

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, August 20, 2013, at 8:18 p.m., Mayor Eva Galambos presiding.

Councilmembers present: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny

STAFF DISCUSSION ITEMS

City Manager

1. City Center Development Partner Selection Process

City Manager John McDonough stated this item pertains to the selection process for the City Center development. Provided to Council this evening was a draft request for qualifications (RFQ) and the presentation. He referenced a slide that depicts the development area as approved by Council in January 2013. The adopted Phase I implementation plan area includes the Bluestone extension, Mount Vernon Road, and improvements along Sandy Springs Circle. The block that includes the old Target building is a public/private partnership that will include public improvements. These improvements would consist of a civic facility that will include a performing arts facility, meeting space, and offices for the City functions. The public improvements would include the roads, sidewalks, streetscape, and park area. The private component would consist of approximately 4 ½ to 5 acres. This area will be made available for a private partner working with the City to develop the property based on guidance included in the Master Plan and market analysis that calls for a mixed use development. The development will include retail, restaurants, office space, and residential. The City will control properties in blocks A and E. Block B is owned by a third party, as referenced on the slide. The areas that will be public are areas C and D, including the streets. The private areas will be A and E, which the City currently owns. City staff has met with owners of the property labeled B. They have indicated they would like to participate in the developer partnership selection process. The owner would be willing to make their property available and will make a determination in the end if they want to participate in the process.

Councilmember Tibby DeJulio asked who owns the property.

City Manager McDonough responded the Strauss family.

Councilmember DeJulio stated this is the parking lot extension of the Goodwill property.

City Manager McDonough stated parcel B is a parking lot at this time. Staff has discussed purchasing parcel D for the park as well as the roadway that would bisect the property.

Councilmember Dianne Fries stated the City owns some of area D.

City Manager McDonough responded yes, but not all of it. An individual owns part of parcel D and 2/3 of parcel B. The blue area is subject to the RFQ that would be made available for partnership to construct a mixed use environment.

Councilmember Gabriel Sterling asked if once the master developer is in place, is the City looking at building the roads the developer desires.

City Manager McDonough responded yes. The public and private processes are interrelated and we need to make sure both efforts are dual tracked. The master developer is a company that will have the

background, capacity, financing, and proven track record of planning, designing, building, leasing, operating, and programming this type of space. The first phase of the solicitation process is the request for qualification (RFQ). This process will identify qualified development partners that have done this type of work before. The previous work does not necessarily have to be in a public/private partnership setting. Staff will focus on the quality of the development, the location of the development, how recently it was completed, who was on their development team, financial capacity, and success of the development. Staff proposes advertising the RFQ. Staff would accept responses from the RFQ by having an evaluation team that would review the responses. Based on the written submittals, staff will narrow the list down depending on the number of responses the City receives. Ideally, the evaluation team will select 3-5 qualified potential development partners to then move into Phase II, the request for proposal (RFP) process. Council will be briefed on Phase II of the process and give approval of the 3-5 qualified developers. Staff will prepare and provide the 3-5 developers a more detailed requirement for the RFP that would request drawings of the proposed site. The developers will also be asked to provide a financial component with the submittal, so the evaluation team can evaluate the proposals. At that point in time, staff will evaluate and make a recommendation to City Council on entering into final negotiations for a contract. If successful, Council will approve the contract and move forward. If not successful with the first offer, staff would move to the next qualified developer. The final selection will be made by City Council upon recommendation of the evaluation committee. At this point, staff will begin soliciting for the project management that will include the architect, landscape architect, and civil engineer for the site. Staff suggests the Development Authority be included in this process as well, since they give the City the ability to execute these projects. Staff and the Council will provide the framework for this process to move forward. The Development Authority will be a partner of the City. At the point in time when a developer is selected, the ownership of the land will be transferred to the Development Authority. The reason for the transfer is because the Authority has the ability under State Law to manage what the City cannot do as it pertains to land. This ability includes revenue bonds, incentives available under State Law, and more flexibility with the use of the property.

Councilmember Sterling asked if the City would be able to execute long term contracts.

City Manager McDonough responded yes. The City could lease or sell the property, but it would be in cooperation with the Development Authority. If Council approves moving forward with this process, staff's next step would be to place this item on the agenda of a future Development Authority Board meeting to brief the board on what has been proposed. The City would begin to establish the partnership with the Development Authority. This will be done similar to the Facilities Authority for the public improvement component.

Councilmember Sterling stated when the property is transferred to the Development Authority, will the control still be with the City Council.

City Manager McDonough stated there will be certain stipulations attached to the contract for the land. The RFQ evaluation criteria include the demonstration of architectural and design experience, construction experience, ability to finance, and who will be best positioned to achieve the vision for the Master Plan. The Goody Clancy adopted Master Plan will serve as the guide. The City is not completely bound by the Master Plan, if a developer happens to suggest modifications to the plan that make sense.

Councilmember Fries asked staff that the project be of quality and unique.

City Manager McDonough stated if Council supports the concept presented on this plan, the release of the draft RFQ will be done tomorrow. The development community would be allowed three weeks to give staff comments on the draft. At the September 17th City Council meeting the final RFQ will be brought to Council for approval. If approved by Council, the final RFQ will be released on September 18th. On

September 26th a pre-submittal conference will be held. At this conference staff will brief vendors on what the City is looking for with an emphasis on quality development that achieves the Master Plan. Also offered will be time for written questions and the posting of those answers to the website with a RFQ response date of October 25th. August to October is plenty of time to create a qualifications package and submit it to the City. The review process of the Phase I proposal will begin the week of October 28th and then a recommendation will be made to Council in November in order to move into Phase II.

Councilmember Sterling asked if the timeline will allow staff enough time to review the proposals.

City Manager McDonough stated staff will take enough time to adequately review the proposals. The second phase is the estimated timeline which staff would like to adhere to. If the timeline needs to be modified, staff will come back to Council with these modifications. The RFP will be released in November or December, shortly after the qualified potential partners are selected. The vendors will be given 60-75 days to provide concept drawings, form a team, and recommend to the City the financial terms of how the partnership will work. In mid to late February 2014, staff will have the concepts and proposals due to the City. The review process and interviews will begin. In early spring, staff will be back to City Council with a development partner recommendation.

Councilmember Karen Meinzen McEnery stated developments rise or fall based upon cost. She asked how the City will decide how much it will cost to purchase areas A and B. She asked what the City will tell the developer their basis will be for acquiring the land sold to them by the City.

Councilmember Sterling stated the City does not know if the land will even be sold.

City Manager McDonough stated the City will consider either lease or sale of the property. The developers are very good at gauging the market and the cost of land. If the City is successful in the process and receives 2-4 responses, there will be an opportunity for a fair comparison of what a developer is willing to pay for the property.

Councilmember Meinzen McEnery stated the cost will be a key component of the proposals.

City Manager McDonough stated a key goal is to bring this vision to a reality. An incentive may be the potential subsidy of the project. Staff wants the development community to get creative in accomplishing what Council has challenged to be done.

Councilmember Meinzen McEnery inquired if the developer is going to tell the City what they can pay for the property.

Councilmember Sterling responded to an extent, yes.

Councilmember Fries stated she wants this process to be publicly advertised not just for the City and State, but so others throughout the country can know the City is soliciting this information.

Councilmember Meinzen McEnery stated advertising in Urban Land Institute (ULI) materials would be a good start.

Councilmember John Paulson stated on slide 10 of the presentation it references the RFQ evaluation criteria. He asked if the developers will be asked to provide construction management or if the City will be actively managing the construction process.

City Manager McDonough stated the City will do the construction management of the public improvements. The City's oversight will have a design review process, professionals to evaluate the plan, and the building inspection component.

Councilmember Paulson stated there is a difference between construction and construction management. He wants to make sure construction management is addressed. The potential developers should be asked to provide proof of management of previous jobs as well as construction of jobs. On page 4 of the presentation, not once is residential community mentioned. In the Goody Clancy meetings a high quality residential component was discussed. He asked that the residential component be added.

City Manager McDonough stated language can be added to address the residential portion of the plan.

Councilmember Sterling stated the residential component can potentially be required to be owner occupied or have that listed as the outcome. Regarding the cost of the property, part of the property could be leased or purchased. He agrees to selling or renting the property for less if there is a unique or different thing the developer wants to do.

Councilmember Fries stated the City should specify they would like owner occupied residential components.

Councilmember Paulson stated high quality is most important and the potential for owner occupied residential.

Councilmember Sterling stated in working parallel with the developer, the City needs to make sure to control the look and feel of the Master Plan, so it does not look segregated. The plan needs to feel and look unified.

Mayor Eva Galambos stated the Master Plan look being unified is really important.

City Manager McDonough stated this is something staff has discussed and this will be included in the detailed instructions for the RFP, specifically as it relates to the design development criteria.

There was a consensus of Council to move forward with the partner selection process.

2. Greenspace in the Floodplain – HMGP Grant Update

City Manager John McDonough stated the City has acquired a number of properties through the Hazard Mitigation Grant program. Staff would like to suggest a framework by which neighborhoods can make proposals to the City on the potential use of these properties. There are specific guidelines for which the property can be used.

Assistant City Manager Eden Freeman stated this evening Council approved the acquisition of the eleventh parcel under the Hazard Mitigation Grant program. The program is extraordinarily competitive. There are limited funds available nationwide every year. For every natural disaster that occurs in other parts of the country, the funds available to be used to remove structures from the floodplain are pooled to do other hazard mitigation responses. The City is required to have a benefit cost analysis. This means the savings to the flood insurance fund will offset the cost for removing the structures from the floodplain. The majority of the homes that have been purchased have benefit cost ratios between two and eleven. These are structures that have had severe repetitive loss. Removing the homes from the floodplain protects the health of the entire City. In the grant award the City accepted in September 2010, the award document specified how the properties could be used in the future. Given the last property is being

acquired, staff wants guidance on how to use the properties. A majority of the properties acquired are inside the perimeter. Two of the properties are north of the perimeter; 145 North Mill and 6285 Rivershore Parkway. Staff GIS did an analysis to calculate the number of residences within a quarter mile of each property, the nearest park, and the nearest school. The distances are not actual driving distance. Also indicated is if sidewalks are in front of the property, making it easily accessible to others in the neighborhood.

Mayor Eva Galambos asked where Pine Forest Road is located.

Assistant City Manager Freeman stated Pine Forest Road is off Windsor Parkway.

Mayor Galambos stated Pine Forest Road is nowhere near Holy Innocents School.

Councilmember Tibby DeJulio stated Pine Forest Road is near High Point Elementary School. The school listed should be High Point or Ridgeview Charter School.

Assistant City Manager Freeman stated she will have staff update this information on the presentation. A majority of the homes on Pine Forest are contiguous with the exception of 510 and 520 Pine Forest Road.

Mayor Galambos asked how much of this acreage is represented by those two parcels.

Assistant City Manager Freeman stated those two properties are .707 acres. The other parcels in Pine Forest range from .35 to .361 acres. The property located at 4685 Hitching Post Trail is .4 acre. The property located at 6285 Rivershore Parkway is almost one acre. The property located at 145 North Mill is a small parcel. The property located at 5201 Powers Ferry Road is the largest parcel that is not contiguous, at slightly over one acre. The Windsor Parkway properties represent a great opportunity, because once the third property is acquired, all three will be adjacent to Nancy Creek at the intersection of Northland. The three properties combined represent 4.277 acres.

Mayor Galambos asked if Nancy Creek is around all three properties or just one of them.

Assistant City Manager Freeman responded just one property. GEMA and FEMA will allow the City to utilize the properties for outdoor recreational activities which include wetlands management, stormwater best management practices, community gardens, nature reserves, cultivation, grazing, and camping, except where adequate warning time is not available to allow evacuation. On the properties the City can only install a public restroom and pavilion. No paved parking is allowed, but gravel parking is allowed.

Councilmember John Paulson asked if a fence is allowed.

Assistant City Manager Freeman responded yes.

Councilmember Gabriel Sterling asked if planting plots count as a structure.

Assistant City Manager Freeman responded no. That would be allowed because it is a community garden. In order for staff to proceed, approval has to be sought from GEMA and FEMA for the use of the properties. Staff is asking Council for direction on how they would like the cost of the improvements paid for and also the maintenance. The City cannot deed this property to anyone else. The property cannot be deeded to a homeowners association.

Councilmember DeJulio asked if the homeowners association can take responsibility for maintenance.

Assistant City Manager Freeman stated they could.

Councilmember Sterling asked if an easement can be created.

Assistant City Manager Freeman responded no.

City Attorney Wendell Willard stated use agreements can be made.

Councilmember Dianne Fries stated most of the properties look to be in the middle of neighborhoods. It would be wonderful to get the properties in a clean natural condition and then let the neighborhoods decide what to do with the property. Someone from District 1 will not drive all the way to District 5 to go to a park, if one was constructed there.

Assistant City Manager Freeman stated after the homes are demolished, the parcel of property has to be returned to a natural state. The parcel will be seeded for grass to grow. Staff proposes an application process by which the neighborhoods can submit a suggested use. The process would require a demonstrated commitment from the neighborhood that they want to use the property in such a manner.

Councilmember Chip Collins suggested the properties be used by the neighborhoods. The City is deficient in neighborhood parks and areas that can be used by neighborhoods. There should be flexibility with the applications and ways to prioritize them. The neighborhoods should "put their money where their mouth is". The City should have an investment as well. The funding can be 100% by the neighborhood on the front end. If ongoing neighborhood maintenance is required, there will not be many parks, because people will not want to be responsible for maintaining the property. The City should take on the responsibility of property maintenance. The City should at least offer money or matching grants for the process.

Mayor Galambos stated she does not think the City will receive many applications for the small lots.

Councilmember Collins stated he had this idea because of the small lots on Rivershore Parkway. He asked the residents in this area and they do have an interest.

Mayor Galambos asked what the size of that parcel is.

Councilmember Collins stated the parcel is three quarters of an acre. A swing set could be placed on the property or just leave it empty for children to play.

Councilmember DeJulio stated all of the properties should be brought back to their natural state. He thought there was a requirement that the properties have to remain in their natural state for a year before any decisions can be made.

Assistant City Manager Freeman stated the City can go to GEMA and FEMA with a plan to use the parcels.

Councilmember DeJulio stated most of the properties are within walking distance of his home. Maybe a neighborhood such as the High Point Civic Association would sponsor neighborhood meetings regarding the property. One neighborhood discussed with him the possibility of playgrounds with swing sets. One neighborhood may want to use the property as a garden. There needs to be buy in from the neighbors. Most of these properties are not on major thoroughfares. He and Bill will arrange public meetings on what the neighbors would like to do with the properties.

Councilmember Fries asked if the properties are close to the soccer fields.

Councilmember DeJulio stated the properties are on the other side of the bridge from the soccer fields.

Councilmember Fries stated residents that use the soccer fields have complained about not having enough parking.

Councilmember DeJulio stated the YMCA just redid the parking, so now there is more parking. The Police Department used one of these houses yesterday for training and used the parking at the YMCA.

Mayor Galambos stated it is dangerous to walk across that bridge.

Councilmember DeJulio stated most of the properties are behind Windsor Parkway. There has to be the buy in of the neighbors.

Councilmember Sterling asked if Public Works has evaluated the properties.

Assistant City Manager Freeman stated that will be part of the analysis. Public Works has been intimately involved in the stormwater services portion.

Councilmember Sterling stated he is concerned about promoting to the neighborhoods that they have a choice on how to use the property and then for the City to decide to keep the property. He asked if the properties will be evaluated internally first, to see if the City can use the properties.

Assistant City Manager Freeman stated the properties have been evaluated internally and right now there are no plans for City use. However, there will be an ongoing analysis, should a neighborhood want to do something with the property.

Councilmember Sterling stated there is one property that is fairly large at four acres.

Assistant City Manager Freeman stated that is the Windsor Parkway property.

Councilmember Sterling stated that property should not necessarily go to the neighborhoods, but rather is something the City should utilize.

Councilmember DeJulio stated the City should be concerned with repairing the bridge. When the bridge is repaired, the City may need part of the land.

Councilmember Sterling stated the City can place a breakaway bridge at this location.

Assistant City Manager Freeman stated all of the homes have been demolished except for the three on Windsor Parkway. Staff was waiting until 825 Windsor Parkway was acquired, so all three homes could be demolished at the same time in order to not have the demolition contractor come out to the location a second time.

Councilmember DeJulio asked if this can be done within the next 30-60 days.

Assistant City Manager Freeman stated staff is trying to close with Ms. Huff by the end of this month, so yes.

Mayor Galambos stated the construction at the other end of Windsor Parkway requires changes in stormwater. She asked if this area is close to the Pine Forest properties.

Assistant City Manager Freeman stated the construction is 1 ½ - 2 miles away.

Councilmember Karen Meinzen McEnerny stated maintenance is a key expense. Staff should consider planting canopy trees in some of the areas, so they will shade out the grass, so it will not need to be mowed as often. Trees are a natural way to keep the weeds down.

Councilmember Paulson stated he would rather not spend too much from City funds on this project.

There was a consensus of Council to move forward with the City accepting applications from the neighborhoods on how to utilize the properties, but not spend much from City funds.

Community Development

1. Design Review Board Recommendations on Suburban Overlay District

Director of Community Development Angela Parker stated this item is regarding the expansion of the overlay district. The Design Review Board (DRB) has been working for several months reviewing the overlay district in Sandy Springs. The focus was initially on expanding the main street district to the rest of Sandy Springs. The DRB reviewed the main street district and thought maybe that is not what should be changed. They want to change, expand, and improve the design standards for the rest of the City. Their recommendations focus on the suburban district standards and applying them to the northeast commercial section of the City. This area is the Powers Ferry Landing area. In addition, this would include taking some of the main street standards and applying those to the rest of the City. The memo and presentation is an item-by-item analysis of all the different main street standards and what the DRB believes should be included, not included, and changed. Staff is asking Council if they want the recommendations to proceed as amendments to the zoning ordinance. Part of the process will include a public hearing. All the meetings were public, but no one from the public attended any of the Design Review Board meetings. This would go through the public process, go to the Planning Commission, and be brought back to Council.

Councilmember Dianne Fries asked if the changes will help District 2 with the 42 automotive related businesses within two miles along Roswell Road.

Director of Community Development Parker stated this will be considered when including the recommendations.

Councilmember Gabriel Sterling stated an example is Mikael's Car Spa. The owner wanted to upgrade the buildings, but was required to upgrade other items on the property. The City should be more flexible with the overlay standards. He asked if this will be addressed somehow in the review.

Director of Community Development Parker stated that can be addressed as part of the review. That type of input is what the City will receive as part of this process.

Councilmember Fries stated Mikael built a new carwash near Abernathy Road. There was a storage unit behind Wendy's near Northridge Road. There was interest from the DRB in requiring an upgrade of the storage facility. Each of the neighbors nearby would rather see the location go out of business than upgrade it.

Councilmember John Paulson stated the Spalding/Holcomb Bridge area is already developed. If Council adopts the changes, will this area be required to make changes to the buildings and sidewalks. He is not in favor of that.

Director of Community Development Parker stated there are certain items that require certain changes. If a building is torn down and a new one is constructed, it should be built to a different standard.

Councilmember Paulson stated he does not want a business owner changing a front door to then be required by the City to make major renovations.

Director of Community Development Parker stated the zoning ordinance is not set up that way now. In the past, minor improvements triggered full compliance and that has now been changed.

Councilmember Fries asked if the City based the property values on assessed values. The amount is now based on 50 % of the full value.

Mayor Galambos stated she believes the amount was previously based on 40% of the assessed value. The City needs to be more diligent when property ownership changes in order to keep the properties up to code. An example would be Kudzu and Company.

Councilmember Paulson stated he spoke to a business owner that was discussing dividing their property. Their concern was that if they had made the decision to subdivide their property, they would be required to dedicate land to the City and install extra stream buffers.

Mayor Galambos stated the property owner may have been mistaken.

Director of Community Development Parker stated she is not familiar with the situation Councilmember Paulson just described.

Councilmember Karen Meinzen McEnery stated the Powers Ferry Landing area is being improved. The business owners are considering creating a Community Improvement District (CID). The DRB did not suggest that the Perimeter CID include the overlay standards. She asked what concerns would there be by removing the Powers Ferry Landing area from the suburban overlay, so they can decide their own standards.

Director of Community Development Parker stated the Perimeter CID already has an overlay district. PCID is working with staff to make revisions to the standards for their district. In the event a CID is created for the Powers Ferry area, they may decide they want different overlay district standards. The City should support them in the creation of those standards.

Councilmember Tibby DeJulio asked if the Powers Ferry area businesses standards would have to be stricter than the City standards.

Director of Community Development Parker stated they would want to look at standards that are unique to what the business group wants. The standards would have to meet the minimum City standards.

Councilmember Meinzen McEnery stated the Design Review Board discussed drive thru restaurants. Their concern is what it will look like from the street. The City's overlay district in the City transitions to single family neighborhoods. The DRB does not want the drive thru areas in the front of properties, but instead on the side or rear. She opposes drive thru restaurants at the rear of a property, because of the lack of transition to the neighborhoods.

There was a consensus of Council to allow staff to move forward with the suggestions of the Design Review Board.

2. Sandy Springs Beautification Projects

Director of Community Development Angela Parker stated over the last year the City completed a number of landscape projects. There are a couple of landscape architects on the Collaborative team who have done design work for the City. These projects have been quite well received.

Councilmember Tibby DeJulio stated he drove by the area near the cemetery on Hammond Drive. Staff did a wonderful job on the landscape in that area.

Councilmember Karen Meinzen McEnerny stated it is amazing what \$50,000 to \$60,000 will buy.

Councilmember DeJulio stated he is not referring to the cost, but to how well the project turned out.

Director of Community Development Parker stated there are a number of projects the City has done over the last few months. Staff performed in house design, projects were let to construction, and staff managed the construction. Staff has been the lead on some projects. Staff has worked with the Lost Corners community garden, Morgan Falls Overlook perennial beds, and the Recreation and Parks Department by managing community service workers. Recently completed projects include the Mayor's Tree landscaping and the Siren Island landscaping. In working with the Fire Department, the siren pole was painted and the plantings were installed. The Lost Corner community gardens staff managed the community service workers. Perennials have been planted at Morgan Falls Overlook Park to cut the maintenance cost of the previous plantings. The City collects tree fund money when the mitigation requirements cannot be met on a site or for the illegal removal of trees. There are penalties that have to be paid, which are then placed in the tree fund. As of July 31, 2013, there is \$ 116,000 in the fund. That amount will increase over time. Staff is looking to apply for Federal or State grants to leverage some of the money. Staff has evaluated a number of projects. The tree fund project evaluation criteria include the cost. One project could be accomplished for \$116,000, or instead a number of smaller projects. Other criteria are that projects have a high degree of visibility, beautification which addresses eyesores that can be improved, ease of implementation, and the potential for a public/private partnership. She referenced a slide on the presentation that includes the recommended projects.

Councilmember Gabriel Sterling asked where Fig Island is located.

Director of Community Development Parker stated Fig Island is located at Mount Vernon and Glenridge. The first project, Abernathy/Roswell Road Island, is fairly inexpensive and would be done in conjunction with the project by Public Works of installing mast arms. The island would be removed and replaced with low plantings. The second project would improve the plantings north of that intersection.

Councilmember Sterling asked if the location is in front of the sushi restaurant.

Director of Community Development Parker responded yes. The third recommendation is for tree plantings that do not conflict with upcoming Public Works projects in the City Center corridor. These trees would replace damaged trees or trees cut down by Georgia Power. The project on Glenridge Drive south of Abernathy is a parcel that was left over from the Glenridge improvement project. The parcel is vacant. Fig Island is near the church and is called Fig Island due to a fig tree being located on the parcel.

Councilmember Sterling stated the neighborhood nearby stated they would work with the City on maintenance, once the island is beautified.

Director of Community Development Parker stated another suggestion for a project is along Johnson Ferry Road. The work on this corridor would include removing the concrete medians and adding trees to replace those that were removed. She referenced a slide that included the estimated budget for each project. If the City were trying to spend all the money on the projects this year and proceeded with the projects in the order listed, each project would be completed through item 4.

Councilmember Chip Collins asked to view the slide that shows the Abernathy Median project 2. This area has been graded and grass grows at this location.

Director of Community Development Parker stated staff is meeting on Thursday in regards to that island, which is City property.

Councilmember Collins stated he is not sure if this item should be added to the Abernathy Park project, since it may be four to five years before it is completed. That whole area still looks horrible. Beautification on a short term basis should be done there.

City Manager John McDonough stated he asked staff to come up with an interim beautification plan that is economical.

Councilmember Meinzen McEnery stated there is a need to develop a plan for using tree bank funds. She thanked staff for this presentation. The reason there are funds in the tree bank is due to canopy loss. The canopy loss is due to an individual cutting a tree down or some other incident and one of the priorities should be to replant canopy trees. Some of the proposals are intersection plantings of low growing plants. When establishing priorities, staff should tie the relationship of where the money was received from, since the fee was charged for the loss of canopy. Projects that add canopy should receive a priority. A project that should be added to the list is replanting of the graded area surrounding the restrooms at Big Trees. The graded area is devoid of any vegetation whatsoever. There needs to be a replacement of the vegetation.

Councilmember Sterling asked what area she is referencing.

Mayor Galambos stated the building should be constructed first and then staff can see what needs to be done.

Councilmember Meinzen McEnery stated Big Trees will need vegetation and it should be included on the list.

Councilmember Fries suggested placing Big Trees on the list and Council can rank that project as well.

Councilmember DeJulio asked how much the City's tree canopy has been reduced since Sandy Springs became a City.

Councilmember Meinzen McEnery stated some individuals say 14%.

Councilmember Fries asked who says 14%.

Councilmember Meinzen McEnery stated the Kennesaw study.

Mayor Galambos asked if a decision can wait until Council receives all the data.

Councilmember Meinzen McEnerny stated the problem is no one knows, because the City has not had a tree survey completed.

City Manager McDonough stated staff received preliminary tree survey results. Council will be provided an update at a City Council meeting in the near future. The GIS staff is compiling the data in working with the University of Georgia and the results will be provided very soon.

Mayor Galambos asked if Council agrees with the list presented or if Council should rank the projects on the list.

Councilmember Fries stated Council should rank the list.

Councilmember DeJulio stated the first item on the list should be accomplished and then work down the list until the City runs out of money.

Councilmember Paulson stated with \$116,000, the City can do projects 1-4, project 6, or project 7.

Councilmember Sterling stated the cheapest project and the most expensive project should be completed.

Councilmember Meinzen McEnerny stated priority should be given to beatification projects that add trees back to the City's canopy.

Councilmember Paulson stated each project includes adding trees.

Councilmember Sterling stated the Abernathy/Roswell Road island improvement does not include adding trees, but can only be low plantings because of where it is.

Councilmember Fries stated Council can rank each project in order of priority and also add Big Trees to the list.

Councilmember Sterling asked if the Johnson Ferry medians will be included with the medians the City is placing new railing on.

City Manager McDonough responded no.

There was a consensus of Council to add Big Trees to the list and then rank each project.

CITY COUNCIL DISCUSSION ITEMS

1. Door to Door Salesmen

Councilmember John Paulson stated there was confusion from one of his constituents regarding door to door salesmen being in her neighborhood at 8:30 p.m. There was a question on how late soliciting can occur in the neighborhood. When he read the ordinance, it states door to door salesmen can operate until 7:00 p.m.

City Attorney Wendell Willard asked how many permits the City has issued for solicitation within the last year.

City Manager John McDonough stated twenty-five permits were approved either last year or since the inception of the City.

City Attorney Willard stated there are limitations with the right of individuals going door to door and it may be a religious issue. The same principle applies whether it is a soliciting for religious reasons or marketing. He suggested residents register with the City that they do not want solicitors coming to their homes. To do this would require a registration with the City and the homeowner would receive a sticker. The sticker could then be placed on their mailbox or door. The sticker would be an identification that soliciting is not welcome on that property. If the solicitor enters onto the property with the sticker posted, that may be considered trespassing. He asked if Council would like staff to review the ordinance to determine if this type of registration can be done.

Councilmember Chip Collins stated some neighborhoods post a no soliciting sign. He asked if the posted sign can be enforced.

City Attorney Willard stated the solicitors will still enter the neighborhoods, even if a sign is posted.

Councilmember Collins asked if the registration was enacted and if a solicitor visited a home, it would be against the law.

City Attorney Willard stated the registration process would provide solicitors with a list when they register for a permit that certain homes do not permit soliciting on their premises.

Councilmember Collins stated the registration would be an easier way to deter unwanted soliciting instead of passing a law regarding placing a sign in the yard that states "No Soliciting". He asked if a sign being placed in the yard is enforceable.

City Attorney Willard stated if a "No Soliciting" sign is placed on a property and a solicitor comes onto the property, then that is trespassing.

Councilmember Collins asked as the ordinance stands today, if he places a sign in his yard that states "No Soliciting" and a solicitor that has a license walks past the sign and knocks on his door, would they be violating the law.

City Attorney Willard responded no. All that can be done is the police can be called to have that individual removed from the property. The individual would be trespassing on your property, but it is a civil matter between you and that individual. You would have the obligation to call the police to have the person removed. If a homeowner is registered that they do not want solicitors on their property, a sticker is placed on their property. When an individual registers for door to door solicitation, they would be furnished with the list of homes where they are not to solicit.

Councilmember Collins asked if the City can pass an ordinance that states if a "No Soliciting" sign is visible, then it is a violation. Most people do not want door to door salesmen. If the City can deter the door to door salesmen, that would be good.

Councilmember Dianne Fries stated she does not want homeowners to have to register for no soliciting. If a "No Soliciting" sign is posted and a door to door salesmen comes onto your property, call the police if the individual won't leave. She does not agree with soliciting being allowed until 7:00 p.m. The time should be changed to dusk. In the winter time it gets dark around 5:00 p.m. She does not want a solicitor at her door at 6:45 p.m. in the winter time when it is dark.

Councilmember Tibby DeJulio stated there are children in his neighborhood that sell wrapping paper and Christmas ornaments going door to door. He does not want to have such a restrictive policy that it would affect the children.

City Attorney Willard stated every municipality faces the issue of how to control solicitation.

Councilmember Gabriel Sterling stated no matter what laws are passed, people are still going to go door to door trying to sell items. If the police are going to be the enforcement mechanism, he does not want them being called out for this type of stuff. He does not want the registration system for no soliciting. Homeowners can just ask the individual to leave the premises, if they have an unwanted solicitor. He agrees with the time for solicitation to end at sundown. The "No Soliciting" sign will not stop individuals. The only way to stop solicitors is to have a "No Trespassing" sign and a gate on your property. At that point, if an individual comes onto the property it would be criminally trespassing. If there is an open driveway with a "No Soliciting" sign, this may just be a civil issue.

Councilmember Karen Meinzen McEnery stated her constituents are concerned about their safety and worried about who the door to door salesmen are. The solicitors should wear identification around their necks. She agrees with the soliciting time limit of dusk. There are people who take advantage of homeowners under the guise of being a salesman.

Councilmember Sterling stated criminals will wear a registration badge and still try to commit a crime.

Mayor Eva Galambos stated the language should be changed to allow only from dawn to dusk.

City Attorney Willard stated staff will bring language back to Council for consideration.

Councilmember Collins stated this issue is about communication. About eighty percent of the solicitors are probably already violating the law. The homeowners can ask the solicitor for their license and if the individual does not have one, then call the police.

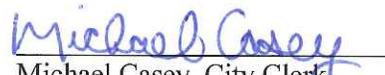
There was a consensus of Council to change the language of the ordinance and move this item forward to a future Regular City Council meeting.

There being no further discussion, the meeting adjourned at 9:37 p.m.

Date Approved: September 3, 2013



Eva Galambos, Mayor



Michael Casey, City Clerk