

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, September 3, 2013, at 7:52 p.m., Mayor Eva Galambos presiding.

Councilmembers present: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery. Councilmember Chip Collins was absent.

CITY COUNCIL DISCUSSION ITEMS

1. Proposed Framework for Staff Review of the City's Tree Conservation Ordinance; ORDINANCE No. 2007-02-10

Councilmember Karen Meinzen McEnery thanked the Mayor and Councilmembers Collins, Fries, and Sterling, for taking their time on the Tree ordinance. A request was made for the support of Council to have staff review the Tree Conservation Ordinance based on the policy framework provided that Mrs. Leathers outlined in her public comment. That framework is to compare against what the staff sees is and is not working in the tree ordinance and then to prospectively recommend what changes could be made, so it could work better. Timing is good for a review by the Department of Community Development, now that infill residential housing permitting is exploding again. Single family permitting statistics are showing significant activity in our neighborhoods inside I-285 as well as in Spalding Woods, Mountain Aire, Mt Vernon Woods and other neighborhoods in Sandy Springs. This high level policy framework has been distilled from 6.5 years of constituent driven concerns. Specifically, staff's recommendations are needed to address the technical issues and their impact on both the development community and citizen community. A balanced approach that protects the rights of owners as well as adjacent property owners is desired by all who have a real stake in preserving the character of our neighborhoods. A reasonable time frame for getting those recommendations back to Council for review, based on conversations with Nancy Leathers who previously headed up that department, is in November; either November 5th or November 19th, with the support of Council.

Councilmember Dianne Fries stated there is no City Council meeting on November 5th. The November meetings will be held on November 12th and November 19th.

Councilmember Meinzen McEnery stated staff can bring this item back to Council on either November 12th or the 19th.

Councilmember John Paulson stated he heard several residents during the Regular meeting public comment section talk about ambiguity in the ordinance. Landscape designers are struggling with interpretation of the ordinance. He asked staff to take as much ambiguity out of the ordinance as possible.

Councilmember Meinzen McEnery stated staff should not have to determine the intent of the ordinance.

Councilmember Fries thanked Councilmember Meinzen McEnery for her work on the ordinance. A gentleman spoke during public comment and discussed how individuals cannot cut down dangerous trees. That situation is actually addressed in the ordinance and does not require a permit, but instead notifying the City. She agrees with cleaning up the "gray" areas in the ordinance. Her concern is how much stuff can get done with the time constraint and that will be left up to staff and the City Manager.

Councilmember Tibby DeJulio stated when the last gentleman spoke during public comment discussing the boundary trees and setbacks; he did not understand what the gentleman was saying. He asked how successful the tree ordinance has been in the past. He asked if the University of Georgia completed a tree survey in Sandy Springs.

City Manager John McDonough stated City staff has been working with the University of Georgia and staff will provide an update to Council soon.

Councilmember DeJulio asked if staff knows what the numbers are from the survey, yet. He asked how well the current tree ordinance has worked. This should determine what changes need to be made to the ordinance.

Councilmember Meinzen McEnery stated the tree survey shows that the City is actually even.

Mayor Eva Galambos stated she heard the survey states the City's tree canopy has increased.

Councilmember Meinzen McEnery stated there could be a lot of reasons for the tree canopy increase which include the economic downturn that allowed the trees to grow that were planted earlier. She is looking forward to gathering that information and comparing it to what staff has as well.

Councilmember DeJulio asked when Council will receive the report on the survey.

City Manager McDonough stated staff can have an update to Council at the second City Council meeting in September or the first meeting in October.

Councilmember DeJulio asked Mrs. Leathers how reliable the data is from the University of Georgia.

Mrs. Leathers stated there are more expensive systems that can be used that have more detail compared to the tree survey system that the University of Georgia used. The City already has two tree surveys that the University of Georgia completed.

Mayor Galambos stated the City should stay with the same criteria.

Councilmember DeJulio asked how long does it take to complete a tree survey.

Mrs. Leathers stated she is not sure.

Mayor Galambos asked how much does the tree survey cost.

City Manager McDonough stated the tree survey has already been completed. The University of Georgia is reconciling the data between the different years from the previous surveys.

Councilmember Gabriel Sterling stated he is echoing the comments from Councilmembers Fries and DeJulio about Councilmember Meinzen McEnery's proposal. Many of these items should be looked at, especially when it comes to the intent of the language. The ordinance cannot be left up to a different interpretation depending on the City inspector. That can sometimes lead to ambiguity. The historic trees concept sounds good. He does not know if there are best practices that exist in other states or regions instead of just choosing ten inches and above to define a landmark tree. Maybe that number should be thirty-five or forty-two inches, for example. He does not know the best way to do something like that.

Councilmember Meinzen McEnery stated maybe the number could be the duration of how many years.

Councilmember Sterling stated this is the right time to review the tree ordinance, due to so much infill. This will involve the City's legal staff regarding inherent rights given to properties, not based on what the property size is, but what the property is already zoned. The City cannot interfere with that right. He has a concern regarding the timing of reviewing the ordinance. Late November 2013 seems like a good date.

Staff is in charge of reviewing the ordinance, while working on the RFQ for the City Center Master Plan may determine what actually can get done on the ordinance at this time. He understands Councilmember Meinzen McEnery wants to be present for the vote change of the ordinance. Being present for the vote cannot be the main driver for getting the policy approved. There needs to be input from the public and the City boards as well.

Councilmember Meinzen McEnery stated it is not because she wants to be involved. The founding members of this Council, of which there are four left, worked on the first ordinance and remember what was meant and what was intended. Therefore, those perspectives would be valuable in terms of experience, once staff has brought Council the facts and their recommendations. This is just the starting place and a policy. This is not the details.

Mayor Galambos stated that Council will work on the ordinance when staff brings forward more information.

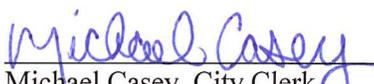
City Manager McDonough stated at 6:33 p.m. he received an email from Mr. Barron, who is the new head of the Fulton County Board of Elections. Mr. Barron states, "The voter file we provided to Sandy Springs in early August was pre-redistricting. When we sent that we were unable to access the Redistricting Module in the State's new voter registration system. We were only granted access to the Redistricting Module after we completed several steps, which we completed on Saturday. Last Friday the State gave us access to the Module in the late afternoon and we continued to work today. Part of our work will be to correct the errors that you found and to make your reapportionment changes. We always planned to send you another file afterwards to audit again."

Councilmember Fries stated that is interesting, considering Districts 1, 2, and 4 did not change as a result of Redistricting.

There was a consensus of Council to continue to receive updates on this subject.

Date Approved: September 17, 2013


Eva Galambos, Mayor


Michael Casey, City Clerk