

Work Session of the Sandy Springs City Council was held Tuesday, January 13, 2009, 6:03 p.m., Mayor Eva Galambos presiding.

Staff Discussion Items

Discussion of a consulting engineer contract with Gresham Smith & Partners for the Concept Design of the Hammond Drive Widening Project (Roswell Road to Glenridge Drive) (T-0024).

Deputy Director of Public Works Jon Drysdale stated this project is for concept design services for the Hammond Drive Widening Project from Roswell Road to Glenridge Drive (T-0024). Initial design services will include public involvement, concept design, surveys, aerial photography and an environmental document. The City may decide to extend consultant services with Gresham Smith to include full design if it is deemed most beneficial to the City.

The City released a Request for Proposals (RFP) in January 2007, to a pre-qualified consultant group approved to perform work in the area of roadway improvements. Thirteen (13) consultants responded to the RFP.

Staff reviewed the proposals and selected the top five (5) ranked firms. These firms then made presentations to the selection committee and were graded based on nine (9) different criteria. Gresham Smith & Partners was selected as the highest ranked consultant. In preparation of the full scope and contract fee, Gresham Smith has prepared an initial environmental screening and a traffic analysis for Hammond Drive from Roswell Road to Glenridge Drive. Gresham Smith also obtained aerial photography of the corridor that will be used during the database preparation for this project.

Staff recommends that the City Council approve the contract for consulting engineering services and authorize the City Manager to execute the contract with the selected design consultant, Gresham Smith and Partners, for the design of the Hammond Drive Widening Project from Roswell Road to Glenridge Drive (T-0024).

Mayor Galambos questioned if the contractor was aware of all the preliminary work that was done on the widening of Hammond before Sandy Springs became a City.

Deputy Director of Public Works Jon Drysdale responded that the contractor is aware, and staff has provided them with all documents received by Fulton County.

Mayor Galambos commented there was much discussion on this and, the neighbors in adjacent subdivisions are worried about left over lots, just as we were on Abernathy. The whole concept of what we do to ensure the continued safety of these neighborhoods is important in this design work.

Deputy Director of Public Works Jon Drysdale indicated there will be several public involvement meetings held. Staff has not received any other input from the neighborhood at this time. Staff is reviewing the entire process to properly document it for the environmental document.

Councilmember Meinzen McEnerny questioned if they anticipate having any sections of the rear of those lots that will be something along the lines of Abernathy, and if a linear park would be put on the back side.

Deputy Director of Public Works Jon Drysdale responded that would be one of the options that the team can live with. They come up with at least three to be considered and then some of them include widening this close to the cable of the existing alignment. There's also some potential realignment, and then what do you do about the remainder of the lots if they are not big enough?

Mayor Galambos communicated that if she remembered correctly the preferred alternative at the time this was considered before Sandy Springs became a city was to have an entrance road, use of a back road allowing no driveways coming off of Hammond. The developments along Hammond would be either townhomes or cluster homes, not single family lots and would be similar to the Yowell Development.

Councilmember Meinzen McEnerny stated that the rear of the lot, which is not part of the road, would then become a higher density of residential/cluster homes.

Discussion of a Resolution appointing members to the Board of Zoning Appeals.
(This item was moved to the end of the next agenda item)

Discussion of changes to City Ordinances to realign duties of the Construction Board of Adjustments and Appeals.
(This item was moved from the end of agenda by Mayor Galambos)

Director of Community Development Nancy Leathers communicated that what she was bringing to them tonight in terms of the Board of Construction Appeals and Adjustments was that we have had that Board now for three years and it was intended to be a technical Board that would provide Appeals primarily to the Building Code and related codes that the state has adopted. In that three year period, we have had only two appeals before that Board. It is a very expensive proposition to staff such a Board. The volunteers don't have continuity to their work as a result of the long periods in between. Given the lack of activity particularly during the first couple of years when we had a lot of ongoing building activity, my recommendation is going to be to combine their activities with the Board of Construction and the Board of Zoning Appeals and make a single Appeals Board for all of those Ordinances that are related to Planning and Development and Building in the City and just have a single, unitary Board. I think we can do a better job.

Mayor Galambos questioned as to the size of such a unified Board do you recommend that we have the size that we now have in Board of Zoning Appeals or do you feel it should be bigger because it is two boards put together?

Director of Community Development Nancy Leathers stated that she thinks that the seven members are more than sufficient. I think the larger board would make it very difficult for them to operate and I think that we've got, the Board of Zoning Appeals is really an outstanding Board that really is very thoughtful in what they do and I think they can take on this additional duty without much difficulty at all.

Mayor Galambos stated that she has consulted with Ms. Leathers about this before. Does anybody like the concept of using some manpower from the Construction Board to fill the vacancy on the Board of Zoning Appeals?

Councilmember Meinzen McEnerny stated that she thinks it is a great idea.

Mayor Galambos stated the situation is that we have Al Pond who's coming off of the Board of Zoning Appeals to go to the Planning Commission. We have two appointments that expire at the end of February, Paul Real and Mark King. We really have three slots to fill and my recommendation, after talking with Nancy, is that we appoint Mr. Frostbaum from the Construction Board. Maybe you can tell us something about him because I don't really know; and that we appoint the two members to the Board of Zoning Appeals whose terms are expiring.

Director of Community Development Nancy Leathers stated when we place people on the Board of Construction Appeals we look for people who have a background in the area. Mr. Frostbaum is actually an attorney who specializes in Construction and he has been very thoughtful and a useful member of the Board of Construction Appeals and I felt as though he would fit very well into the broader responsibilities of the Board of Zoning Appeals.

Mayor Galambos questioned if Mr. Frostbaum lives in Sandy Springs.

Director of Community Development Nancy Leathers stated yes.

Assistant City Manager- Finance and Administration Steve Rapson stated that he knows Mr. Frostbaum and that he is a good guy.

Mayor Galambos questioned if that solves two items on the agenda? We're going to take action tonight.

Director of Community Development Nancy Leathers stated that she would just add one last piece which is that the two reappointments are for four year periods. The additional former Al Pond position is a three year appointment.

Mayor Galambos stated that the new guy should be put on the three year appointment. We'll formalize all of that next week.

Discussion of an Ordinance to adopt the City of Sandy Springs Zoning Map.

Mayor Galambos questioned Councilmember Paul if he needed to recuse himself because this was regarding the overlay.

Councilmember Paul responded he doesn't know if it matters to him anymore since he is not a property owner.

Mayor Galambos stated we have to discuss this zoning map which is just a.... go ahead and explain it to us.

Assistant Director of Planning and Zoning Ruffin stated this will be an annual adoption of the zoning map and we will bring it to you at the first of every year from this point forward. So this will be the first time that we're bringing it before you.

Mayor Galambos stated that what Assistant Director of Planning and Zoning Ruffin is doing is adding the zoning changes we made from the last time we adopted a zoning map.

Assistant Director of Planning and Zoning Ruffin stated that is correct.

Mayor Galambos stated so we're just bringing things up to date to show what we've done.

Assistant Director of Planning and Zoning Ruffin stated this was right and this map will be through December 31st of 2008.

Councilmember Meinzen McEnerny stated that there have been discussions of this council about vesting zoning and my question deals with this map. If the City Attorney decides that a property isn't vested properly through some inaction on the part of the property owner, then you would, upon direction of the City Attorney, take that zoning off of the map annually.

City Attorney Wendell Willard stated that there is an issue there that we are dealing with. We have zoning and we have special use permits that have the same termination clause applicable to it. I have had discussions with Nancy and her staff and we have decided and are in the process of drafting now a new provision for the ordinance which will separate special use permits from zoning. It has been my first opinion that we really cannot take back zoning once zoning is done. You can take back special use permits. You may even consider taking back some conditional rights you give to zoning but once we really address a proxy as having an appropriate constitutional

zoning, it's not something you go back and say so now we are going to do something different. We'll have that for you shortly but we'll explain and we will work on it probably at the next work session.

Councilmember Meinzen McEnery stated so then once it's zoned it's zoned.

Mayor Galambos stated yes but that does not really get over the fact that you've asked that once a year somebody notify us as to which of the vested, once you get this change in the ordinance made it will be good to know which ones.....

Councilmember Paul completed the Mayor's sentence by stating have or has not gone forward with their development.

City Attorney Wendell Willard stated that is where your special use permits come in to play a lot of the time.

Director of Community Development Nancy Leathers stated if we could just, we're working with the City Attorney's office to try to resolve how best to handle these issues and we're not there yet and so at such time as we have that ready to come to you, we'll be glad to do that and whatever changes are made we'll go ahead and reflect them on the map.

Discussion of RZ08-033 – an Ordinance to Amend Article 12B, Sandy Springs Overlay District, of the Sandy Springs Zoning Ordinance.

Assistant Director of Planning and Zoning Ruffin stated that this is a proposed amendment to article 12B, the overlay district. The first portion of the amendment is to change the forty percent appraised value to the assessed value and so that would allow the threshold.

Mayor Galambos questioned isn't it the other way?

Councilmember Fries stated the other way.

Assistant Director of Planning and Zoning Ruffin stated the other way, I'm sorry.

Councilmember Fries stated it is assessed value now and we are going to appraised value.

Assistant Director of Planning and Zoning Ruffin stated that would allow the threshold for the required streetscapes to be higher for smaller properties in the City. The other portion of the amendment is to remove the sign requirements in article 12B as article 33 the sign ordinance already addresses sign standards for the overlay district.

Mayor Galambos stated that Assistant Director of Planning and Zoning Ruffin mentioned that the change in article 12B would relate to small properties. Is there anything in what you're proposing that limits us to small properties?

Assistant Director of Planning and Zoning Ruffin stated there's not a particular limit but what happens is for smaller properties, because the threshold is lower for them, they need it more quickly than the larger properties would.

Mayor Galambos stated the percentage wouldn't, its 40 percent no matter whether it is small or large. Help us to understand what is being said.

Councilmember Paul trying to interpret stated if you've got a \$100,000 property in the 40 percent, then you do \$40,000 worth of improvements, you suddenly, which is not a lot with construction costs, you've tripped the

overlay; whereas if you've got \$1,000,000 and you do \$40,000, you don't trip it. So you have a higher burden on a person, a much lower threshold on somebody who is doing small projects on small parcels than you do if you have..... So, so that's the thought. There are real issues that we need to address. We require these property owners to do certain things that the City doesn't do. For example, if there is a sidewalk across the street in a residential area that borders a residential area, we force the property owner to put a sidewalk across the street from a sidewalk that's already existing and oftentimes these sidewalks lead to nowhere and it's an additional cost that we enforce on the property owners that we as a City don't impose upon ourselves. We only put the sidewalk on one side. If the sidewalk is on the other side, why would we require a property owner in an area that's not in a commercial district but on the outlying areas of.....?

Mayor Galambos asked why that wouldn't come under the overlay. That would be a separate.....

Councilmember Paul continued stating it's under the overlay. It's.....

Councilmember Fries stated but we as the council elected to do one side out of both. We don't have enough money to go do both sides. That doesn't mean we might not do it down the road.

Councilmember Paul stated one example where you've got a sidewalk that will just sit there and never ever be connected.

Mayor Galambos stated that we are dealing with a sidewalk issue right here in the overlay context. You're dealing with it everywhere.

Councilmember Paul stated no he is dealing with it in the overlay context.

Mayor Galambos stated oh in the overlay.

Councilmember MacGinnitie stated that he thinks that Rusty makes an excellent point in that we complain about unfunded mandates imposed on the City by PD and the federal government and this is, in fact, an unfunded mandate on those property owners who live along our overlay district. You could make an argument that if we really want this stuff, we ought to pay for it or figure out a way to share the cost with the property owners or something. The affect of this is, and Rusty has made a point before, on the margin to push off redevelopment because it costs a lot of money to do this stuff.

Councilmember Fries stated she felt like they are missing the point here. You are forgetting one aspect. With the overlay these businesses, their property values are going up. The business is going up. People enjoy the look of it. There's a benefit to them to have this done. It's not just like we're charging them to go and do something and nobody's going to appreciate it; but this does appreciate their property. Let's say a shopping center puts it in when they are redoing, that Sandy Springs one is a good example. Having the overlay through that area and going down looks better. They can charge higher rent because their property's a little higher quality.

Councilmember Paul stated if they were going to do that, then they would do that of their own volition. Not necessarily because we are holding a gun to their head and making them do it.

Councilmember Jenkins stated that she and Doug talked about this earlier today and she too feels like it's an unfunded mandate. We complain all the time about it when it's done to us, but that's exactly what we are doing to the businesses. Moving from the assessed to the appraised value, we're going to have less of the streetscape being done anyway. Dianne's right in that it benefits having the overlay. It benefits the businesses, but it also benefits the City. If we want to do them, we should not put the full burden on the businesses to do them, especially in today's economy. It's just not a good idea. She and Doug threw around some ideas; they don't know what's

feasible. Hopefully staff can come up with, maybe suggest something. We can do a tax rebate to the business if they'll voluntarily go in and do the streetscape and move the utilities. What are our revenue streams from the businesses? The property taxes they pay us, the business licensing fees, the permitting fees,.....Those are some ways that we could either do a, you know, a one for one/ dollar for dollar rebate to them if they'll go ahead and do it. That way we don't have to have money sitting in a pot to do it or we could do something like splitting the cost with them 50/50. Either way though, we are going to have to determine during our budgeting session where streetscape along Roswell Road would come into play based on all the other needs we have in our community just like the business would. Okay do we want to renovate? If we renovate, how much money is it going to cost? We're going to have to include all of these other costs. The City should be faced with those same things. Decide how important it is to us, the City, to have those streetscapes put down.

Councilmember Meinzen McEnerny stated she shares the Council's concern about the changing economic environment and the challenges to our small businesses if having to put in a significantly expensive streetscape when they've got a rezoning is a factor. Rather than, at this point, consider tax rebate or some sort of incentive, the livable incentive initiative's studies that we just concluded south Roswell Road, south of 285, south to the City of Atlanta limits. I would prefer that we continue to work through those kinds of programs where we provided 20% match to the federal money's at 80%. That's what those LCI studies are, to put in streetscapes. I agree with the concept that we need to be sensitive to our businesses at this point.

Mayor Galambos stated to Councilmember Paul that she was going to say something and then he would be next. In some instances we expect the developer or the business owner to put in the streetscape if he comes in for a zoning where he changes or shape of the building or does something to the building. In another instance we get a project and you don't see the developer's money added. So we're not treating everybody the same. The way to address this thing is to look at some of the areas where we have required rather extensive streetscape improvements like in the suburban corridors. In those areas scale down what we may be requiring. At one time it was said there was a sidewalk there, so why are we tearing up the sidewalk and putting in another one? It seems to me rather than do away with the whole thing and throw the whole baby out, we need to take some of the suburban areas and take the requirements and scale them down and maybe not require quite as much as we are requiring.

Councilmember Paul stated that he does not disagree with this. A lot has been learned about this process and attitudes have been formed by personally being involved with this and the impact on small property owners. It is agreed with Doug and Ashley, but here is the bigger issue for me from the point of view if we really are serious about doing something on the streetscapes of Roswell Road, this patchwork piece meal approach will never get us there. What's going to happen is you're going to have pieces that are hypothetically done 10 years apart right next to each other where you're already seeing little patches of this stuff. It is agreed with what Ashley said from this prospective, if we are serious about doing the streetscapes, then we need a plan for doing it that gets us there in a reasonable period of time rather than a patchwork piece meal, put the burden totally on the property owner. We need to step up and fund this if we are serious about it. Now there are other ways to generate funds and we all know that there are CIDs, there are TADs, and there are all kinds of different things that one can do to generate revenue to do this. But the biggest fallacy despite personal opinions based on personal experience of what it does to businesses who genuinely want to improve their business, their facilities, is the fact that we're just going to have these little bitty parcels all over Sandy Springs with little lights and little sidewalks and then you'll go stretches for years and never get them done. So if we're serious about it, and it is agreed we are, then let's bite the bullet, fund it and get her done.

Mayor Galambos commented get her done.

Councilmember Paul responded get her done.

Councilmember Meinzen McEnerny stated and maybe set a priority for the Town Center.

Councilmember Paul stated yeah absolutely, absolutely. That's where it needs to be done most and I'm not saying absolve the property owners, because Dianne is correct in that there are benefits to it and if it would make my building worth more and I think it does, there is a value there. Right now we place the entire burden on the property owner and it is something that we all have a benefit and a stake in doing and doing right and doing well. We will never see Roswell Road redeveloped the way that we want to see it until we take the initiative and do some investing in it ourselves.

Mayor Galambos questioned if this was limited to Roswell Road or are you also speaking of the adjacent streets that the streetscape covers.

Councilmember Paul responded the whole overlay is Roswell Road and adjoining or the areas that touch Roswell Road. When talking about Roswell Road, it is talked about in the majestic macro sense.

Mayor Galambos stated we need to give the staff some instruction as to what it is we want addressed. Do we wish to address removing these mandates or do we wish to address reducing what it is you're asking of folks in certain areas? What is it you want staff to address?

Councilmember Meinzen McEnery if I could capsule it, maybe, that perhaps we do feel that mitigating the burden by increasing the threshold to 40% of appraised value is a good first step and that in our budgeting process next year we establish priorities for the overlay district in downtown and start allocating dollars to it.

Mayor Galambos stated and in the mean time we keep the overlay....

Councilmember Meinzen McEnery stated we keep the overlay like it is and we follow the recommendations of staff here to increase the threshold so that it'll take less redevelopment to hit that threshold.

Mayor Galambos stated well then you're asking staff really to do nothing more than what is recommended here tonight.

Councilmember Paul stated this is something that we shouldn't do just willy-nilly in a seat of the pants discussion here tonight. Maybe we just have been hesitant to form Committees of Council but maybe we could get a couple, three of us to sit down with staff and some of us on both sides of the questions so that we can, and maybe I am not the right one to do it, either, but maybe some of us sit down who have some ideas about this and see what we can bring back to Council in about 30 to 60 days. Probably 60 days would be better.

Mayor Galambos stated that's true.

Councilmember Fries questioned Director of Community Development Nancy Leathers if people have complained of this. Has this been a big sore spot?

Director of Community Development Nancy Leathers stated well it is an issue and it is primarily an issue for small property owners because, as Rusty said, if you've got a large shopping center and you do several tenant permits, you probably don't hit that 40%. If you have a single building and you are renovating it, then you're clearly going to hit that 40% very quickly. So the smaller property.....

Councilmember Fries questioned if we have had some who came in and found this out and decided not to do it.

Councilmember Paul stated yes.

Director of Community Development Nancy Leathers stated yes, I am sure there are.

Councilmember Paul stated that Nancy would never know about it because what happens is the deal falls through well before it ever gets to Nancy.

Councilmember Jenkins stated that she would like for the Council to be able to see what the exact cost is to go in and lay the sidewalk, lay the brick pattern, put in the lights and the street trees because.....

Mayor Galambos stated they've given us that before but we've forgotten it.

Councilmember Jenkins stated that if they would give us that again. Since it benefits both the businesses and the City, then we could look at a 50/50 cost share or something like that. Especially in this economy, if we can save some of our businesses, we're are just like a business, the City is just like a business, we're competing with Dunwoody, City of Atlanta, East Cobb, Roswell, and Alpharetta for businesses to relocate but also to stay here. If there are things that we can do to encourage businesses to come here because it is a more favorable business condition and they can build out here cheaper than they can in East Cobb or cheaper than they can in Dunwoody, we're going to get their business. They will relocate here which generates more taxes for us because then we get the sales tax and the business licensing fees and everything else. We're not giving up a whole lot by cutting them a break.

Mayor Galambos stated we need those numbers and all of us need that, not just the Committee. When we get those numbers, we'll wait for Council meeting. Send us those so that we can be studying them.

Councilmember Jenkins stated utility relocation is a big, big cost. We need to have a ball park figure. You may not be able to give me an exact number of what it is going to take for Georgia Power to move the pole back, but I'm sure you have a ball park figure or some idea of what it costs to move those back to the.....

Mayor Galambos questioned if we require that in the suburban.

Councilmember Jenkins stated no but here's the problem, in town center, one of the Sandy Springs Plaza is facing is why should he go in and put his streetscape in without the utilities being put to the back because all we're going to do is tear that up. What he.....

Mayor Galambos stated that is a timing problem, that's not a question of yes or no, that's a timing problem.

Councilmember Jenkins stated that she agrees but all of it needs to be done together because if you force a property owner to put them in with the utilities not relocated, then we're going to pay or somebody's going to have to pay to move the utilities and redo what he has just done. It makes no sense.

Councilmember Paul stated if you do it in the Town Center.... What is so tragic about it is that you've got these beautiful lights and sidewalks and you can't see them for the massive aluminum poles supporting.

Mayor Galambos stated that the new light poles look very nice even with those Georgia Power Company poles.

Councilmember Paul stated that he is oblivious; he will admit that he is oblivious, but he just noticed some of them the other day.

Mayor Galambos stated well we're never going to get rid of those big.....

Councilmember Paul stated he understands and I'm not saying that is a reason not to do it. I'm just saying that it is a challenge.

Mayor Galambos stated well if you will bring us that information which I know we have had once before, but we've forgotten it. All of us need to think in terms of diminishing the burden, but also in terms of geography. Should we keep it some places and not keep it in others?

Councilmember Paul stated that every point the Mayor raises is good. I agree with Karen from this point of view, let's go ahead with what they've proposed, possibly at the next meeting so we're taking steps, but let's also use this as an opportunity to go to the next level and see, including Ashley's suggestions which are extremely valid and some of the other issues and see if we can find a solution out there that gets us where we want to go in a more timely basis than the piece meal approach we've got now.

Mayor Galambos stated we're going to have the Design Review Board on our necks when we do this, but that's what we are here for.

Councilmember Fries stated whatever we do, get them off the street. Move them back.

Discussion of Sign Ordinance Amendment.

Assistant Director of Planning and Zoning Ruffin stated the next item is the possible amendments to the sign ordinance. Staff has been directed to go back through the Sign Ordinance and come back with some recommendations, especially regarding signs during vacancies for apartment complexes and commercial properties, and temporary banners for church properties. On pages 52 and 53 of your zoning package you have the list of items that we're proposing.

Mayor Galambos questioned if Assistant Director of Planning and Zoning Ruffin could point out some of the major items that need to be looked at.

Councilmember Fries stated that on page 58 they've got them itemized.

Assistant Director of Planning and Zoning Ruffin stated one of the major ones Mayor that you were interested in bringing forward is freestanding signs and the width of the base so that you don't have the pole signs. We would be looking to remove the 1/3 width of the base as compared to the sign so you would get more of the magnet type signs.

Mayor Galambos stated yeah well what we have now doesn't describe anything.

Assistant Director of Planning and Zoning Ruffin stated one of the other items that we're looking at is internal signage or directional signage for larger developments under the old sign ordinance. That was a provision that was provided for so that people could have way finding signs through the larger properties so we would be looking to put something back for those kinds of development.

Councilmember Fries stated so like for City Walk, something like that, those kinds of internal signs?

Assistant Director of Planning and Zoning Ruffin stated that was correct

Councilmember Meinzen McEnerny stated after spending some time with Nancy and Christina today going over the deletions of article 12B and one of the significant changes, which will benefit small businesses, is the fact that

we are allowing freestanding signs on properties that have frontage that are less than 40,000 square feet. Is that a true statement?

Assistant Director of Planning and Zoning Ruffin stated that is correct. Under the provisions that are being removed in article 12B, prior to the 2007 ordinance, properties that were of the smaller size couldn't have a freestanding sign.

Mayor Galambos questioned this is the out parcels isn't it?

Councilmember Meinzen McEnery stated well it's a gas station. It's anything that has frontage on a road in an overlay district and we're allowing a sign. We're taking out 12B has a limitation that says any building that's 40,000 square feet or less and just think of a new gas station or Jiffy Lube or something. They can have a wall sign on their building but they can't currently have a monument sign or a freestanding sign on the front. After checking with Nancy and she can speak to it, right now before the BZA, all of these many businesses that are less than 40,000 have gone to the BZA routinely and said I need a monument sign and from what Ms. Leathers says they've been getting them. So this will bring our sign ordinance more in reality and help them. Now it is going to add a lot more monument signage.

Councilmember Fries asked because of it being a smaller building, do they get a smaller sign?

Director of Community Development Nancy Leathers stated that there are three different sizes of signs and generally speaking, the smallest parcels will get a 32 square foot sign, which is for Roswell Road and given speeds on Roswell Road, probably sufficient. You can't go very fast though. You don't need a big sign.

Councilmember Jenkins stated now Public Works is going to get mad at you. They're trying to make traffic go fast.

Mayor Galambos stated the change that was in question was the one that would allow you to advertise vacancies for apartments at the ratio of 90% occupied, which is normal.

Councilmember Fries stated she agrees that number is too high.

Director of Community Development Nancy Leathers stated yeah as I said right now we have a lot of vacancies. We went out and spoke with the apartment complexes. Those who are struggling the most seemed to be around 85%, so putting it at 80% wasn't a very helpful thing. Certainly that is a choice that you would want to make. But we were trying to find ways to make sure that our apartments are competitive. As you know, in the past we had provisions for real estate signs. We can't do that anymore because we don't have a way of dealing with specific types of signs because you can't look at the content. This was the only way that we could begin to address those kinds of issues.

Mayor Galambos stated well the 90% I don't like.

Councilmember Fries stated she has trouble believing that they are hurting if they're only 90% occupied. They ought to be breaking even at the 50% mark or 60%, but 90%. They're doing some bad business.

Councilmember Meinzen McEnery stated that's where all their profit is.

Councilmember Paul stated that they don't need signs if they're 90% occupied.

Councilmember Meinzen McEnery stated that's full.

Councilmember Fries stated yeah it really is. I'm with the Mayor. I'd like to see a lower number on that.

Mayor Galambos questioned what number do you want on that?

Councilmember Fries stated 75% but if that's too low, 90% just isn't right for me, maybe 80%.

Mayor Galambos questioned if Councilmember Meinzen McEnery had a number on that.

Councilmember Meinzen McEnery stated she would say just from my experience in this business, that's right. If you're at 80% you are sucking wind. If you are at 90% then you know, so..... I would say if I'm going to go down 85% maybe.

Councilmember Fries stated that she is not an expert in this and I really don't know; it's just its hard for me to fathom that apartment complexes are hurting if they are leasing at 90%.

Mayor Galambos stated they're not, that's normal.

Councilmember Meinzen McEnery stated that is normal. It truly is. Even office buildings unfortunately right now are 90%.

Mayor Galambos questioned well what number did you want in there? Did you say 75%?

Councilmember Fries stated that she said 80%.

Councilmember Meinzen McEnery stated that she said 85%. Anybody else have a comment?

Councilmember Jenkins stated put 5% reduction

Councilmember Paul stated 82.5%.

Councilmember Fries stated I'm not an expert in this so I'm a little more uncomfortable picking a number. It's just its hard for me to believe that 90% is the one that we need to go with.

Mayor Galambos suggested for Assistant Director of Planning and Zoning Ruffin call the apartment association.

Assistant Director of Planning and Zoning Ruffin stated that she has a meeting with the apartment association next Thursday actually so....

Mayor Galambos stated get some ideas

Councilmember Fries questioned if Assistant Director of Planning and Zoning Ruffin could meet with the apartment association before the next Council meeting.

Assistant Director of Planning and Zoning Ruffin stated I'll contact the gentleman.

Councilmember Fries stated maybe you can call him before the next meeting and discuss this cause I'd hate to put it off a month.

Mayor Galambos stated we want verified data. We don't want some kind of number they pick out of the hat. We want to know what the vacancy rates are.

Doug MacGinnitie stated yeah I'd like to get some expert as opposed to us just picking a number that sounds good. Some additional data is needed.

Assistant Director of Planning and Zoning Ruffin stated okay.

Councilmember Jenkins questioned one other part that is in there. Wendell can we favor churches over other establishments?

City Attorney Wendell Willard stated that he was going to talk to Nancy. They need to talk and be sure about two things with the law and the suit.....

Director of Community Development Nancy Leathers stated that she had spoken with Cecil about it. Let me tell you what we're doing. It's not in the sign provisions. Rusty we had a conversation with the churches. What I was bringing forward was a proposal to allow the churches to do the outreach that you're asking them to do by allowing them banners as part of the use permit. They are proposed to part of the signage Ordinance and that was the provision.

Councilmember Jenkins stated that would make her feel a whole lot better than favoring churches over other stuff.

Councilmember Paul stated well you could always say certified, not 501(c) 3 and that would cover them, schools....

City Attorney Wendell Willard stated churches always have a 501(c) 3.

Director of Community Development Nancy Leathers stated we concluded that we could put it under the use permit provisions but even those that are located commercial property would be covered.

Mayor Galambos stated going back to the apartment vacancies I want to know what kind of a burden is this going to put on the staff to document what these vacancies rates really are. Are you going to do it monthly, quarterly, what are you going to do?

Directory of Community Development Nancy Leathers stated we would probably do it quarterly and we can actually add it to the apartment inspection ordinance as part of the information that they are required to provide to us with a business license.

Mayor Galambos questioned if they already have to provide that once a year.

Director of Community Development Nancy Leathers stated we could require a quarterly reporting.

Councilmember Meinzen McEnery stated that we could go in and ask them for their most recent vacancy report if you wanted to drop in on them, in the normal course of your business, because they always have that on hand.

Mayor Galambos stated yeah that's one thing they know.

Councilmember Meinzen McEnery stated they do. Mayor I have a question of staff. It regards the elimination of the definition of lot when we are talking about signage. As I understand, a lot can have frontage on one side obviously but it could be on the corner. So it could have frontage on two sides and, as I understand it, Article 33 of

the Zoning Ordinance dealing with signs currently limits it to one freestanding side sign per lot, one monument sign. Are you suggesting changing that so that on a corner lot they get two monuments?

Director of Community Development Nancy Leathers stated yes and that was actually in the ordinance until last year when the ordinance was rewritten. Somehow that was left out and so it has caused a problem for those businesses that are in those kinds of locations and so staff is recommending that it be put back in.

Councilmember Meinzen McEnerny stated that there was some confusion because put it back in "yes" but you're say you are deleting it from this and I'm.....

Mayor Galambos stated they're only deleting the lot provision because it's someplace else.

Councilmember Meinzen McEnerny stated it's in two places. The article 33 zoning has it in there. This is the one we're not changing.

Assistant Director of Planning and Zoning Patrice Ruffin stated in the Zoning Ordinance the definition for lot, in the general definitions in the front of the zoning ordinance, throws you back to the development ordinance. This is an extra, different lot definition that is not consistent with what we actually use day to day.

Councilmember Meinzen McEnerny stated the statement in the existing, not to be changed article 33 Zoning Ordinance, for the overlay district, H, A, B and C, it talks about one freestanding lot sign per lot. Is that staying in or coming out?

Assistant Director of Planning and Zoning Patrice Ruffin stated no, that's a different amendment that we're proposing. All of the other districts allow one sign per frontage. In the overlay district it only allows one per lot. So we will be changing it to the one per frontage for the overlay district to be consistent.

Councilmember Meinzen McEnerny but you're removing the definition totally from this document.

Assistant Director of Planning and Zoning Patrice Ruffin stated from article 33 because it's addressed in article 3 and that throws you back to the development ordinance.

Councilmember Meinzen McEnerny stated and you wonder why people don't know how to do things.

Mayor Galambos questioned if there were any other questions about any of the other provisions. Are we all happy with what's happening to the nonprofits? Is everybody happy with those?

Councilmember Jenkins stated that the issue with the church will have to go on special use. We can't favor one over another on a first amendment issue.

Councilmember Fries stated from what she understands she thinks Wendell still wants to talk to someone about that.

City Attorney Wendell Willard stated that he and Cecil will get that done tomorrow, so we'll have it ready in time.

Mayor Galambos stated that she thinks that everybody exhausted all of their comments on signs so now we can go to the building codes.

Discussion of changes to the Building Codes Adopted by the City of Sandy Springs.

Assistant Director of Building and Permitting Wesserling said Good evening. Basically, all we're trying to do with this one is a little housekeeping. Article or section 105-19A states that we are ready, "hereby declared to be the intention of the council to enforce the latest edition of the following state minimum standard codes, as adopted and amended by the state Department of Community Affairs." Basically what we have has been adopted by the DCA already. I just want to be more comfortable by having the Mayor and Council officially adopt these amendments to the codes. It would make me a little more comfortable when I enforce them.

Councilmember Jenkins stated that the state's already adopted it; we have to adopt it. We've already put that in our code. All we are doing is taking what the state has already done and sticking it in ours. Is that correct?

Assistant Director of Building and Permitting Wesserling stated basically the electrical code, the plumbing code, yes, but the appendixes have always been up to this common additional thing. The appendixes run concurrent with the water conservation issues that we have been discussing all along with the water conservation group. From time to time we've been in front of Council. It's basically a very good idea. The state has adopted it already. There are two appendixes; one is Gray water for interior use. That is basically when they take water from your sink, your shower, and some use the laundry some do not. They filter it a little bit and then use it to flush the commodes.

Mayor Galambos stated these codes essentially legislate how this has to be done. It doesn't say you've got to do it; but it says if you're going to put in the Gray water systems, this is how it has to be done.

Assistant Director of Building and Permitting Wesserling stated yes ma'am; that is exactly right. It does say... it's a little confusing because they call it the mandatory common code.

Mayor Galambos stated that it is mandatory if you put it in.

Assistant Director of Building and Permitting Wesserling stated yes, the code is mandatory, the plumbing code is mandatory, but the articles in the code are not mandatory. It's just if you do it, you have to do it this way.

Mayor Galambos stated you know to me this is just a given that we are going to adopt these. I'm disappointed that we are not going further, in terms of some of the other things that we discussed about being mandatory in terms of water conservation. Now I know that we still have, the Atlanta Water System will give you a rebate if you put in low flow toilets, right?

Director of Community Development Nancy Leathers stated Council is scheduled to get that report on February 3rd.

Mayor Galambos advised staff on the two things she would like on it. That comes right out of the new Water Management Plan that they are going to recommend to the Atlanta Regional Area. They recommend having the low flow urinals in all new government buildings. I think we should have it in all new office buildings. Wherever you think it's appropriate we ought to legislate that in our code that it'll have to go into any new construction other than single family residential.

Councilmember Paul questioned what about remodeling?

Director of community Development Nancy Leathers stated that generally the divide is 50% for the new requirements.

Mayor Galambos stated that the other thing that is in this Water Management Conservation thing which is very important is that they are only going to suggest that you pass an ordinance that all new irrigation systems have an automatic cutoff when it rains.

Assistant Director of Building and Permitting Wesserling stated it's a rain sensor, Mayor, and in 2005 the state did pass a law that for new systems a rain sensor is required. The problem we have again is adoption by the City. We can put something together to adopt that and then we can enforce that.

Mayor Galambos stated she thinks we should.

Councilmember Fries questioned if people have to get a permit to put in a sprinkler system.

Assistant Director of Building and Permitting Wesserling stated not right now.

Councilmember Fries questioned how it will be monitored.

Assistant Director of Building and Permitting Wesserling stated it would have to become an ordinance and we would have to permit sprinkler systems so that we could monitor and enforce.

Mayor Galambos stated well why doesn't staff think about that one and give us some recommendations.

Councilmember Jenkins commented to the Mayor that she agrees on those urinals, but instead of making it a mandatory program, if we could make it a voluntary program and we'll give you a green seal of approval, money off of your permit or something. We talked about the carrot versus the stick last time. We went through this and it is preferred that we.....

Mayor Galambos stated she thought that the carrot versus the stick is in terms of things that are like gray water.

Councilmember Jenkins stated give them an incentive. Give them an incentive.

Mayor Galambos stated the gray water is a much more difficult thing to put in than the low flow urinals. If you're going to build a new building, why not put in the low flow urinals.

Councilmember Paul stated I don't know if you noticed but there was a little headline in the Newspaper on yesterday. The Supreme Court chose not to review the lower court decision. That was the major blow in the water wars between Alabama, Florida and Georgia. We're going to have to.....well, I mean it's coming; so we might as well get prepared for it. I agree I hear all the comments about the mandates and so on, but the truth is that Atlanta has the lowest; metro Atlanta has the smallest water source of any major city in the United States. Las Vegas has access to more water than we do. Los Angeles has access. These are desert cities. The question that we have to ask is do we wait until the state tells us what we are going to do? Or as I recall our conversations we want to kind of be a leader to the metro area in this and I kind of lean towards that. If you're doing new construction the cost is, between the two is relatively insignificant. With the cost of water, if you're think that we've got 25% differential in the City of Atlanta right now just wait until all rates keep going up based on the rationing that is going to occur. What will ultimately happen is we're going to have water rationing in certain areas in certain conditions. We might as well begin to get ourselves ahead of the curve and deal with it seriously.

Councilmember Fries stated I agree to a point with the mandates of some of these things. The urinals are not a big deal. They're going to put them in anyway. Pretty soon that's all they're going to make just like they do with toilets. I'm a real believer in incentives of some sort for some of the larger items before we mandate them.

Councilmember Paul stated that we need to think seriously whether its mandates or whether its incentives.

Councilmember Fries stated we can have them in there.....

Councilmember Paul stated that he didn't disagree with that

Councilmember Fries stated the low flow toilets; that's how they make them now. The urinals will eventually be that way.

Mayor Galambos stated there needs to be an incentive program to replace the old ones with the Atlanta Water System. Is it being used very much? Are many people availing themselves in this?

Assistant Director of Building and Permits Wessering stated we can't give any numbers, Mayor, but the program is still in existence. They do give them a credit. I believe it is \$100.00 to \$150.00 credit on their water bills for replacing their older toilets with the 1.6.....

Mayor Galambos stated given the inefficiency of the Atlanta Water System I wouldn't trust them with half the money and hope for the rebate because it may never have come.

Councilmember Jenkins stated that it took me three months to receive a rebate when we installed two toilets at my house. It's true.

Mayor Galambos questioned Councilmember Jenkins as to how many times did she have to call.

Councilmember Jenkins stated about five times.

Councilmember Meinzen McEnerny stated it is agreed with the sense of Council that we convened a group of stake holders to review our water uses. We came up with some ideas, suggestions, voluntary for Gray water use, etc; and from my understanding we can ask for stronger regulations than what the state requires. I agree with the carrot approach in that I would like for us to consider staff asking them to come back with a comprehensive suggested list of incentives that we could ask the community to employ to be a leader in conservation, not just comply with the appendix that the state has set out. Every comment up here I agree with. Five point six (5.6) of the watershed of the Chattahoochee is in our community. We need to conserve. Anything we can do within the building community to assist them in getting tax credits, benefits or reductions off of their permit fees, whatever, but this is the right thing to do and I would like us to be a leader in this and not just comply with the state minimums.

Mayor Galambos stated that's why I suggested these two new items that would put us ahead of the curve in terms of what other jurisdictions are doing with the one being on the urinals and the other being on the cut off valves for new irrigation systems. Staff needs to think through how we will enforce this business of the irrigation system since we don't permit them. This is not the final word until we hear how we could possibly enforce.....

Councilmember Paul questioned if we will see this on February 3rd.

Director of Community Development Nancy Leathers stated we'll bring what we have to you on February 3rd. If we have that information we will bring it then, if we don't we will let you know what our schedule is on it. It depends on how quickly we can put it together, but we've already put together the materials with the steering committee that you gave us, the stake holder committee and some additional information that we've gathered. I'll try to go ahead and incorporate as much of this as I can.

Councilmember Paul stated you can put some ideas on paper but incentives that we could offer. That is the preferred method to do it rather than trying.....The day may come when the state will force us to make mandates but on our end we can try the incentives first.

Councilmember Meinzen McEnerny stated there are even such things, and I don't know anything about them, called waterless urinals.

Mayor Galambos stated they were not on the ARC. The ARC has sent out a list of things that they want everybody to....

Councilmember Jenkins stated that's what they put in at Atlantic Station, waterless urinals. They didn't even have to run the pipes up.

Mayor Galambos stated that was not on the list of things to consider.

Councilmember Jenkins stated but it's a huge cost savings if they didn't have to put in the pipes.

Assistant Director of Building and Permits Wesserling asked if he could comment on that one. I do have insight on the waterless urinals. They are a very viable solution to the problem of water usage on the urinals. There is one drawback. Honestly, what they are.....instead of having water as a trap they have a chemical that works as a trap system. What happens is when the effluent passes through the trap system and the oil stays, the problem with the waterless urinals is that they do take a particular amount of maintenance. That oil sits on that trap system and has to be maintained on a regular basis. If they are not maintained, then you get the odor problem and that has been one of the drawbacks to the waterless urinals.

Councilmember Jenkins stated that she was not suggesting it, she was just pointing out that....

Mayor Galambos stated that we have learned enough. That just concluded the entire agenda. There is a report that I have been working on that I wanted to bring to you. We now have contact with a person who is an investment banker in China whose office is in Sandy Springs. His name is Mr. Patrick Koch. He is being very helpful about planning a possible Sister City relationship in Shang Hi, which is where the concentration of money is in China. No more of this business of going out in the Himalayan and going to some place where they don't have the industry. We're going where the money is. I am convinced that in the long run, not in my amount of time but eventually, the investment is going to be from China and India. People are going to invest in our communities. What we do now to lay the ground work for people who don't know who we are and make connections will help us get investments so it is worth spending some time on. I've asked the other Mayors of the cities in North Fulton if we couldn't do this as a North Fulton community. We have more to offer if we do it together with the five cities instead of just one at a time. So we are putting together information of what we are like as a North Fulton Community, the demographics and some pictures that Judy is working on; it's going to be a brochure and a PowerPoint. A committee of business people is being put together and John has suggested that we add somebody from the health industry as well as from the education industry. We need an advisory liaison committee to help us. Now you know we're getting a new building on Barfield by JAR Forwarding. They were with us a year or so ago. We turned them down on zoning and look what they did. They were going to build a new building.

Councilmember Jenkins stated we approved it.

Councilmember Meinzen McEnerny stated we approved it.

Mayor Galambos questioned we approved that garage.

Councilmember Meinzen McEnerny stated yes.

Councilmember Paul questioned garage.

Councilmember Jenkins stated the parking deck.

Mayor Galambos stated the parking deck. Well apparently it wasn't sufficient.

Councilmember Jenkins stated it is between the two buildings. They're moving their stuff from South Fulton up here. They're keeping their other business on Glenridge.

Mayor Galambos stated that after having spoken with the man who is the president of it and congratulating him on that new building, he's going to work on the committee with us. I figure that with the UPS and any member of the Council who has any ideas on who might be interested. Not just people who already have ties, but people who may want to sell something in Asia. Give me names so that I can form this committee and get the liaison committee going.

Councilmember Meinzen McEnerny stated we've got that developer, Peter Chang.

Councilmember Fries stated yes Peter Chang.

Councilmember Meinzen McEnerny questioned the Mayor if she thought it might be helpful to include Dunwoody, since they're so geographically.....with this kind of thing.

Mayor Galambos stated it probably would. It probably would. It will grow like crop seed. At this point, we'll just stay here with what we've done and we can always enlarge it later but at this point the Mayor of Dunwoody doesn't come to these meetings, so it's a little bit hard. They've got enough on their plate right now without getting involved with Sister Cities. So why don't we just give them a little time. They can come back next year and join with us. I just wanted to let you know what I'm doing and think about who you know that would be good on this committee. They don't necessarily have to be from Sandy Springs. It could be anywhere from North Fulton.

Councilmember Meinzen McEnerny questioned UPS.

Mayor Galambos stated of course yes. Alright that all I had to bring.

Councilmember Fries stated I move that we adjourn the meeting.

Discussion of changes to City Ordinances to realign duties of the Construction Board of Adjustments and Appeals.

This item was moved and heard earlier in the meeting.

After no further discussion, the meeting adjourned at 7:06 p.m.

Date Approved: March 17, 2009



Eva Galambos, Mayor



Michael D. Casey, Interim City Clerk