

Work Session of the Sandy Springs City Council was held Tuesday, May 8, 2007 at 6:00 p.m. Mayor Eva Galambos presiding.

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

Staff Discussion Items

Discussion of Zoning Laws and Procedures

City Attorney Willard reviewed the Zoning Laws and Procedures for local governments. He explained that the Land Use Plan, once adopted by the city, will have a strong impact on how Council will consider an application for rezoning. The purpose of the Land Use Plan is to set up a guide for Council and staff about what will be the future development and growth by types of uses by the city.

In 1985, the General Assembly enacted Chapter 67 of Georgia Code Title 36 OCGA § 36-67-1 et seq. This Act requires certain legislative findings when a local governmental agency acts on a zoning proposal initiated by a party other than the local government, so as to ensure that court decisions, when courts are required to intervene in zoning matters, will be made on the basis of a record which will contain matters necessary to the consistent and wise judicial decisions such zoning matters.

Statutory Factors Requiring Consideration

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan; and
- Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Constitutional Considerations

As the individual's right to the unfettered use of his property confronts the police power under which the zoning is done, the balance the law strikes is that a zoning classification may only be justified if it bears a Substantial relation to the public health, safety, morality or general welfare. Certain guidelines of inquiry have been regarded as relevant, such as:

- Existing uses and zoning of nearby property;
- The extent to which property values are diminished by the particular zoning restrictions;
- The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals or general welfare of the public;
- The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- The suitability of the subject property for the zoned purposes; and
- The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.

City Attorney Willard introduced Kathy Williams who will be working on city issues.

Update on Revenue Enhancement Program.

Don Howell gave the following presentation:

Revenue Enhancement Project – 2006 Business Occupational Tax

Data Gathering

- August – November 2006
 - Field inventory performed with G.I.S. data gathering formation and systems
- August – November 2006
 - Field inventory performed with G.I.S. data gathering formation and systems
- January – February 2007
 - Field verification for U.S.P.S. undelivered notices
 - Remailed or Hand Delivered Undelivered notices

Notification

- November 2006
 - 1st Notice Mailed
- December 2006
 - 2nd Notice Mailed
- “Amnesty” period extended to April 30, 2007
- May 2007
 - Balance Due Notice Mailed
 - Including statement with penalty & interest applied

Resolved Issues

- Practitioners
 - Originally required Practice AND Practitioner to be licensed
 - Updated requirements to a choice:
 - Practice licensed based on gross receipts:
 - W-2 Practitioners need not be 1099 need not be licensed
 - 1099 Contractor Practitioners must license individually
 - All Practitioners(s) licensed based on flat fee of \$400 each – Practice need not be licensed

Process

- New Application received and processed
 - Initial Payment Deposited
- Statement of Balance Due mailed
- Payment Received & Deposited
- 2006 Certificate Issued
- 2007 Renewal Application mailed

Problems Encountered

- Taxpayer did not report gross receipts
- Taxpayer mailed minimum fee without application
- Upon receipts of invoice, taxpayer changed gross receipts reported
 - Substantial reduction in gross receipts previously reported, flagged for audit

Data Processed

Total Notices Mailed
Licensed – FULCO or Sandy Springs

4,675
-844

No License Required (Duplicate, vacant, franchise agreement, plot error, retired, etc.	-314
Non-Profit	-136
Hospital Practitioners (Privileges / W-2)	-1,229
2006 Sandy Springs License Required	-2,152

Applications Processed To Date

- 1,170 – 2006 Non-Compliant Taxpayers*
- Collections to date:
 - \$1,000,000 plus... - Collected
 - \$633,265 – Outstanding 2006 balance

*New applicants not previously licensed in 2006 by either Fulton County or Sandy Springs prior to July 1, 2006

Process Remaining

- 982 Notices of Violation to be delivered
 - 477 Verified to be in violation
 - 505 In process of review and verification
- Collection of tax, penalty & interest on Taxpayer Violations
- Coordinate with auditors for audit process for accounts with altered reports of gross receipts reduction and other questionable accounts

Next Steps

- Practitioners
 - Physicians whose practice includes hospitals physically located in the City of Sandy Springs
- Notice of Violation (N.O.V.)
 - Complete verification of additional N.O.V. accounts
 - Process Verified N.O.V.'s, collections and compliance
- Commence Audits
 - Business Occupational Tax
 - Alcohol Excise Tax

Finance Director Rapson introduced Joe Troball of the Audit Firm, RiverTree Systems, Inc. that will be working with the City.

Update on Bond policy.

Finance Director Rapson stated that Fulton County estimated in January that there were over 300 bonds, of various types which are not closed out, for development projects within Sandy Springs. Many of these bonds are non-transferable and have expired. Requiring a cash surety ensures the ability to easily rectify default performance issues in a manner that provides the least staff oversight and management. This also provides the least risk to Sandy Springs in correcting developer related defaults such as sidewalks, asphalt topping, clear-cutting trees, erosion and landscaping items as required by the city code. Mr. Rapson recommended that the City continue the practice of requiring developers to make cash deposits into an escrow account for the purpose of securing funds required for completion of developer related infrastructure (performance), and for repair and remediation of installed infrastructure (maintenance during a warranty period). The performance surety is based upon the total value of the work needing to be performed times 125%. The maintenance surety is based upon an applied unit cost for the infrastructure being "warranted" times a percentage.

Discussion of Acceptance of Right-of-Way in Land Lot 34 of the 17th District, Two Glenlake Parkway.

Public Works Director Parham stated that this item is the right-of-way dedication required per the conditions of zoning for the development of Two Glenlake Parkway, the proposed Newell-Rubbermaid headquarters. The property was zoned at Fulton County as Case Number 1988Z-160.

Since the property is being acquired through donation, there is no financial impact for the City regarding the donation other than costs associated with the transfer of property, filing of the deed and other appropriate documentation. However, the city will be responsible for maintaining the additional permanent right-of-way being accepted.

Staff recommends that the Mayor and City council accept the Right-of-Way donation on tract or parcel of land lying and being in Land Lot 34 of the 17th District, Fulton County, Georgia that is being donated by the owner of the property, the Glenlake 18 Association, Inc. The right-of-way being donated by the owner totals 2,079.60 square feet.

Discussion of the Abandonment of an undeveloped portion of Green Pine Drive.

Public Works Director Parham stated that Mr. Lawler expressed interest in the abandonment of the referenced property in April 2006 and in December 2006, requested the appropriate paperwork to begin the process. The property consists of 175 feet of undeveloped right-of-way that was platted as part of the J. Lloyd Cade Subdivision. The plat was recorded and the right-of-way became the property and responsibility of Fulton County. The property in question was never part of a completed road which was transferred to the City of Sandy Springs upon incorporation in December 2005.

Staff foresees no planned use by the city as this property abuts the Ridgeview Park, and there are no plans to create an entrance to the Park from this area of the subdivision. If City Council approves the abandonment of the property, the authority to abandon is governed by the Official Code of Georgia Annotated, Title 32-7-2.

The abandonment of the requested property does not create a financial obligation for the City and alleviates the City from any future maintenance expense that may become necessary for the abandoned property. A \$200.00 application fee was collected from Mr. Lawler on February 2, 2007.

Staff recommends that the Mayor and City Council approve the requested abandonment of property lying within Land Lots 14 and 40 of the 17th District, Fulton County, Georgia.

Councilmember Meinzen McEnery questioned if this property was needed by the City as access to the park.

Discussion of an amendment to Chapter 13, Traffic and Public Roadways.

Public Works Director Parham presented a List of Roadways to the Mayor and City Council which is a repository for all of the roads in Georgia that have been approved for radar speed enforcement. Annually, the City requests that GDOT consider modifications to the List. Once the GDOT reviews the City's requested modifications, the City receives a list that reflects the roads that the GDOT is willing to forward to the Department of Public Safety for inclusion onto the Master Radar Permit. The GDOT recommend list must be approved by the City Council and signed by the Mayor before GDOT will forward the list to the Department of Public Safety.

In August 2006, the City requested GDOT consider several modifications to the List of Roadways. There are two versions of the List currently in Chapter 13, Traffic and Public Roadways, of the Code of Ordinances of the City of Sandy Springs which can create confusion. Both versions should be rescinded and replaced with one list.

If the City Council recommends adopting the amendment to the Ordinance there will be thirteen (13) modifications to establishments of speed limits. Most of the roadways are already posted at the recommended speed. Staff anticipates

the installation of no more than twelve (12) new signs to accommodate the proposed speed limit changes with a projected cost of \$300.

Staff recommends that the City Council and the Mayor approve the amendment to Chapter 13 by including the List of Roadways and authorize the Mayor to sign the List of Roadways for submission to the GDOT.

Mayor and Council Discussion Items

Discussion of holiday decorations.

Mayor Galambos stated that Council should decide where the holiday decorations should be placed. Councilmember Fries requested that everyone look at decorations during the GMA Conference.

Discussion of deeding access road to Fulton County School Board.

Mayor Galambos stated that the Fulton County School Board is requesting that the City deed them an access road to Ridgeview Middle School. There was a consensus that this be addressed once the School Board took action on the intergovernmental agreements for parks at the schools.

Discussion of Subdivision Conservation/Open Space Ordinance

Councilmember Meinzen McEnery stated that the goal of this Ordinance is to create an incentive to the development community if they leave or add green space to their property. Assistant Director of Planning and Zoning Zehner stated that this would not be effective in Sandy Springs due to the lack of land. This could be done in a modified manner in the future with the addition of an overlay district. There was not a consensus to pursue this Ordinance at this time.

Mayor Galambos adjourned the Work Session at 8:03 p.m.

Date Approved:



Eva Galambos, Mayor



Christina V. Rowland, City Clerk