

**Work Session of the Sandy Springs City Council was held Tuesday, July 11, 2006 at 6:00 PM Mayor Eva Galambos presiding.**

**Executive Session-5:30 PM**  
**Review of all pending litigation**

**Motion and Vote:** Councilmember DeJulio moved to adjourn into Executive Session to discuss pending litigation. Councilmember Meinzen McEnery seconded the motion. The motion passed unanimously and Executive Session began at 5:37 PM.

Mayor Galambos reconvened the Work Session at 6:11 PM.

**Presentation on Mary Hall Freedom House**  
Mayor Galambos recognized Lucy Hall, Founder of the Mary Hall Freedom House.

Lucy Hall played a video for the Mayor and Council. She explained that they are in the process of doing their Capital Campaign. She explained that they are celebrating 10 years and serve approximately 150 people. She stated that they provided Hurricane Katrina aid and helped 91 families. Ms. Hall explained the programs they offer.

Councilmember Jenkins stated that she and Bill Riley will be doing some pro bono legal work for these women.

**Staff Discussion Items**

**Update on Fire Apparatus Acquisition**

**Deputy City Manager Bovos** provided an update on the Fire Apparatus acquisition. He explained that staff was provided with more information dealing with quints and their potential challenges operating in the City of Sandy Springs. Fulton County currently operates a tiller, four engines, and one straight body aerial ladder truck. He stated that Chief McElfish's recommendation is still to purchase four quints. He provided a comparison of this equipment. Staff spent 5 or 6 hours riding in a quint and had no problem with maneuverability.

Councilmember Greenspan questioned the cost of the two engines. Director of Operations Howell stated that they are \$268,286 each.

Councilmember Paul questioned why there was a question of maneuverability. Deputy City Manager Bovos explained that the tiller is longer and has two drivers. The concern was that the quint might not have the same turn radius.

Councilmember Jenkins thanked the City Manager and Deputy City Manager for their due diligence in testing this equipment prior to purchase.

Councilmember Greenspan explained that there was some concern that in certain municipalities, the quint is not the most effective urban firefighting apparatus.

Mayor Galambos stated that this is a prime example of where they should put trust in the staff they employ to make these decisions.

**Discussion of RFP-06-166, Revenue Enhancement Project.**

**Deputy City Manager Bovos** gave the following presentation:

### **Background**

City of Sandy Springs enters into an agreement with Fulton County Tax Commissioner for administration of Business License/Occupational Tax Revenues

- Function moved from Tax Commissioner to Department of Finance at Fulton County
- City of Sandy Springs Staff reviews receipts and work processed by County, concerns raised
- On-site visit conducted
  - 600 Abernathy Road
    - 181 Businesses
    - 79 licenses
    - 43.65% compliant
- May 2006 RFP was formulated – 2 components:
  - Review businesses operating in City who don't have licenses
  - Review returns of businesses with licenses to insure accuracy
- June 2, 2006 RFP 06-166, "Revenue Enhancement Project" was let

### **RFP Document**

- Consisted of 5 sections
  - Section 3 – Scope of Services
    - Comprehensive Field Inspection
    - Data base review
    - Analyze existing business tax data for accuracy
    - Qualifications and Experience
    - Project Approach
    - Insurance
    - Compensation

### **Background**

- RFP due June 15, 2006
- Received 4 responses
  - MBIA Services
  - CH2M Hill
  - Solomon Edwards; and
  - Revenue Discovery Systems
- Evaluation Committee
  - John Henderson, Purchasing Manager
  - Aaron Bovos, Deputy City Manager
- Interviews conducted
  - July 5 – CH2M Hill
  - June 29 – Revenue Discovery Services
  - June 27 – MBIA
- Proposals Scored
  - Technical Proposal Evaluation – 600 points maximum
  - Financial Proposal Evaluation – scored 450 or higher on technical then 400 points maximum

### **Staff Recommendation**

- CH2M Hill
  
- Fee Summary
  - Graduated scale based upon activity;

- Incentive to find more business out of compliance;
- Ranges from 20% to 30% of new activity;
- Averages 26.75% for \$1,000,000 in new revenue

Councilmember Paul, expressing that his comments were no reflection on staff or CH2M Hill, suggested that when CH2M Hill is bidding on something for the City, we make sure that an environment is not created where people might feel that CH2M Hill has an inside track which could deter people from bidding.

Councilmember Jenkins expressed concerns regarding CH2M Hill employees reviewing proposals when CH2M Hill has bid on a project. Deputy City Manager Bovos clarified that the CH2M Hill employee was not involved in the scoring, nor did he provide any input. He stated that he was simply there to ensure that no inappropriate conversation occurred.

Councilmember Meinzen McEnery concurred with Councilmember Jenkins comments and suggested a citizen's review board be used in the future.

Councilmember DeJulio questioned if those who will be working this project are existing employees. Deputy City Manager Bovos stated that there will be new people brought in for this project.

Councilmember Fries stated that this RFP was extremely detailed and she commended Program Director Rick Hirsekorn for the detail included in the RFP.

**Discussion of an Amendment to Chapter 12, Offenses and Violations, Article 1: General Prohibitions, Section 2, Offenses against public morals, by adding subsection (g) obscenity and Related Offenses.**

Mayor Galambos stated that Mr. Friedewald is here now to discuss this item.

**City Attorney Wendell Willard** explained that it was requested that this ordinance be discussed at a work session. He explained that there had been a decision that struck down the State's statute relating to obscenity laws.

**Jim Freidewald** explained that the obscenity statute was on the books for over 100 years. He explained that it was used frequently to prevent untoward conduct. Mr. Freidewald provided an example of the use of this statute. He also stated that Cobb County adopted this ordinance last week.

He explained that the statute was upheld by the 11<sup>th</sup> Circuit on everything, but there are two classes of consumers which are people who can get a prescription from a physician for these devices and college students and professors. He explained that there was a total ban on advertising. The Court of Appeals stated that it should not have been banned for those two consumers. He stated that the proposed ordinance is constitutional.

Mayor Galambos questioned if the law was on the books why are these stores still in business. Mr. Freidewald stated that he could not answer that. He stated that it is a matter of being aware of it and having the tools to stop it.

City Attorney Willard stated that there was a State statute that preempted any City ordinance. Now the State statute has been set aside and there is not preemption as to the local governments enacting an ordinance to address this same issue.

Mayor Galambos stated that this is an area that they are going to have to give more thought to.

**Update on Permit Backlog**

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**Deputy Director of Community Development Tom Wilson** stated that staff was quickly closing in on a two week turn around, however, there were 140 permits that had been reviewed and put back into the applicants' hands to be revised. He explained that if all of those came back at the same time it might create some slow down. He explained that did happen and brought the turn around time close to three weeks for a while.

He explained the process in which plan review is conducted on a best case scenario and worst case scenario. Councilmember Paul questioned if this is the same process for a kitchen remodel as it is for a 10 story building. Deputy Director Wilson stated that it could be. Councilmember Paul expressed his concern regarding this process.

**Community Development Director Nancy Leathers** explained that now that things are smoothing out, staff can provide more information to the applicant up front so that their submittals are closer to what they should be. Our job is to make sure that the instructions that they give people and the guidelines out there are clear enough that most people can get it right.

Mayor Galambos questioned the redlining process. She stated that this is the biggest complaint she has heard.

**Deputy Director Wilson** explained the redlining process and what is involved in the review process. Community Development Director Leathers explained that if the City staff offers engineering services, the City then becomes liable for the project. The applicant's engineer seals the plans so that they can be held accountable.

Councilmember Meinzen McEnery requested additional technical information first so that staff has the technical information up front. They could possibly speed up their review and have less redline sessions. Community Development Director Leathers stated that she definitely wanted to find better ways to provide better information which would make the process faster.

Mayor Galambos stated that the City is requiring more information than most jurisdictions so we have to weigh all the options. Councilmember Meinzen McEnery suggested that the zoning application process be modeled after what is being done in Roswell.

**Community Development Director Nancy Leathers** pointed out that this is a redevelopment City and in order to protect what is currently here, more information may be required.

Discussion followed regarding how to set the policy for the application process. Deputy City Manager Bovos explained that this can be reviewed in the performance measures.

Councilmember Paul requested that a proposal to fix this permitting problem be brought back within 30 days.

**Amendment to City Code regarding notices of violation.**

**Chief Enforcement Officer Marcus Kellum** presented the Mayor and City Council with proposed changes to the International Property Maintenance Code. He explained that this code is the code that the Code Enforcement Officers enforce for existing properties and new properties. He explained that there are some text amendments that are needed to enhance the enforcement process. There are three sections they are proposing to amend. The first speaks of the ability of the Code Enforcement Division to actually issue a citation without a warning. It also allows the violator to request an extension to the compliance time that they are given.

He stated that the second section amendment sets forth a penalty for violation of this code and establishes a fine for repeat offenders. The third section amendment provides for subpoena power for the building official. This will be brought forward at the next Council meeting for a first reading.

Councilmember Meinzen McEnery expressed concerns regarding the extension of time to correct things such as erosion control. Chief Enforcement Officer Kellum explained that this only applies to the International Property Maintenance Code and not to any environmental issues.

**Discussion of changes to the Nuisance/Noise Ordinance.**

Assistant Director of Planning and Zoning Zehner explained that this was previously discussed at the retreat and at the Community Input Meeting in February. A Community Input Meeting was also held last night to discuss changes to the ordinance. The proposed changes include the total prohibition of construction noise on holidays and Sundays. This would also include a provision to exempt homeowners work such as do-it-yourself activities. In addition, masonry or wood screens would be required around pumps and air conditioner units. Anyone with a Certificate of Occupancy at this time will be grandfathered.

He also stated that the proposed Ordinance change would have a limitation on decibel levels at property lines with provisions for exceeding those limits for short periods of time such as for lawn work. Also addressed was the issue of barking dogs. A conclusion was not reached regarding this issue.

Councilmember Jenkins suggested that the ordinance define "loud noise" or remove it from the ordinance.

Councilmember Meinzen McEnery questioned what the decibel level recommendation is. Assistant Director of Planning and Zoning Zehner stated that 60 decibels was discussed. Councilmember Meinzen McEnery reminded Council that the agreement that Chastain Park has with the City of Atlanta is 95 decibels with an average of 89 decibels. She stated that she is getting many complaints regarding this issue.

Councilmember Meinzen McEnery also clarified that the mechanical equipment cannot be in the side setback.

**Assistant Director of Planning and Zoning Zehner** also stated that there are prohibitions on amplified music or noise, but no decibel level has been set and therefore it cannot be enforced.

Councilmember Greenspan questioned if air conditioner compressors would be included in the list of mechanical equipment. Assistant Director of Planning and Zoning Zehner stated that they would not be as easy to screen.

**Assistant Director of Planning and Zoning Zehner** stated that this would go before the Planning Commission on August 17 with the first reading by the Mayor and City Council on August 15.

Councilmember DeJulio cautioned against overregulation. Councilmember Greenspan questioned the time limit for music. Assistant Director of Planning and Zoning Zehner stated that the existing time limit is 11:00 p.m.

**Discussion of an ordinance to amend the Zoning Ordinance to prohibit Flag Lots.**

**Assistant Director of Planning and Zoning Zehner** stated that there is a standard minimum lot frontage requirement of 35 feet. There is a minimum setback requirement which varies based on the front, side, and rear property lines.

He explained that the proposed ordinance is that the minimum lot width required per the zoning district shall be achieved at a distance no greater than the combination of the required minimum front yard and minimum rear yard. This will prevent flag lots in the future.

Councilmember Meinzen McEnery stated that this is a great answer to the problem. Discussion followed regarding cul-de-sac lots.

**Assistant Director of Planning and Zoning Zehner** stated that this will go to the Planning Commission on July 31 with the first reading by the Mayor and City Council next week on July 18 and the second reading on August 1.

**Regulation of not-for-profit dumpsters and collection receptacles in public parking lots**

**Deputy Director of Community Development Wilson** stated that there are several ways these can be handled. He displayed photos of various dumpsters around the City. He stated that just by enforcing the current dumpster screening ordinance, most of them would go away. Another option would be to find a location that these could be grouped together. Also, a permit could be developed to help regulate them. Staff is looking for direction on this matter.

Councilmember Fries suggested the recycling center, libraries, or the Community Action Center to have these located.

Councilmember Paul suggested a review process for those who will be allowed to place these dumpsters throughout the City.

**Community Development Director Leathers** stated that there are several issues relating to these dumpsters. One is that they are being placed in parking places which reduces the number of parking places. Another is making sure people are not dropping garbage off and who is responsible for the maintenance of these dumpsters. Staff needs guidance in this regard.

Councilmember Greenspan stated that many of these organizations are not 501(c) 3. Some just pretend to be qualified organizations, collect the goods, sell them, and keep the money for themselves. The organizations need to be certified and the locations need to be designated.

Mayor Galambos stated that she believes in regulation when there is a documented problem and does not feel that it has been demonstrated that there is a problem. She is concerned about overregulation. She requested some proof of a need for this regulation. Discussion followed regarding the need for this regulation.

**Fulton Perimeter Community Improvement District Land Report – Parcels 5 and 16**

- a. **An Agreement to Donate property rights located in Land Lot 16 of the 17<sup>th</sup> District for parcel 5 owned by the Medical Quarters of North Atlanta Condominium Association, Inc., in connection with the Fulton Perimeter Community Improvement District (PCID) Peachtree Dunwoody Road Medical District Streetscape Project.**

**Transportation Planning Manager Jon Drysdale** stated that these are standard agreements that are required to handle property that involves PCID. Mayor Galambos clarified that these agreements did not cost the City any money.

**City Attorney Willard** requested that any time the City is accepting property, there be a legal review.

- b. **An Agreement to Donate property rights located in Land Lot 16 of the 17<sup>th</sup> District for parcel 16 owned by Glenridge Creek, LLC, in connection with the Fulton Perimeter Community Improvement District (PCID) Peachtree Dunwoody Road Medical District Streetscape Project.**

**Capital Improvement Plan Engineer Rob Lewis** explained that this is for the same project. It is on the south side of Peachtree-Dunwoody from Glenridge Connector to I-285. This is a sidewalk streetscape project.

**Discussion of Georgia Department of Transportation (GDOT) Project Management Agreements (PMA) - Third Group**

- a. **PMA for the PCID Peachtree Dunwoody Road Pedestrian Improvements (North);**
- b. **PMA for the PCID Peachtree Dunwoody Road Pedestrian Improvements (South);**
- c. **Livable Communities Initiative (LCI) Agreement for the PCID Peachtree Dunwoody Road Pedestrian Improvements (South);**
- d. **Memorandum of Understanding (MOU) for the Roswell Road Transit-Oriented Streetscape;**

**e. PMA for the Hammond Drive/Sandy Springs Circle Pedestrian Improvements.**

**Transportation Planning Engineer Jon Drysdale** stated that the first three projects are being funded by PCID. There was no discussion regarding the first three Project Management Agreements.

**Transportation Planning Engineer Jon Drysdale** stated that the Roswell Road Transit-Oriented Streetscape and the Hammond Drive/Sandy Springs Circle Pedestrian Improvements are in the Capital Improvement Program. Councilmember Jenkins questioned what the shortfall is. She questioned who would be paying for the shortfall.

**Assistant City Manager Al Crace** explained that the City would have to fund the shortfall.

**Capital Improvement Plan Engineer Rob Lewis** stated that the original estimated shortfall for the Roswell Road Transit-Oriented Streetscape was \$10,000 for additional utility relocation. The Sandy Springs Circle project had no shortfall identified.

Mayor Galambos questioned where these shortfalls were coming from. Capital Improvement Plan Engineer Lewis explained that the document Council is looking at is misleading. The expected cost has not changed from what was originally approved and identified. Discussion followed regarding the handout. Mayor Galambos clarified that no additional funds were being requested for this project.

**Public Works Director Angelia Parham** stated that a special work session was being scheduled for August to review these projects as well as others.

Mayor Galambos asked if the Roswell Road/Johnson Ferry Road project is the one in which the design had to be redone. Capital Improvement Plan Engineer Lewis stated that these plans had to be redone. Mayor Galambos expressed concerns regarding the City paying the entire shortfall and stated that SSRI should share in some of that shortfall.

**Consideration of the Sandy Springs Revitalization, Inc. (SSRI) and Sandy Springs Memorandum of Understanding (MOU).**

Mayor Galambos stated that she did not believe that the City is ready to proceed with the Memorandum of Understanding until the shortfall is resolved. Discussion followed and there was a consensus that staff would bring back to Council the actual shortfall numbers.

**Consideration of an Initial Stormwater Policy.**

**Public Works Director Angelia Parham** stated that staff is drafting a policy to address stormwater issues. She explained that the City Attorney has asked for some additional language regarding stormwater drainage from the City's system.

**City Attorney Willard** explained that some of these should be examined on a case by case basis. A policy is fine as far as limiting what the City can and cannot do, but each issue should be addressed individually.

**Mayor and City Council Discussion Items**

Mayor Galambos stated that Council has been slipping at following the process of going through the City Manager and not directly to City staff. They then feel beholden to us. This strengthens the entire system and keeps him informed.

**Consideration of a Policy on Sign Toppers.**

Councilmember Greenspan presented the Mayor and Council with a proposed policy on sign toppers. He explained that this calls for three separate types of signs. The first is a generic Sandy Springs sign topper with the City logo. These will be purchased by the citizens and not funded by the City. The second sign topper would allow for two

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thirds of the sign to have the City logo and a homeowner's association logo on the bottom one third. The third would allow the bottom one third of the sign to be an overarching designation such as the Dunwoody logo, Sandy Springs Council of Neighborhoods, or High Point Civic Association.

He stated that this would get tricky as to how this process would be managed. A homeowner's association, through its Board of Directors, would give permission for these signs to be placed in their community.

Councilmember Paul stated that this was a good policy except for the last concept. Discussion followed regarding the size of the sign and how the logos would be placed on the sign.

Councilmember Fries stated that she understood that the second concept was for a neighborhood, not an organization, to place their name or logo on the bottom of the Sandy Springs sign. She expressed concerns regarding the last concept and having organizations placing their names or logos on City signs because they encroach into neighborhoods that are not their own.

Councilmember DeJulio questioned the size of the sign. Discussion followed regarding what would actually fit on the sign. Councilmember Meizen McEnery suggested that Dunwoody be allowed to place their logo on the bottom two thirds of the sign with the City logo on the top one third.

Mayor Galambos questioned who would be placing these signs. Deputy City Manager Bovos answered that the City would place the sign and the cost of this would be incorporated in the cost of the sign.

Councilmember Jenkins stated that anything you put on the bottom is not going to be readable. For uniformity purposes, it should be left with the City logo only. There was a consensus that the sign toppers would only have the Sandy Springs logo.

**Discussion of an access ordinance requiring all gated communities to provide an access code for public safety purposes.**

Councilmember Greenspan explained an incident that happened in Sandy Springs during a ride along with Fulton County Police. He stated that this is a widespread problem. This proposed ordinance would provide emergency personnel with access to gated communities. Many gated communities already have this special access box for the fire department. This ordinance would extend that to all gated communities and some commercial establishments.

Councilmember DeJulio questioned if there was already an ordinance in place covering this. Community Development Director Nancy Leathers stated that this is usually a condition of zoning, however, there needs to be uniform requirement.

Mayor Galambos stated that this ordinance, once approved, should be sent to all gated communities.

**Consideration of a Page Program.**

Councilmember Greenspan stated that he brought this forward as a way to get the community more involved. He explained that it would be limited to residents of Sandy Springs. He explained that they would assist the City Clerk with comment cards and agendas as well as greeting attendees.

**Initiation of a Rezoning for the Carroll Manor Subdivision.**

Councilmember Fries stated that this is actually in District One. She explained that this is a property of duplexes which are being sold individually. This would be a cleaning up zoning. Community Development Director Nancy Leathers explained the zoning issues raised by these being sold individually. This just needs to be fixed.

Councilmember Meinzen McEnery questioned if this would be increasing the density. Deputy Director of Community Development Tom Wilson stated that it would be rezoned from A to TR to reflect what is already on the ground. This would only be allowing the number of lots to be correct.

**Discussion of an apartment resident complaint process.**

Councilmember Fries stated that she wanted to know where there would be protection in the City's ordinances for whistleblowers, those who turn in their apartment owners or management companies for violations.

**City Attorney Willard** explained that there should not need to be any protection with the ordinance in place. This would be covered by their lease. Beyond that, the City does not want to become the policing force for this.

**Real estate signs – proposed changes to the ordinance.**

Councilmember Fries explained that this is in regards to the Tuesday, directional signs. She explained that this would be placing the caravan signs under the list of signs not requiring a permit. Discussion followed regarding the upcoming update to the sign ordinance and whether or not this should wait until then.

There was a consensus that this amendment would proceed to the next agenda.

**Update on proposed Obscenity Ordinance**

Councilmember Jenkins stated that this proposed ordinance is not overbearing and should be adopted. Mayor Galambos expressed that this could wait until the next legislative session.

**City Attorney Willard** stated that he was his opinion that this ordinance should be put in place and explained that although the State will have a law on this matter; it will be the responsibility of the local jurisdiction to enforce it.

Councilmember Paul requested that this be placed on the next agenda for discussion.

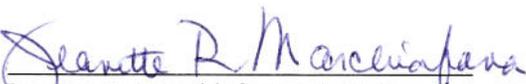
**Update on City Hall Facility**

**Assistant City Manager Al Crace** presented the Mayor and Council with the layout of the new facility. He explained the remodeling process and stated that the expected move date is mid-September. Mayor Galambos stated that every time this is discussed, another two months is added.

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

After no further discussion, the meeting adjourned at 9:02 PM.

**Date Approved: August 15, 2006**

  
Jeanette R. Marchiafava, City Clerk

  
Eva Galambos, Mayor

**CITY OF SANDY SPRINGS, GA**

STATE OF GEORGIA  
FULTON COUNTY

July 11, 2006

**AFFIDAVIT FOR EXECUTIVE SESSION**

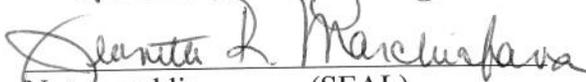
Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 11<sup>th</sup> day of July, 2006, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

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

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

  
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Eva Galambos, Mayor

Sworn to and subscribed before me,  
this 11<sup>th</sup> day of July, 2006.

  
Notary public (SEAL)

JEANETTE R MARCHIAFAVA  
Notary Public, Fulton Co., GA  
My Commission Expires August 29, 2009