

**Work Session of the Sandy Springs City Council was held Tuesday, December 12, 2006 at 6:00 PM
Mayor Eva Galambos presiding.**

Mayor Galambos called the meeting to order at 6:05 p.m.

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

Discussion Items

City Manager McDonough introduced the City's new Recreation and Parks Director, Brad Chambers.

Staff Discussion Items

Discussion of Mutual Aid Agreement with Dekalb County.

City Manager John McDonough stated this is a Mutual Agreement with DeKalb County. This is another opportunity to work collaboratively with another county to our east to help us provide Fire EMS Services in the event that we might need help. In return it is our responsibility to provide assistance to them as needed. It is similar to the other agreements that Council has considered and approved. It is a Mutual Aid Agreement so it does not mean that we will automatically dispatch Fire or EMS support. It would be something that would be coordinated between the two Chiefs and types of events and when that type of assistance would be needed. It would be staff recommendation that Council approve this as you have done with the Roswell, Atlanta, and Cobb County Agreements.

Councilmember Greenspan questioned if the other agreements were for five years and if it is consistent with the other mutual aid agreements.

City Manager John McDonough stated this agreement is for five years and some of them are from year to year.

Discussion of Resolution approving a sixty (60) day extension of the agreement for North Fulton Tennis Center.

City Manager John McDonough stated this is for Council to consider a Resolution which would extend the terms of the agreement an additional 60 days. This is the agreement Ivo Barbic has with Fulton County for the use of a North Fulton Tennis Center. On Friday, the City was able to close on ten (10) parks properties. We have not had an opportunity to review any of the encumbrances which go with any of those properties or leases that may run with them. We would like to review the existing agreement and make any potential changes. We can do that in the next 60 day. In order to keep the continuity with the existing situation it would be our recommendation that we simply extend the terms of the current agreement he has with Fulton County for another 60 days.

Councilmember Fries questioned if this was a contract for him to run the program.

City Manager John McDonough stated that was correct.

Councilmember Greenspan questioned if this should be put out for RFP when it comes to actually providing services to the City.

City Attorney Wendell Willard stated the City could do that.

Director of Finance Rapson stated this contract is actually a revenue producing contract.

Councilmember Greenspan stated as we extend our Parks and Recreation Department and provide various programs and services we might want to put this out for proposal to get complete bids not only from a program standpoint but also revenue standpoint.

City Manager John McDonough stated that is an option and we will consider that as we go through this 60 day period and come up with some recommendations for Council. This has been a very successful program and certainly has the basis to make an extension to enter into an agreement on perhaps a two or three year term. One of the things that bidders look for is a long term agreement so they can bring in the right types of people and come to the community and establish a good program and have that type of continuity. Those are the types of things we will be looking at.

Mayor Galambos stated we have a gentleman who has regional recognition and is excellent.

Councilmember Meinzen McEnery questioned if we as a City are limited on the duration of contract similar to the way the City is limited by State Law into entering lease agreements.

City Attorney Wendell Willard explained. He stated that this is the provision of a service by a third party to the city it could be a long term basis.

Director of Finance Rapson explained this was a competitive bid five years ago and it is coming off the five year renewal with Fulton County that we adopted when we became a City.

City Attorney Wendell Willard followed up on Mr. McDonough's report. He explained we have all of the parks except two of them which are being handled under a 50 year lease which is being prepared. The two parks involved are the Morgan Falls Ball Fields and the Abernathy Road Center which will be under a 50 year lease. We hope to get those resolved with ownership by the City. We have closed in escrow the two fire stations which means we are not going to have the titles transferred until the money is paid and we have transition of services. This will occur on December 29, 2006 and we will record our deeds. The third fire station is under discussion still and there is to be a sublease of the Hearsd Ferry Road location. We want to be sure the City is protected because there is a substantial monetary investment that we will be making over a long term with a pay off of various certificate of participation securities and we do not want to lose our right to acquire private property for something that might happen that is not our fault. The firm, Schulten, Ward and Turner that has been handling the preparation of all the documents for the City. They were at the closing on Friday and provided the City over \$15,000 in legal services. They came forward when we started having discussions and concerns about whether we would be able to acquire the parks. Scott Schulten had discussions and participated on behalf of the City. In addition, they were able to obtain the title work of all the properties, fire stations and all the parks from the firm which is know as Attorney Certified Land Title. Edmund Burke runs a title company. Mr. Burke said he would cap the cost not over \$5,000 to do all the tile work. It was an amorous task. The total cost he had was \$9,937.50 and the City will pay only \$5,000. With Council's approval he would like for Mr. Scott Schulten and Edmund Burke be recognized at the next Council meeting.

Councilmember Meinzen McEnery questioned the future of the cell town leases that are on two of the properties. She would like to know if at expiration there are any plans.

City Attorney Wendell Willard explained that most of these leases have five year options. The technology is changing in such a manner that probably within 10 years there is not going to be any use of cell towers anymore. There will be other ways of having communication channels set up for telephone systems. We recognized that and built in the leases that once they terminate for whatever reason they can not be extended, only terminated. We want to leave everything as it was. We respect the fact that Fulton County has the leases and negotiated them and will continue to receive the proceeds and granted to them an easement on those locations until the termination of the lease at whatever cost.

Councilmember Fries inquired about the sign that had been put up at the Morgan Falls location.

City Manager John McDonough explained the signs had been removed.

Councilmember Fries questioned if this could be an ongoing problem.

City Attorney Wendell Willard explained that it should not be a problem because we will still be in control of the parks even though it is under a lease arrangement with Fulton County.

Mayor Galambos wanted to know if this was more of a question of the lease between the City and Sandy Springs Sports Group.

City Attorney Wendell Willard stated that with the leases in place, we will have to accept those but we would do what needs to be done as far as renegotiations and extensions of those leases for the ball fields.

Mayor Galambos expressed her expectation that the Sandy Springs Youth Group will want to work with us because they need us and we need them.

Councilmember DeJulio inquired about the two pieces of property the City was not able to buy.

City Attorney Wendell Willard explained that the Resolution that passed stated they are only to be leased for a term of 50 years. Part of the problem with Morgan Falls is that it ties in with the old land fill property. It is not under the same conditions but there are potential problems underground that could affect that.

Councilmember Meinzen McEnery explained that one of the ball fields does extend into the landfill and that is why we want to stay away from that.

Discussion of rewrite of Chapter 1, General Provisions, Chapter 2, Administration, Chapter 3, Elections

City Attorney Wendell Willard explained that there has been an ongoing process in reviewing the existing code in the City's Ordinances. All three chapters, Chapter 1, General Provisions, Chapter 2, Administration and Chapter 3, Elections have had grammatical and typographical errors. Modifications and revisions were made. These three chapters of the City's Ordinance will be brought to Council for approval.

Discussion of Utility Right-of-Way Ordinance

City Attorney Wendell Willard stated the purpose behind this Utility Right-of-Way Ordinance is that we do not have a specific requirement and obligation to someone who has made use to the right-of-way. By this Ordinance we will require them to pay a franchise fee. For instance, you have some cable companies that run a block or two of cables in the past while under Fulton County jurisdiction. You may have some private cable companies that may have a benefit of the use of right-of-way of some areas and we may not know about them. Staff recommends that Mayor and City Council approve Utility Right-of-Way Ordinance for the City.

Discussion of Franchise Agreements

City Attorney Wendell Willard stated in order to have the ability to collect a franchise fee we have to have the obligation in our ordinances addresses this. We want to make the general ordinance provision that if you are using the franchise there shall be a fee for that benefit. We are having a franchise agreement prepared. We set them up for the initial one year term. That term is coming to an end. The one that staff will need a little more time to work with will be Georgia Power. We are giving a two month extension so we will be able to continue negotiations through the first part of the year. The others have an automatic extension time that will have those in place. We feel like we will have those in place in December.

City Manager John McDonough stated that we do have letters of concurrence from both AGL and Georgia Power for the 60-day extensions. We have spend a significant amount of time going through those agreements, sitting down with

representatives of all the various companies and we have two that we can wrap up but need an additional 60 days with recommendation with their concurrences to extend for 60 days.

Discussion of IGA for Spalding Drive Elementary

City Attorney Wendell Willard stated this is an Intergovernmental Agreement between the City and the Fulton County Board of Education for the use of the Spalding Drive Charter School premise and facilities. This is the first one from Councilmember Greenspan's proposal. We are coming to a resolution with the school board. They have come back with an agreement which we had initially submitted to them. This is a great program that we will be starting with them.

Councilmember Jenkins explained this is for public schools and would like for this to be in the private schools as well.

City Attorney Wendell Willard stated we can certainly do it and it is a great idea. Any private school, the Presbyterian School that has a large area, the same thing could be available. We are in dire need of the land but we do have the schools and that is a good way to make use of it.

City Manager John McDonough stated they would need to contact Recreation and Parks.

Mayor Galambos inquired with Councilmember Greenspan what was progressing in terms with other IGA's with the school board.

Councilmember Greenspan stated that Mr. Crace has been working with them.

Assistant City Manager Crace stated that this one was simple at West Spalding; a passive area about an area in size. We have talked with Sandy Springs Middle, Woodland and Ridgeview. There are about four more potentials. We have plans and other things from them. Once we get his master pilot agreement, the rest of them can be attached by annexes.

Mayor Galambos stated she would like to have those agreements in place before the summer season.

Councilmember Greenspan stated he is encouraging them now and we will move as quickly as we can.

Councilmember Jenkins stated there is a problem with overcrowding elementary schools. They are trying to come up with a way to solve that problem. They do not want to have to purchase anymore property so what they are talking about doing is building a three story elementary school on the Sandy Springs Middle property which would take out all the park space. That is something to keep in mind before we dump a lot of money into that program or a private group dumps a lot of money if they are going to build a three story building there.

Councilmember Greenspan stated if we enter into an agreement those provisions will be outlined. The understanding with the school board would initially be a one year agreement.

Councilmember Meinzen McEnergy request that as soon as this is available get an estimate of the cost of maintaining relating to each lease agreement that we are obligating ourselves.

City Manager John McDonough explained that the city has already done some preliminary work on it. We included \$50,000 in this year FY-07 specifically for this purpose.

Discussion of Noise Ordinance

Assistant Director of Planning and Zoning Zehner stated this is a draft of the Noise Ordinance to be inserted in Chapter 12, Article 12. What this Ordinance does is expands on the Purpose and Intents, the powers and duties, procedures for determination of violation and exemptions of the variance process. It does maintain the specific prohibited acts that are currently in the Fulton County Noise Ordinance with the exception of the construction and repair which is item 10. This has been changed to accommodate more day light hours in the summer and it also exempts

certain homeowner performed acts as well. This does not cover decibel limits but, actually removes any discussions of decibels at the request of Solicitor Riley.

Councilmember Meinzen McEnerny stated she would like to know about the background and why we are expanding the hours of operation during the summer.

Community Development Director Leathers explained that the summer days are longer and school is not in session. This allows construction to occur during daylight hours. Our goal is in two parts. One, there is a safety issue with some of the construction during the middle of the day, particularly where we want to give them longer hours to be able to work safely. This is really to try and get these projects done faster rather than stringing them out forever. The thought was to take the time during the summer when the ambient noise is higher and because children are not in school, the daylight hours are there and try to focus the work construction during that time period.

Councilmember Meinzen McEnerny stated that it sounds if the construction industry and the constituents that live around those houses under construction are not being given that same consideration. Her suggestion would be to leave the hours of operation duration the same at 12 hours. It is very intrusive in the neighborhoods with houses under construction. Her other point is that it appears to her that the City of Atlanta uses decibels and the solicitor indicated that there is no Georgia Law that allows utilizing using decibel measurement. She questioned why the City of Atlanta uses decibels.

Solicitor Riley explained he has looked at the decibels and decibels are full of problems. First, it has about six or seven pages of criteria have to meet. In a criminal case, you have to meet each of those criteria beyond a reasonable doubt. They may be using decibels in other areas but no one has challenged those decibels. In our city we have already spent a great deal of money on the Noise Ordinance and challenges going on. He is not prepared at this point in time and would not suggest to anyone that you want to get into an appeal on a criminal matter where you have to find beyond a reasonable doubt to win. He explained some of the criteria that must be met to make a solid case. There are good noise ordinances that are much simpler. He has asked to have some language added tonight that says "reasonable persons of ordinary sensibility". It gives everybody fair notice of what they can do and what they cannot do. That resolves the issue rather than creating an opportunity for more litigation.

Councilmember Meinzen McEnerny stated she is not speaking to decibels; she is speaking about less intrusive noises in our community. Her next major point is that the police should be given not just the opportunity to issue a citation but a requirement to issue a citation if they feel that the language in this document merits a case. Many times we have repeat offenders and to just having the police come and not require the issuance of a citation is not as affective.

Solicitor Riley explained there is authority for police to issue citations as well as code enforcement officers within this document.

Assistant Director of Planning and Zoning Zehner stated that under "Power of Duty Enforcement" they may issue citations but they also may require abatement of the sound.

Councilmember DeJulio stated he does not think we should dictate to the police that they to issue citations. That is a judgment call and that is why we hired competent people.

Police Chief Wilson stated the policy on noise, is they will give them a chance to stop but if we have to go back a second time we issue somebody a ticket. If we go back a third time then somebody is probably going to go to jail.

Councilmember Meinzen McEnerny inquired about enforcing the Noise Ordinance related to existing pool equipment and generators that are very close to other homes and are disturbing the peace.

Assistant Director of Planning and Zoning Zehner stated that the current Noise Ordinance and the proposed Ordinance do not deal with domestic or commercial mechanical equipment. At present, mechanical equipment is dealt

with under the Zoning Ordinance as far as setbacks, pool equipment has to be in the side or rear yard as well as the pool and can be within 10 feet of a side and rear property line. He does not believe the County enforced this but we treat it as part of the structure, as part of the house and require that they be outside the building setbacks.

He explained that in the quarterly Ordinance update in January, we anticipate an amendment requiring that pool mechanical equipment be set back further and be set back between the pool and the principal structure and be shielded. It would effect new construction but existing equipment would be grandfathered unless it was found to be non compliant. Discussion followed regarding testing of generators.

Councilmember Fries stated that she did not think we should make some of these rules for a hand full. She also inquired about barking dogs.

Assistant Director of Planning and Zoning Zehner stated we had a community meeting several months ago and that came up about how we prohibit barking dogs and the suggestion was that if it continues for 15 minutes that would be excessive. That is what we have put in the ordinance.

Councilmember Fries recommended that time be a little longer.

Councilmember Greenspan expressed his concurrence with Councilmember Fries and requested that the ordinances remain consistent.

Community Development Director Leathers explained that they just carried forward the existing hours that were in the existing ordinance. The only thing that was modified was the summer hours.

Councilmember Greenspan stated he sees the validity of extending the summer evening hours maybe an hour. He inquired about why the neighborhood was included not commercial.

Assistant Director of Planning and Zoning Zehner stated that was in the existing ordinance. That was not something he advised. We can work on that to make sure it includes the commercial area as well.

Councilmember Fries inquired about personal blowers.

Assistant Director of Planning and Zoning Zehner stated that was one of the exemptions is that a resident in conjunction with two non residents can perform work on weekends including Sundays and holidays.

Councilmember Meinzen McEnery stated that when you have a lawn service company operating in a neighborhood on Sunday she finds that inappropriate.

Assistant Director of Planning and Zoning Zehner stated this would not constitute a lawn service; this would be any homeowner performing the operations the workers along with them, not a commercial lawn service.

Councilmember Greenspan stated he would like the hours to be consistent.

Assistant Director of Planning and Zoning Zehner stated that we wanted to allow homeowners that were doing work to allow more flexibility. That is why we extended the hours.

Discussion of Comprehensive Overlay District Report

Assistant Director of Planning and Zoning Zehner stated the City Manager's Office, at the request of the Mayor and City Council directed staff to provide a review of the Design Review Board process as it stands now and provide some suggestions for the Mayor and City Council on possible changes to the overlay requirements and a suggested timeline for implementing changes that are decided upon. This went to the Design Review Board for their comment on

November 28, 2006. Their only points was that they felt the current September, October completion of the ordinance in 2007 was too short and should be pushed back to December 2007, January 2008.

Councilmember Greenspan stated we just need to move forward.

Councilmember Fries questioned if it was because staff needed time because there is so much.

Community Development Director Leathers explained that it was not the staff recommendation, it was the DRB recommendation.

Assistant Director of Planning and Zoning Zehner stated that it depends on the scope of the changes Council wants to make. There are multiple ways you can approach this by revamping the existing overlay districts or adding new, different types of overlay districts. Once we come back and discuss the options and what Council's desire is we will have a better idea.

Mayor Galambos inquired about the list of options.

Assistant Director of Planning and Zoning Zehner explained the two existing overlay districts. We have the Sandy Springs overlay districts and the PCID overlay district.

Councilmember Greenspan expressed his concern regarding the length of time this process is taking.

Community Development Director Leathers stated that recommended approval of the proposed schedule. She stated that if we determine that more work comes out of this than anticipated, we will bring it back before Council. Otherwise, it will make it impossible for them to do other things that Council wants them to.

Assistant Director of Planning and Zoning Zehner stated there are two overlay districts. He explained the districts and suggested that the Sandy Springs Overlay District be addressed during the quarterly Ordinance update in conjunction with the master plan. Right now it is required that each individual permit of a project come before the Design Review Board. What staff recommends is that an applicant can bring forward a master plan that shows their site plan, landscape plan and building elevations. As long as their permits match those plans they do not have to come back. The first thing we suggest Council do is create a general purpose statement to outline the goals and objective of the entire overlay district.

Mayor Galambos suggested an informal meeting between Council and the Design Review Board.

Assistant Director of Planning and Zoning Zehner stated that coming up with the vision is the hardest part.

Councilmember Greenspan stated that the developers and designers know what to expect when they come to Sandy Springs.

Mayor Galambos stated that some of those standards are in the overlay ordinance.

Community Development Director Leathers stated that the Design Review Board would like to talk with Council regarding how they view this and would like feedback so that when they begin working on this program they have some level of guidance.

Mayor Galambos stated she would like for staff to advise of what is needed and also set up a meeting for early 2007 to meet with the Design Review Board. She stated that design standards mean different things to different people. It could mean we want everything Williamsburg, or everything look modern or look renaissance. It is not up to us to tell the developers what kind of style. She has seen all of the styles mixed up and it looks beautiful.

Assistant Director of Planning and Zoning Zehner stated that there are overlay districts that you can specify that you want to mix the styles instead of one standard style. We want to make sure the developers and the applicant are knowledgeable of what we are looking for.

Councilmember Fries recommended a one day retreat with the Boards. Community Development Director Leathers stated would benefit everyone.

Assistant City Manager Crace stated that this proposal tries to move to a one stop shopping. Currently the developer has to bring each individual permit forward. This would allow the entire package to be submitted together.

Assistant Director of Planning and Zoning Zehner stated that staff has put this on the quarterly update and will come before Council in January.

Update on Comprehensive Plan

Community Development Block Grant Manager Vann McNeill stated that staff is currently actively engaged in the review and comment period on very large document Council received on the November 21, 2006. He is pleased to report that since we produced this draft, we have received significant input and comment from the members of Council, Citizen Advisory Committee, Planning Commission, Design Review Board, BZA and the public. Everyone has had their say and we are about to produce a 90 page document to supplement this which is in response to clarifications, additional information, updating some population numbers. People have been actively engaged in helping us craft this as being something very valid for the city. We are scheduled to discuss any other revisions to this document with the Citizen Advisory Committee again this coming Monday and anything that they may offer in the way of comment will be recorded and forwarded along with all the revisions to the Planning Commission for their review and discussion on November 21, at their regular meeting. It will also be our first Public Hearing as required by the State on this document at their meeting on November 21. We are asking the Planning Commission to approve the document for Council's review and transmission along with any comments the State. The draft Community Assessment and all of its revisions will be submitted for your work session agenda on January 9 for your comments and then a Resolution for your consideration to transmit the Community Assessment to the Atlanta Regional Commission and Department of Community Affairs and hopefully if all goes as planned, this will wrap up Phase I and we move on to Phase II.

Councilmember Fries questioned how they were managing to juggle all of the input they have received. Some of them are not realistic.

Community Development Block Grant Manager Vann McNeill stated there has been a great deal of discussion with the consultants and Ms. Leathers has been extremely with her experience. We craft the best answers that we come up with at that time and if it requires further study we just keep working on it.

Community Development Director Leathers stated that the really hard part is that most citizens do not understand that this document is just the base document to talk from and to develop the plan and that there is nothing more to this than that. It does not set policy. Council is not being asked to approve it but only to authorize the transmission to the State. The reality is that Phase II is the nuts and bolts of the plan and we need to move to that point. We cannot get there until we get this transmitted and get authorized to move forward.

Councilmember Jenkins stated that the Greater Branches is very concerned that there is no step down from live/work/regional to live/work/neighborhood.

Community Development Director Leathers stated that staff is meeting with them on Thursday.

Community Development Director Leathers stated that it is very important to understand that the policies that Council adopts as part of Phase II will impact the projections. This is only the beginning point, not the ending point. In the end, we have to have those numbers and they have to be consistent with our policy. Right now, we are going to try

and get those as correct as we can. She really is more concerned with Phase II. Discussion followed regarding population projections.

Discussion of Communication regarding Code Enforcement

Assistant Director of Code Enforcement Troy Smith gave an update on the types and numbers of violations per district and the process for addressing those.

Discussion of Abernathy Greenway Park Consultant Award

Public Works Director Parham stated that staff is recommending that Council award the first two phases of the contract to develop conceptual designs of the Abernathy Greenway Park. We would like to award the first two phases so that we can come back to Council in February with three concept alternatives. From that point, depending on what you choose, we will proceed with design. There is \$400,000 in the budget right now for this design. What we are recommending tonight is \$148,624.07. Staff will also hold two public information meetings regarding the project to get input from the public before we complete a design. That will give you alternatives as to which way you would like to proceed.

Discussion of a Solid Waste Management Plan

Comprehensive Lane Use Plan Project Manager Fonts gave the following presentation regarding the Solid Waste Management Plan:

Meeting a State Requirement

Each local jurisdiction must:

- Submit a plan that meets state standards
- Endorse the goal of reducing solid waste by 25% through recycling
- Submit annual reports to the state
- Approved plan qualifies the City for state grants, loans, and permits

Key Assets to Achieve State Goals

- An ordinance that requires:
 - Recycling by single-family units, multi-family units, and businesses
 - Reports from approved haulers
 - Public education on recycling
- A cooperative partnership with non-profits engaged in public education on recycling, anti-litter, and similar issues

■ A Solid Waste Management Plan

- Analysis of solid waste disposal stream
- Identification of waste reduction options
- Collection systems
- Disposal options
- Land limitations for landfills
- Education and Public involvement
- Implementation schedule

■ **Plan Recommendations**

- Implement new city ordinance
 - Emphasizes recycling
 - Establishes reporting requirements
 - Keeps open competition model
- Ramp up public education
 - Consider partnerships with non-profits
 - Require haulers to publicize recycling
- Establish Solid Waste manager duties
 - Create reporting regimen
 - File reports with state

Discussion of Resolution establishing Ethics Principles to submit to GMA for Certified City of Ethics.

Interim City Clerk Christina Rowland stated that on November 15, 2006 the Board of Ethics held an organizational meeting at which time they requested that this be brought forward to Council for approval. This Resolution sets forth five Ethics Principals that Council will be adopting as your own. It is the final step in your process for submission for the Certified City of Ethics Program. The resolution and ordinance will be forwarded to the Executive Committee of the GMA City Attorney section for their review. If the panel determines that both the ordinance and resolution meet requirements the city will be designated as a Certified City of Ethics.

Discussion of a Resolution appointing a City Clerk

Mayor Galambos proposed a Resolution appointing Christina Rowland as City Clerk. There was a consensus that this be placed on the December 19, 2006 agenda.

Discussion of festivals included in the CH2M Hill contract.

Discussion of Special Event Permits.

Councilmember Dianne Fries stated that before Mayor and Council is a proposed Resolution to establish the two festivals referenced in the CH2M Hill contract as the Sandy Springs Festival and the Green Tour/Pro Criterium. This recommendation is only for the year 2007.

Councilmember Fries also provided Council with a list of Special Events in which she requested the fees be waived. She requested that this item be placed on the Consent Agenda.

Mayor Galambos stated this Resolution would be put on the Consent Agenda.

Discussion of Fulton County credit vouchers for Occupational Tax Certificates.

Councilmember Tibby DeJulio stated that Fulton County and the legal profession had a disagreement several years ago. He explained the circumstances of this disagreement. He stated that this was settled by Fulton County issuing some vouchers that could be used later on for business license fees. When Sandy Springs became a city, Fulton County told the attorney to see Sandy Springs. He suggested that this is an issue between Fulton County and the attorneys. This is not a City matter.

Director of Finance Rapson provided some background on this matter. He suggested that Fulton County could issue the City a check in the amount of those vouchers and then we would process them.

Mayor Galambos stated it seems that Fulton County owes them the money for 2006.

Councilmember Jenkins stated that members of her firm had license transferred from Fulton County but now in addition to that license fee the attorneys have to pay an additional \$75 plus \$50 fee and something else plus \$13 per employee.

Director of Finance Rapson stated that there is another issue the City Manger wants him to discuss but, he wants to make sure we separate the two.

Mayor Galambos stated they are not separate in her mind. If there are other accounts that are owed credits from Fulton County they should be treated the same way.

City Attorney Wendell Willard explained there are two distinct issues. The second has to do with the County issuing a license, collecting more tax than they were due. Rather than giving the money back they are telling them they are entitled to a credit from the City of Sandy Springs. This has to be resolved.

Director of Finance Rapson stated they had a meeting on Thursday to go over these items. The distinction he wants to make between these two is one actually involves a legal settlement in which vouchers were issued as a part of that law suit. The other involved businesses paying based on estimated gross receipts. These businesses were coming in and paying and then at the end of the year they settled up. For example, they might have thought they were going to make a \$1,000,000 but instead only made \$750,000. That may have generated a \$12,000 credit by Fulton County. Fulton County did not reissue them a check at that point.

Director of Finance Rapson explained the business owner is caught in the middle of this. We do not know who those 400,000 people are. There is \$400,000 Fulton County has collected and they have not remitted to us. As we identify these we can resolve them based on Council's direction.

City Manager John McDonough stated this has come to light through our Revenue Enhancement process. These letters have gone out informing people who we believe do not have licenses. Now we are starting to get response but we do not have access to that information. We have asked through the Finance Department to get access to these records in order to identify who these businesses are.

Director of Finance Rapson stated that he would be happy to have a list of the 400,000 that they have not remitted or the credits they allowed taken so that he can contact and clear this up with the businesses.

Councilmember DeJulio stated that Council needs to take a tough stand on this because this is not our problem. These businesses need to resolve this issue with Fulton County and we need to collect our license fees.

Assistant City Manager Crace stated that in the beginning when Fulton County was issuing license for us they were not suppose to commingle our business with theirs. They cashed these vouchers in this early transition for these businesses they did not give Mr. Rapson the proper accounting of who they did that with, they just gave us a lump package and did not explain any details. They cashed some of their vouchers on our account and then gave us net proceeds.

Community Development Director Leathers stated that Fulton County is now beginning to pay back some of the permit holders.

Mayor Galambos stated that the County needs to pay back the business license folks. She thinks not having any late fees or interest is a good policy in this regard.

Discussion of changing the building permit process to include the requirement to have all new home construction require side walk installation.

Councilmember Karen Meinzen McEnerny stated this is to discuss with staff and Council on the possibility of having a requirement for every single-family developer to install sidewalks. Right now it is her understanding that if a builder comes in with two houses that are contiguous, they are required to put in a sidewalk. Her idea is to see what Council and staff thinks about requiring for new developments a sidewalk that goes in front of the development.

Community Development Director Leathers stated that public works and community development are working on developing a proposal to bring before Council which would identify those roads you may want to have sidewalks done on individual houses or any other developments that go in those locations. They anticipate bringing this back in February.

Councilmember Fries stated she does not want a piece mill and inquired about a sidewalk bank.

City Attorney Willard stated that this is not an option.

Community Development Director Leathers stated she would like to have conversations with the City Attorney about the possibility of putting sidewalks into the impact fee program. That may be the second way for us to approach this. It would be helpful for us to bring back to Council.

Discussion of changing the current Comprehensive Land Use Plan residential range at the lower end from R-0-1 (equals 0 units to 1 unit per acre) to a split range R-0-.5 (equals 0 to ½ units per acre) and R-.5-1 (equals ½ house per acre to 1 house per acre).

Councilmember Karen Meinzen McEnerny stated her appreciation to the hard work of the staff in gathering this information. She stated that the City is growing in Single Family lots as the attachment reflects. Through the last 12 months from an original 53 1/2 lots, we now have 211 lots. That's a 294% increase. However, if you look at all the lots in Sandy Springs, it is only a 1.33% increase over the 15,854 SF lots in Sandy Springs.

Councilmember Meinzen McEnerny provided an analysis which is attached hereto and made a part of these minutes.

Community Development Director Leathers stated that this would be easily included in the Comprehensive Land Use Plan.

Councilmember Fries moved to adjourn the meeting. Councilmember Jenkins seconded the motion. The motion carried unanimously.

After no further discussion, the meeting adjourned at 8:33 p.m.

Date Approved: December 19, 2006



Christina V. Rowland, Interim City Clerk



Eva Galambos, Mayor