



CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council

DATE: May 2, 2013

FROM: John McDonough, City Manager

AGENDA ITEM: Appeal of the City's Denial of Certain Permits Related to the Artsapalooza Event

MEETING DATE: For Submission onto the May 7, 2013, City Council Regular Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum

APPROVAL BY CITY MANAGER:  APPROVED

PLACED ON AGENDA FOR: 5/7/2013

CITY ATTORNEY APPROVAL REQUIRED: () YES () NO

CITY ATTORNEY APPROVAL: 

REMARKS:



TO: Mayor and City Council

FROM: Wendell K. Willard, City Attorney

DATE: May 1, 2013 for Submission on the May 7, 2013 City Council Agenda

RE: Appeal of the City's Denial of Certain Permits Related to the Artsapalooza Event

BACKGROUND

Under the Code of the City of Sandy Springs, the City is authorized to regulate Special Events within the City's municipal boundaries. Mr. Randall Fox with the Atlanta Foundation for Public Spaces submitted four applications for a Special Event Permit for Artsapalooza 2013:

- Johnson Ferry Road, between Roswell Road and Sandy Springs Circle;
- Sandy Springs Circle, between Roswell Road and Johnson Ferry Road;
- Sandy Springs Circle, between Mount Vernon Highway and Hammond Drive; and
- Lake Forrest Drive, between Mount Vernon Highway and Hammond Drive.

The City denied the permit applications for the first three locations listed above and approved the permit for the Lake Forrest Drive location. The event was held April 20-21, 2013 on Lake Forest Drive between Mount Vernon Highway and Hammond Drive.

Mr. Fox has appealed the denial of the permit applications for Sandy Springs Circle, between Roswell Road and Johnson Ferry Road and Sandy Springs Circle, between Mount Vernon Highway and Hammond Drive. A copy of these denials is attached for reference.

DISCUSSION

Article IV, Sections 50-118 and 50-119 of the City's Code of Ordinances governs the denial and appeal of Special Eventer permits (attached). This matter will be treated as a quasi-judicial hearing with the Council serving in a quasi-judicial role. As the appellant, Mr. Fox will present his position as to why the denials are a wrongful decision by the City. The City Attorney's Office will then present the reasons for the denial and call any necessary witnesses.

ATTACHMENTS

1. Denial letters
2. Article IV, Sections 50-118 and 50-119



April 3, 2013

Mr. Randall D. Fox
Georgia Foundation for Public Spaces
4705 Lake Forrest Drive, NE
Sandy Springs, Georgia 30342

RE: Review by City Manager of
Denial of Special Events Permit Application

Dear Mr. Fox:

You notified the City of Sandy Springs by e-mail dated March 28, 2013 that you are appealing the denial of your application for special event permits for Artsapalooza 2013, to be held on Sandy Springs Circle between Mount Vernon Highway and Hammond Drive, and on Sandy Springs Circle between Roswell Road and Johnson Ferry Road. Pursuant to Sec. 50-119 of the City Code of Ordinances ("Code"), the review of the City's denial of the special events permits is to be considered by the City Manager.

After reviewing your application and the reasons stated in the City's denial of the special event permits, I uphold the previous decisions of the City for the reasons stated in the denial letters to you dated March 15, 2013. Copies of these letters are attached to this decision for reference.

Pursuant to Sec. 50-119(c) of the Code, you have the right to file an appeal of this decision with the City Council by notice to the City Clerk within five (5) days of the date of this letter. Please refer to this Code section for additional provisions regarding such an appeal.

Sincerely,

A handwritten signature in black ink that reads "John McDonough". The signature is written in a cursive style.

John McDonough
City Manager

Attachments



March 15, 2013

Mr. Randall D. Fox
Georgia Foundation for Public Spaces
4705 Lake Forrest Drive, NE
Sandy Springs, Georgia 30342

RE: Denial of Special Events Permit Application

Dear Mr. Fox:

Under the Code of the City of Sandy Springs, the City is authorized to regulate Special Events within the City's municipal boundaries. You submitted an application for a Special Event Permit for Artsapalooza 2013, to be held on Sandy Springs Circle between Mount Vernon Highway and Hammond Drive.

The submitted application was reviewed and it was found that the proposed event would cause traffic disruptions a major thoroughfare in the City. In addition, businesses on Sandy Springs Circle would experience restricted access and potentially a reduction in business during a high volume time period. For these reasons, the submitted Special Events Permit application referenced above is denied.

This denial is made under the provisions of Article IV, Section 50-118, because:

- The special event will unnecessarily disrupt traffic within the city beyond a practical solution; and
- The location of the special event will cause undue hardship to adjacent businesses or residents.

Should you wish to appeal this decision, please refer to Article IV, Section 50-119 of the City's Code of Ordinances for details regarding the appeals process relevant to Special Event permit denials. For your convenience, a copy of the above referenced sections is attached to this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "Furnika Dirton", is written over a light blue horizontal line.

Furnika Dirton
Revenue Specialist

Attachment

ARTICLE IV. - SPECIAL EVENTS

Sec. 50-118. - Denial or revocation of a special event permit.

- (a) Reasons for denial of a special event permit include, but are not limited to:
 - (1) The special event will unnecessarily disrupt traffic within the city beyond practical solution;
 - (2) The special event will interfere with access to fire stations and fire hydrants;
 - (3) The location of the special event will cause undue hardship to adjacent businesses or residents;
 - (4) The special event will cause unnecessary disruption of public services which would unreasonably impact the remainder of the city;
 - (5) The application contains incomplete or false information; and
 - (6) The producer fails to comply with any terms required by this article.
- (b) Reasons for revocation of a special events permit include, but are not limited to:
 - (1) False or incomplete information on the application;
 - (2) Failure to comply with all terms and conditions of the permit;
 - (3) Failure to arrange for or adequately remit all fees, deposits, insurance or bonds to the city; and
 - (4) Existence of disaster, public calamity, riot or other emergency as the city determines, in its sole discretion, to be an impact upon the public health, safety and welfare.
- (c) Further, a special event permit may be denied, suspended, or revoked by the city, if the chief of the police department, the chief of the fire department, or their designees, determines that the health, welfare, or safety of the public may be endangered.

(Ord. No. 2007-11-63, § 1(ch. 11, art. 12, § 10), 11-20-2007)

Sec. 50-119. - Appeals.

- (a) Any producer whose special event permit application has been denied or revoked may request in writing a review of this decision by the city manager. This request must be in writing and received by the city manager within five days of the of the permit denial or revocation.
- (b) The city manager shall review the application and reasons for the denial or revocation of the special event permit and shall issue a decision, within five days, whether to uphold or reverse the previous decision and grant or reinstate the permit with such additional conditions as the city manager may deem justified by the evidence.
- (c) Should the producer be dissatisfied with the decision of the city manager, an appeal may be filed with the city council within five days of the decision of the city manager. The council shall set a hearing date within 30 days of receiving an appeal. At the hearing, evidence may be submitted by the producer addressing why the permit should have been granted or not revoked and by the city manager addressing why the permit was denied or revoked. The city council shall determine whether the denial or revocation of the permit is justified, or it may reverse the previous decision and grant or reinstate the permit with such additional conditions as deemed justified by the evidence.

(Ord. No. 2007-11-63, § 1(ch. 11, art. 12, § 11), 11-20-2007)



March 15, 2013

Mr. Randall D. Fox
Georgia Foundation for Public Spaces
4705 Lake Forrest Drive, NE
Sandy Springs, Georgia 30342

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