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**Work Session and Regular Meeting of the Sandy Springs City Council was held Tuesday, September 11, 2007 at 6:00 p.m. Mayor Galambos presiding.**

Councilmember DeJulio introduced Mr. David Cohen, Financial Consultant who transferred to his office. Mr. Cohen was at the World Trade Center on 9/11 on the 20<sup>th</sup> floor when the plane hit the building.

Mr. Cohen stated that he was one of many affected by 9/11. He stated that he witnessed first hand, the heroic acts of Americans. He stated that one thing he will never forget about 9/11 is that while he was making his way down the stairs from the 20<sup>th</sup> floor of the North Tower, firefighters and police officers were on their way up the same stairs in harms way. He stated that he will never stop remembering and appreciating the sacrifice they made that day. He recognized two of his high school friends that passed away that day; Christopher Kirby and Michelle Branton. He requested that everyone join him in a moment of silence for 9/11.

**Staff Discussion Items**

**Discussion of Dog Park Locations**

**City Manager McDonough** thanked Brad Chambers, Al Crace, Steve Rapson, Matt Horn and Judy Parker for their assistance. He then gave the following presentation.

**Background**

- First discussion of a dog park came up during FY08 budget process
- Dog Park ranked second behind Abernathy Linear Park under new park projects
- Community support for a dog park
  - Indication of private sector financial support

**Goals of Presentation**

- Provide Council with overview of potential options for a dog park
- Validate the approach
- Reach consensus on appropriate location(s) for a dog park

**Approach**

- Conducted review of park classifications and appropriate uses
- Conducted review of publicly-owned properties as potential locations
- **Established suitability criteria**
  - Type of park - Community Park, Neighborhood Park, Pocket Park, Regional Park
  - Site considerations (parking, utilities, topography)
  - Community access
  - Impact on neighborhood

**Potential Dog Park Locations**

- Hammond Park
- Ridgeview Park
- Morgan Falls Bull Sluice

**Hammond Park**

- **Pros**
  - Central location
  - Already-developed infrastructure

- **Cons**
  - Would require some redevelopment
  - Additional parking needed

**Ridgeview Park**

- **Pros**
- **Cons**

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- Supporting infrastructure available
  - One of the City's largest parks with greatest capacity for additional usage
  - Adjacent to single family residences
  - Primary access through a residential street

**Morgan Falls Bull Sluice Property**

● **Pros**

- Large undeveloped parcel
- Easy access from Roswell Rd.
- Buffered from single family neighborhoods
- Preliminary ARC approval

● **Cons**

- No Approved Master Plan
- General site development needed

**Cost Estimates**

Hammond Park	\$100,000
Ridgeview Park	\$50,000
Morgan Falls/Bull Sluice Property	\$200,000

Mayor Galambos questioned if there was any further news from the gentleman who stated that he was going to be proactive about procuring free help. Mr. McDonough stated that Mr. Willis is here. He stated that Mr. Willis has been helpful in setting up meetings with the ARC to explore the opportunity for a dog park location at Morgan Falls.

John Willis stated he would need direction from City Council and offered to sit on a committee to raise funds for this project. He will contact some of the Sandy Springs business; vet office's, Friends of Sandy Springs, and retail stores.

Mayor Galambos stated that it is important to the decision making process to know if Mr. Willis can get some pledges for assistance so that the entire amount does not fall on the City budget.

Councilmember Fries stated that she would like to see the Friends of Sandy Springs help with this.

Councilmember DeJulio stated that Mr. Willis has taken it upon himself to get a landscape architect to look at this. If the City does make some type of commitment to him, he will get it done.

Mayor Galambos stated that is a consensus to move toward Morgan Falls provided that the cost is not excessive. A public hearing will be held on this when more information is available.

Councilmember Meinzen McEnery stated that she would like to have a time frame.

**City Manager McDonough** stated that this is a two step process and the first is to explore the financing opportunities. Staff is waiting for final approval from the ARC. Staff needs 30 days in order to work with the community in exploring the funding options. Staff should be able to give Council an update in early October sometime.

Mayor Galambos stated that although there is a consensus at Morgan Falls if it works financially, that does not mean that Council has totally decided against Ridgeview.

**Discussion of Development Authority**

**City Manager McDonough** stated that Council has had several presentations regarding the benefits of the Hammond Half Diamond Project. Staff has worked closely with Yvonne Williams and PCID for innovative options for how the City might assist in the financing or acting in a manner that will allow us to be a vehicle for some creative financing to help make this project work. He has worked with Mr. Willard and his staff and he has prepared some information for Council. Mr. Willard will talk about how we might use a development authority as a vehicle which would allow us to issue some bonds. The Facilities Authority can not do it but a Development Authority could. Mr. Willard will give an overview as to setting up a development authority.

Councilmember Jenkins stated that Council was told earlier that this was free money and now we have to take out bonds.

**City Manager McDonough** stated that PCID would like to pay it back over an extended period of time rather than have to go out and borrow the money from the bank at traditional rates. The City can issue bonds at a tax exempt rate using revenue bonds with a guarantee to be paid back.

**City Attorney Willard** stated PCID has pledges from the state DOT to complete the project. The cost PCID's is looking for is around \$19,000,000. PCID needs to put up \$5,000,000. They do not have the means to issue tax free bonds or notes. PCID has come to the City looking for a partner. Staff has looked into it and there are limitations under the state constitution as to our ability to finance road projects as a City government without having the referendum as the way of approving it. What is being proposed is a statutory Development Authority created by the City which will be the Sandy Springs Development Authority. The Authority would then enter into an intergovernmental agreement with PCID under which the PCID is a taxing Authority with the ability to tax the properties within the district. They would be able to pledge revenues from their taxing abilities for the repayment of the bond. They would be doing the same by going to the bank and borrowing the money. The difference would be they would not be able to borrow it without the ability to have this tax exempt type of financing. The City creates a Development Authority and the City will not be the underwriter. The financing is done by the Authority. The Authority will stand autonomous as a separate legal entity. The City is not obligated, the Development Authority is obligated and will back up its obligation based upon the revenue taxing ability of the PCID, both DeKalb and Fulton will be participating as we passed legislation last year to authorize a joint venture of a PCID DeKalb and Fulton for this purpose. Authorities do have the ability to use funds for development of roads, bridges, traffic improvements which will aid in the development of business and commercial enterprise which is what we have in the perimeter area. This is a proposal in which Council can consider.

Mayor Galambos asked Mr. Willard to clarify that these revenue bonds do not impinge on the City.

**City Attorney Willard** stated that the City is not going to be a party to the bonding or to the underwriting, assurance of payment. It will strictly be between the Authority which is created by the City. It will be a City entity but, it will be a separate entity stand alone from the City itself. It would not be a pledge of the City's revenue or bonding capacity.

Mayor Galambos explained that if for some reason the PCID does not have the revenue to pay back the bond it will not come back on the City. She feels that the City should help PCID obtain this low interest. She expressed concerns regarding the powers of the Development Authority. She requested that the development Authority Ordinance be written tightly so that they do not do all kinds of things like tax abatement.

**City Attorney Willard** stated that the City is the creating body and can provide limitations in which the Authority can not do tax abatement forms of financing.

Councilmember Jenkins questioned how road projects are normally done.

**City Manager McDonough** stated that depends on the context. The context here is that the City would still be the pass through. The arrangement has not changed. The PCID is going to spend this money regardless; they can go to the bank. If they partner with the City then they can save about \$50,000 a year estimated in debt service for a five year period, \$25,000 can go into making initial improvements whether they are sidewalks, streetscapes, lighting, traffic improvements, traffic signals, signage and those types of things. It gives the PCID the ability to redirect money that would have otherwise been spent on debt services.

Mayor Galambos explained that an example of revenue bonds in our area is what we issued for road purposes were by the Tollway Authority for Georgia 400 with the tolls being the revenue that pays off the revenue bonds. They are

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totally different than General Obligation Bonds and the millage rate; PCID raises the revenue that is pledged to pay off the revenue bonds.

Councilmember Jenkins stated that if Council is going to create a Development Authority for the City of Sandy Springs, she would like for Mayor and City Council to decide what projects it is used for. The last project she wanted was the Hammond Half Diamond. She thinks it is a waste because it has to be torn back up when they build the new CD. The bridge will stay but all the roads will have to be torn up. She thinks it is a bad idea because it is also going to dump a bunch of traffic on Hammond when the City does not have the money to widen it. If the City is going to do a Development Authority and take money out for general obligations through the Development Authority she wants to pick the roads that the City is doing.

Councilmember Meinzen McEnergy stated that the PCID expands to two counties, DeKalb and Fulton. DeKalb PCID will be contributing also, we will be getting financial benefits from another county to undertake this and that is positive. She agrees with Councilmember Jenkins and does not want to create a Development Authority in response to the good idea of trying to save \$25,000. She would like more information on what we want our Development Authority to do and who will be doing it.

Mayor Galambos stated that was the intent of asking Mr. Willard to define this Development Authority to meet this specific need and we are not ready to define a much broader Authority to do other things. Eventually, we may be able to do that but we are not ready at this time nor do we want to hold them up while we develop. She believes that the Diamond is going to alleviate some of the traffic jams on Georgia 400 and she sees it as a leverage to go to the Tollway Authority and tell them we have this Half Diamond on Hammond and we have this two lane road that connects to it and your job is to facilitate and help us move traffic on Georgia 400 including the access roads

Councilmember DeJulio stated that 2/3 of all municipal financing that is done in this country is done on a revenue basis and not under a general obligation basis. Municipalities are limited to the amount of tax general obligation financing.

Mayor Galambos questioned what the term would be. Mr. Willard stated that it would be a five (5) year term.

**Yvonne Williams, PCID Executive Director** stated that it is very important for our region to have a transportation project started now and will not be completed until 2012. At this point, they have \$5,000,000 in the project and have already reduced it down from \$9,000,000. They are adding another \$5,000,000 to the project. The City money will pay off fees, legal fees and they are also obligated by law that if they ever dissolve the PCID they would be obligated to pay all taxation until every thing is complete. We can show a public/partnership of what can be done.

Mayor Galambos suggested that City Council think about who they would like to be on the Authority Board. Mr. Willard stated that one member of the elected body can serve on this Authority and can have 7 to 9 members.

### **Discussion of 2008 meeting schedule**

**City Manager McDonough** stated this is a proposal for the 2008 calendar year Council Meeting schedule. Council would only have two meetings in January given that the first meeting would be on New Years Day, two meetings in July, two meetings in August and due to the Veterans Day Holiday in November which City Hall is closed there will be two meetings in November. Council will need to take action on this proposal at the next meeting in order to get this published so that the Development Community can bring forward their development activities.

### **Presentation on Stormwater Management**

**Rick Brownlow, CH2MHill** gave the following presentation:

**Outline**

- Review the impacts of Stormwater runoff on the city
- Identify the city's Federal and State regulatory requirements
- Review the city's Stormwater program needs
- Discuss how Stormwater utility funding can help address these issues

Stormwater increases peak flows, velocities and volumes of runoff

Stormwater increases stream channel erosion

Stormwater degrades habitat and increases water pollution

**Many Federal and State Stormwater Regulations Require City Action**

- Federal Stormwater requirements (NPDES MS4 Phase II permit)
- Metropolitan North Georgia Water Planning District (MNGWPD) requirements
- Total Maximum Daily Load (TMDL) Requirements
- State Source water protection requirements

**City of Sandy Springs Stormwater Infrastructure**

- Corrugated metal piping, reaching end of its lifespan (25 years)
- Inventory and condition assessment needed, before failures occur!
- Current infrastructure:
  - 4000+ Stormwater structures within City right-of-way
  - Unknown miles of pipe

**City of Sandy Springs Infrastructure Assessment**

- Initial Goal
  - Assessment and inventory of the existing system
- Ultimate Goal
  - Develop a program with funding to support Stormwater improvements
- Recently awarded \$100K Section 319 Grant that will help start inventory

**City Staff Identifies and Categorizes Drainage Issues**

**RANKING CRITERIA:**

- Category 1 – posing an immediate danger or threat to public safety
- Category 2 – rapidly degrading to a dangerous condition, or
- Category 3 – maintenance or cosmetic repair

**Stormwater Management Summary**

- Stormwater currently funded through general tax revenues
- City has pressing Stormwater infrastructure needs
- Regulations becoming more and more stringent
- A proactive approach requires an expanded Stormwater program and additional funding

**Why should we consider a Stormwater utility?**

**What is a Stormwater Utility (SWU)?**

- An equitable method to pay for stormwater
  - Fees based on impact, everyone pays
- A dedicated fee for stormwater service
  - Can only be used for stormwater
- A stable funding source
  - Allows for a proactive maintenance program
- A fee for service

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— Like drinking water, sewer, or sanitation

**Stormwater Utility Fees are based on:**

- The extent to which each property contributes to stormwater runoff
- The amount of impervious area on each property (buildings, driveways, roofs, etc)
- The cost of implementing the program

**Two Basic Functions of a Stormwater Utility**

- Operations & Maintenance (O&M) requirements and programmatic stormwater programs:
  - Education and public awareness, stormwater inventory, water quality monitoring, floodplain mapping, etc.
- Stormwater Capital Improvement Plan (SW-CIP)
  - Initial prioritization of projects based on objective criteria

**SWU Implementation Schedule**

- Define SW Program Sept. '07 – →
- Public Involvement/Education Sept. '07 – →
- SWU Ordinance Oct. '07 – →
- Impervious Surface Database Dev Jan. '08 – →
- Billing Data Dev April '08 – →
- SWU Imp. Plan May '08 – →
- Begin SWU collections Oct. '08 – →
- SWU assumes O&M Responsibility Dec. '08 – →
- SW-CIP Jan. '09 - →

**Utility Rates in Other Communities – cost per month**

- Decatur, GA \$6.25
- Covington, GA \$3.23
- Fairburn, GA \$4.08
- Douglas County, GA \$4.00
- DeKalb County, GA \$4.00
- Peachtree City, GA \$3.95
- Griffin, GA \$3.57
- Rockdale County, GA \$3.39
- Columbia County, GA \$3.85
- Fayetteville, GA \$2.95

**City Manager McDonough** stated that a lot of infrastructure was put in during the 1960's and 1970's and typically, corrugated pipe lasts 30 to 35 years. The City is just doing the cutting edge of what is to come over the next decade or so. This is just what staff has on file based on our priority rankings of 1, 2 and 3 of what we know today.

**Discussion of the acceptance of the Right-of-Way Located at 998 Hammond Drive, City of Sandy Springs, Fulton County, Georgia.**

**Public Works Director Parham** stated this item is for acceptance of a permit easement and a temporary easement donation on Hammond Drive for a PCID project. It is 211.91 square feet of permanent easement and 295.95 square feet of temporary easement.

**Discussion regarding the Authorization of the Mayor and the City Council to Accept the Temporary Construction Easements in the Vicinity of 6350 Peachtree Dunwoody Road, City of Sandy Springs, from Costco Wholesale Corporation.**

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**Public Works Director Parham** stated this is acceptance of a temporary easement for 10,219.88 square feet from Costco for the Peachtree Dunwoody sidewalk project, another PCID project.

**Discussion regarding the Authorization of the Mayor and the City Council to Accept the Fee Simple Right-of-Way and Temporary Construction Easement Located in the Vicinity of 6400 Peachtree Dunwoody Road Being Donated by Home Depot U.S.A., Inc.**

**Public Works Director Parham** stated this is acceptance of a right-of-way donation for 216.88 square feet, a temporary easement 6,855.66 square feet for the Peachtree Dunwoody project, also a PCID project.

**Presentation of a Roswell Road Corridor Travel Time Study to Evaluate Signal Timing Improvements in 2006 and 2007.**

**Public Works Deputy Director Drysdale** stated Dr. Billy Bachman is an expert in travel time studies. The City has hired him as a consultant. Mr. Bachman will be here next Tuesday. Staff wanted to go ahead and give City Council a copy of the study Mr. Bachman started last year in May and again this year in May. There are significant improvements on travel time on Roswell Road. Staff wanted an outside expert to substantiate this and give the City some guidance as we improve signalization. This is just a progress review to see the improvements.

Councilmember Fries questioned that when the City switches over to digital will this keep everything in sync. Mr. Drysdale stated it would help a great deal; the department is getting fiber optic links on all the signals now because they are running on separate clocks.

Mayor Galambos stated that Cobb County has expressed concerns regarding signalization on Johnson Ferry and Abernathy for the Cobb County traffic. The Breakwater people are screaming because they can not get out on Johnson Ferry. We have the same problem that we have had for years. She does not know if there is a solution.

**Public Works Deputy Director Drysdale** stated that Cobb County linked all of their signals together which is allowing their traffic through the signals quicker than it use to be. Staff will meet with their traffic engineers and see what can be done.

#### **Discussion of FY08 Paving Program**

**Public Works Field Service Manager Adderley** explained that the first resurfacing initiative will focus on the City's arterial and collectors to provide a high quality traffic network. The list of streets was taken from the IMS Survey and includes some of the City's most traveled road. This list included in Council's packet includes arterial and collector roadways segments that are: (1) ranked from a low score of 23 to a high score of 50, (2) adjacent to those segments, or (3) needed as a detour route for scheduled construction projects. The list is based on the funding available after completion of the LARP projects. Bids for this project are due on September 20, 2007. After approval of this bid, staff will then have public information meetings to let the public know what kind of impacts to expect. This project will take 45 days to complete.

**Public Works Director Parham** stated that this is the first Phase of the City's Capital Paving Project. This fiscal year we are focusing on the arterial and collector roadways. We are trying to get those in good condition, a couple of exceptions to account for construction projects. Staff will move to get all the other streets caught up. The goal is to get all the streets up to a rating of 70 which is considered good. The roads listed in the table vary from 15 which are unacceptable up to 50. In some cases we added in adjacent segments because there may be five segments in a roadway.

Mayor Galambos questioned if staff could get a public information newsletter out to explain to the public what the City is doing with the roads.

**City Manager McDonough** stated that he and Mr. Willard did some research on the ability to use the Facilities Authority to issue revenue bonds on the roads repaving. Staff found that the City can not do that without a referendum. We have conducted a cost benefit analysis which we have not brought forward to Council because of what they found out relating to the Facilities Authority. We would like to bring a presentation to Council if there is an interest in going that route to go to the public with a bond referendum. The logical time to do that would be the general election in 2008. We did find another cost benefit analysis that would save millions of dollars based on historical cost increases. Based on the research we found it will probably be fall of 2008 before we would be prepared to bring such a proposal for the public consideration.

Mayor Galambos made a request to Mr. Rapson to get an updated expenditure report.

### **Discussion of FY08 Sidewalk Program**

**Transportation Planning Manager Garren Coleman** gave the following presentation.

#### **Sidewalk Program**

- Current Infrastructure
  - 104 miles of sidewalk
- Initial Goals
  - Provide sidewalk connectivity within one-half mile of all public schools
  - Provide sidewalks on one side of all collector streets
  - Close gaps in existing sidewalks to provide connectivity
- Ultimate Goals
  - Provide sidewalk on both sides of all major collector and arterials
  - Provide connectivity to neighborhood and activity centers

#### **Sidewalk Program Process**

- Staff Site Review
- Staff Complete Priority Ranking of Projects
  - Ranking Matrix
  - Additional Criteria
  - Additional Field Review as Needed
- City Manager Approval
- Implementation
  - Funding - \$250k for FY08
  - Contractor Selection
  - Construction

#### **Site Scoring**

Criteria used to determine priority:

- Access to public schools
- Access to recreational areas (parks)
- Access to public activity centers
- Access to major transit stops'08 Focus: School Connectivity
- Access: accessibility measures the proximity of a location to pedestrian attractors (e.g., schools, parks, commercial centers, and major transit stops)
- Connectivity: measures the degree to which the pedestrian network is connected to the street system and various destinations
- Gap Closure: provide continuity of the pedestrian facility
- System Coverage: details the extent of pedestrian facilities available along arterials, major collectors, and neighborhood routes within pedestrian access zones
- Network System: program areas that provide connectivity and complement existing pedestrian facilities

### **Initial Project Recommendation**

Recommendation:

- Sandy Springs Middle School
  - \$245k (2,405 sq of Sidewalk)
  - Student enrollment = 767
- Others
  - Dunwoody Springs Charter Elementary School (Northridge)

### **Next Steps**

Pedestrian Counts (to confirm recommendations)

- Contractor Selection
- Contract Execution
- Construction

### **Land Development Surety Policy**

Assistant City Manager Rapson and Assistant Director of Building and Development White gave the following presentation.

#### **Purpose of the Surety Policy**

- Protect the City and the community by maintaining a high level of assurance that required infrastructure and improvements associated with permitted construction are completely installed
- Encourage complete installation of required infrastructure and improvements associated with permitted construction on a schedule that eliminates the need for sureties
- When needed, collect sureties only where critical to provide assurance that required infrastructure and improvements will be installed and completed

#### **Two Types of Sureties**

- Performance Sureties – to provide assurance that certain required aspects of development will be completed
  - site stabilization/erosion control at time of issuance of Land Disturbance permit
  - uninstalled landscaping at time of Certificate of Occupancy (typically due to time of year)
  - completion of paving at time of Certificate of Occupancy or Final Plat (typically to allow installation of topping course of paving after completion of majority of construction)
  - deferral of infrastructure completion due to special hardship
- Maintenance Sureties – ensures availability of funds to remediate and/or repair infrastructure after plat approval, construction inspector acceptance, and/or Certificate of Occupancy during a warranty period
  - sidewalks
  - curb and gutter
  - paving
  - storm sewer
  - detention/stormwater management facilities

#### **When Are Sureties Required?**

- At time of issuance of Land Disturbance Permit
  - site stabilization/erosion control surety
  - no other “up front” surety required (unless special case applies)
- At time of Certificate of Occupancy or Final Plat
  - Performance Surety for uninstalled landscaping, paving, sidewalk, curb and gutter, or similar (City preference is for these features to be installed instead of receiving surety)

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- Maintenance surety for installed paving, sidewalk, curb and gutter, storm sewer, stormwater management facilities

**Typical Bond Management Process**

- Acceptance of Bond (Requires staff oversight and coordination between various departments)
  - Determination of Improvements to be bonded
  - Assessment of required bond amount
  - Review of submitted bond materials
- Comments or acceptance of bond materials

**Typical Bond Management Process**

- Bond Resolution Notification Process (Requires staff oversight; operating funds & third-party coordination)
  - Monthly Notification of Bond Maturity or Renewal Date (policy can be two or three months ahead of renewal/maturity date)
  - Inspection of bonded improvements
  - Issuance of punch-list
  - Developer completes punch-list, requests bond reduction, or requests renewal, or City initiates process of cashing bond
  - Requirements for renewal or reduction issued to Developer
  - Inspection of completed work
  - Renewal , reduction, or cancellation of Bond

**Typical Bond Management Process**

- Cashing Bond Process (Requires staff oversight; operating funds & third-party coordination)
  - Certified mail notice from Bond Administrator 30 days prior to expiration date
  - Response required by Developer 14 days prior to expiration
    - renewal request
    - inspection request
    - reduction request
    - For renewal, inspection, or reduction requests repeat Bond resolution process above
  - Cashing Bond typically is arduous and unproductive process

**Advantages to Cash versus Bond sureties**

- Provides the least risk
- Requires minimum staff oversight and resources
- Provides funds to rectify performance or maintenance requirement for project
- Expedites the lack of performance or maintenance requirement solution

**Cash sureties rectify default performance**

- Bond surety instruments have a higher risk due to:
  - Bankruptcy
  - Partnerships dissolution or disagreements
  - Bank failure
  - Expiration of term held by supplier
  - Bonds expire (permit lags)
  - Legal and staff time and effort to rectify a default
  - Insolvency of issuer
  - Change of ownership; i.e., corporation owning entity
  - Limited conditions upon which they were issued
  - Banks with better surety interest in order to cover developer's outstanding debt

### **The need for sureties**

- Mt Vernon Oaks S/D (Regency Glen)
  - developer did not complete LDP required work
  - Fulton County unsuccessful cashing in bond
  - project sat dormant, incomplete, insufficiently stabilized, for years

### **Colquitt Road Townhomes**

- developer did not complete LDP required work
- Fulton County unsuccessful cashing in bond
- project sat dormant, incomplete, insufficiently stabilized, for years
- **Oakmont S/D**
  - platted by Fulton County
  - homes built, residents moved in
  - no topping on private drive serving S/D
- **City Walk**
  - incomplete project, needing stabilization

### **When are sureties refunded?**

- Performance Sureties
  - site stabilization/erosion control surety – upon passing final site inspection (can be released by phase of development where suitable to do so)
  - landscaping surety – upon passing Arborist inspection
    - 50% upon initiating covered work
    - 50% remaining upon inspection and acceptance by Arborist
  - infrastructure such as paving, sidewalk, curb and gutter, etc –
    - 50% upon initiating covered work
    - 50% remaining upon inspection and acceptance by Land Development Inspector
- Maintenance Sureties
  - at end of maintenance period upon inspection and acceptance by Arborist or Land Development Inspector as applies. Maintenance period is 18 months.

### **Calculation of Sureties**

- Performance Sureties
  - erosion/stabilization surety
    - \$3000/disturbed acre (per Georgia Code, Chapter 7, Control of Erosion and Sedimentation, 12-7-7(f)(2) \$3,000/acre is maximum allowed)
  - infrastructure/paving or similar surety
    - based upon written estimate for complete installation
    - times 125%
    - estimate subject to acceptance by land development inspector and Director of Community Development
- Maintenance sureties
  - amount based upon standard calculations

### **Surety Application Examples**

- Large commercial development - Prado
  - erosion/stabilization surety at time of LDP issuance = \$81,000 based upon 27 acres of land disturbance performance sureties, if any, at time of Certificate of Occupancy (CO)
  - landscape maintenance surety at time of Certificate of Occupancy (CO) based upon Arborist calculation (erosion/stabilization surety can be “rolled over”)
- infrastructure maintenance surety at time of CO based upon standard maintenance surety calculations for completed infrastructure (performance surety can be “rolled over”). Appears that maintenance surety will be approximately \$80,000.

**Surety Application Examples**

- Large multi-family development – Highlands of Sandy Springs
  - erosion/stabilization surety at time of LDP issuance = \$81,000 based upon 27 acres of land disturbance performance sureties, if any, at time of Certificate of Occupancy (CO)
  - landscape maintenance surety at time of Certificate of Occupancy (CO) based upon Arborist calculation (erosion/stabilization surety can be “rolled over”)
  - infrastructure maintenance surety at time of CO based upon standard maintenance surety calculations for completed infrastructure (performance surety can be “rolled over”). Appears that maintenance surety will be approximately \$145,000.

**Surety Application Examples**

- Medium sized single family lot subdivision – Enclave at Jett Ferry
  - erosion/stabilization surety at time of LDP issuance = \$30,000 based upon 10 acres of land disturbance
  - performance sureties, if any, at time of Final Plat (typically would apply to topping of streets, but could apply to required landscaping typically due to time of year)
  - infrastructure maintenance surety at time of Final Plat based upon standard maintenance surety calculations for completed infrastructure (performance surety can be “rolled over”). Actual maintenance surety for Enclave at Jett Ferry is \$24,090.

Councilmember Meinzen McEnery questioned how the escrow on the interest works. She questioned if the City returned the interest to the developer upon completion of the project. Mr. Rapson stated that the City did not return any interest. Councilmember Meinzen McEnery questioned why the City would want to keep the developers interest and suggested that at the appropriate time, if the developer meets the requirements, any interest that is left be given back to the developer.

**Assistant City Manager Rapson** stated that currently he has 59 separate projects that go in to the City’s Escrow Fund. The projects are all deposited at different times throughout the year; some of the deposits may be from the previous year. To do what Councilmember Meinzen McEnery is proposing, he would have to keep track of when the deposits were initiated, also have to keep track on the waited average on all 59 of those deposits as well as disbursements so that he could actually credit them back to true funds that they would need based on varying interest rate each month.

Councilmember DeJulio stated that there is a cost of accounting and administration on this and the interest here covers the cost of accounting and administration. If not, you will have to keep 59 separate records, 59 separate cost funds, etc. Basically, it is a break even situation because we are spending it to administer this type of project.

Councilmember Meinzen McEnery stated that she is only talking about one surety for one issue of \$81,000.

**Assistant City Manager Rapson** stated that it depends on the developers actually initiating that.

Mayor Galambos questioned if the developer was not getting the surety what would it cost him to get a bond.

**Assistant City Manager Rapson** stated that he would be paying 5% or 6% for the bond itself. From a banking relationship perspective, if a bank is issuing a line of credit or surety on one of these projects, the bank requires a deposit of 150% of what they are asking for. He is keeping the interest somewhat for the administrative burden, but also for use in future years to do improvements towards the same type of purpose they were collected for.

Mayor Galambos questioned if he has had any complaints from the developers. Mr. Rapson stated he has only had one and it was from the largest developer who at the time was following under some of the appropriations we had for the tree ordinance. Since then we have eliminated that side of it and put this in place.

**Director of Community Development Leathers** stated that the developer did get his money back. Part of the issue was establishing this process. The goal is to have the developers install the infrastructure and have them do the work. What we do not want is for the City to be in the business of installing for them after the fact. You do not want incomplete projects. Bonds are difficult to collect and that is one of the reasons staff has gone in this direction. Staff has tried to lower the amounts. They do not apply to the developer getting building permits; only those requiring a land disturbance permit which means they are quiet large.

**Assistant City Manager Rapson** stated that this procedure works and encourages the developers to stabilize their site so that they can get their money back; it encourages them to put their infrastructure in the ground.

Councilmember Meinzen McEnery challenged Mr. Rapson to come up with some easy method of calculating the interest and that the developer is given the option to maintain his own records, bring it in and show them that the interest is right and stipulate a certain simple interest rate. This is only for fully performed projects.

**City Manager McDonough** questioned if this was the direction in which City Council wants to go. If so, we can move in that direction. Again, it is staff's recommendation against this for reasons that have already been mentioned. Staff would need a consensus from Council.

Mayor Galambos stated that there was a consensus of the City Council not to refund the interest to the developers.

#### **Discussion of text amendment to Sandy Springs Overlay District.**

**Director of Community Development Leathers** stated that the Overlay amendment is intended to take the first step toward what Council adopted in the Comprehensive Plan which is to begin to define what is currently the Main Street District, which will be the Town Center area. Before Council is the deletion of automobile related uses and some of the other less desirable uses for what will be the Town Center area.

Councilmember Meinzen McEnery stated that her concern is that the City has only limited the storage facilities to self and mini storage. She would like to include in the Overlay a prohibition on all storage facilities on Roswell Road in all the Overlays including maxi storage facilities. Ms. Leathers stated that this is only for the Town Center area.

**Director of Community Development Leathers** stated that most of the prohibitions she has talked about are prohibitions in what is now called the Main Street District. This was intended to address the policies you had in that area. There was a prohibition on pawn shops and check cashing establishments as well as uses permitted in the industrial districts that would all be excluded in the Overlay along Roswell Road from the City of Atlanta to the river which is going to be the full length of the Overlay District.

Mayor Galambos questioned if there was a consensus of City Council not to have automobile related uses, pawn shops, check cashing establishments and all storage facilities in the Town Center. There was a consensus of City Council on all uses listed.

Councilmember Fries questioned the verbiage of check cashing and car loan businesses.

**Director of Community Development Leathers** stated that she checked the ordinance and it is actually defined pursuant to the state law.

**City Attorney Willard** stated that car loans are still called pawn shop if they qualify as the standards as set forth under the pawn shop state law. If you restrict pawn shops then you are also restricting title pawns.

Councilmember Fries stated that she would like to see that clarified in the ordinance because there has been some discrepancy. She would like to see it spelled out "title pawn".

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**Director of Community Development Leathers** stated that the definitions were not advertised. This will be addressed in another text amendment.

**Discussion of Moratorium relating to Sandy Springs Overlay District.**

**City Attorney Willard** stated that there may be a need to put a moratorium in place. It would become a restrictive business under the new overlays. It is up to City Council to make a policy decision.

Councilmember Fries stated that she would like this item to be voted on by City Council.

Mayor Galambos stated that City Council will discuss this issue later.

**Discussion of Chapter 7, Alcoholic Beverages**

**Director of Operations Horn** stated that the Alcohol Beverage Ordinance has been in effect since Sandy Springs started and is a very comprehensive ordinance. The City Attorneys office looked at other alcoholic beverage ordinances and came across an ordinance that the City of Roswell uses and felt it is more in line with what Sandy Springs would like to administer as its licensing procedures. He stated that this ordinance is set up completely different and is not based on the City's original or current ordinance. Mr. Horn explained that Municipalities tend to treat alcoholic beverages in a very similar way and that 90% of what is in the City's current ordinance is in this ordinance but is in a different place.

Mr. Horn explained the new ordinance features that are not found in the current ordinance and gave the following presentation:

**Definitions**

The City Attorney's office felt that a more abbreviated set of definitions was applicable to this ordinance.

**Fees**

All fee amounts (except those mandated by state law) have been removed from the ordinance and placed into a master fee schedule that is adopted by City Council. This allows Council to amend fees without undertaking a full ordinance amendment.

**License Types**

Section 7.2.3 adds two new license types to the ordinance: brewpubs and farm winery tasting rooms. These are emerging businesses that may need to be treated differently from standard on premise licensees.

**Sunday Sales/Additional Bars**

An additional requirement for Sunday sales and additional bars was added to section 7.2.3. This section requires that an annual fee for these be paid prior to license issuance. (\$250)

**Non-Resident Wholesalers**

State law permits localities to charge a fee associated with a license for wholesalers not located in the City. This provision was added as section 7.2.4 (a).

**Alcoholic Beverage Caterers**

State law permits localities to regulate the use of caterers for special events. This was added to section 7.2.6.

**Prorated License Fees**

The current ordinance allows staff to prorate license fees for those licensees applying after the license year begin. Section 7.2.7 disallows this.

There was a consensus of City Council that this section to be changed to allow for a prorated fee.

**Named Licensee/Joint Responsibility**

Sections 7.2.8 and 7.2.9 establish the responsible parties for compliance with the ordinance.

**Eligibility for License**

New provisions in this section require that the applicant be active in the operation of the establishment, be a resident of a locality where alcohol sales are legal for a period of one year, not hold ownership stakes in more than two licensed package facilities, not have had his license revoked in the previous five years, and maintain a registered agent age 21 or older.

**Appeals**

Section 7.2.15 provides for an appeals process through the Superior Court.

**Transferability**

Section 7.2.16 increases the period of time period that an establishment may continue to operate from 45 days to 60 days from the death of a licensee. Additionally, it provides for transferability of licenses in cases with a change of ownership status, without a change in ownership interest (ex. Single owner converts to LLC without taking on partners).

**Hearings**

Section 7.3.2 provides for a process in which City Council considers the license application. This is not a change in practice, however, the existing ordinance sets out that the City Manager is the issuing authority.

**Location of Sales**

Section 7.4.1 requires that no package store be located with 500 feet of another package store. Additionally, it sets out new requirements for proximity to single family homes, and codifies application requirements, which under the current ordinance have been a matter of policy.

**Public Property**

Section 7.4.2 provides for the City Manager to issue permits to consume and sell alcohol on public property.

**Hours of Operation**

Section 7.5.6 (b) draws from the state law authorizing licensees to serve alcohol beyond midnight on Saturday night.

**Delivery and Storage**

Section 7.5.8 sets out requirements for delivery and storage of beverages and provides for inspection by city officials to ensure compliance.

**Signs and Lighting**

Section 7.5.10 requires lit signs to be turned off when licensed establishments are not open for business, and that ll on premise establishments be lit adequately to see clearly on all sides.

Councilmember Fries made a request that this section be defined more clearly.

**Director of Community Development** Leathers suggested that staff be cross trained so that the person who handles the sign permits will be familiar with the provisions and staff will be able to walk them through the process.

**Changes to License Facts**

Section 7.5.12 requires licensees to notify the City whenever changes to ownership status or other material license application facts occur.

#### **Age of Handler**

Section 7.6.1 requires that anyone handling merchandise for a wholesaler is 18 years of age. Additionally, anyone serving alcohol for a caterer must be 21.

#### **Report of Arrest, Other Discipline**

Section 7.6.4 requires that licensees report arrest or other disciplinary action to the Chief of Police.

#### **On-Premise Licenses**

Article 7.7 breaks down the different types of on premise licenses and sets out requirements for each. The existing ordinance only does this for private clubs.

#### **Happy Hour**

Section 7.7.16 takes existing happy hour requirements for distilled beverages and applies them to all alcoholic beverages.

Councilmember Jenkins stated that there needs to be some language in this ordinance that does not allow someone to lapse on their license. Mr. Horn explained that there are a lot of penalties that can be imposed on folks should this happen. Chief of Police Wilson explained that if a license has lapsed under state law a wholesaler can not deliver alcohol to that location.

#### **Mayor and Council Discussion Items**

##### **Discussion of Appointment to the Public Facilities Authority.**

**City Manager McDonough** explained that Mayor Galambos one year term has expired and needs to be nominated at the next meeting.

Mayor Galambos explained that everyone needs to be aware that the Sandy Springs City Attorney is the City's Attorney and not the public. If a request comes in from citizens who want some kind of judgmental opinion from our City Attorney that it is not his job.

##### **Discussion of Trespass Parking on Private Property in the Residential Neighborhoods Surrounding Chastain Park.**

Councilmember Meizen McEnery stated that the value of creating this ordinance and agreeing to go forward with the Resolution to stipulate the tow company that will be licensed to do business in these matters would be to reinforce the state code relating to protection of personal property rights. She provided some background on this relating to the inability of a private owner to have an illegally parked vehicle on his property towed. She stated that this will protect our police from liability by guiding them as to what they can do in a situation like this which is merely to provide to the private property owner upon his land a car is illegally parked the name of the tow company. The resolution would allow us to establish a tow company that the police can suggest to the private landowner who desires a vehicle to be removed from their property.

Councilmember Fries questioned if a citizen wants a car removed they would call the police department, if you have this resolution in place then the police department will be able to say that the City has a designated towing company, we recommend that you call them. The citizen would call and have that car towed.

**Chief of Police Wilson** stated that is correct. Internally, the police department has a policy in place that they recommend no wrecker and no taxis. With this resolution the department would be able to say what services to use.

Mayor Galambos questioned what would prevent a citizen from calling a tow company on their own.

**City Attorney Willard** stated that it would put the tow company in a position of having to make the decision of who is correct.

**Discussion of business license penalties and interest.**

Councilmember DeJulio stated that he received an email from one of his constituents about a business licensing problem concerning a small amount of money. From his conversation with Mr. Rapson he learned that as Assistant City Manager and Finance Director of the City that Mr. Rapson did not have the authorization to waive fees. Councilmember DeJulio would like for Mr. Rapson and the City Manager to be able to waive fees they find necessary and questioned what the appropriate amount would be for him and the City Manager to make these types of decisions.

**Assistant City Manager Rapson** stated that they would like for the City Council to delegate the authority to them to waive penalties and interest based on business license approved and in particular, the facts surrounding that particular business license. The most he would recommend a waiver and empower the City Manager's office or his designee to waive up to \$500.

Councilmember DeJulio asked the City Attorney to have a Resolution written for this issue. City Attorney Willard stated that he would do that and have it ready for City Council approval at the next meeting.

Councilmember DeJulio stated that Council had asked sometime ago about the ability to require builders who are building a single house on a thoroughfares to put sidewalks in. He questioned if there had been any progress made on this.

**Director of Community Development Leathers** stated that this would be included in the re-write of the subdivision regulations which would be before City Council in a couple of months to review.

Councilmember Meinzen McEnery stated that she would like for Ms. Leathers staff to have the flexibility to consider tree preservation and protection when determining the routing of the sidewalk.

**Director of Community Development Leathers** stated that her department would try to have it put in the ordinance but if not it would have to come back before Council.

**City Manager McDonough** congratulated the Fire Department on their outstanding efforts in putting into service the City's third quick response vehicle that went into service this week. It is located at Station #4 and increases the City's capability by 50%. We also put in to service an ALS Quint which we already had but upgraded the capabilities of that to advance life support.

**Mr. McDonough** thanked Al Crace, Nancy Leathers and Angelia Parham and her team for their efforts to help bring resolution to the permitting issue of Lake Forrest Elementary School. It has now been permitted.

**Director of Community Development Leathers** explained that they are doing a right in/right out onto Cliftwood which allows them to leave the access where it is and they are going to revise the curb cut so they will have a right in/right out on Sandy Springs Circle.

**Call to Order and Roll Call**

Mayor Galambos called the meeting to order at 9:18 p.m.

**City Clerk Rowland** called the roll.

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

**Approval of meeting Agenda**

**Motion and Vote:** Councilmember Fries moved to amend the meeting agenda to include the consideration of a Resolution approving a moratorium relating to Sandy Springs Overlay District. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Motion and Vote:** Councilmember Fries moved to approve the meeting agenda as amended. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**City Attorney Willard** read the Resolution and explained that no new applications would be accepted for these uses on the Roswell Road Corridor.

**Motion and Vote:** Councilmember Fries moved to amend the Resolution on the Temporary Moratorium for the acceptance of new applications on the Roswell Road Corridor for those uses that are proposed to be prohibited by RZ07-028 including an amendment to item 12(B) 7 A adding (d) all Public Self and Mini Storage Facilities. Councilmember Jenkins seconded the motion. The motion carried unanimously.

**Executive Session-Pending Litigation & Personnel**

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session for Pending Litigation and Personnel. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Dianne Fries, Councilmember Tibby DeJulio, Councilmember Karen Meinzen McEnery, and Councilmember Ashley Jenkins voting in favor of the motion. Executive session began at 9:30 p.m.

**Motion and Vote:** Councilmember Fries moved to adjourn Executive Session. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Dianne Fries, Councilmember Ashley Jenkins, Councilmember Karen Meinzen McEnery, and Councilmember Tibby DeJulio voting in favor of the motion. Executive Session ended at 10:35 p.m.

**Adjournment**

**Motion and Vote:** Councilmember Fries moved to adjourn the meeting. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously. Being no further discussion, the meeting adjourned at 10:36 p.m.

Approved: October 2, 2007

  
Christina V. Rowland, City Clerk

  
Eva Galambos, Mayor

**CITY OF SANDY SPRINGS, GA**

STATE OF GEORGIA  
FULTON COUNTY

September 11, 2007

**AFFIDAVIT FOR EXECUTIVE SESSION**

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 11<sup>th</sup> day of September, 2007, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

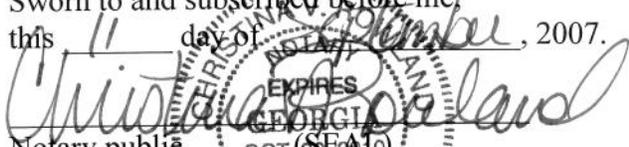
Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

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

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

  
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Eva Galambos, Mayor

Sworn to and subscribed before me,  
this 11 day of September, 2007.

  
Notary public

