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**Work Session and Regular Meeting of the City Council was held Tuesday, June 12, 2007, 6:00 p.m., Mayor Eva Galambos presiding.**

**Call to Order**

Mayor Galambos called the meeting to order at 6:00 p.m.

**Roll Call and General Announcements**

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

**City Clerk Rowland** called the roll.

**Councilmembers Present:** Councilmember Dave Greenspan, Councilmember Dianne Fries, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery.

**Pledge of Allegiance**

Mayor Galambos led the Pledge of Allegiance.

**Approval of the Meeting Agenda**

**City Clerk Rowland** stated that the next agenda item is the approval of the meeting Agenda.

Mayor Galambos asked for any changes to the Meeting Agenda. There were none.

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

**Consent Agenda**

There were no items on the Consent Agenda.

**Public Hearings**

**Budget**

**To receive public comment pertaining to the Fiscal Year 2008 budget.**

Mayor Galambos called for public comment. There were no comments from the public.

**Millage Rate**

**To receive input as it relates to establishing a millage rate to be levied for the tax year 2007 as required by O.C.G.A. Section 48-5-32 et seq.**

Mayor Galambos called for public comment. There were no comments from the public.

**New Business**

**Discussion and approval for the Mayor to sign the Transportation Enhancement Grant Applications for Three sidewalk/streetscape projects for submittal to Georgia Department of Transportation.**

**Deputy Director of Public Works Drysdale** explained that the Transportation Enhancement Program is a mechanism for using federal funds for funding sidewalks, bikeways and additions to roads. Georgia Department of Transportation (GDOT) announced its call for Transportation Enhancement Projects in April and concluded on June 15. The GDOT Board members selected the projects and funding levels for the Congressional Districts. There is approximately \$4 million dollars for our congressional district.

The applications need both approval and signature of Mayor and City Council. Staff did a study of what projects were most likely to get funded and an application was completed for the Abernathy Greenway, Roswell Road Streetscape from Johnson Ferry to Abernathy and, Roswell Road Streetscape from I-285 to Atlanta City Limits.

The City is requesting construction funds in the amount of \$1,000,000 for each project. There is a 20 percent required match, \$250,000 for each project. If all three projects are approved, the total required City contribution would be \$750,000.

**Motion and Vote:** Councilmember DeJulio moved to approve a Resolution authorizing the Mayor to sign the Transportation Enhancement Grant Applications for Three sidewalk/streetscape project for submittal to Georgia Department of Transportation. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

### **Reports and Presentations:**

#### **Mayor and Council Reports**

Mayor Galambos stated that the Georgia Municipal Association has certified that the City of Sandy Springs is a Certified City of Ethics. The certificate will be presented to the City at the GMA Convention. Secondly, the City has received some criticism for not doing anything for Memorial Day. She has since heard from a gentleman, Peter Clement, who would like to organize next years Memorial Day Celebration in Sandy Springs. She asked City Council to think about what they would like for next years celebration. She questioned if Council would like to appoint a committee for this event.

Councilmember Fries explained that the City of Roswell has a huge Memorial Day Celebration and wonders since Roswell borders Sandy Springs if doing something in collaboration with them would be something to think about. Councilmember DeJulio stated that this is something Council should really think about. Maybe Sandy Springs can combine with North Fulton and other cities. He would be happy to work with the City Manager in helping work this out.

Councilmember Fries suggested starting a parade in Sandy Springs that ends in Roswell. Councilmember Meizen McEnery stated that Sandy Springs needs to have this kind of event for the citizens.

Mayor Galambos stated that City Council has talked about having holiday street lights. The Sandy Springs Business Association stated that if the City wants to have holiday lights then the City should do it and pay for it as well. She asked staff to research what it would cost and how feasible it would be to light up the stretch of Roswell Road that has street lamps. We could decorate the street lamps with lights.

**City Manager McDonough** stated that it is feasible and that there are many companies that could give us an estimated cost to do this. Councilmember Fries explained that there would be vendors at the GMA Convention that sells all types of things to cities. She stated that this would be a good place to start research and also a good place to look at park equipment.

Mayor Galambos stated that this next item is a matter relating to Attorney Scott Schulten. We gave a Certification of Recognition to Mr. Schulten for all the wonderful pro bono work that they did with the title search and all the real estate

work that had to be done for the acquisition of the parks and fire stations. As it turned out, the amount of work escalated to the point that Mr. Schulten felt it was beyond what they were willing to donate. He has itemized all the hours that was spent and the total fee came to over \$33,000 and was still donating \$20,000 for pro bono and would like for us to pay him the difference of \$13,992.65. Our City Attorney feels that this is justifiable because of the multitude of work he had to do.

**City Attorney Willard** explained the work that Mr. Schulten did stating that it was beyond what was expected, unknown from the beginning. He recommends a full payment of the balance in the amount of \$13,992.65.

Mayor Galambos stated that it is Council's recommendation to pay the invoice.

Mayor Galambos announced that the Public Market will be a Saturday Event at Heritage Sandy Springs, Hors devours and possibly fruits and vegetables. The Heritage group would love to do it because of the rental money for Heritage by the merchants.

Councilmember Fries stated that she has had conversations with them and has not really thought about it from their perspective; one of their big concerns is that the parking lot gets filled up by the vendors. It is kind of two fold here because this does bring in business. She first heard that this was only going to be once a month and questioned if now this would be an every week event.

Mayor Galambos stated that Council does not need to make a decision about this at all because her understanding is that Heritage is meeting with the business community and maybe they can work it out.

**Laura DeLong, Heritage Sandy Springs** stated they would like for this to be a win-win situation for the community, for the artist and also for the businesses. There is a rental committee meeting occurring at the Heritage office tonight and they are working with Patrick Dennis who owns the company and runs these types of activities, there is currently one going on in Atlantic Station that is proposed throughout Atlanta. We want to qualify the quality items that would be held at this and are debating whether it would be held every weekend or not. They have other rental events that occur on their property and would not be able to handle it more than once or twice a month. They are also looking to start on a trial basis rather than making a firm contract and are looking at having this event on Sundays. They have communicated with vendor merchants at City Walk and have talked with the president of the City Walk Association privately. They have also attended a meeting of their Merchant Association. There will be open communication and the events will be well examined and everyone must feel this is something the community truly wants.

Mayor Galambos stated that we need to make sure we are not setting it up to be competitive.

Ms. DeLong stated they want it to enhance what the retailers are offering and not to compete. They will work very hard to make that happen. They are not confined to a timeframe and want to take time to see through this in every way so that they are sure if they agree to this, it is right and if it does not happen until the fall that is fine with them. The important thing is that they take the time to make the right decision. They will continue to communicate with the city on this matter.

Mayor Galambos questioned if there are vendors in the park if they would need to get a vendors license from the City of Sandy Springs. City Attorney Willard stated they would and if the City decides to go forward it could be looked at stormwater quayside different from the normal vendor situation. We could look at it as a special type of permitting. Mayor Galambos stated they do have a business license. City Attorney Willard stated that in the City's Special Events Ordinance there is something that addresses this. Councilmember Meitzen McEnery stated that if the parking is handled appropriately, the adjacent retailers in City Walk would benefit.

Chief of Police Wilson stated that while he was with MARTA they had situations with vendors and once a door is opened it is very difficult to close. The City wanted to get rid of the vendors in the heart of the city but could not find a way to do that. He suggested that the Council go slow and be sure all the bases are covered.

Councilmember Meinzen McEnery stated that these vendors would be with Patrick Dennis, Manager of the Special Event. He will be coordinating their locations and will decide whether or not they will get to participate. This should give Council a little comfort.

Mayor Galambos emphasized that she wants to make sure that we are not setting something up that competes with the Sandy Springs stores.

Ms. DeLong stated at this point in time in discussions they are told that this will be original art and organic fruits and vegetables. There will be no food sold ready to eat that would compete with any of the restaurants. Heritage Sandy Springs will continue to talk with the merchants in Sandy Springs and requested that the City forward any comments received regarding this so that they could address them.

Councilmember Fries stated that the problem is on the weekends when they have classes, the parking lot is packed. She is very concerned about the parking issues for the other businesses in Sandy Springs. Businesses are concerned about customers being able to get to their stores and having a place to park. There needs to be some established parking somewhere for this. She highly recommends that this event only be held once a month.

### **Staff Reports**

**Field Services Manager Adderley** gave an update on the City's Resurfacing projects. He stated that this is the City's first road project for the 2005 and 2006 LARP coordinated with GDOT, contracted by C.W. Matthews. There is an extensive amount of public information going out; information signs, web updates, flyers provided by Communications. The roads that have been completed so far are Old Creek Trail and Mountain Creek Way. The roads that are under construction at this time are Amber Crest Drive, Amber Crest Circle, Bridgewater Drive and, Old Riverside Road. Upcoming road construction includes; Spalding Drive, Hope Road, Dunwoody Place, Roberts Drive all of which will take place at night from 9:00 p.m. to 6:00 a.m.

Councilmember Meinzen McEnery questioned the grades of the roadways before work began. Mr. Adderley explained that these roads were in poor condition. Public Works staff had to do some patch work and milling to get ready for the LARP work to begin which is the responsibility of the City.

### **Public Comments:**

**Bill Gannon** asked for clarification regarding the legal fees for Scott Schulten.

### **Execution Session-pending litigation**

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss pending litigation. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Dave Greenspan, Councilmember Dianne Fries, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnery voting in favor. Executive Session began at 6:40 p.m.

**Motion and Vote:** Councilmember Fries moved to adjourn Executive Session. Councilmember Greenspan seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Dave Greenspan, Councilmember Dianne Fries, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnery voting in favor. Executive Session ended at 7:10 p.m.

**Adjournment:**

**Motion and Vote:** Councilmember DeJulio moved to adjourn the regular meeting. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

After no further business, the meeting was adjourned at 7:11 p.m.

Mayor Galambos began the Work Session.

**Staff Discussion Items**

**Discussion of MARTA Memorandum of Understanding.**

**Chief of Police Wilson** stated that MARTA maintains several properties in the City of Sandy Springs in which their police force exercises authority. He explained that this Memorandum of Understanding will coordinate the methods with which the police departments coordinate investigation, prosecution and enforcement for these areas.

**Discussion of acceptance of Right of Way at 6615 Peachtree Dunwoody Road.**

**Director of Public Works Parham** stated that this item is for acceptance for Right-of-Way from Georgia Power for a project for the PCID with 0.022 acres.

**Discussion of authorizing the City Manager to execute a contract with Qk4 for the Roswell Road Streetscape project from Johnson Ferry Road to Abernathy (T-0012).**

**Director of Public Works Parham** stated that this item is to authorize the Mayor and City Council as well as the City Manager to execute a contract with Qk4, for the Roswell Road Streetscape Project from Johnson Ferry Road to Abernathy Road.

Mayor Galambos questioned if this in any way removes the obligation from the property owners from contributing to the streetscape. Mr. Parham stated that it did not.

**Discussion of approval of a forty-foot wide temporary construction easement and twenty-foot wide permanent sewer easement that is approximately 236 feet long to Fulton County.**

**Utility Coordinator Thompson** stated that this item is for the approval of a dedicated easement from Fulton County to Ridgeview Park. John Willis Homes is tearing down a home and building a new home in its place. Fulton County policy requires the installation of a sewer line.

**Discussion of Comprehensive Plan Community Agenda.**

**Deputy Director of Community Development McNeill** provided Council with some background on the process to develop the proposed Comprehensive Plan.

**Assistant Director of Planning and Zoning Zehner** stated that the Planning Commission recommended 11 amendments in total. There was also an additional comment or recommendation from the Planning Commission on the general scope of the plan.

Mayor Galambos stated that she would like to discuss the amendments one at a time and get a consensus.

**Assistant Director of Planning and Zoning Zehner** read each Amendment into the record.

**Amendment #1:** Page 96, *Policies Regarding Housing Affordability #2-3*. The Commission recommends that the Mayor and City Council clarify these policies especially with regard to the positive incentives offered to developers. The Commission also recommends that some language be added regarding the City's support for young singles beginning their careers and young families to live in Sandy Springs.

Councilmember Greenspan stated that he has a problem with this. He has no problems with the young people starting out in Sandy Springs but we devalue property values by offering or providing an amendment like this, providing incentives to developers to offer at lower priced property than the market will bear. He thinks this will stricken the City's ability to grow and develop.

Councilmember Jenkins stated that there are several companies in town that have already approached the Fire Department and Police Department offering innovated incentives, no closing cost, give a dollar amount off your loan, and lower a point. The private sector is already offering that. She does not see a role for government in this issue at all. The private sector is already handling it. She does not want the government doing anything on this.

Mayor Galambos stated that the consensus is to leave the language as it is.

Councilmember Fries stated that she has a legal question on item 3, page 96, last line; "For instance, a City-Sponsored housing voucher, which subsidizes part of the down payment for a police officer or other professionals to purchase a detached home in Sandy Springs, might be instituted as a part of employment offers." This could fall in the discriminatory issue where you only have it for police and fire. She asked the City Attorney to look into the meaning of "other professionals" and see if it needed to be amended in some way.

City Attorney Willard stated that there is a benefit for having police and fire personnel there because of the protection provided by them. Cities encourage this a lot of times and put into ordinances to all allow developers to consider that as a means of attracting Police Officers and Firemen employed by the local government.

**Amendment #2:** Page 99, *Water Quality and Water Resources Objectives #2*. The Commission recommends that permeable sidewalks, in addition to permeable parking lots, be encouraged to assist in achieving water quality objectives.

**Assistant Director of Planning and Zoning Zehner** stated that there are different types of paving systems that can accommodate that, permeable concrete as well gravel and the biggest concern will be the ADA Requirements.

Councilmember Meinzen McEnery stated that there are two reasons to have permeable surfaces in our community. One, is the benefit of somewhat of management. Secondly, the industry technology from a consultant that she attended a conference with, asphalt costs \$14 to install and pervious material costs \$10.

There was a consensus to for this amendment if feasible.

**Amendment #3:** Page 98, *General Natural Resources Policies #13*. The commission recommends that the second sentence of this policy regarding the discontinuance of the piping of streams be deleted.

**Assistant Director of Planning and Zoning Zehner** stated that it was the Planning Commission's intent not to require developers to un-pipe streams. If you read this, it indicates that the piping of streams that are not currently piped be discontinued and their intent was not to require a developer not to un-pipe streams.

Councilmember Meinzen McEnery stated that one of the Planning Commission's comments was it would create new buffers. If you had a piped stream and you un-piped it, then you would have a stream bank to deal with which is obviously a cost to them. Another way to look at is that would give more green space to the community along that

stream if indeed it could be un-piped. Council should seriously consider it if possible, a pipe stream could be added to our green space by un-piping it.

**Assistant Director of Planning and Zoning Zehner** clarified that it is to implement a program to discontinue the piping of new streams. It was their intent not to require someone to come in and un-pipe a stream that has been piped. The intent is that the city not allow new piping of streams.

Councilmember DeJulio questioned if it would be allowed, if appropriate.

**Assistant Director of Planning and Zoning Zehner** stated that is a major policy question. Right now the ordinance requires significant buffers and would require state variances from the EPD to pipe streams.

Councilmember DeJulio questioned if the pipe needed replaced, could it be. Councilmember Fries stated they could and it would be considered as maintenance.

Councilmember Jenkins questioned if this would affect Ackerman's property. Mr. Robert State has stated that it is State water; therefore you can not pipe it and is a run off from the stream which was created three years ago. She does not want to do anything that would mess it up. Director of Community Development Leathers stated that this would not have any impact on them because the variance is already going forward to the State from the City.

Councilmember Fries asked for clarification on someone being able to only pipe run-off. Director of Community Development Leathers stated that is correct, in a number of cases the City would encourage the piping of run-off but this is truly State water. It has to meet the State's definition in terms of the kind of growth that surrounds it. It is very technical and is something that is under the state regulations and if they determine that it is, then we would have to go through the variance process. Mayor Galambos explained that the City does not have a say anyway, the State has the final say. She asked staff to amend the language.

Councilmember Meitzen McEnery stated that it might be beneficial to the community if a developer were to un-pipe a stream then the City could consider providing additional density or incentives.

**Assistant Director of Planning and Zoning Zehner** stated that is listed in the policies. It states that if you un-pipe the pipe stream then that it is an incentive.

**Amendment #4:** Page 101, *Redevelopment Policies #3*. The Commission recommends that bonuses, including density and height bonuses, including density and height bonuses, be included in addition to incentives to promote redevelopment along the Roswell Road Corridor.

Councilmember Fries questioned if incentives left it open ended as to what the bonuses are. Assistant Director of Planning and Zoning Zehner stated that the argument from the Planning Commission is that the incentives was possibly limiting, where adding the term bonuses adds some clarity to it, that it can be "and/or". There is some connotation and the sentence could be; financial incentives whereas bonuses are more based on tangible. Director of Community Development Leathers stated that the implication that incentives were financial and they wanted to go beyond that to ensure that bonuses could be offered through density. Mayor Galambos stated that the City wants to encourage this recommendation.

**Amendment #5:** Page 109, *Land Use Policies – Living Working Areas #2*. The Commission recommends deletion of the following portion of the policy: "which match identified housing needs", due to concerns regarding clarity as to what group or organization defines these needs. **(Consensus)**

**Assistant Director of Planning and Zoning Zehner** stated that they did not know if it was an obligation of the City or an obligation that the City would place on the developers/applicants to show that it was an identified housing.

Councilmember Fries stated that Council only needs to do something with the remaining part. Mr. Zehner stated that staff can work on that.

**Amendment #6:** Page 111-112, *Town Center Node #6c. & Roswell Road and I-285 (Downtown) Node #3.a.* The Commission recommends that the required open and/or greenspace for these nodes be split as follows: 10% greenspace, 5% open and/or greenspace.

**Assistant Director of Planning and Zoning Zehner** stated that the motion on this amendment failed but, basically the Planning Commission recommended that the required open and/or greenspace for these nodes be split. There is a definition for open space and greenspace in the glossary. Councilmember Fries stated that there was a lot of discussion about this at the meeting. She feels that Town Center needs to be a little different.

**Assistant Director of Planning and Zoning Zehner** stated that the next amendment the Commission did approve. The Town Center, Roswell Road and I-285 node does not want to necessarily encourage entire greenspace because the Commission felt that it might be an area where they could encourage plazas and pedestrian onsite. Councilmember Fries stated that she does not agree with the Planning Commission's amendment. She agrees that this amendment should have failed.

**Assistant Director of Planning and Zoning Zehner** stated that he would read amendment #7 which may clarify this.

**Amendment #7:** Page 111-118, *Land Use Policies- Living Working Nodes (All 11 Nodes).* The Commission recommends that of the required open and greenspace for each node that at least 5% be mandatory greenspace and that the remaining portions be either open and/or greenspace.

Councilmember Fries stated that she also disagrees with this amendment. She thinks that Town Center should be left as open space/greenspace with a percentage that goes along that node. The Dunwoody Place area is 15% and it is 30%. She knows the different nodes are 5%, 10% and 15%. She personally thinks it should say "greenspace" rather than "green and open". If no one wants to just go with greenspace then she has a second recommendation that it be split 50/50, it definitely needs to say green and open. She does not think that the densities that the City is giving 15% greenspace are too much to ask for because greenspace can go on top of a parking deck and or on top of the roof. There are a lot of places. It does not have to be grass and trees at ground level. With some innovative thinking, they can come up with the percentage. She would recommend that Council not approve the Planning Commission's amendment #7. Councilmember Jenkins stated that she was looking to increase each and every one of the percentages. When Charlie Roberts came to Council, he said that 5, 10 and 15 % is nothing. The city could certainly increase those percentages and still be able to do the deal.

**Assistant Director of Planning and Zoning Zehner** stated that you also want to consider the fact if you want to establish at a reasonable level for somebody to develop and if they exceed that, they get a bonus.

Mayor Galambos stated this needs to be worked into the bonus program.

Councilmember Fries stated that if we say 15% on the higher density areas must be greenspace. We have to have greenspace somewhere; to her that is getting a little extra so you do not have to build it in.

**Assistant Director of Planning and Zoning Zehner** stated that open space includes the greenspace.

Councilmember Fries stated that she is talking clearly greenspace except in Town Center because she thinks the City wants plazas in Town Center and that needs to be different.

Councilmember Greenspan questioned if these designations devalue or increase the value in the City. Mayor Galambos stated that if it is tied to a bonus, you are not devaluing it. You can make it a condition without giving them any kind of a bonus then she thinks you are devaluing it.

**Assistant Director of Planning and Zoning Zehner** stated that most properties in the city are vested at some level of development already. These would only come into play as policy when you consider it a rezoning. They do not have to request a variance at this point because it is policy. If you were to put it into an ordinance then that might come into play.

Councilmember Meinzen McEnery questioned Councilmember Jenkins if she was going to be putting forward some kind of increase in the percentages. Councilmember Jenkins stated that she tried to tie it to a bonus. Councilmember Meinzen McEnery stated that she liked Councilmember Fries idea about greenspace, 5, 10 and 15 percent. Greenspace is the effect it has on limiting Stormwater run-off which is a major hidden cost to redevelopment.

Mayor Galambos stated that Amendments 6 and 7 needs new language.

**Assistant Director of Planning and Zoning Zehner** stated that Council could send staff something in order to check and see if it is doable and reasonable. Councilmember Fries stated that having Dunwoody Place at 30% may be a hardship to have as total greenspace. She may want to discuss this later.

**Amendment #8:** Page 136, *Transportation Policies #11*. The Commission recommends that the policy regarding an additional bridge crossing of the Chattahoochee be deleted in its entirety.

Mayor Galambos questioned if this would include the pedestrian bridge. Director of Community Development Leathers stated that this is for vehicular traffic. There was a consensus on this amendment.

**Amendment #9:** Page 156-176, *Table 6.3 2008-2012 Short-term Work Program*. The Commission does not have a recommendation on this portion of the document. The Commission found that the numbers developed in the table may be skewed due to the base population increase figure used to base the plan on.

**Assistant Director of Planning and Zoning Zehner** stated that the Planning Commission did not feel that they had the knowledge to assign value to these projects. The Commission felt comfortable with the project but did not feel comfortable supporting the funding. They did not feel they had the background or the expertise or knowledge on the budget that made this. This is updated on an annual basis.

Mayor Galambos questioned if the city would be in trouble if we did not fund some of these projects. Ms. Leathers stated that is not the case. This is a list of projects that the City is moving towards, the projects that you support each year is what you have done on that program and you update to modifying and so forth.

**Assistant Director of Planning and Zoning Zehner** stated that Amendment #10 and Amendment #11 were both amendments to the map.

**Amendment #10:** Page 39, *Citizens Advisory Committee (CAC) Recommend Final Actions April 23, 2007 #23* Revision 39. The Commission recommends that the Roswell Road corridor (east and west sides), from the city limits on the south to Belle Isle on the north, be designated as Living Working Neighborhood not Living Working Community. **(w/ Acreage Assemblage)**

Councilmember Meinzen McEnery stated that the Citizen's Advisory Committee eventually changed their mind on Glenridge to West Belle Isle back to Live Work Neighborhood. She has factual information which she will provide to City Council regarding the beneficial analysis that Carter Burgess did, where they actually put into their traffic model, the computer model on Roswell Road from the portion of West Belle Isle south to the city limits if the existing road was

built out to the additional density of Live Work Community. The current level of service on this section of road per the consultant is a Level E. When they ran the additional density to Live Work Community, they found that the road went from a D to an F. That is an increase of approximately 1795 residential and 1.8 million of non residential. It would grid lock the road and for that reason she feels that Live Work Community is unacceptable. With the development community already actively assembling the Windsor node she can see a development company coming in with a road improvement on their own property. Carter Burgess reviewed this and found that there would be no road improvements that they could suggest on this stretch of Roswell Road. With a Live Work Neighborhood the assemblage will come in with perhaps a connector. It takes Windsor westerly and then connects to another entrance at West Wieuca. If the developer comes to us with road improvements, Council can increase the density above Live Work Neighborhood because the road would have that capacity. She strongly recommends that this area be live work neighborhood.

Mayor Galambos questioned who the recommendation came from. Mr. Zehner stated that it came from the full Citizen's Advisory Committee.

Councilmember DeJulio stated that this property is currently designated as Live Work Neighborhood. This area has a tremendous amount of property that is in need of redevelopment. Live Work Neighborhood, would down zone the property from where it currently is. This offers two alternatives. One is to keep the property that is in need of redevelopment. The second is to amend the Comprehensive Land Use Plan on a case by case basis. If it is changed to Live Work Community as it is being recommended, when someone wants to redevelop this property, they will know from the start what they can do. The City can enforce the Land Use Plan and will not have to worry about legal ramifications later on.

Councilmember Jenkins stated that Council has talked about a land assemblage policy that gave density bonuses. We have a land assemblage in the Town Center. She would like to see that stretched up and down Roswell Road. If you do a land assemblage policy up and down the stretch of Roswell Road, you can leave the base line at neighborhoods but, then you give density bonuses if they give us greenspace. Councilmember DeJulio stated that Town Center is not based on greenspace; it is based upon acreage assemblage. He stated that this is a great policy but, we have to have policies that we stick too. Everyone will know from the start what they can do and the City can enforce the Land Use Plan

Mayor Galambos stated that the property south of Belle Isle to the Atlanta city limits encompass a good many large apartment projects so that you would meet that minimum standard of having enough acreage to give the bonus on those large properties.

**Assistant Director of Planning and Zoning Zehner** stated that you do not have to rely solely on the policy. There are municipalities that craft a Zoning Ordinance that is based on that you can not develop under this standard unless you have a certain amount of acreage or a certain amount of frontage. That way a developer is not solely relying on the Council's opinion.

Councilmember DeJulio stated that when Council establishes a policy then Council should stick to the policy. Should Council put a change in the policy like Councilmember Jenkins is talking about in Town Center where we say if you accumulate five acres you could do something different, that he thinks will work just fine.

Councilmember Meinzen McEnery stated that the Planning Commission, based upon then information that they had on the traffic analysis and their expertise, voted 5-0 to leave it Live Work Neighborhood.

Mayor Galambos stated that we are going to increase traffic on Roswell Road no matter what Council does and the City is going to have more public transportation. The City is going to have to have a jiffy service or shuttle and more buses.

Councilmember Fries stated that Mr. Zehner has mentioned several times in this discussion tonight about this Comprehensive Plan, some municipalities do an ordinance. While the State is reviewing this, the City should be drafting a new ordinance and reflect some of these policies.

Mayor Galambos questioned Ms. Leather to what extent does the State reject and change what municipalities send to them.

Director of Community Development Leathers stated that it is unlikely that anything significant will get changed. There are two circumstances where they will recommend changes; one would be where we may not have dealt with an issue that they believe is necessary for us to deal with and they will suggest that and staff will try to incorporate that when it comes back. The second would be if we had a proposal which had a significant impact on a neighboring jurisdiction and where they felt is though it could not be accommodated. She has not seen anything yet which leads her to believe that the City would get a comment back like that.

Mayor Galambos questioned if there were anymore changes.

There was a consensus that staff drafts an assemblage policy. Councilmember Meinzen McEnery stated that there was a consensus to leave this as live work neighborhood.

**Amendment #11:** Page 38, *Citizens Advisory Committee (CAC) Recommended Final Actions April 23, 2007 #20* Revision 34. the Commission recommends that the area on the south side of I-285, east of Roswell Road and north of Glenridge Drive, be designated as follows: properties on Sherrell Drive and Colton Drive to remain designated as R-2-3, R5-8, & R8-12, not Living Working Regional (LWR); the Cingular property should be designated as Office (O), not LWR; the Madison townhomes property should be designated as R8-12, LWR; and the Crawford property should be designated as Living Working Community (LWC), not LWR.

Mayor Galambos stated that these are excellent changes.

Councilmember DeJulio questioned if Sherrell Drive and Colton would remain as they are.

**Assistant Director of Planning and Zoning Zehner** stated that they would go back to as they are currently shown on the map which would be the R2-3, R5-8 and R8-12.

**Assistant Director of Planning and Zoning Zehner** stated that the Commission strongly recommends that the Mayor and City Council review the population as the existed plan shows. The Commission finds that the estimate does not match the regional survey as calculated by ARC and that the estimated population is significantly lower than that which could be expected. The Commission is also of the opinion that population estimated less than expected could significantly effect transportation and capital improvements funds for the plan. The Commission recommends that population estimates be reviewed and the Transportation Master Plan and Financial Study be performed based on accurate population.

Mayor Galambos commented on the Planning Commission's recommendation and stated that the City staff did a fabulous job of estimating what Land Use changes are in the plan, how many more housing units we would have, and how much population that would generate. It is different from what the ARC has distributed across the Atlanta Region. She does not want the City to have to amend its plan to meet their population projections.

Mayor Galambos stated that she spoke during the Fulton County planning process and objected to the idea that we had to fit into a predetermined program from ARC.

**Assistant Director of Planning and Zoning Zehner** stated that Fulton County was looking a lot at the housing units and not at the total population. There is a significant population increase roughly about 6,000 or 7,000 people between now and 2027 that have homes. Councilmember Meinzen McEnery stated that there were more homes being reflected in the population.

Mayor Galambos requested that staff review the calculations to see if they are correct.

Councilmember Fries stated that the Dunwoody Place nodes in the written text left it as "unlimited" and Council agreed a long time ago that we were going to put a 15 story limit on it. It also had 15% open greenspace and we have a requirement of 30%. She would like to discuss the possibility of 20% green, 10% open. She thinks that 30% greenspace might be too much to ask for that property.

**Assistant Director of Planning and Zoning Zehner** stated that it shows Live Work Neighborhood on the west side of Roswell Road where Northridge hits Roswell Road and then on the two corners on the east side of Roswell Road, the north/south side of Northridge shows it as Live Work Community. Councilmember Fries stated that both are gas stations. She questioned holding the height restrictions at four (4) stories since you have behind it larger office buildings than that. One of them has a two (2) story building and then a big office building. She thinks it should at least be what those office buildings are down Roswell Road.

**Assistant Director of Planning and Zoning Zehner** stated that we also had issues with those office buildings in topography and with setbacks where they do not have the feel of being so tall. On the current plan, that Northridge intersection will be designated as Live Work Neighborhood.

Councilmember Fries questioned the reasoning for the two story limit there, when there are eight on the other side. Assistant Director of Planning and Zoning Zehner stated that all three corners with the exception of the Big Lots are now shown as Live Work Neighborhood and the Big Lots is shown as Live Work Community, the current plan shows the entire intersection as Live Work Neighborhood. The only change is Big Lots as Live Work Community. He believes that the intent was that it came from residents representing the neighbors because of their desire to have the Big Lots property redeveloped.

Councilmember Fries questioned why I-285 and Powers Ferry is limited at four (4) stories. There are already some huge buildings there. Assistant Director of Planning and Zoning Zehner stated that he does not believe there is Live Work Regional at that area now. At present on the plan it shows that on the north side is Live Work Community, on the south side it is Live Work Neighborhood which would only be two (2) stories. The entire area is being shown as Live Work Community. There is a benefit to that area as far as height goes, because you have a substantial ridge behind and you do not have some of the transitional problems. Councilmember Fries stated that you can go higher than the four (4) stories because four stories is still almost in flood plain height.

Mayor Galambos stated that there was a tremendous amount of negotiation that went on between the neighborhood on the ridge and the people who own the property down below. An agreement was reached between the parties and we do not need to change something that these owners have worked out.

Councilmember Meinzen McEnery stated that she wants to make sure that Council is aware that Town Center was recommended and approved by the Citizen's Advisory Committee and the Planning Commission at eight (8) stories.

Mayor Galambos and Councilmember DeJulio stated that this needed to be reviewed again. Mayor Galambos, Councilmember Meinzen McEnery and Councilmember Fries stated they would like to see a six (6) story downtown.

Councilmember Meinzen McEnery questioned staff about the node at West Belle Isle, where retail can now be located south of Glenridge.

**Assistant Director of Planning and Zoning Zehner** read from page 115 of the Comprehensive Plan; 2d, Vision: Commercial and Retail uses should be confined to the intersections of Roswell Road and Belle Isle and Roswell Road and Windsor Parkway; office and residential developments should occur outside of these areas.

Councilmember Meinzen McEnery stated that the node includes the three uses, between these nodes is just two uses.

Mayor Galambos suggested that Council continue this discussion next week due to the lights going out and not being able to see the map on this very important matter.

**Discussion of the requirement of sidewalk installation by home builders.**

Councilmember DeJulio stated that since the City is doing so much with Capital Expenditure and we have such lending capital needs. Everyone agrees there are sidewalk needs and he would like for Council to change the policy that every house that is being rebuilt and every house is having major permitting done as for renovation, has to put in a sidewalk up to the streetscape plans. He would like to change that for every house so later we can fill in the gaps.

Councilmember Fries stated that there is 14 miles of road in Huntcliff; she does not want to see sidewalks sporadically throughout. They do not have that many sales, maybe 10 a year. She would rather Council look at it for these larger neighborhoods. She suggested that funds be put in a bank fund for future sidewalks for this neighborhood.

**Director of Community Development Leathers** stated that when she met with DCA this week, they gave the City another alternative that when we collect impact fees we could give the developer the choice of either putting the sidewalk in or putting the funds into a pot that you could then allocate for an area.

Councilmember DeJulio explained why he would like this done quickly. For example, Windsor Parkway is being totally redone and the City is losing sidewalk with every house that is built.

Mayor Galambos asked staff to work out some kind of policy that when development is proceeding at a rapid rate, then we can implement this.

**Discussion of the disposal of grass clippings into the storm water system.**

Councilmember DeJulio stated that all over the city, people are blowing trash down our storm sewers and the City is paying people to clean them out. People who have been fined for this pay somewhere around \$700 for this violation, it does not make sense for us to have people mess these things up and we have to pay to have them cleaned out. Director of Community Development Leathers stated that staff is actively enforcing this issue.

**Motion and Vote:** Councilmember Greenspan moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion passed unanimously.

After no further discussion, the meeting adjourned at 8:30 p.m.

Date Approved:

  
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Eva Galambos, Mayor

  
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Christina V. Rowland, City Clerk