

**Work Session of the Sandy Springs City Council was held Tuesday, February 3, 2009 at 6:34 p.m., Mayor Eva Galambos presiding.**

**Presentation of Water Conservation Alternatives**

**Deputy Director of Community Development Chris Miller** stated in November 2007, the Mayor and City Council convened a Water Conservation Stakeholders Group with Lee Duncan, a business representative, as chairman of that group, to take a proactive approach to water conservation within the City of Sandy Springs.

The findings and recommendations of the Stakeholders Group were presented to the Mayor and Council by Lee Duncan during the August 12, 2008 Mayor and Council Work Session. During the presentation Mr. Duncan provided many examples of water conservation measures the City could adopt such as reduction in the amount of impervious surface and minimum standards related to the underground storage tanks. Additionally, Mr. Duncan requested the Mayor and Council direct staff to identify incentives to be considered for negotiation with outside utility providers such as Fulton County Sewer and City of Atlanta Water.

Staff was instructed by the Mayor and Council at the following Council Meeting on August 19, 2008, to recommend incentives to encourage water conservation along with a conservation/community outreach program. Staff was also directed to investigate possible retrofit applications for existing buildings.

Water conservation measures were subsequently discussed by the Mayor and Council during the January 13, 2009 Work Session. Specifically, the Mayor and members of the Council requested staff develop a comprehensive approach to conservation incorporating the best management practices identified by the Metropolitan North Georgia Water Planning District and listings of MNGWPD's twelve recommended water conservation measures and summarizes how each could be implemented in Sandy Springs. Additional recommendations are included which go beyond the measures provided by the Metropolitan North Georgia Water Planning District.

Staff has attempted to take the twelve best management practices as a framework for tonight's discussion and break them into three sections; public education and awareness, regulation and incentives.

**Mayor Galambos** questioned if every single item was included in Council's packet.

Mr. Miller stated they were and Council had discussion on each;

- (1) Conservation Pricing – The City of Atlanta currently uses conservation pricing and adjusts the water price per unit according to how much water a customer uses. There are different rates based upon the consumption of water. As you use more water, the rate goes up to encourage conservation. This is what staff recommends in this instance, educating residents of Sandy Springs about conservation pricing through Work Shops and a Water Conservation website. Anything to do with water conservation would be on a page on the City's website. It would be a single point for a resident or business person to get information about different programs available throughout the metro region, available through the City of Sandy Springs, and also existing programs through the county or City. We would identify this as an existing program and let citizens know it is available.
- (2) Toilets Retrofits - Staff would recommend cooperation with the City of Atlanta Watershed Department to better publicize their existing retrofit program. This would have no monetary impact to the City of Sandy Springs.

- (3) Reduce System Leakage – The City of Atlanta has a hotline if you see a leak. Staff recommends cooperation with the City of Atlanta Watershed Department to better publicize the leak detection program to residents and businesses via the City's webpage.
- (4) Rain Sensor Shut-offs – These devices are designed to interrupt the cycle of an automatic irrigation system controller when a specific amount of rainfall has occurred. These are small devices wired to the irrigation system controller and mounted in an open area where they are exposed to rainfall. Staff would recommend this be part of Building and Land Disturbance Permit applications. A requirement could be made that any property installing an irrigation system must install a rain sensor system.

Mayor Galambos explained this would require action by the City.

**Councilmember Meinzen McEnerny** stated this is a great idea considering what we are facing. Forty dollars on a new system would be a good long term investment.

**Councilmember Fries** stated forty dollars for a sensor on a new system is not an issue with her. The applicant will make up their money on that really quick.

**Councilmember MacGinnitie** questioned how this would work in reality. If we require applicants to get a sensor, someone has to go out and check the system.

Mr. Miller stated it would be part of the final closeout on a LDP by the Arborist. It would be part of the normal permit process.

Councilmember Fries questioned how it would work for the folks who go to Home Depot and get the kit and install it themselves.

Mr. Miller stated that staff would have to look at that and if it's a home system, it's not going to be issued a permit. It may be something staff has to catch as part of the City's normal Code Enforcement operations. This may be something Council wants staff to look at, otherwise he is not sure.

Councilmember Fries explained she is not interested in making this something staff goes out and checks on. She is big on incentives and this is great for someone to do on their own. This is minor for us to say in our building permits that this is a requirement.

- (5) Low flow pre-rinse restaurant spray valves – This valve is used in commercial-type kitchens to rinse dishes before they are put into a commercial dishwasher. Historically, these spray valves use up to 7 gallon/minute, according to studies performed. However, the 2005 Energy Policy Act set the maximum flow rate of these valves at 1.6 gallons/ minute. While valves of this flow rate were already available on the market in 2005, they are now the only valve available for this application. This measure has potential to save over 50 percent of the water used for kitchen spray rinsing. This could equate as much as 200 gallons/day, according to the California Urban Water Conservation Council.

Staff would recommend this be a requirement for businesses that wash dishes through the business license division or for new commercial building permits for businesses that will use a rinse valve. The City could provide an incentive by reducing their license fee. The cost of the units is between \$5.00 and \$25.00.

Councilmember Fries expressed her concern about going back and putting mandates on things. She understands this is to save water but, with the economy the way it is, she does not want to put the burden on the public. She likes the incentives better.

**Councilmember Paul** stated that he does not have a problem knocking \$10.00 off the business license fee if a receipt is brought in when they get their business license. It is a good incentive.

Mayor Galambos explained it would only be for the one time and that is when they put in the valve.

Mayor Galambos questioned what staff's recommendation for an acceptable cost would be.

Mr. Miller explained more research is needed and staff will report back.

- (6) Sub-unit Meters in New Multi-Family Buildings – Sub-metering allows multifamily developments to better quantify water usage by separately metering individual buildings or units. Based upon discussions with the City Attorney's Office, the City's Multi Metering Ordinance could be revised to update the wording and make the Ordinance easier to locate within the building ordinance.
- (7) Residential water audits – This is a supply-side or utility-side conservation measure because its success is not dependent upon water use by the customer, but rather upon detecting existing leaks by the system operator. Cooperation with the City of Atlanta would be necessary in accomplishing this measure, which, in turn would help the entire water system. According to the new American Water Works Association/International Water Association water audit method, there are two kinds of water loss: real losses (such as distribution leaks) and apparent losses (such as customer meter error or theft). Each water system should complete the American Water Works Association/International Water Association water audit annually in order to track the progress of water loss reduction. Through this measure, the losses could be reduced to less than 10 percent of the total by volume. On a smaller scale, residents could be provided with dye tablets for use in toilets and sinks to detect small leaks. Staff would recommend cooperation with the City of Atlanta Department of Watershed Management and other North Fulton municipalities to develop water audits of the distribution network and appoint a City liaison.
- (8) Commercial water audits – A commercial water audit is accomplished by inspecting buildings for all potential areas that require water consumption. These areas can range from landscaping to restrooms to ice machines. The audit compiles all of the information from the inspection and compares the current fixtures and appliances, being used for water, to the recommended ones that are designed for conservation. The business would then be able to review the audit to make determinations about replacing fixtures or cutting back on ways that water is used in order to conserve water. The MNGWPD recommends water utility providers publicize audits for high commercial water users. In the City of Sandy Springs the largest non-residential water users are found in the area surrounding the City's major medical facilities and the Coca-Cola bottling plant. The Pollution Prevention Assistance Division (P2AD) of the Ga. DNR provides a forum for conducting water audits for general buildings and landscaping. Staff would recommend a program that encourages businesses to perform water audits. This program would be publicized on a water conservation web-site. Additionally, create a training class designed to encourage audits and instruct personnel to perform audits.
- (9) Distribute low-flow retrofit kits – The City of Atlanta Department of Watershed Management offers a free water conservation kit that includes a low-flow shower head, kitchen and bath faucet aerators, flow management bag, and a toilet dye tablet. The kits are distributed when residents fill out a "conservation pledge card". This program is already available from the City of Atlanta at no additional cost.

Councilmember Meinzen McEnery questioned if the City of Atlanta would provide Sandy Springs with some of the kits so that Sandy Springs citizens do not have to drive downtown to get them. The City of Sandy Springs could facilitate having them here.

- (10) Education and outreach – The creation of an education/outreach program would be an initial step the City could take to encourage water conservation. Through the use of the City's website, information could be disseminated to residents and businesses regarding water conservation, reuse and recycling on a water conservation specific page. Due to the fact the City does not provide water or wastewater services, the webpage could be a clearing house for various programs offered by the State, the City of Atlanta Department of Watershed Management and the Fulton County Water & Sewer Division.

Councilmember Paul suggested staff insert a link to the website: [conservegeorgia.org](http://conservegeorgia.org) which is the State's Conservation website that has all kinds of information about conservation, not only water but energy and everything else.

- (11) High-efficiency toilets and urinals in Government Buildings – There are two varieties of waterless urinals: cartridge based and non cartridge based units. Cartridge based units use a replaceable cartridge pre-filled with sealing liquid. These units are periodically replaced as the sealing liquid is slowly eroded or degraded. Non Cartridge based systems work by simply introducing the sealing liquid into the drain hole and allowing it to naturally settle into the correct position. Waterless urinals cost about the same as traditional ones, but the savings in water and maintenance make them cost beneficial.

Staff would recommend that the City provide leadership on this issue by installing waterless urinals at City Hall and in other buildings owned by the City.

Mayor Galambos questioned why this is only for government buildings and not new office buildings.

Mr. Miller stated the government building is being used as an example, it could be done with new office buildings as well.

Mayor Galambos sees no reason why the City does not go ahead and require it.

Councilmember Meinzen McEnerny agreed with Mayor Galambos. She would like to see the City do it in the rental facilities at City Hall as well.

Mr. Miller stated staff would do a cost estimate that shows the benefit analysis of the cost versus water savings.

There was a consensus of Council to have water saving urinals in new office construction.

Councilmember Meinzen McEnerny stated that makes a good statement.

- (12) Water Recycling at New Car Washes – According to the Southeaster Car Wash Association, car washes uses an estimated 1.7 MGD in the State of Georgia. It has been estimated recycling water at car washes could potentially reduce car wash water usage by 35%. There are three main types of car washes: self-service, in-bay, and conveyor. The self-service car washes are typically coin-operated with spray wands and brushes operated by the customer. In-bay automatic car washes are characterized by a wash bay in which the customer stays in their car as the carwash equipment uses either spray nozzles or brushes, or a combination of both for the individual cycles. The conveyor car wash is usually installed in a tunnel, and includes a series of cloth brushes or curtains and arches from which water is sprayed while the car is pulled through the tunnel on a conveyor chain. Because the self-service washes use less water, these facilities do not generally recycle water. However, the in-bay and conveyor washes will be subject to recycle requirements. Staff would recommend that the City consider the adoption of an ordinance requiring all new drive-through car washes to recycle water.

Councilmember Meinzen McEnerny stated the City should require all new car washes to recycle their water.

There was a consensus of Council to have all new car washes to recycle water.

Two items first identified by the Water Conservation Stakeholder Group:

- (1) Underground Storage – Employing underground storage for rainwater instead of above-ground detention ponds could be one option for decreasing the need and size of detention ponds. According to the Stakeholders Group, some of the costs associated with this recommendation could be offset by the reduction in land area devoted to above-ground detention. An increase of hard surfaces on a site will not increase storm water runoff if it is offset by underground storage used for irrigation purposes.

Staff would recommend that Council direct staff to fully investigate this option which may enable the City to ease the requirements for pervious surfaces when underground storage has been implemented.

Councilmember Paul stated if someone puts in this underground storage they might be able to have more impervious pavement than the City currently allows.

Councilmember Meinzen McEnerny stated she loves the comment about open detention ponds. That is valuable dirt that is forever being used for detention. Is there anything you can do to combine the storm water detention facilities with storage for rainwater?

Mr. Miller stated that the challenges from an engineering perspective is that the detention pond is sized to hold a certain amount of the first flush from a rain event and is utilized for that purpose and should not hold water after that. It's really supposed to be dry. However, staff can look at this more closely and there may be some way to combine some of these.

Councilmember Paul stated that there is also some legislation about regulating the amount of water that goes back into the river system from this. He is not sure what they are trying to regulate. They wanted to ensure that whatever came out of the river went back in. If you are retaining rainwater, what impact does that have on the process?

Councilmember Meinzen McEnerny stated that detention is a separate subject and underground storage tanks are for rainwater storage and reuse on your property.

Mr. Miller stated staff needs more investigation on this.

Mayor Galambos stated Council needs to wait on this until more information is received.

- (2) Water Re-use Trunk Lines – To encourage the use of recycled water, the City could work with the County and City of Atlanta to provide new water re-use trunk lines. This infrastructure improvement would provide a dedicated trunk line for water reuse only, not for potable water, for irrigation purposes. The City could encourage the installation of re-use trunk lines as part of new construction through tax incentives or other innovative funding mechanisms as has been done in other areas of the state with some success. Staff would recommend fully investigating this program and working with the Atlanta Homebuilder's Association and other affected parties to determine its viability.

Mayor Galambos stated this is probably going to be the long term solution to sufficient water for growth in the Atlanta area. We need to learn about it and be ready.

Mr. Miller stated the issue the last time was is there some way to provide an incentive based alternative if they furnish this in a subdivision and put that gray line in now, so when it does come on line they can connect into it. Obviously, that is a long term effort. The question would be can we put an incentive in for that also.

Councilmember Meinzen McEnerny stated she is not sure how this trunk line would be used but, if we need to rely on the City of Atlanta in their current financial situation to run new trunk lines into our City to use for gray water, we will probably be waiting quite a while. Maybe we could focus on each residential unit or subdivision unit on how to encourage gray water. As Mayor Galambos said, that is where we can redirect water that would otherwise be treated and put it back into the soil or use it for your washing machine or whatever. She questioned if the Stakeholder Group looked at this. This is a very key part of a long range water conservation program. She asked Lee Duncan to speak on this.

Mr. Miller stated the final thing that needs to be talked about is a Monitoring Incentive Program. If the City wants to encourage water conservation, would the City be willing to look at a reduction of permit fees on new permit applications? Obviously, we need to find a connection between how much is being saved verses how much is taken off the permit. We do not want to make it too much in one direction or the other. This will require a lot of work from the Community Development Department to look at how much incentive is necessary to encourage this sort of use. This would be a policy direction from the Mayor and Council to have staff look at this and set the time between now and June.

Mayor Galambos stated this is something everyone is interested in and Council would like for staff to move on quickly, study permits and report back to Council.

**Lee Duncan** stated he is talking to Council from a standpoint of the North Georgia Water Planning District. In one case, he sits on the Advisory Board and takes a crack at a lot of these policies. Items No. 1, 2, and 3- Reduce System Leakage. The ARC has Leak Protection Kits that are available for residential use. NGWPD recommends all programs No. 1 through 11. The policy question that was asked about, the discharge back into the Chattahoochee or any other water basin, the primary target for that is consumptive use. The consumptive user primarily at this point in the basin is septic systems. The North Georgia Water Planning District is recommending something in the range of 58% in return. If 100 gallons is withdrawn, the municipality needs to demonstrate that they are putting 58 gallons back in. It is not 100% unless the legislation is written differently.

On the monetary incentives, they do not want to restrict this to just impervious surface areas if you're using detention. They would like for staff to explore other options besides crediting impervious surface areas because that might not be available. ARC may be coming in with draft legislation that may be adopted that precludes using impervious surface areas as incentives. They feel that there are other areas that need to be looked at and he would be happy to sit down with staff and explore some of those areas and come back with recommendations that might be a better use of time for Sandy Springs.

North Georgia Water Planning District suggested that trunk lines be installed with new construction, that the dry lines be put in the ground when the new construction is taking place to try to prevent a retrofit from occurring four to five to six to 10 years later which would be much more costly to the City for the utility installing those dry lines. When you stop to consider that you have to tear up sidewalks, landscaping, electrical or whatever it might be, it is much more sensible just to drop a six to eight inch purple line in the ground, cap it off and at some point in time you can tap into it.

**Councilmember Meinzen McEnerny** questioned how water would get into these lines if you put them in and how does water get out of those lines?

Mr. Duncan stated it would be up to the utility provider and the water would have to be pumped in from a treatment facility.

**Mayor Galambos** stated that what she is hearing is that if the City gets a major development that they are putting in the utilities to serve the major development then that utility should include this extra non portable water line.

**Councilmember DeJulio** questioned if the cost is \$200.00 to \$2,000,000 per linear foot? That could be pretty expensive.

Mr. Duncan stated that the last he heard it was \$6.00 per linear foot to put in these lines during construction.

Mayor Galambos stated that is different from what staff recommended and asked that Mr. Duncan get with staff on this issue.

**Mr. Miller** stated that these are two different pieces of the same argument. One is looking at the whole system and what Mr. Duncan is talking about is when a new development is being built, put the line in and have it available for future use. Staff also wants to look at the system itself and see if there is any way to connect those in at some point in the future. The larger cost obviously is the system cost. The thing we could do today whether the system comes online five or ten years from now is actually have that line available in the ground when you do the initial construction on a subdivision.

Mayor Galambos stated staff should bring forward a recommendation as more is learned on this.

Councilmember DeJulio stated on page 10 of the report where it reads Water Re-use Trunk Lines that the "Monetary Impact to Public" is underdetermined at this time but initially estimates have ranged between \$200.00 and \$2,000 per linear foot. That is \$100,000 per house.

Mr. Miller stated that was not Mr. Duncan's number but staff's. Staff will work with Mr. Duncan on this.

Mayor Galambos suggested staff come back before City Council at a future time with more information about this and the differentiation between what we are doing on one house or what we are doing on a street with the whole system. This is not clear enough tonight.

Mr. Duncan applauds the City for the direction it is going in with the incentive base programs. It is his firm belief that it is the most sensible way to go. He continues to get calls from other communities that want to mirror what they are doing based on the efforts of this City Council. He is trying to encourage Council to keep moving along and bring this to some sort of conclusion.

**Councilmember Paul** stated Council is ready to move forward with this as soon as specific legislative language is given.

Mr. Duncan stated he would work with staff to put together language for proposal for Council to vote on in 60 days.

Councilmember Meinzen McEnerny stated she would like more information on providing incentives to homeowners because the biggest use of water is residential. It will take a long time before the City of Atlanta puts in trunk lines to service. She would like to look at City incentives for homeowners to retrofit and in new construction the use of gray water in their own home. A tremendous amount of water could be saved. She asked that staff come back with ideas on how to manage gray water pursuant to the Georgia Code and provide incentives for homeowners to either install them new or retroactively.

Mr. Duncan stated that typically on a house an installation of that type of program is somewhere in the range of \$5,000.00 to \$10,000.00. That is a pretty serious incentive she is looking at. The recapture period on that picks up somewhere in your 11, 12, or 13 on your typical house. There are a lot of programs and staff can bring this back to Council. The committee's main focus has been on new construction. Step two is to create a retrofits program after that. They were just educating themselves on all the new systems that are out there so that they can make them available to new construction. They are not strictly speaking about residential, but all new construction, whether it is a Costco, Staples or an apartment project.

Councilmember Meinzen McEnerny stated she would like to have more information included on individual gray water systems, commercial and residential, as part of this program.

Mr. Duncan stated gray water is a specific type of reuse water.

Mayor Galambos stated there is a lot of state regulation about what to do and what not to do.

Mr. Duncan stated that the state does not have regulations but guidelines. He would be happy to provide the guidelines to staff.

Councilmember Fries stated that she agrees with Councilmember Meinzen McEnerny that when staff brings them back to Council to have the residential reuse water included in the incentives.

**Chief of Police Terry Sult** introduced the new Deputy Police Chief, Ken DeSimone. Deputy Chief DeSimone is a proven leader of people with experience in public-private partnerships both in the public and the private sector. He has the ability to make and maintain National and International connections as well as having experience in the military with the Marine Corp oversees. Ken was one of forty plus applicants.

#### **Presentation of a Roswell Road Travel Time Study**

**Deputy Director of Public Works Jon Drysdale** stated that Dr. Billy Bachman, GeoStats preformed this Roswell Road Travel time Study for the City. Mr. Bachman will present his Report to City Council.

**Dr. Billy Bachman, GeoStats** stated his company was contracted by Sandy Springs to do congestion analysis in the Sandy Springs area. The purpose of the study was to identify where traffic congestion delays are occurring in the area and also to compare Roswell Road traffic congestion with data collected in previous years. This data is used to set a foundation for future work where signal timing or road improvements will occur throughout Sandy Springs besides Roswell Road.

The method they used is GPS equipped probed vehicles. They have drivers out collecting second by second data along the corridors throughout a certain defined study period. With that data, they are able to compare the results to what they saw in previous years.

There is traffic congestion in Sandy Springs but there is not nearly as much as there was on Roswell Road before. The Peachtree Dunwoody Road corridor is going to be a challenge.

He pointed out that in the afternoon, north bound on Roswell Road shows significant improvements from previous years. The rest of the directions and time periods do not show much change at all from the previous study. Overall estimated improvements in fuel savings, time savings, and emission reductions were substantial; indicating that the implemented improvements had a positive impact. This study estimates over \$5,000,000 in annual time and fuel savings were realized by travelers on this corridor.

**Mayor Galambos** requested he explain the difference between the north bound and south bound traffic.

Dr. Bachman stated that it could be allocated towards signal timing improvements. The Sandy Springs Traffic Department may be able to describe more about what occurred during this timeframe. GeoStats only evaluated the data that was collected. When there are signal time improvements, there still will be intense periods, but when you get improvements the tail ends of a peak period start to shrink and that is where you get overall average travel time savings which could be very significant. This is what they saw here in the afternoon. There could be a number of other things that impact that as well; the economy, recession, things that are occurring on I-285. He has seen a number of Cities conducting similar efforts and he would have to say that Sandy Springs has done a marvelous job of being very quick to respond to the demands that it's faced with. The City's TMC Center is very impressive.

**Councilmember Fries** stated she would like to hear from staff on what the difference is.

**Traffic Manager Messer** stated a lot of timing changes were made north bound on Roswell Road during that time period. More devices have come in now and the fiber has been put in past I-285 and we started linking those cameras in and things are only going to improve.

**Discussion of the acceptance of the Donation of the Temporary Construction Easement for the PCID / Peachtree Dunwoody Road LCI Streetscape Project (CSSTP-0006-00(984))**

**Transportation Planning Manager Garrin Coleman** stated this is for the acceptance of the donation of the temporary construction Easement for the PCID/Peachtree Dunwoody Road LCI Streetscape Project and not the sidewalk project. This easement will expire upon completion of the project.

**Discussion of the acceptance of the Donation of the Temporary Construction Easement for the PCID – Fulton PCID Intersections and Sidewalks, Phase I Project (CSSTP – 00(657))**

**Transportation Planning Manager Garrin Coleman** stated this is another acceptance of a donation of a Temporary Construction Easement for the PCID, Fulton PCID Intersections and Sidewalks, Phase I Project. This easement will also expire upon completion of the project.

**Discussion of the acceptance of the Donation of Permanent Construction and Utility Easements for the PCID Intersection and Sidewalk Project**

**Transportation Planning Manager Garrin Coleman** stated this item is for the acceptance of the Donation of Permanent Construction and Utility Easements for the PCID Intersection and Sidewalk Project, Phase I. This is approximately .008 acres.

**Discussion of the submission of changes to the City's existing Functional Road Classification to the Georgia Department of Transportation and the Atlanta Regional Commission.**

**Transportation Planner Mark Moore** gave the following presentation:

**Introduction**

- Roads are classified according to how they function, using a sliding scale between direct land access and the mobility of volumes along the road.
- The current GDOT classifications need to be updated and therefore do not reflect the current function of many of the roads:
  - Johnson Ferry Road is classified as a Principal Arterial, including segments with daily traffic of 6,000 vpd
  - Roswell Road is classified as a Minor Arterial, with daily traffic ranging between 25,000 and 35,000 vpd

Mr. Moore stated staff felt GDOT's classifications were a little off on some of the overlays and needed to be updated. For example the Johnson Ferry Road corridor from Cobb County all the way through down to its westbound only entrance onto I-285 is considered a principal arterial. Right now it is the only principal arterial in the City of Sandy Springs according to GDOT. Roswell Road is considered a Minor Arterial. Please note that included the section of Johnson Ferry Road behind Sandy Springs Library that has a volume of approximately 6,000 vehicles per day Principal Arterial. Whereas, Roswell Road consistently has an average of 30,000 vehicles a day at any given point. Staff has proposed a few changes:

### **Proposed Change Summary**

- Road mileage of collector and higher order streets helps determine funding for capital improvements
- Current GDOT v. Proposed City of Sandy Springs Classification
  - **Total Collector and Higher: 126.8 miles → 141.3 miles (+14.5)**
  - Interstate/Expressway: 43.3 miles
  - Principal Arterial: 4.2 miles → 15.4 miles (+11.2)
  - Minor Arterial: 37.2 miles → 38.2 miles (+1.0)
  - Collector: 42.1 miles → 44.4 miles (+2.3)

### **Modification Process**

- Requestor submits information to ARC
- ARC reviews and provides request to GDOT for concurrence
- Change will be processed through TCC, TAQC and ARC Board for approval
- Approved request will be forwarded back to GDOT
- GDOT will request approval of change from FHWA

**Councilmember MacGinnitie** questioned if there was any chance the end result of this somewhere down the line is pressure from the ARC or GDOT about widening some of these roads as they take a look at regional developments.

Mr. Moore stated that he did not believe so. He does not believe ARC will be in a position to make anyone widen roads. Staff has tried to reflect the reality of what is on the ground.

### **Presentation of the Stormwater Permit Program Update**

**Stormwater Utility Manager David Chastant, P.E.** gave the following presentation:

#### **Stormwater Permit Activities Status and Schedule**

- Staffing
  - Engineer – Jason Foster started 1/5/09
  - Field Superintendent - Brittney Thropp will start 2/9/09
- 2008 MS4 Annual Report
  - 23 tasks
  - To Georgia EPD 1/31/09
- Started work on three contracts
  - Inventory and Assessment
  - Floodplain Services Contract
  - Watershed Improvement Planning Contract
- Inventory Scope
  - Stream network and report
  - Inventory of 14,600 structures
- RFP out 9/24/2008
- Pre-proposal meeting (53 consultants) held 10/2/08
- 17 firms/teams responded 10/13/2008
- City Council awarded contract to ARCADIS 11/4/2008 for \$405,774 – within city budget
- Notice To Proceed to ARCADIS 12/17/08
- People in field 12/29/2008
- Pilot area turned in for review 1/9/2009

### **Floodplain Study**

- Scope
  - Analysis of existing data
  - Basin Map
  - 24 miles and 77 culverts of detail floodplain study
  - 36 miles and 182 culverts of limited detail floodplain study
  - Recommended Capital Improvements
- RFP out October 17, 2008 (2 phases)
- 15 firms responded with Qualifications 10/31/2008
- Pre-proposal meeting with 3 firms 11/20/2008
- 3 firms submitted proposals 12/2/2008
- NTP to Manhard LTD 1/14/09
- \$126,600 - Within City Budget, for entire City

### **Watershed Improvement Plans**

- Scope
  - Analysis of existing data
  - Update of CIP Priority Projects List
  - Nancy Creek Watershed Improvement Plan
  - Long Island Creek Watershed Improvement Plan
- RFP out 10/17/2008 (First of 2 phases)
- 4 firms responded with Qualifications 11/3/2008
- Pre-proposal Meeting held 11/20/08 with 3 firms
- 2 firms submitted cost proposal 12/2/2008
- Notice to Proceed to Brown and Caldwell 1/14/09
- \$222,000 – Within City budget

**Mayor Galambos** questioned if it was the same people who did it last time.

Mr. Chastant stated that a lot less firms competed and it is probably because Brown and Caldwell had done it before, they would be successful again.

Mayor Galambos stated that in some instances where they were supposed to have done something that it was absolutely not done because they sent out teams of people to look at all the detention ponds and they did not look at them.

Mr. Chastant stated the way that Fulton County did the contract they had many firms that were involved and it was a huge coordination effort. A lot of inventory was done by different firms. Brown and Caldwell did not do this specific inventory.

**Councilmember Fries** questioned if the \$222,000 was only to study, analyze and come up with a plan. It does not do anything about getting any of the biotas fixed.

Mr. Chastant stated that they would be coming up with a new CIP list in the Capital Improvement Projects that are designed to bring the biotas back. There will be plenty of projects but they will be projects that the City can implement and hopefully get the critters back.

Mayor Galambos questioned if this is one of the plans that has to be redone every year.

Mr. Chastant stated that once it is done, it is done but moving forward the plan will be modified. There will be new projects that you will want to add. The plan will change, but not because staff has gone out and done a whole new study.

Mayor Galambos stated that someday she would like to have a report on how much the City has spent at the time we began meeting the requirements of the Department of Community Affairs.

### **Discussion of proposed Revisions to Ethics Ordinance**

**Glenn Moffett** acknowledged Charles Maddrey of the Ethics Board who has worked very long hours in setting up, meeting and revising the bylaw procedures in the Ordinance itself. Mr. Maddrey could not be here tonight.

At the October 16, 2008, Work Session the City Council expressed concern about the inclusion of City employees including contract employees having their complaints heard before the Ethics Board. The Council directed the Ethics Board to consider these concerns and return with a final recommendation. The Board studied the minutes of the October 16, 2008 Work Session and met as a committee. The Board has made it clear about two separate things about the Ordinance. First of all, the Bylaws and Procedures as revised are fine. The Committee does not have any problems there.

The house keeping matters in the Ordinance itself, the committee has no problems with those either. Those are mainly items correcting definitions, identification, complaint response times, scope and role of the alternate board members.

There are only two major things the Committee would ask Council to reconsider based on what was discussed at the October 16, 2008 Work Session. The Ethics Board unanimously stated that they wanted me to tell Council that the City of Sandy Springs Ethics Ordinance, as it exists, sets the minimum ethics standards for everyone involved in the City's function, whether you are an employee or a volunteer. To get to this point, we went back to the City Charter and under paragraph nine (9) of this City Charter, under Ethics "to adopt Ethics Ordinances and Regulations governing the conduct of municipal elected officials, appointed officials and employees" it does not say "except employees", it includes employees. It establishes procedures for Ethics complaints, setting for penalties for violations of such rules and procedures. At the October 16, 2008 Work Session, we ran into "what if" the department head is already doing something with regard to a problem that has developed in their department. An example was mentioned about the Police Department. The Board has only had two hearings this year and one of them involved a mention of the Police Department. The Chief in that department had already undertaken an investigation and set forth certain penalties of several of the Police Department employees. The Ethics Committee said that was fine. You take care of your own department and we only ask that you meet the minimum ethical standards set forth in the Ordinance which is there for everybody. These standards are recommended by IMLA and Municipal Lawyers Association and we find that they meet the requirements of what we think the Charter says we should meet. The Boards wants to encourage Council not to take out "employees" of the definition of a public servant. If you want to have more assurance that a department head can, in fact, direct the employees and their department and to in effect set their own penalties and requirements, that is okay as long as it meets the minimum standards of the Ethics Board. The Board has suggested this language for Council's consideration: "In order to avoid multiple proceedings against the respondent for any alleged violation of the Ethics Ordinance, in any similar violation of the Codes of Conduct of any department of the City, the Board is authorized to defer its discretion and rule upon the violation upon a determination that the respondent is already subject to similar appropriate proceedings in another department of the City and notification to the Ethics Board that department will adequately address that alleged violation. Then we will defer. The Board thinks it's a big mistake to take out of the definition of a public servant the employees of the City. The Ethics Board feels very strongly about this.

**Councilmember Fries** stated that the language Mr. Moffett just read, summing it up says basically that the Board would defer if the employee was already being handled under the department head. That is where Council is

looking at it, it will be. Everybody has their own pyramid and Council is the only one that does not have somebody acting as their overseer.

**Councilmember Paul** stated that the final arbiter of Council's behavior is obviously the voters but the Ethics Board, Commission judgment about the behavior of this group of elected officials will have weight with those people and ultimately hold all of our fate if we go up for re-election. That would be one area.

The other people that are appointed either by the Mayor which is the commissions, everybody that has a vote, are not subject to the same requirements. Part of the challenge for Council is that we have the employee grievance that has to be implemented and the City Manager is the final arbiter of that process. There is a process in place. My concern in voting for this is the potentiality of double jeopardy from the point of view, you have discretion to defer, but with that discretion comes the possibility of not using that discretion and somebody being adjudicated twice for the same crime.

Mr. Moffett stated he misunderstood what he had said. The Board does defer if the department head says to us that they are handling the situation.

Councilmember Fries stated that is the part she wants to address because it is going to be addressed. The employee goes to the department head, the department head goes to the City Manager. CH2M Hill and the City have their own rules and the police and fire have their own rules to go by. If someone breaks their rules, they go to the Chief and then the Chief goes to the City Manager. The statement you just said, "If the department heads tell you to defer it, you will and there is no need to have that dialogue because they are managing it.

Mr. Moffett stated unless they have the same minimum standards the Ethics Ordinance has.

**Mayor Galambos** stated one of the standards discussed in October was the amount of gifts someone could receive and if standards exist that are the same for various departments and for City Council.

**City Attorney Willard** stated that the prohibited conduct and abuses or misuses of position defined in the Ordinance which goes through those types of standards and what it says there is "granting or making available to any person any special consideration treatment or advantage". There was a proposal about a dollar sum.

Mr. Moffett stated the dollar amount is \$250.00.

**City Manager McDonough** stated that the City's standard is more stringent than that. Both the City Attorney and Assistant City Attorney have evaluated this issue at length and have prepared the memo that is in Council's packet that addresses many of the issues that have been raised along the lines of standardization.

**Assistant City Attorney McLendon** stated that employees would be handled based on the "Employee Handbook". The gift amount was brought down to \$25 that was set as the standard for all employees that are covered by the handbook.

**Councilmember Meinzen McEnerny** stated that the City Charter includes the City employees. The second part of it is we do need to meet the minimum standards of our Ethics Ordinance. Regarding gifts, if it is a higher standard in the Employee Manual or Policy then meets that, I would suggest that the compromise language that the Ethics Board has brought to Council would seem to allow us to cover the double jeopardy issue and meet the very important requirements of our Charter.

Councilmember Fries deferred to City Attorney Willard, two things, the Charter and GMA.

City Attorney Willard stated the Charter defines Ordinance or Regulations. He had a meeting with Mr. Maddrey on Saturday explaining the concern of Council again. He helped compose something. The wording at least might

satisfy the Council and the Ethics Board: "Whereas, other departments the City may have their own codes of conduct, the City's Code of Ethics including but limited to provisions of 2.18 (Prohibited Conduct) is to serve as a minimum standard of all City departments and its employees." It doesn't make the ordinance applicable to them, it just says, here's the standard we want everyone to recognize, we would like to see everybody operate under.

Mayor Galambos stated that puts everyone under the same fundamental standards. This meets the concern raised by the Board. In terms of saying the Ethics Board will have jurisdiction with this deferral language, Council thinks it is a little bit squishy; she and Council are not interested in the possibility that an employee could have gone through the process in his department and then you all are going to recognize that this was handled properly and it's got to be handled again. That worries Council a lot.

Mr. Moffett stated that is not what he said a few minutes ago. The Board will defer and it would be in the Ordinance if the departmental chairman tells the Board they are handling the problem. He does not agree with the language that was just read and neither does the Ethics Board. The Board encourages Council to keep the language as is with employees included in the term "public servant".

Councilmember Meinzen McEnery explained that it meets the Charter. It has to meet the Charter to have her support.

Mayor Galambos stated that Mr. Willard read that the Charter can be met by Ordinance or Regulations.

Councilmember Fries stated that the question was brought up before, if Council does change this, the City would still be in compliance as a "City of Ethics" through GMA.

City Attorney Willard stated that the GMA Standards for a City of Ethics is that it has to apply to elected officials. Beyond that, it is something done by each individual City.

Mayor Galambos stated that we are not contravening the Charter. The Charter allows the ethics to be addressed by Ordinance or Regulations.

Councilmember Meinzen McEnery stated that the Charter seems to have included public servants and employees and it went on to further say by Ordinance or Regulations.

Mr. Moffett explained that he does not agree with that interpretation.

Councilmember Meinzen McEnery stated that it is either addressed in the Ethics Ordinance or by Regulations and that is in the Charter. What you're saying is the Regulation is this Handbook for City Employees. To me, the plain meaning of it is to include in the definitions, employees.

**Councilmember MacGinnitie** stated he has one concern with this. He is not interested in having multiple proceedings going on with multiple people for lots of reasons. He does want to make sure there is some fail safe mechanism for reporting unethical behavior at any level in the City to somebody if the chain of command is not working properly. He wants to make sure that is addressed somewhere.

Councilmember Paul shares Councilmember MacGinnitie's concern in that regard. If the chain of command does break down, what are the alternatives that we have to ensure that it does not go unaddressed?

**Councilmember DeJulio** questioned if City Council has the ultimate responsibility or the ultimate ability to go ahead and address it if it's not being addressed?

City Manager McDonough stated yes, indirectly through the City Manager. To get to the fail safe issues, if there is something in the chain of command, the employees have multiple options of people they can go to. If they see

something that they are not comfortable with in their department, they can go to the City Clerk, they can go to the City Attorney's office, and they can come to my office, or go to the Mayor's office. None of these people just mentioned are going to turn them away and not listen to the issues that they have and not properly address them. Our biggest concern is that we fall into a situation where we essentially have a civil service system set up, whereby you are taking the responsibility and the accountability away from either the department head or the City Manager who's ultimately under your Charter responsible in that form of government for the employees conduct. You can have a standardized set of rules and regulations. I do not think anyone has a problem with that, but when we start to talk about discretion and deferral to an outside group that's not even affiliated with the responsibility for these individuals and these employees it becomes a major problem and a major issue.

Councilmember DeJulio questioned if something was to happen with the police and fire departments and one of the Chief's addresses it according to their ethical procedures, does it then have to be brought to the City Manager for final approval or does the Chief get to have final approval over his own department.

City Manager McDonough stated it would depend on the situation. The department level has the authorization to suspend employees up to a certain number of days. They have to have the City Manager's approval to do that. Any termination action or recommendation has to come through the City Manager's office.

Councilmember DeJulio stated by having a little military background he thinks the department one is working for has to be in charge of a persons discipline rather than have an outside entity in charge of your discipline. As long as the City Manager is signing off on this and reviewing it, then he is happy with that without having to go to the Ethics Board.

Chief Sult stated that there is one thing to consider, under the City Ordinance he is required to bring the Police Department under national accreditation standards which addresses ethics. Whatever Council passes, must be consistent with that or we will have conflicting Ordinances in place. The Police Department goes under an audit every three years for those procedures to make sure we remain in compliance. He cautions that whatever decision is made, the department must meet Georgia Accreditation, Law Enforcement Accreditation and National Accreditation standards. Those standards are set to protect employees, the organization and the City's to make sure we are running professional and ethical organizations. We need to be careful in moving forward with this in that respect.

Mayor Galambos stated Councilmember MacGinnitie has brought up a good point regarding is there some kind of final appeal.

City Manager McDonough stated for City employees under the City's form of government, it is the City Manager. For the City Manager it is your City Council. He is responsible to the Mayor and six members of Council. The City Council, Boards and Commissions are held accountable by the voters. In this case, from an ethical standpoint, a Board that Council has created to govern ethical conduct.

Councilmember MacGinnitie stated he shares the sense of not wanting to run parallel procedures; he wants to make sure that there is also a way, if in fact there is a problem, that it can be surfaced outside the chain of command if necessary.

Councilmember Paul expressed his concern with the use of the words deferral and discretion.

Mayor Galambos stated that Council has heard the concerns of the Ethics Board. Council has two weeks to carefully consider the Board's recommendations. Council will take advice from Councilmember MacGinnitie as he looks over the Ordinance to see if revisions are needed and to add the language Mr. Willard read tonight.

**Discussion of a Resolution of the City of Sandy Springs, Georgia to adopt a Pre-Disaster Mitigation Plan**

**Senior Deputy Fire Marshall Jeff Scarbrough** stated through guidance from City Leadership, the City's Emergency Operations Planning Committee was established in June of 2007 with representatives from Fire/EMS, Police, Finance, Public Works, Communications, Risk Management, and Community Development. The committee took the FEMA template for what has to be in a Hazard Mitigation Plan and did research of what had happened to Sandy Springs in the past and actually what exists now and what could happen and identified all the hazards they could possibly come up with that could happen in Sandy Springs.

The focus of the plan is about protecting life and property. The Committee questioned what it could do before something happens to minimize the loss or prevent it completely. The Plan before Council is what the committee came up with. In the process the committee had to go through Atlanta Fulton County EMA and get a letter of concurrence that says we fell under the Fulton County Hazard Mitigation Plan. Now with our own plan it serves as an addendum to their plan so it had to be in agreement with the Fulton County Emergency Management Plan. We could not be in conflict with that plan because ultimately Atlanta Fulton County EMA is the link from us to GEMA and FEMA. The City received the letter with the draft plan which is about 60% of what is before City Council now. The letter and draft was taken to GEMA. GEMA looked at it and gave feedback and direction. Staff followed their direction and then it went to FEMA. FEMA has looked at and has said the format is good, the content is good and the next step would be for City Council to adopt it. The dates listed in the plan are very flexible and the dollar amounts are soft estimates. It is not a commitment by the City in any form. It is only saying here is our plan based on the hazards that have been identified and what we would like to do in the City. FEMA has contacted him stating the City needs to adopt the plan and send them a copy of the Ordinance. Once these things are done the City will be in compliance with the Disaster Mitigation Act of 2000, which requires all communities to put together a Hazard Mitigation Plan. This plan also makes the City eligible for state and federal grants and assistance.

**Discussion of an Ordinance to amend Chapter 58, Article I of the City's Code of Ordinances to add a new Sec. 58-7 to establish license requirements and fees, impound facility requirements and for other purposes relating to nonconsensual towing carriers and to implement a public electronic notification system to enhance the ability of the City and its citizens to locate vehicles towed within the City**

**City Attorney Wendell Willard** stated the ordinance was originally drafted to include licensing and other requirements of non-consensual towing carriers operating within the City and to provide for a public electronic notification system that would allow the City to track tows within the City. Members of the Council expressed concern regarding extensive regulation of non-consensual towing carriers operating in the City because the Public Service Commission is already charged by the state legislature with the role of regulating such companies. In addition, members of the Council were concerned that the ordinance as drafted could have the effect of stifling competition.

The ordinance was redrafted to eliminate the provisions regulating non-consensual carriers. The Police Department requested specifically that the provisions regulating the lettering on the sides of non-consensual towing carriers be maintained in the ordinance to help identify wreckers used to steal cars off the side of the roadway. The Police Department also requested that the provisions requiring the non-consensual towing company to accept credit/debit cards in lieu of cash be maintained to reduce the potential for theft.

There was a consensus of City Council to move forward with this item.

**Discussion of proposed Fulton County Resolution Prohibiting Tethering of Dogs**

**Assistant City Attorney Cecil McLendon** stated Fulton County asked that this be included in the Animal Control Ordinance. As the Ordinance and the rules are based upon our local ordinances, the City would have to add this in for it to be enforced. Fulton County has asked all the cities to include this provision regarding people who might put their dogs on a tether or chain and in a lot of situations that can lead to injury of the dogs.

**Councilmember DeJulio** stated that people have been putting their dogs on chains for years and this seems like regulation to the extreme. Not everybody has a fenced backyard.

**City Attorney Wendell Willard** stated that Commissioner Pitts, Fulton County at large, has asked all the North Fulton cities to enact a provision banning tethering which is a dog on a chain strapped to a tree. The fear is a dog try's to jump over the fence and hangs itself.

**Councilmember Meinzen McEnerny** stated or a child walks into the yard where a chained vicious animal lives and gets mauled.

Assistant City Attorney McLendon stated based upon the language in the Ordinance it would pretty much apply to any type of system that was in your yard to restrain your dog whether it is a line between trees that has something running back and forth between it or just a thing in the ground.

**Councilmember Fries** questioned if there was an either/or in here that Council is not getting background on?

Councilmember Meinzen McEnerny stated, in referring to Commissioner Pitt's email that Fulton County doesn't have to go to the cities to get approval on county rules that don't affect us directly through an Intergovernmental Agreement. However, since they do provide our animal control services through an IGA, they are required to get each of the cities approval prior to changing the rules.

**Mayor Galambos** stated that there was also something in the email from Commissioner Boxhill saying that if the cities did not go along with this then the County would cut out Animal Control.

Councilmember Meinzen McEnerny stated the two issues she sees relate to the humane treatment of dogs and protection of innocents. Tethering of dogs, they get bored and can hurt themselves. The humane thing to do is not tether your dog at all. She believes that an anti-tethering law will protect innocents that wander into the yard and could get seriously hurt. She is in support of this ordinance.

Councilmember DeJulio questioned how many people in Sandy Springs in the last three or so years have been mauled by dogs.

**City Manager John McDonough** stated the City has had some dog issues like dogs not being on leashes. There was a dog in the Mayor's neighborhood not long ago where the poor fellow was not able to get much recourse through Fulton County as a result of that attack.

**Chief of Police Terry Sult** stated the concern he has is how you handle vicious animals or dogs such as pit bulls. Often times these dogs get out of fences. Are we talking now; are you taking the tethering capability off of those types of animals that sometimes have to be on very large chains because they break the chains. How are they contained? Is there an additional ordinance that says it has to be completely enclosed cage or kennel or are we talking a four foot high fence they can jump over? This is his concern I have.

Councilmember Fries stated that it is clearly an either or situation. We have issues with Fulton County and Animal Control because they do not want to continue it and when we have citations here, they go to Fulton County. The courts there do not have time to deal with them so they dismiss everything so we do not get a chance to even tag a dog as vicious in our City because it goes to Fulton County. She has a real issue with these cases not coming here to Sandy Springs. Let the cases be brought here so that the judge does not dismiss it. The City is faced with, do we bring Animal Control in house or are we going to be held hostage with Fulton County and go along with the tethering ordinance in order to keep Fulton County happy? No one is going to enforce this. The only time Fulton County enforces the ordinance is when someone calls in and says they have been attacked.

**Councilmember Paul** stated that the Police Department will have to enforce it because it will be City Ordinance and it is not just limited to enforcement by Fulton County Animal Control. It has to be enforced by every law enforcement officer of this community.

Mayor Galambos questioned Chief Sult if this would be a case his department would have to enforce.

Chief Sult stated there would have to be an Animal Control function. The department will receive a call for service in regard to this. The department will get the complaint and an officer will respond.

Mayor Galambos questioned what the officer would do.

Chief Sult stated that the City does not have the capacity to take the dog into custody and does not have a place to house dogs. Fulton County is not going to cooperate with us or respond to us within a reasonable amount of time and officers will be out there hours at a time waiting on a response.

Councilmember Paul stated that if an officer is driving down the road and sees a dog tethered in violation of this ordinance, then under the City's provision of the law that officer is required to stop and enforce the ordinance.

**City Manager McDonough** stated this is a real dilemma for Sandy Springs in a number of different ways. Chief Sult raises a good point here. We are working very well with our sister cities to the north and have a good dialogue with those to the south through this service delivery strategy process that we have been going through the past 18 months or so. He suggested to Chief Sult that he bring to his colleagues this issue. For the Chiefs to weigh in and make a recommendation because he raises a valid point about these dangerous dogs of how they are suppose to be contained if they are not on a chain in the backyard, especially the dangerous ones. This needs to be communicated as a unified voice both from north and south Fulton back to the County Commission. If there is ever a service that should be done County wide, this is it. This was talked about at length at the Service Delivery Strategy Review of all the Managers including the County Managers. As a county they have a responsibility to run the rabies program and its function which is all a part of its animal control program. They are required to do that under state law. We see no reason from a professional standpoint to break this up. It is very costly and much better done with a larger group because you get the economies and the efficiencies of doing it that way. It is staff's recommendation to keep the status quo we have today, it works for everybody. There are some issues related to jurisdictions in the court and that type of thing. That is another thing to add to the Chief's agenda to make some recommendations back as a Chief's group. He will be happy to convey that information back to the County Manager so that he can take it back to the County Commission.

Mayor Galambos stated that the City is not being asked at this point to take over Animal Control or whether we wish to continue it with Fulton County. That is not the question Council has in front of them.

City Manager McDonough stated indirectly that is the question before Council because if we tell Fulton County that we are not going to support this for the following reasons, what they have said, as we understand it, is that they want to cease continuation of the Animal Control Programs. That is essentially the issue before Council this evening.

Councilmember Meinzen McEnery stated that she has not personally seen the facilities and probably no one else here has either. With the money that the City is paying Fulton County to handle this service, they will hold the dogs for adoption for no more than three days. The Atlanta Humane Society recommends seven days to give the animals a chance at adoption, but the county is only willing to pay for three days worth, which I believe is inadequate. We would have to increase our rates to get them to the norm which is seven days. Not only do they not come up here and get animals that are loose because of the distance. The treatment of the animals in these facilities is less than the standard this community would like. The services that our animals are getting are substandard.

Mayor Galambos questioned if she was proposing that we do this as a City service.

Councilmember Meinzen McEnerny stated that she is saying that ultimately at some future time the North Fulton cities need to get geographically a centralized location.

Councilmember Fries stated she just sent Council the dog ordinance and the breakdown of the cost the City spent a year ago.

Councilmember DeJulio questioned what the cost was.

City Manager McDonough stated that it is based on a formula on the number of animals picked up by jurisdiction. It is less than \$100,000 annually.

Councilmember Fries expressed her concern about the break down, that if it is not brought into the City's court system, we are not going anywhere with this ordinance.

Councilmember Paul suggested that Council follow the City Manager's suggestion.

Mayor Galambos stated she will email Commissioner Pitts back and say that we will be in communication with our sister cities and then make a decision.

Councilmember DeJulio asked for clarification of what "competent person" means.

City Attorney Willard stated a competent person is a person of able age to control a dog.

Mayor Galambos stated that there is a consensus of Council to do this with the North Fulton cities saying we have made no decision.

**Discussion of proposed Revisions to Ethics Ordinance**  
(This item was moved up on the Agenda)

**Discussion of an Ordinance to amend Chapter 109-19, Article II: Floodplain Management Ordinance of the Code of the City of Sandy Springs**

**Assistant Director of Land Development Blake Dettwiler** stated that the floodplain management related regulations removed from the Zoning Ordinance already exist in Chapter 109, Article II of the Code of the City of Sandy Springs. The current definition of "structure" in the floodplain management ordinance does not address open air buildings, such as pavilions gazebos or decks and whether or not they are allowed to be built in areas designated floodplain.

This text amendment will clearly define what constitutes a structure as defined in Chapter 109-19, Article II of the Code of the City of Sandy Springs.

Staff recommends approval of this revision to the Code of the City of Sandy Springs; Chapter 109-19, Article II: Floodplain Management Ordinance to define a structure as "anything built or constructed which extends above ground and occupies a location on, or is attached to, or cantilevers over the ground". This definition will replace the current definition of a structure found in Section 109-19 of the ordinance.

**Councilmember Meinzen McEnerny** stated that staff's clarification is supportable because the intention is to have pervious surfaces to absorb water around the floodplain. A pavilion with an impervious roof would be an inconsistent use in the floodplain.

Mr. Dettwiler stated these types of structures could be permitted as long as they meet the requirements of the ordinance and of FEMA.

The Council reached a consensus to move forward with this matter

#### **Discussion of ratification of all Final Plats approved since incorporation of City of Sandy Springs on December 1, 2005**

**Assistant Director of Land Development Blake Dettwiler** stated that on September 16, 2008, the Mayor and City Council adopted a new Development Ordinance that has been incorporated into the Code of the City of Sandy Springs. Article 7.1.8(h) of the Development Ordinance requires the Community Development Department to submit a listing of all approved Final Plats to the Mayor and City Council for ratification of acceptance of all dedications on a monthly basis. The first list included in your packets is all of those final plats that were approved from 2005 to 2007.

Staff's recommendation is that at each monthly Work Session any plats approved thereafter would be presented for Councils ratification as well.

There was no additional discussion on this item.

#### **Update of the 2008 CDBG Program and Discussion of 2009 CDBG Projects**

**Community Development Block Grant Manager Vann McNeill** referenced maps showing an area that runs from Big Trees north to Northridge Road and includes Pitts Road. This was the site that was discussed by Council in 2008 to be an area for potential construction projects for sidewalks that would qualify for the Block Grant Program. Councilmember Fries had a question about whether this is what we had intended to continue to do and actually it is. This will remain the 2008 Project. Unfortunately, the City is not in a position to actually construct anything here right at this moment.

Since early December, Community Development, Public Works and Purchasing have been working on a Request for Proposal (RFP) to do the preliminary work which involves securing a firm that can do surveying, identify right-of-way, look at property ownership in this general area and to collect any other information that is required to ensure that we can design and construct an actual project somewhere in that area and we would identify that based upon the budget available and bring it back before City Council. This is ultimately based on the Capital Improvement Plan and the Sidewalk Master Plan where it looks like this would be a good place to do a sidewalk construction project with the 2008 Block Grant funds.

Mr. McNeill referenced another map that shows a larger area going from Dalrymple north to Hightower Trail and still includes Pitts Road, Northridge and Hightower. Having recently completed a number of schools and other sidewalk projects, Public Works felt that a good approach would be to survey a larger area than what was actually selected for the 2008 project, to ensure that there were options that we could easily match to the budget that would be available. It is a much larger area but ultimately, it would provide more flexibility in determining where we could propose using the 2008 funds for that construction project; and also talk about the 2009 action plan related to this.

**Councilmember Meinzen McEnerny** questioned if any sidewalks would be constructed with the 2008 money or is all of it going to be used to study this bigger area.

Mr. McNeill stated that \$350,000 will probably cover this larger area and if Council wants to reduce that staff can do that and whatever is left over can be rolled over into 2009.

Mayor Galambos questioned if this was for the study or to construct.

Mr. McNeill stated the initial stage needs to be to look at an area where actual design drawings and construction drawings can be created. That does not exist now. From working with Public Works there are a number of challenges related to right-of-way ownership. There are some significant slopes along Roswell Road in this area that need to be identified so that then an actual design can be done for an area where we can construct this project. This is a field survey.

**Mayor Galambos** questioned if the CDBG money will be spent entirely for field survey.

Mr. McNeill stated that it would not take the entire allocation.

Councilmember Meinzen McEnerny stated that the City has \$540,000 for 2008, she questioned where that money would go in terms of this expanded plan and what will the City get at the end of the day when the \$540,000 has been spent?

Mr. McNeill stated that it would not take the \$540,000 to do the surveying, Public Works estimates somewhere between \$300,000 and \$350,000 for the survey. There are a number of very difficult challenging areas along the right-of-way.

Councilmember Meinzen McEnerny stated we could have had all this surveyed and done. She asked what the difference is between what we are talking about and the \$540,000.

Mr. McNeill stated that the \$540,000 is available to do whatever Council decides to do with it in terms of project, construction for sidewalks. There are no plans at this time that can actually build a sidewalk in that area. This preliminary work has to be done first.

**Councilmember DeJulio** stated that it is going to take 60% of the money to do the preliminary work so there will be no money to do the work.

Mayor Galambos stated this is the same thing with all of the City's streetscape projects. A huge amount is spent upfront for the design work and the right-of-way in negotiating all these deals and then the construction doesn't take a whole lot more than we have already spent.

**Councilmember Fries** questioned how the sidewalks got put in on Pitts Road.

Mr. McNeill stated it was not through this program.

Councilmember Fries stated that is why there is all this confusion. She questioned what happened to the design build idea.

**Director of Public Works Parham** stated that design build is used when you have simple construction. This area has some easy places and some hard places and all have the overlay requirements that need to be resolved and federal requirements too, because of all of the restrictions of CDBG and make it more difficult than when it is totally locally funded.

Councilmember Meinzen McEnerny questioned if there was going to be any adverse impact on Big Trees, and questioned if anymore property would be taken there. There are Fulton County Tree bank trees planted there that need to be protected.

Ms. Parham stated that all the trees would have to be looked at.

Councilmember Meinzen McEnerny stated just leave the existing sidewalk there and don't do the CDBG there.

Councilmember Fries stated that she wished the City didn't have to spend so much money preparing to do something.

**Councilmember Paul** stated that the City's low and moderate income census tracts all go along Roswell Road. Council had discussion last time about how we would do streetscapes if we took the burden off the property tax and how we could come up with alternatives. There is an awful lot of Roswell Road that could be done over time using CDBG funds. In fact, they could conform to the City's Streetscape requirements and the only thing we wouldn't be able to do is put the lights in.

Councilmember Fries questioned if those could be done without so much studying.

Councilmember Paul said no, it still would have to be done. There are federal requirements that are attached to federal money. In the stimulus, there will be a move coming to CDBG and the City should be able to get more money out of the CDBG going forward under the stimulus plan. There are also options using those funds to borrow against so that you can borrow up to five years worth of funds and use your annual allocation to pay those back. You can take some chunks of this and leverage these funds and do much more and by doing that you get some efficiencies of scale rather than to try to do them in \$500,000 parcels. You can let a \$2,700,000 to \$3,000,000 contract and do all of this including the design build and so much more instead of doing this stuff piece meal over a number of years. It does obligate your CDBG funds for a period of time. We could set aside a certain amount for debt retirement and continue to do that and leverage those funds. His recommendation is to look at how you can optimize these resources with a 108 loan which is nothing more than a very low interest. Under the stimulus plan, HUD might work with us to get more money. The City won't get all the money to do all of this, but the City can do pieces of this thing and rather than trying to do \$500,000 projects of which you are going to use up \$300,000 in planning, go ahead and plan the large area and do the 108 and then you have enough money to do some serious construction in there.

Councilmember DeJulio questioned if there were some parts of this we could construct that wouldn't require so much planning and so many streams where we could actually put the money into the ground rather than give it to some consultant.

Councilmember Paul stated the answer is no, because these are federal requirements.

Mayor Galambos stated the City needs to concentrate on using the money on Roswell Road.

Councilmember Paul stated that is his recommendation. Staff has given a large geographic area there to do a study. If we do a 108 loan then you could not only do the planning and design but also the construction of a major part of that section and we get the streetscapes with the exception of the lights. The City's cost would simply be installing the lights. If you are innovated and creative of the way you use this and leverage these funds rather than just taking 500,000 a year and spending 60% of it for study, then you're ultimately going to get 2,000 feet of sidewalk. Borrow against it and do the planning for a large area. It's not going to cost that much more to plan for the whole thing. Then you have money to do the planning and a significant amount of construction.

Councilmember Meinzen McEnerny stated that if the City were to take the \$540,000 and spend it all on the planning part, we would get a lot more of that area going north planned so that when the stimulus money comes in or when we borrow the 108 money, spend the \$540,000 on a bigger, larger area so that we will be ready.

Councilmember Paul explained she misunderstood what he said. Do not use the \$540,000, use the \$2,700,000 and use the \$300,000 to plan this whole area then you have another \$2,300,000 to do the construction and you can construct more of it rather than building a sidewalk the length of this room which is what it will be when you get through working with this difficult topography.

Mayor Galambos stated that he is leveraging the five year plan.

Councilmember Paul stated that the City is going to take five years of the CDBG appropriations and go ahead and use a portion of our CDBG allocations as debt retirement.

Councilmember Meinzen McEnerny questioned what geographic area he wants to have surveyed.

Mr. McNeill explained that since the City has signed the Grant agreement for 2008, you have that money and should probably use it to do the surveying here and then go to the 108 program.

Councilmember Paul stated rather than just doing these little projects, go ahead and do it while construction cost is down, while the commodity prices are down. You get a lot more bang for your buck by doing that.

Mayor Galambos questioned Council if they wanted to spend as much as possible going north on Roswell Road or do the side streets?

Councilmember Paul stated the City should do Roswell Road and do a lot of the streetscapes. Looking at the map, the areas that are not CDBG are largely already done. This may be a decade long process but we have a set of resources to accelerate that process if it's leveraged right. You have a rare opportunity where you got a need and a specific funding source that can only be used in those areas, so why not match them up.

Mayor Galambos stated that Councilmember Paul's expertise in terms of CDBG is very useful. Staff has heard what Council wants to do.

Mr. McNeill reiterated that Council would like to do a multiyear program, leveraging using CDBG funds.

**Presentation of Water Conservation Alternatives**  
**(Item moved to beginning of agenda)**

**Code Enforcement Division 2008 Year-End Report and Quarterly Update**

**Community Development Director Leathers** stated Community Development is providing the 2008 Code Enforcement Division Annual Report for informational purposes only. The report illustrates the progress Code Enforcement has made to date and provides a comparison to past performance. Additionally, a copy of the December 2008 (FY'09 1<sup>st</sup> Qtr) month report has been included for Council review.

The 2008 Code Enforcement Annual Report provides related division activity together with fines and penalties which have increased over the same period in 2007. In order to address the issue of an increasing amount of vacant/substandard properties in the City of Sandy Springs, the Code Enforcement Division developed a systematic inspection program targeting these properties called the Vacant Property Enforcement Program (VPEP). Random code enforcement inspections at Service Stations and Apartment Sweeps were also used by the Division to safeguard the health, safety and welfare of the citizens. The Code Enforcement Division addressed these challenges and this report highlights the accomplishment of this successful effort.

**Mayor Galambos** questioned if the City has a lot of foreclosures.

**Mr. McNeill** explained according to data on HUD's website related to the Neighborhood Stabilization Program, there is a 3.6% foreclosure rate in Sandy Springs.

Councilmember Paul stated that Councilmember Fries had asked if the City could set some money aside for Habitat. He questioned if staff has investigated home funds and if the City is eligible for home funds.

Mr. McNeill stated that it would need to be a participating jurisdiction with Fulton County.

**Councilmember Paul** stated that the City needs to be careful with the CDBG money because they will come and audit the City at some point. If the City has not used it wisely and properly and according to the regulations, they will make you pay it back with interest.

**Councilmember Fries** stated that she was intrigued by the Habitat idea and did not know if we could do a little and go in on one.

**Mayor Galambos** announced that the Anne Frank Exhibit term in the Decatur facility runs out in December and they would like to come to Sandy Springs permanently. It would be a fantastic attraction. They will need about 2,000 square feet of free space plus a little bit of office space. They would also need expense money, about \$55,000 a year. She has spoken with Kym Hughes, Hospitality and she was very excited. There have been cooperative arrangements between the Hospitality Groups and Anne Frank Exhibit. Ms. Hughes is looking for new space anyway and there may be away to combine her new space, although she would not get rent.

The other possibility would be to house them at the Target site until such time Kym Hughes can come up with something that would be permanent. She is just throwing these things out tonight. It is still early and no decisions have to be made. She has also thought about the Heritage House and the William Payne House. She would just like for everyone to think about it.

**Councilmember Fries** stated that City Walk may have empty space. If enough people come in there they might find it beneficial.

**Councilmember Meinzen McEnerny** mentioned using the Butler Mansion at Mt. Paran and Roswell.

**Mayor Galambos** reported that the Northside Hospital Birth Certificates say Atlanta. She received a phone call from the CEO after she had discussions through their Board of Directors. The Board of Directors is on the City's side. The CEO is going to look into it.

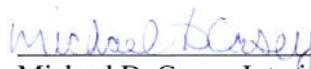
**City Attorney Willard** stated that he had a conversation with their lobbyist at the Capital yesterday and he expressed that an answer was coming back that he thought would be favorable to the City.

Regular Meeting resumed at 9:37.

**Date Approved: April 7, 2009**



Eva Galambos, Mayor



Michael D. Casey, Interim City Clerk