnering with the Georgia Department of Transportation for the construction of a Half Diamond Interchange at Hammond Drive and Georgia 400. The City would serve as a local sponsor for this project, the local funding provided by the PCID in the amount of up to \$5,000,000. The Georgia Department of Transportation funding any additional cost.

Mayor Galambos stated that the City serving as local sponsor makes us fiscally responsible. She questioned if that would override our agreement with PCID.

City Attorney Willard stated that the agreement as set up the \$5,000,000 bond proposal that is being done through the Development Authority when approved, those funds will be held by the Development Authority under the joint agreement with PCID and the City. Those funds will be passed through at the appropriate time for payment to Georgia Department of Transportation. The City has control over that money. The rest of the money is coming from federal and state funds. The City’s obligation will be met by virtue of agreements and the escrow of those funds.

Discussion of Authorizing the Mayor to Sign the GDOT Project Framework Agreement Resolution (PFA) for the SR 9 ATMS Project (T-0013).

Public Works Director Parham stated that this project goes from Abernathy Road to the Forsyth County line. It goes through Roswell, Alpharetta and Milton. Staff has been working with these cities on this project on an intergovernmental agreement which staff will bring to Council in December.

Councilmember Jenkins expressed concerns regarding the right-of-way.

Public Works Director Parham stated that the cities are responsible for the right-of-way and utility relocation. Staff will not know that until the design process. She does not anticipate there will be much right-of-way required.

Councilmember DeJulio questioned the City's physical outlay of this.

Public Works Director Parham stated that for the construction it is capped at \$700,000. Staff has not done an estimate yet on the right-of-way or utility relocation.

Councilmember MacGinnitie questioned if this agreement committed the City to spending money.

Public Works Director Parham stated that it commits the City to move forward with the project. The City will carry forward what each city wants. Sandy Springs is the local sponsor for the project. The money in the budget right now is allocated at \$200,000 and that is just for the design cost. Staff will come back before Council with the Design and give a construction estimate.

Discussion of Recreation and Parks Master Plan

Deputy Director McNeil of Community Development stated that when staff started the Comprehensive Plan early last year the community had in addition to that challenge, a Recreation and Parks Master Plan started as well as a multi Modal Transportation Plan. The Recreation and Parks Master Plan and the Comp Plan are wrapping up, the Transportation Plan continues. Staff executed a contract with the consultant to prepare the Recreation and Parks Master Plan. It was done as part of the exercise to create the Comprehensive Plan. There were sub-committees charged with working with the consultant on the Master Plan for Recreation and Parks. The document submitted to Council includes the inventory that was done on the system as well as the number of public input meetings. The recommendations for the future of the Parks system and possible other options. In addition, it includes the projects that are also in the Comprehensive Plan's Capital Improvement Element for the next five years. Staff used information from the Recreation and Parks Plan to put in the Comp Plan and visa versa.

What staff would like to do with these next two items including this one is to align all of these documents so that they are all updated each year about the same time which will simplify this process.

Mayor Galambos questioned if this plan had to be done every five years.

Deputy Director of Community Development McNeil stated that the Recreation and Parks Master Plan is not a requirement of the Comprehensive Plan rule the state issues. It is something the City did independently. Staff uses the information in this process.

Mayor Galambos stated that it would serve as a useful tool in helping the City get the impact fee. This Comp Plan will help develop what the impact fee will be for various land uses.

Councilmember Jenkins questioned if the City was tied to the \$67,000,000.

Councilmember Meinzen McEnery questioned how this plan correlates with the master plan that Council approved in the current 2008 budget. There is \$100,000 budgeted for Hammond in this budget and \$100,000 budgeted for Morgan Falls. She questioned how those funds and work product built in to this product Council is being asked to adopt.

Mayor Galambos explained that Council should not be looking at this master plan for the parks which was developed as part of this while Comprehensive planning process as overriding the City's budget. The budget is the City's primary document that the City lives by. This is a state requirement and had to go through all those hearings.

Councilmember Meinzen McEnery questioned once the City gets the master plans that have been budgeted for in this current fiscal year on those two parks, those results need to be brought in to this plan.

Director of Community Development Leathers stated that there are several steps to this. The first step is where you want to go in terms of parks and this is what is before Council tonight is a general policy document. The second is doing a capital improvement element which is the first five years which allows the City to program funds both your funds and also impact fee funds to pay for improvements that qualify as capital improvements that does include maintenance. Third, move the capital improvement element over to allow you to access certain amounts of the impact fees which the City can collect and the capital improvement element is the basis for determining the fees that are charges. They can only be paid in for new projects and new development. It can not be something that picks up all the gap that you have in terms of the shortfall that the county never met. The amounts of money become significantly less important because you will never get a large amount of money out of impact fees for parks because the City has a large gap to fill. The City wants to have the opportunity to have those projects that you want to do in the first five years so if there is money available you could potentially apply to those projects.

Councilmember Paul said that it can not be done unless it is put in the plan.

City Attorney Willard stated that you read the introduction as an aspiration to what the hope is for the future as far as a master plan of parks. It all becomes implemented by what you do appropriation wise. The City needs to have this as far as what we will be doing in the next few months which is the impact fee because a portion of those funds are earmarked for recreational purposes.

Councilmember Meinzen McEnery stated that a correction needs to be made in this document in reference to Big Trees Forrest Preserve. It should be the John Ripley Forbes Big Trees Forest Preserve, Inc.

Councilmember Jenkins questioned when the master plan for Hammond and Morgan Falls would be done.

Assistant City Manager Crace stated that the master plan for Morgan Falls has already been selected and now in the process for the general work on the parks plan.

Councilmember Jenkins questioned when Council would see a plan.

City Manager McDonough stated that it would be after the first of the year. Staff has selected a lead on the Morgan Falls Master Plan and the contract has been signed. There will a series of other park reviews to follow.

Mayor Galambos stated that the City did not identify the private park at the corner of Roswell and Abernathy as being public land. It is out of the right-of-way and there is a major portion that was an agreement between Fulton County and the developer of that shopping center that if they would maintain it as a private park they could include it in the shopping center. It is public land.

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Councilmember Meinzen McEnery stated that she was on the task force that tried to identify all of the parcels, this one was missed. The YMCA soccer field sign says that it is leased to the Carl Sanders by Fulton County. She has not finalized whether the soccer fields belong to Sandy Springs or not.

Mayor Galambos stated that in the master plan for the parks there is a very unequivocal statement saying that the soccer field is private property.

Director of Community Development Leathers stated that she believes that is true and will find out. Ms. Leather stated if Council wanted to make changes to let her know because staff would like to have this plan approved and adopted on November 20, 2007.

Councilmember Jenkins stated that the only problem she has with the plan is where it talks about Linear Park coming across Roswell and knocking out those houses along Abernathy. That is not going to happen. She does not want it in the plan. Staff will make this amendment.

Discussion of the City's Solid Waste Management Plan

Deputy Director McNeill of Community Development stated that the department received a request from the ARC on the status of the City's Solid Waste Management Plan and was received as part of the review of the City's Community Agenda which is the next item on the agenda. There are other requirements the City has for Solid Waste Management Plan. A draft was presented last December 19, 2006 at a regular meeting but it was not adopted. This is the plan that was submitted previously. He added the new Solid Waste Ordinance that was approved February 14, 2007, and included it in the document as required by the state. Staff made sure that the Waste Haulers list current and did some other minor updates. Councilmember Fries saw a number of things that were inconsistent that he needs to go back and check.

Councilmember Fries stated that she would like to make sure that the current approved ordinance is in there because the one in packet never mentioned "recycling" that Council discussed and decided it would not mandatory but would encourage it nor did it have anything about the vendors if they did not dump their recycling properly and the signs that they might have.

Councilmember Meinzen McEnery stated that a constituent has alleged that Waste Management is the only vendor offering recycling and that there are times when the Gwinnett Recycling Center is overwhelmed and it ends up going to a landfill. She suggested a one source recycle company that picks it up. She questioned if the plan states that recycling can not be put in the landfill. Mr. McNeill stated that he would check on it.

Discussion of the City's Comprehensive Plan Community Agenda

Deputy Director McNeill of Community Development stated that a draft Comprehensive Plan Community Agenda was approved by Council at the June 19, 2007 regular meeting. The document was submitted to the Atlanta Regional Commission and Georgia Department of Community Affairs on July 6, 2007. The department received comments on the Community Agenda from ARC on September 13, 2007, and DCA on October 2, 2007. Staff from Community Development and Public Works met with ARC staff on October 23, 2007, to review and discuss the state's comments on the Community Agenda. The state's comments have been provided in packet. It is important to note that the state does not require adoption of their suggestions but only ask that the City consider them at the time of adoption. A letter indicating the Community Agenda's compliance with state rule 110-12-1 was received on October 31, 2007. There are a few transportation projects that were added to the Capital Improvement Element pertaining to impact fees and other information about Public Works. There were five proposed land use and protection neighborhood provision maps for District 6 for consideration. Two of them were completed today and Council has a copy. There was a suggestion also that Huntcliff be designated as "Protected Neighborhood". Staff would like to submit this item for Council's approval on the November 20, 2007 agenda.

Councilmember Meinzen McEnery stated for the record that all of the minor changes that Council is considering were requested by the property owners. There is also a change in District 5, there are four lots/four houses that are being redeveloped right now and need to be included in the "Protected Neighborhood", single family detached only. There are also three parcels on West Wieuca. The owner is developing 32,000 square feet of office and in the City's Comp Plan has him as R1 2. That is not an appropriate transition. Also on West Wieuca, Chastain Square is comprised of three parcels. The top two parcels are "Live/Work/Neighborhood" and the lower parcel that accesses West Wieuca is shown as 8 to 12. She would like Council to consider designating the whole thing to "Live/Work/Neighborhood". The Civic Association is opposed to those changes, however, she believes that the on ground use of Mr. Alexander's property is zoned OI but the Plan reflects it as R1 2 so to change its use to R1-2 is inappropriate. Also there are topographical features that further protect this parcel from the neighborhood, including a stream. The neighborhood has requested that the blue property 259 Windsor Parkway and the yellow property that accesses Meadowbrook also be included in "Protected Neighborhood" for the following reasons; the southern most property is residential, the northern property has been zoned for office in the existing structure. What they would like is to include it in "Protected Neighborhoods" such that if a proposal came in to redevelop that single family house into a gas station or something else, they could not do it. The neighborhood has requested these be in "Protected Neighborhoods" but she has not spoken to the owners.

Mayor Galambos stated that staff needs to talk with the owners. Councilmember Fries requested that staff talk with the owners before the next meeting.

Councilmember Meinzen McEnery stated that the other change is at Heritage Oaks on Dupree, near Powers Ferry, south of I-285. It is developed as a townhouse community and the zoning is 8-12. Ms. Leathers stated that it is TR and developed at nine units to the acre. Councilmember Meinzen McEnery stated that the Comp Plan has it residential 2 to 3. The on ground use exceeds that and the City needs to clear that up.

Mayor Galambos stated that there is a consensus on moving forward with the Community Agenda. She asked staff to check with the property owners regarding designation of "Protected Neighborhood".

Councilmember Jenkins questioned if Council needed to readopt another apartment policy.

Director of Community Development Leathers stated that she feels comfortable that the City is fine.

Discussion of an Ordinance to amend Chapter 14, Article 7, Soil Erosion and Sedimentation Control.

Environmental Engineer Dettwiler stated that this is a proposed revision to the City of Sandy Springs Code of Ordinances, Chapter 14, Article 7: Soil Erosion and Sedimentation Control Ordinance to include a provision that requires the permitting of retaining walls over four (4) feet in height. The current policy is that all walls over four (4) feet height be permitted. However, it is not an ordinance requirement. The petition of this as an ordinance requirement will ensure that sound engineering practices or methods are used in the construction of retaining walls over four (4) feet in height and allow staff the opportunity to review the proposed location of the wall relative to building setbacks, state water buffers and the public right-of-way.

Councilmember Meinzen McEnery stated that there is a 75 feet of stream bank buffer. The last 25 feet which is closest to the street, furthest away from the stream and currently is allowed to be disturbed. Currently, the Community Development staff has the discretion to allow retaining walls to be built in that last 25 feet. She questioned if this was changed in this proposal.

Environmental Engineer Dettwiler stated that it did and all current new requests for installation of retaining walls within the last 25 feet of stream buffer would go before the Board of Zoning Appeals.

Director of Community Development Leathers stated that the department has a policy internally of not allowing them without a variance. This is only to deal with the permitting of those that are four feet in height or more and allows additional ability to make sure that they do not occur without the City knowing about them. It also ensures that they are structurally stable.

Councilmember Meinzen McEnery stated that the constructing of a four (4) foot high or 12 foot high retaining wall in the last 25 feet of the stream buffer, the width of the retaining wall is the same. She questioned if it still allowed up to four (4) feet in that 25 feet.

Director of Community Development Leathers stated that staff is not allowing any retaining wall in the 25 foot impervious setback. That is a department policy and staff will refer them to the Board of Zoning Appeals. Community Development has a policy internally to address that issue. This only addresses the permitting of certain kinds of walls, not the question of what is allowed in the tributary area.

Mayor Galambos stated that there is a consensus among Council on this item.

Discussion of an Ordinance to Amend, Chapter 11: Business Occupation Tax, Licenses, and Regulation, of the Code of Ordinances; Article 12: Multi Family Rental Housing of the City of Sandy Springs Code of Ordinance

Building Officer Wesserling stated that this is a change to the Chapter 11, Business Occupation Tax, Licenses, and Regulation, of the Code of Ordinances; Article 12: Multi Family Rental Housing. Currently, the private inspectors check only interior items.

The exterior is only being inspected during sweep operations by the combined divisions of Code Enforcement, Building Inspection, Land Development, and the Fire Marshall's Office. The private inspectors are qualified to inspect items that are on the exterior of the structure. Due to the limitations of the ordinance the exterior is only inspected by the cities staff. Due to the number of violations found and follow up inspection time one complex a month is all that can be done with the current staffing. The private inspections will ease the violation rate therefore; the city staff will be able to reduce the time spent per complex. There are 75 complexes and 12 months in a year therefore at the present rate it will be over six years for all complexes to be inspected.

Discussion of 2008 Planning and Zoning Schedules

Director of Community Development Leathers stated that this is the 2008 Planning and Zoning Schedules and staff has coordinated with the City Clerk. Staff recommends approval of the resolution to adopt these schedules.

Discussion of RZ07-024, An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, Section 28.3.3.8, Decisions, of the City of Sandy Springs Zoning Ordinance.

Director of Community Development Leathers stated that there are two parts to this change. The first part is to establish the appropriate procedures under a required by state law. Second is the question of whether the Planning Commission would be allowed to defer cases or whether they will come to Council with a recommendation of deferral which Council may send back to the Planning Commission. Two versions are included in Councils packet. One is the staff recommendation which is that the Planning Commission can make a recommendation of deferral to Council. The other is that the Planning Commission indicated that they wish to be able to defer cases.

Councilmember Fries stated that the Planning Commission also changed their bylaws so that the Chairman voted only to break the tie. That would then end all this tie business which was one issue the board was having.

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Councilmember Meinzen McEnery stated that the Planning Commission has made a decision on their bylaws. However, it changes the make up of all the regular decision making because the Chairman had a vote. There has been some concern expressed that there are only two certain advocate groups that have two votes and the rest of them have three votes.

Mayor Galambos stated that the board agreed to the bylaws.

Councilmember Fries stated that there should not be any special interest groups. They should all be open minded.

Councilmember Meinzen McEnery stated that the Mayor tries to get a balanced group and by pulling one of those people out of that group, it may not be balanced anymore.

Councilmember Paul stated that they are an advisory group to Council and in the end it is City Council's responsibility to make the final decision.

Mayor Galambos stated that everyone likes the staff recommendations.

Director of Community Development Leathers stated that staff is recommending that the Planning Commission make a recommendation to Council of deferral and tell Council why they want it deferred.

Discussion of RZ07-032, An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, Section 28.10 & 28.11, Expiration of Zoning, of the City of Sandy Springs Zoning Ordinance.

Director of Community Development Leathers explained staff is asking for this item be withdrawn. She and the City Attorney have had discussion and believe that this Expiration clause of the Zoning Ordinance can be enforced. Staff will need to set up a procedure to do it and will take some time because it is very complicated.

Discussion of RZ07-034, An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, Section 28.4.6, Noise Study Report, of the City of Sandy Springs Zoning Ordinance.

Director of Community Development Leathers stated that there was a zoning case that this issue came up. The provision called for a noise study on a use that currently does not exist and makes it impossible to do a noise study. It was always intended to be something which was done adjacent to airports or other similar noise carriers as a way of identifying whether the use was appropriate. Staff recommends approval of this provision.

Discussion of RZ07-035, An Ordinance to Amend Article 33, Signs, of the City of Sandy Springs Zoning Ordinance.

Director of Community Development Leathers explained that when an individual of a business takes a sign down they would need a permit to put it back up. Staff has found that several shopping centers have taken down all of the signage when doing exterior renovations and decided to put back up to meet the City's current code requirements. Rather than requiring them to meet the new requirements and to build a new sign, staff is suggesting a procedure to include that if there is a shopping center renovation with appropriate permit then the business would be allowed to reinstall.

Councilmember Jenkins stated that she has an issue with this. The only way to get the signs in the City to comply is during renovation. When they come down they have to be compliant when they go back up.

Director of Community Development Leathers stated that this is only for signs where that come down and go back up. The shopping center owner does it. The tenants of the shopping center are not being properly advised by the owner.

Councilmember Meinzen McEnery stated that there could be language added for some flexibility. It is a landlord-tenant issue and should be addressed in the tenants lease. She agrees with Councilmember Jenkins that during renovations all the signs needs to be compliant.

Councilmember Fries explained that there is a difference between renovation and maintenance. She questioned if a business takes their signs down and does a new façade or new paint then put them back up which should bring it up to compliance.

Director of Community Development Leathers stated that this provision would only apply if they permitted the renovation of the project.

Councilmember Fries stated that there was discussion about the amount of renovation.

Director of Community Development Leathers stated that staff was trying to get this to where there was an actual façade renovation where they would need to take the signage down in order to do the renovation. In the cases the City has had, they have done a full renovation to the exterior and had to come down in order to do the renovation work. The City does not want to discourage them from putting a significant investment in the shopping centers and modernize them because generally speaking, as soon as the sign phase changes they have to get a new permit anyway so in most of these cases the City will get those coming through the process within the next few years because businesses change over often.

Mayor Galambos suggested that staff consider a compromise and questioned if the Design Review Board would be involved in the issue of old signs going back up.

Director of Community Development Leathers stated that the board would be involved if it requires a permit.

Councilmember Fries questioned if the City was looking at an undue burden on the business if they can not get the sign back up without going through two months of hearings.

Director of Community Development Leathers stated that it does take two months. She explained that the department has worked through a process. She wants to be sure Council is comfortable with it. The process staff has taken in cases where the sign had to come down is to allow the business an extended banner privilege. This allows the tenant to continue advertising their business through this process. Staff can not let a business keep their signs up if they are illegal. She did not want the owners of these businesses to appear before the Board of Zoning Appeals if they had an illegal sign up, because that would be worse than not having one. Staff has given the businesses banners until the issues are resolved and have given them 30 days from the decision from the Board of Zoning Appeals that they to get a new sign to have some coverage so that they can go get a sign.

Councilmember Paul stated the City does not want to put disincentives in here in order to have the landlords upgrade their property but, encourage them.

Councilmember Meinzen McEnery stated that the landlord is driven by the market factors. If they are not going to be able to attract the quality of tenants when they have the old non-channelized lettering, then installing the new signs is for market driven reasons. Having a new entire look for a shopping center benefits the tenants and the community.

Councilmember Fries questioned if it were possible to come up with a percentage as the Mayor mentioned. If it is only 10% it is okay but, once it gets over 25% it is not. Ms. Leathers stated staff would look at it

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Councilmember Meinzen McEnery stated she has noticed the large residential for sale signs appearing again in her community. It was mentioned before that staff would be sending out information on this. She inquired to the status.

Director of Community Development Leathers stated that staff will work on that but, she is looking at bring Council something that may allow the City to provide some leeway to larger properties that need larger signs. She would like for Councilmember Meinzen McEnery to work with staff a month so that she can get it all together. On a small piece of property, four square feet works fine and on a large property four square feet gets lost in the middle of it. All this needs to be in one provision.

Councilmember Meinzen McEnery questioned if the City could start enforcing the City's current code on the small properties. Ms. Leathers stated she could.

Mayor Galambos stated that during the public meetings on zoning cases there has been an issue with the rebuttal time.

City Attorney Willard stated that the rules were adopted by the Council in 2005 which does permit that there will be the opponent and then the rebuttal by the proponent and then a right of abuttal by the opponent. Hearings require at least ten minutes per side.

Mayor Galambos stated that she would like to have this included in the Zoning Ordinance.

Discussion of RZ07-037, An Ordinance to Amend Article 12B(1), Perimeter Community Improvement Design District, of the City of Sandy Springs Zoning Ordinance.

Director of Community Development Leathers stated that in the Perimeter CID Improvement district there is an overlay district in the last item 11, changing the landscape strip on the property to make it consistent with all of the other districts.

Councilmember Fries questioned if anything was done with the Planning Commission on them having to vote unless there is a conflict of interest.

City Attorney Willard suggested that a refusal vote will be considered an affirmative vote.

After no further discussion, Mayor Galambos adjourned the Work Session at 9:20 p.m.

Approved: December 18, 2007



Eva Galambos, Mayor



Christina V. Rowland, City Clerk