

**Work Session of the Sandy Springs City Council was held Tuesday, August 8, 2006 at 6:00 PM Mayor Eva Galambos presiding.**

### **Staff Discussion Items**

#### **Report from Livable Communities Coalition**

**Community Development Department Nancy Leathers** introduced Jim Durrett who has prepared documents for the City's review regarding development in Sandy Springs.

**Jim Durrett, Livable Communities Coalition**, stated that his purpose for being here is to explain how they did their work and why they did it. The Coalition is one year old and here to promote quality growth in the Metro Atlanta Region. This is done in three ways. The first is to educate the general public about growth issues and how to accommodate growth. The second is to work on public policy as it affects quality growth. The third is to volunteer services to work with local governments who would like to see development and growth happen in a responsible and good way. The City of Sandy Springs was their first client.

This work is done with volunteers from our member organizations. There were eight volunteers that worked on this project to assess how consistent they are with quality growth principles and to determine how well they will protect the integrity of the neighborhoods in Sandy Springs. They reviewed the Sandy Springs overlay districts and proposed amendment, the Livable Centers Initiative, the interim Comprehensive Plan, the Central Business District economic analysis, and the Connecting Sandy Springs Study. Teams looked at each of these documents independently and came up with some recommendations and brought the teams together. They have presented the report to the Mayor and Council.

The Coalition is made up of environmental conservation groups such as the Georgia Conservancy, the Trust for Public Land, business and development organizations, the Metro Atlanta Chamber of Commerce, the Urban Land Institute, and the Greater Atlanta Homebuilders Association.

#### **Recommended Improvements to the Permit Process.**

**Deputy Director of Community Development Tom Wilson** explained the improvements made over the last month. He presented the Council with the codes that the Community Development Department enforces. There are six basic types of permits that come through the department: new commercial building plans, interior finishes in commercial buildings, single family homes, single family home additions and alterations, fences and retaining walls, land disturbance permits. He presented the Council with a comparison showing how Sandy Springs compares to surrounding jurisdictions. He also announced that the backlog is complete which has put us at our targeted turn around date of two weeks.

Councilmember Jenkins clarified that there are other jurisdictions that do not require a permit for fences. She questioned if this would be a change that could be reviewed. Deputy Director Wilson explained that there are standards involved with fencing and fences that can also be a great area of dispute between neighbors.

Deputy Director Wilson explained that they had a meeting with the Greater Atlanta Homebuilders Association in which they requested that these items be reviewed: Demolition Permits – Asbestos Letters, Issue CO's at Front Counter for Single Family Homes, Create Development Advisory Committee, Overkill at Plan Review, Meeting with Inspectors, GAHA Newsletter, Noise Ordinance Information in Spanish.

Councilmember Meinzen McEnery requested that if the City creates a Development Advisory Committee, that it is a more balanced committee than Fulton County had.

Deputy Director Wilson explained that he also conducted interviews with people leaving Community Development. He explained that most people stated that the staff was knowledgeable, courteous, and caring. That has never been a weakness. Another point that was made is the time it takes to get a permit is problematic.

The SPD permit will siphon off the 25% easiest permits and run them through a different process that is equal to one week. These are as follows: Demolition Permits, Pool Permits, Fence/Retaining Wall Permits, Decks Under 6 Feet High, Single Family Residential Renovations – Non-Structural, Single Family Residential Additions – Slab on Grade, and Commercial Interior Finished.

**Deputy Director Wilson** explained the two types of applicants who come in to the Community Development Department. He explained that there are professional builders and developers and then there are individuals who have never done this before and probably will never do it again.

Councilmember Paul commented that his phone and email has quieted a great deal.

**Deputy Director Wilson** explained that City staff cannot sign off on soil erosion at this time. This is under review and hopefully this will be brought in house soon.

Councilmember Meinzen McEnery questioned the demolition letter for asbestos. Deputy Director Wilson explained that the City requires a letter stating that there is no asbestos in the building prior to demolition. If there is asbestos, the City requires that an asbestos contractor remove the asbestos prior to the issuance of a demolition permit. What they want is to be allowed to just tell the City that they have a contract with a demolition contractor.

Councilmember Meinzen McEnery stated that there is a lot of liability in the demolition of homes regarding the asbestos. Relaxing the standards on this would not be appropriate.

**Update on priority revisions to the City ordinances.**

**City Manager John McDonough** provided a list of Ordinances for review and a timeline. He explained that the Ordinance Codification will begin soon. Discussion followed regarding whether or not the codification should be done prior to the ordinance amendments.

**City Attorney Willard** explained that there is State Law that requires the City to have a published Code. City Manager McDonough stated that this is why staff wants to move forward.

Mayor Galambos requested as much lead time as possible for the review of the Ordinances by Council.

Councilmember Meinzen McEnery stated that she is thankful that the tree ordinance and noise ordinance are remaining at the previously discussed schedule.

There was a consensus to move forward with the proposed schedule.

**Update of the locations of not-for-profit dumpsters and collection receptacles in public parking lots.**

**Community Development Deputy Director Tom Wilson** explained that there are only six dumpsters around town. Staff is looking for direction.

Mayor Galambos stated that six collection boxes is not a huge issue.

**Consideration of a resolution to authorize the execution of a Memorandum of Understanding (MOU) between the City of Sandy Springs and the Housing Authority of Fulton County to assist the Housing Authority with annual environmental review responsibilities.**

**CDBG Manager Vann McNeill** gave the following presentation:

- City contacted May 16, 2006
- Request for assistance with environmental review requirements
  - Annual HUD capital improvement funds
  - National Environmental Policy Act of 1970 (NEPA)
  - Statutory checklist completed on potential project impacts
    - Historic properties
    - Wetlands
    - Air quality
  - 19 laws and authorities
- NEPA compliance also a CDBG program requirement

**Allen Road Mid-Rise**

- 144 Allen Road
- 100 units
- Elderly assisted housing
- 2006 CIP budget: \$278,986
- Improvements include:
  - Landscaping
  - Window, lighting, carpet replacement
  - Bathroom upgrades
  - Kitchen appliances
  - New 250 gal boiler

Councilmember Paul requested that staff find out the number of housing authority vouchers being used here in Sandy Springs.

**CDBG Manager McNeill** explained the bond projects, the Commons at Victoria Park, Monterey and Hampton Hill. The Commons at Victoria Park has 239 units, 76 are affordable for persons who make 80% or less of the area median income as published by HUD. This is 32% of the total units for this project. Monterey is 233 units, 60 of which are affordable for a total of 26% of the total units for that project. Hampton Hill is 122 units, 47 are affordable, which is 31% of the total units for that project.

Mayor Galambos requested that staff find out if any new bond projects have to be approved by the Mayor and City Council.

Councilmember Meinzen McEnerny stated that generally the housing authority goes through the State and the State issues a dollar amount for each year. The State then allocates to the local housing authorities.

Councilmember Paul explained that if tax credits are used a certain number of units must be set aside for affordable housing.

**Bell Isle Apartments**

- 151 W. Belle Isle Road
- 9 units
- Standard public assisted housing
- 2006 CIP budget: \$51,961
- Improvements include:
  - Carpet installation
  - Interior door replacement
  - Bathroom upgrades
  - Kitchen appliances
  - Exterior painting

### **Memorandum of Understanding**

- HUD regulations 24 CFR Part 58.4(a)
  - Establishes City as Responsible Entity
  - Gives authority for City to complete statutory checklist
- Memorandum of Understanding
  - Optional - not a HUD requirement
  - Further defines City's environmental review relationship with Housing Authority
  - Copy transmitted to Housing Authority on June 30, 2006
  - Copy received July 21, 2006 – no revisions
- Considerations
  - City remains informed of each property's status and condition
  - City has responsibility for ensuring environmental review compliance
  - HUD requires City to consider needs of public housing residents during planning for 2008 CDBG program

### **Discussion of an Ordinance Amending Chapter 2 and Chapter 9 to revise the name of the Construction Board of Adjustments and Appeals and revise the deadline for meetings.**

**Community Development Director Nancy Leathers** explained that this to change the name of the Construction Board of Adjustments and Appeals to the Construction Board of Appeals to maintain consistency. Additionally, staff is requesting to revise the deadlines for meetings working around the court sessions. These will be presented for consideration at the next Council Meeting.

### **Discussion of a Resolution to amend the Rezoning and Zoning Modification Schedules**

**City Attorney Willard** explained that the City is considering amending the Charter so that there is only one reading of an ordinance necessary for enactment. This can be done by Home Rule. He stated that all counties do this. There is nothing in the law that mandates two readings.

Councilmember Meinzen McEnery clarified that by going to one reading this will allow more time to review the items.

There was a consensus to move forward with the approval of the Charter amendment.

**Assistant Director of Planning and Zoning Zehner** stated that there is also a text amendment schedule included as well. These text amendments will also go to the Community Input Meetings.

### **Discussion on Amending the Zoning Procedures.**

This item was discussed in conjunction with the previous agenda item.

### **Consideration of a new Sandy Springs Police Department patch that includes the new City logo.**

**Police Chief Wilson** explained that staff is requesting to use a slightly altered version of the logo to create a new patch. He displayed what the patch would look like. There was a consensus that this logo would be used for the new patches.

### **Discussion on a Right-of-Way Policy.**

**Public Works Director Angelia Parham** explained that this policy was developed to address some issues that might come up. Answering questions previously posed by Councilmember Fries, she explained that privatization in a gated community includes all services including stormwater.

The second question was in regards to a developer privatizing the community prior to selling the homes. City Attorney Willard stated that the developer would be 100% owner and, therefore, entitled to do that. Otherwise, privatization requires 100% agreement.

**Public Works Director Parham** stated that the next question is regarding the definition of a collector road. A collector road typically connects a subdivision to a higher level street.

The next question is how much is the application fee. That fee is estimated to be \$200.00.

Councilmember Jenkins questioned if making a street a cul-de-sac constitutes a road closure and makes the road private. City Attorney Willard explained that the City has the right to make a change on a street as long as you do not deny someone access to their property.

**Transportation Planning Engineer Mark Moore** explained the difference between a cul-de-sac and a road privatization.

Mayor Galambos questioned if the easement policy gives the City the right to demand interparcel access in the commercial areas. City Attorney Willard explained that if the City owns the property interparcel access can be put in. However, if the City does not own the property, it would have to be acquired.

**Community Development Director Nancy Leathers** stated that at the time of development or redevelopment, if you have a policy such as this in place, you can require the individual properties to include interparcel access. Councilmember Paul questioned why the policy set the percentage for road closure at 100%. Public Works Director Parham explained that is Council's option. Discussion followed and there was a consensus that staff would review this and present another number for consideration.

**Discussion on a Traffic Study Process.**

Councilmember Fries explained that this would give the Council a route for requesting these studies. She explained that the City Manager would have the Public Works Department review the request and make a recommendation as to whether or not a traffic study needs to be done. It would then be brought before Council for discussion and approval.

Councilmember Meinzen McEnery stated that the City has a professional department that is charged with making sure that they are doing the studies necessary to protect the public safety of our citizens. They are already independently doing accident counts at certain areas.

There was a consensus that this would be brought forward to the next Council meeting for approval.

**Approval of agreement with Arthur E. Ferdinand, Tax Commissioner of Fulton County for property tax collection**

**Director of Operations Howell** explained that this is a supplement to an agreement approved in February. Georgia statutes allow for these types of agreements and this is customary. This provides \$1 per parcel to the Tax Commissioner. He explained that the Tax Commissioner agreed to collect the occupational taxes, and alcoholic beverage excise tax collection. He agreed to do so at a rate of ½% instead of the standard 1%. He has also allowed the City access to all their records.

**Discussion of Lease Purchase Financing Options for Fire Truck Apparatus.**

**Director of Operations Howell** stated that a purchase order was signed last month for \$3.7 million ordering fire equipment. Staff would like to develop a plan to finance this equipment as well as another \$1 million of turnout gear. Staff sought quotes from five financial institutions. The lowest quote was from Bank of America at 4.321% tax exempt rate. This is a fixed rate for 10 years. The City would invest at 5.25% because the trucks do not have to be paid for until March 2007. This is approximately \$26,000 net interest earnings. He explained that SunTrust was the second lowest bidder.

Mayor Galambos questioned if the City has received any money from Orbitz or Travelocity. Director of Operations Howell stated that staff is looking at this now.

**Discussion on Sponsorships for Public Safety Equipment.**

Mayor Galambos stated that the Friends of Sandy Springs has already received money or pledges in the amount of \$45,000. Mayor Galambos stated that two motorcycles and eight bicycles have already been ordered. The foundation would like to have a party for the community. She questioned if alcohol can be served at City Hall. There was a consensus that alcohol would be served.

Mayor Galambos stated that the next question is whether or not the City would be willing to allow sponsors to place advertising on the City vehicles. There was some discussion as to the size. There was a consensus to review this further and develop a policy.

**Discussion on administration of constituents' ad valorem tax exemptions and tax billing.**

Councilmember Meinzen McEnery stated that she is requesting that the Council direct staff to look into the Homestead Exemption program and the Senior/disability Exemption program that is currently being managed by the Tax Collector's office.

What she has outlined is examples that occurred with the City of East Point. This is proof that they found over \$200,000 of improperly tracked Homestead Exemptions. She expressed concerns that Mr. Ferdinand's office is correctly tracking the exemption program. She questioned if they cross-check against voter registration rolls or cancelled utilities. The other issue is communication to the citizens. That means our seniors.

Her point is to ask the staff to look into this and perhaps they may find that the City is not reaching our seniors. It is her understanding that Mr. Ferdinand does not even follow up on delinquent taxes. The City could have staff in house call all these delinquent taxpayers. She stated that she believes staff will find issues with the business license and alcohol license as well. She stated that the City of Alpharetta administers their senior program. She questioned why this was done.

**Deputy City Manager Bovos** stated that Roswell and Alpharetta bill and collect their own taxes. One great reason is because they offer different exemptions than the County. He explained the process in which both the County and cities bill and collect their taxes. He explained that Sandy Springs offers the same exemptions that the County offers. One issue would be if the County would accept the information the City found. The challenge is how to separate the homestead exemption administration from the tax billing function. Tax collection does become a quite laborious process. It could possibly take 6 to 8 staff members to do this.

Councilmember Meinzen McEnery stated that her thinking is to direct staff to look at these issues. Mayor Galambos stated that this would be taking on an additional function of government which would mean additional staff. Councilmember Meinzen McEnery concurred and stated that there could be significant savings. The additional cost could be made up with the collections that the City would receive. The City could control its own paperwork.

Councilmember Meinzen McEnery stated that the City is spending \$222,700 for the collection of real estate and ad valorem taxes. She explained that the City could generate this amount with the additional savings in increased revenue collections.

Councilmember Greenspan stated that there is money falling through the cracks. However, he is not a fan of hiring staff to tackle this job. He suggested that funds located from the revenue enhancement project be directed to looking into this only if the tax collector's office is willing to work with the City.

Mayor Galambos stated that there is no real proof that this is not being administered correctly by the County. The information that went out about the homestead exemption had errors in it that she felt built up false expectations among seniors. The City has a problem with raising expectations.

Councilmember Meinzen McEnery stated that the State law considers every household to apply for the \$49,272. It can be a married couple and it can be a single unmarried person living in that household. What the Mayor said is absolutely incorrect. She explained her rebuttal. She also explained the Tax Relief Grant and stated that she was unsure if the City was receiving that.

**Deputy City Manager Bovos** explained that the grant is administered by the Department of Community Affairs and the City completes a filing with the State for that money.

Councilmember Fries stated that she feels the City should wait and see how the first collection goes. She explained that the City will have an agreement with the tax collector and if they do not collect properly, the City can use the contract to address the issues.

Councilmember Paul concurred. It is not fair to criticize work that has not been done yet. This is not the time to add this burden to the staff.

Mayor Galambos stated that Arthur Ferdinand has brought up the tax collection a considerable amount since he took over.

Councilmember Meinzen McEnery stated that she only wants to have staff to look at this. She asked that this be placed on the next agenda. Mayor Galambos stated that there was not a consensus to place this on the agenda.

**Discussion on change in the Zoning Application Process.**

Councilmember Meinzen McEnery stated that it came to her attention while reviewing with the Community Development staff the zoning packages that there was information that was not presented to Community Development as part of the application process that would have been helpful in determining facts about the property. The bottom line is that she is suggesting that at the time that a developer comes to apply for a rezoning, in addition to only requiring a site plan and a legal description, they also be required to provide a topo. She would like staff to require a topo, a tree survey, a current survey, a landscape plan, and a current legal description. These are currently in place in Roswell.

**Community Development Director Nancy Leathers** stated that staff is looking at requiring a tree survey at the beginning of the permitting process. This is being reviewed as a part of the Tree Preservation Ordinance. Everything else is already required. The tree issue could be potentially helpful to the Planning Commission and City Council.

Mayor Galambos questioned if requesting a tree survey at this point would be premature since the Tree Ordinance is under review. Discussion followed regarding the cost of a tree survey.

There was a consensus that they would wait for the Tree Ordinance review.

**Community Development Director Leathers** indicated that requiring many items could cause an undue burden because the applicant may have to amend their site plan after discussions with staff or discussions with the surrounding neighborhoods. The site plan could be amended 3 or 4 times. At the time of application may not be the best time for these to come in as there may be several changes.

Councilmember Meinzen McEnery stated that she is willing to delay this until the Tree Committee reviews it. She just thought it would be something that would help staff.

Councilmember DeJulio requested that someone find out what a tree survey costs.

**Discussion of sub-metering for water at apartment complexes.**

Councilmember Jenkins stated that this was in regards to water sub-metering on newly constructed condos and apartments, as well as substantially redeveloped condos and apartments. She questioned what "substantially redeveloped" meant. Community Development Director Leathers stated that the building code establishes this at 50%.

Councilmember Jenkins explained what triggered this discussion and explained that in her district, 1,200 new housing units are going up and she wants to ensure that they are metered separately. She also wants to ensure that those units that are being substantially redeveloped are metered separately as well. Discussion followed regarding redevelopment in relation to sub-metering.

Councilmember Jenkins expressed concerns regarding water conservation and explained that sub-metering encourages conservation.

There was a consensus that this be reviewed by staff and brought to the September work session.

**Discussion on Policy Development Process.**

Councilmember Greenspan handed out a policy work sheet. He explained that it has been stated many times that Council sets policies. He proposed a procedure in which policy is developed. This will help guide staff as to what the Council wants to see.

He provided an example of how this would work. Discussion followed regarding how to apply this process.

**City Manager John McDonough** explained that this is a policy development process. This provides the framework to proceed with policy development.

Councilmember Greenspan questioned if the Access Ordinance was ready to discuss. City Manager McDonough replied that staff is still working on that.

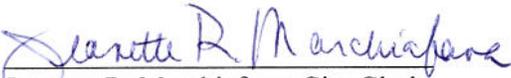
**Motion and Vote:** Councilmember DeJulio moved to adjourn the meeting. Councilmember Paul seconded the motion. The motion passed unanimously.

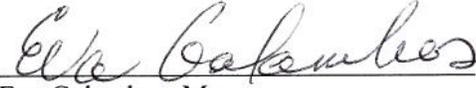
**Motion and Vote:** Councilmember DeJulio moved to adjourn into Executive Session for real estate matters. Councilmember Paul seconded the motion. The motion passed unanimously with Councilmember Greenspan, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio and Councilmember Meinzen McEnery voting in favor.

**Motion and Vote:** Councilmember DeJulio moved to come out of Executive Session. Councilmember Paul seconded the motion. The motion passed unanimously with Councilmember Greenspan, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio and Councilmember Meinzen McEnery voting in favor.

After no further discussion, the meeting adjourned at 9:14 PM.

Approved: September 5, 2006

  
Jeanette R. Marchiafava, City Clerk

  
Eva Galambos, Mayor