

Work Session of the Sandy Springs City Council was held Tuesday, March 3, 2009 at 6:00 p.m., Mayor Eva Galambos presiding.

Consideration of Approval of a contract to Construct Dunwoody Club Drive at Spalding Drive Intersection Improvements Project (T-0016)

Deputy Director of Public Works Jon Drysdale stated that this project includes construction of intersection improvements located at Dunwoody Club Drive at Spalding Drive. It provides for construction of a dedicated right-turn lane on westbound Spalding Drive and associated traffic signal and striping improvements. The project duration is estimated at 120 days from the issuance of Notice to Proceed.

Bids will be received on March 17th. The results will be presented at the Regular City Council meeting, and staff will make an award recommendation.

A pre-bid meeting was held today. Twelve (12) construction firms were represented.

Councilmember Fries asked what the completion date is for this project.

Mr. Drysdale stated that it is 120 days after awarding the contract.

Staff will bring this item back to City Council for approval at the next meeting.

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

Consideration of Approval of a Project Framework Agreement with the Georgia Department of Transportation for the Roswell Road Streetscape Project (T-0019), Phase I, from Meadow Brook Road to Long Island Drive.

Deputy Director of Public Works Jon Drysdale stated that this project includes sidewalk construction on both sides of Roswell Road from Meadow Brook Road to Long Island Drive. The City, as the local sponsor, will need to execute the Project Framework Agreement (PFA) to keep the project moving through the plan development process.

This project is programmed for construction activities to begin in fiscal year 2010. This phase is to be funded with both Federal and local funds. In order for the preliminary activities to advance, the City will need to execute and return the PFA to GDOT for further processing in the Plan Development Process. Once the design is complete, the City will need to fund any needed right-of-way acquisition and utility location. The construction funding for the project is an 80% federal and 20% city. However, GDOT has recently increased the costs in their project's database to reflect significant inflation, and these increases are the responsibility of the local governments. Staff does not believe that the actual project bids will reflect the cost shown in the PFA and advises that the construction bid amounts will be more reasonable.

Staff will bring this item back to City Council for approval at the next meeting.

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

Presentation of the Capital Improvement Program and Updates on Major Public Works Programs

Deputy Director of Public Works Jon Drysdale gave the following presentation:

QUARTERLY PROJECT UPDATES

Mr. Drysdale stated that Council was given the complete presentation. Staff can meet with Council members separately or answer questions by email or phone. This is on the quarterly update and no voting action is required.

Capital Improvement Program Update Summary – Under or Near Construction – 8

- T-0001 – Johnson Ferry/Abernathy Widening
- T-0002 – Abernathy Greenway
- T-0005 – River Valley Road Sidewalks
- T-0006 – Sandy Springs Circle Ped Imp – Phase 1
- T-0008 – Roswell Rd Streetscape (Cliftwood-Hammond)
- T-0016 – Dunwoody Club at Spalding
- T-0020 – Windsor Parkway Sidewalks
- T-0028 – Hammond Interchange

Capital Improvement Program Update Summary – Designs - 6

- T-0010 – Johnson Ferry/Sandy Springs Circle Intersection
- T-0011 – Johnson Ferry/Glenridge Corridor Improvements
- T-0012 – Roswell Road Streetscape (Johnson Ferry north to Abernathy)
- T-0013 – Roswell Road ATMS
- T-0029 – Island Ford Trail
- T-0031 – Roswell Road Interchange Restriping

Capital Improvement Program Update Summary –Concepts - 5

- T-0021 – Peachtree Dunwoody at Lake Hearn
- T-0023 – I-285 Tunnel – Sandy Springs Circle Extension
- T-0024 – Hammond Widening
- T-0025 – Dunwoody Place Improvements
- T-0026 – Peachtree Dunwoody Improvements

Capital Improvement Program Update Summary – On Hold - 4

- T-0014/15 – Sandy Springs Circle Phase 2/3 Design
- T-0017 – Riverside Drive Sidewalk – future design as local project
- T-0019 – Roswell Road Streetscape – phased project
- T-0027 – Jett Road Bridge – awaiting GDOT prioritization

T-0001 Johnson Ferry - Abernathy Widening

- **Status:**
 - GDOT Let – January 2009
 - GDOT including streetscape (brick strips) in bid document
 - Received request for local match on Abernathy phase in February 2009
- **Schedule:**
 - Construction – 2009-2012
- **Recommendation:**
 - Continue to support GDOT
 - Evaluate lighting and signal equipment upgrades in future FYs

T-0002 Greenway - Abernathy Road Section

- **Status:**
 - Demolition of one remaining house awaiting vacancy
 - Will finalize acquisition cost report in early 2009
 - Designing Phase 1 of park construction
 - Fencing, landscaping and lighting
 - Grading and drainage

– Initial path and features

■ **Schedule:**

- Phase 1 construction plans – FY 2009
- Award construction contract – FY 2010 if funded

■ **Recommendation:**

- Continue with Phase 1 construction plans

T-0005 River Valley Road Sidewalks

■ **Status:**

- Under construction

■ **Schedule:**

- Sidewalk/walls/curb and gutter to be complete in Spring 2009
- Resurfacing to follow

■ **Recommendation:**

- Continue as planned

T-0006 Sandy Springs Cir and Hammond Dr - Pedestrian Enhancements (Phase I)

■ **Status:**

- Working design, right-of-way and utility issues

■ **Schedule:**

- Preparing for bid and award in June 2009

■ **Recommendation:**

- Continue as planned

T-0008 Roswell Rd Streetscape (Cliftwood to Hammond)

■ **Status:**

- Working design, right-of-way and utility issues

■ **Schedule:**

- Preparing for bid and award in June 2009

■ **Recommendation:**

- Continue as planned

T-0010 Johnson Ferry Rd at Sandy Springs Circle Intersection Improvement

■ **Status:**

- Concept being designed with T-0011 (Johnson Ferry – Glenridge)
- Design fee estimate received from consultant for construction drawings – negotiations underway

■ **Schedule:**

- Detailed design to begin in early 2009

■ **Recommendation:**

- Continue design consultant activities as part of T-0011
- Execute this improvement in Phase 1

T-0011 Johnson Ferry–Glenridge – Earmark

■ **Status:**

- Concept design nearly complete
- Looking at phased implementation options
- Initial intersection improvements at Johnson Ferry and Glenridge

■ **Schedule:**

- Detailed design to begin in early 2009 for Phase I

■ **Recommendation:**

- Continue design consultant activities
- After concept, finalize funding estimates and sources

- After concept approval, can execute as funds allow
- Execute approach intersection improvements as Phase 1

T-0012 Roswell Road Streetscape - (Johnson Ferry To Abernathy)

- **Status:**
 - Design underway
 - TE funds programmed
- **Schedule:**
 - ROW plans received in February
 - Construction bid in 2010 depending on ROW acquisition
- **Recommendation:**
 - Continue with design

T-0013 Roswell Road - Advanced Traffic Management System (ATMS)

- **Status:**
 - Concept design complete
 - Fee estimate received from consultant for detailed design
 - Working details and scope with other cities
- **Schedule:**
 - Concept design complete in early 2009
 - Move to detailed design and right-of-way in 2009
 - Award construction in FY 2010
- **Recommendation:**
 - Continue project execution with GDOT and other Cities
 - Proceed with design consultant activities
 - After concept design, finalize funding estimates and sources

T-0014/15 Sandy Springs Circle - Pedestrian Enhancements (Phase II/III)

- **Status:**
 - Project approved by ARC as qualified for LCI funding
 - Project not selected for concept funding last submittal
- **Schedule:**
 - On hold
- **Recommendation:**
 - Hold on design
 - Resubmit for concept funding – next project call

T-0016 Dunwoody Club At Spalding Drive - Intersection Improvement

- **Status:**
 - Design complete
- **Schedule:**
 - Bid construction in February 2009
 - Award in March 2009
 - Public status meeting in March 2009
- **Recommendation:**
 - Continue with FY 2009 execution

T-0017 Riverside Drive Sidewalks - (Old Riverside To Heards Ferry)

- **Status:**
 - On hold as local project
- **Recommendation:**

- Hold for funding
- Consider for FY 2010

T-0019 Roswell Road Streetscape - (I-285 To Atlanta City Limits)

- **Status:**
 - Project broken into 3 Phases
- **Schedule:**
 - Phase I construction FY 2010
 - Phase II construction FY 2011
 - Phase III construction FY 2012
- **Recommendation:**
 - Consider Phase I for design and construction in late FY 2009 or early FY 2010
 - Submit Phase II and III for LCI funding when available

T-0020 Windsor Parkway Sidewalks - (Roswell To High Point)

- **Status:**
 - Design nearly complete
 - Discussing utility relocations with utility providers
- **Schedule:**
 - Bid construction in March 2009
 - Award in April 2009
- **Recommendation:**
 - Continue with FY 2009 execution

T-0021 Peachtree Dunwoody Rd At Lake Hearn Intersection Improvement

- **Status:**
 - Concept design underway with Arcadis via PCID
 - No programmed City funds at this time
 - Construction programmed in TIP for FY 2010
- **Schedule:**
 - Concept report submitted and being finalized
- **Recommendation:**
 - Continue coordination as needed with PCID and GDOT
 - Once concept is approved, investigate outside funding

T-0023 I-285 Tunnel – Sandy Springs Circle Underpass

- **Status:**
 - Concept design underway
- **Schedule:**
 - Executing City review of concepts
 - Next public meeting has not been scheduled
 - Concept report due after concept meetings
- **Recommendation:**
 - Prepare concepts for funding
 - After concept, finalize funding estimates and sources

T-0024 Hammond Widening (Roswell To Glenridge)

- **Status:**
 - Scope is from Roswell Road to Barfield
 - PCID funded intersection study complete
 - Traffic and initial environmental complete
 - Notice to proceed given to Gresham Smith

■ **Schedule:**

- Continue concept design
- Initial public information meeting March 16th

■ **Recommendation:**

- Move forward with concepts (discuss funding with PCID)
- After concept, finalize funding estimates and sources

T-0025 Dunwoody Place Improvements

■ **Status:**

- Concept design complete

■ **Schedule:**

- On hold for funding

■ **Recommendation:**

- Submit for State Aid funding for phase 1
- Finalize concept and discuss funding with SRTA and GDOT
- Consider local project phase 1 for FY 2010

T-0026 Peachtree-Dunwoody Rd Improvements - (Abernathy To Spalding)

■ **Status:**

- Concept design complete

■ **Schedule:**

- On hold for funding

■ **Recommendation:**

- Finalize concept and discuss funding with SRTA and GDOT
- Consider local project phase 1 for FY 2010

T-0027 Jett Road Bridge Upgrade At Long Island Creek

■ **Status:**

- GDOT design activities on hold
- GDOT re-evaluating bridge program and funding

■ **Schedule:**

- ROW and CST Long Range

■ **Recommendation:**

- Execute bridge repair under bridge repair program
- Continue to work with GDOT as funds allow

T-0028 Hammond Interchange

■ **Status:**

- Contract awarded to C.W. Matthews

■ **Schedule:**

- Award design/build construction - early 2009
- Estimate two year construction period

■ **Recommendation:**

- Continue to support GDOT and PCID

T-0029 Island Ford Trail Extension

■ **Status:**

- Design layout being finalized
- Environmental review complete

■ **Schedule:**

- Completion date is not later than December 31, 2009

■ **Recommendation:**

- Continue as planned with AEC and SLS for construction

T-0031 Roswell Road Bridge Modifications

■ Status:

- Traffic study under review by GDOT
- 2009 traffic counts show 20-25% increase in through volume which may reduce benefit from restriping

■ Schedule:

- Pushing for a maintenance type project in 2009

■ Recommendation:

- Continue to pursue limited project as phase 1
- Incorporate realignment of the intersection of Carpenter and Cliftwood into a phase 2 element of the project

City Manager John McDonough stated that representatives of MARTA would like to make a brief presentation to City Council.

MARTA Representatives: Ryland McLendon, Assistant General Manager of MARTA for Communications & Community Affairs, Mr. Walter Jones, Director of Financial Analysis & Budget Office, Mr. Marvin Toliver, Constituent Services.

Ryland McLendon stated that she appreciates the time Council is allowing her to talk about the fiscal challenges MARTA is facing.

Looking at the FY 2009 and beyond, like most everyone, the economic down turn has impacted their sales tax receipts. The Georgia State Economic Forecasting Center forecast that through FY2009 their sales tax receipts will be down by \$40,000,000 and down approximately \$74,000,000 in FY 2010. Fifty-two (52) percent of their Operating Revenues comes from sales tax. In addition, MARTA has inadequate State, Regional and Local Transit Funding.

On the Federal level, the transportation bonds are being depleted; SAFETEA-LU runs out of funds and will expire in September 2009. MARTA's Regional Transit expansion plans are currently unfunded.

MARTA's transit funding needs cover Operations, System Preservation which is "State of Good Repair" and also System Expansion.

In FY-2009, MARTA is anticipating a \$67,240,000 deficit and in FY-2010 MARTA anticipates a \$92,500,000 deficit.

MARTA's Deficit Reduction Strategies: Internal Productivity improvement and Cost Containment. MARTA is going to make major operating reductions that will include employee layoff and furloughs. Their deficit reduction strategies will also require fare changes, increasing their base fare which is \$1.75 and also increasing parking. There will be a major reduction in transit service levels and MARTA will pursue new revenue sources. These deficit reduction measures do impact future transit expansion funding, because MARTA has to be able to show that it can operate and maintain the current level of service.

During the 2009 Georgia General Assembly, MARTA sought passage of two critical pieces of legislation. The bills provide MARTA with short-term assistance to weather the current recession and restore the Authority to fiscal stability.

MARTA requested passage of the following legislation:

- SB 120-Eliminates the requirement that MARTA sales tax revenue be split 50/50 between its operations and capital budgets; and, allows interest income from capital reserve accounts to be used for both capital and operations.

- SB 89-Amends “Zero Tolerance” status to allow food and drink in MARTA rail and intermodal stations
MARTA is asking for support with their legislative agenda. These are measures MARTA feels will give them flexibility as they face these tough economic times.

There is still a need for additional funding. The current funding structure for MARTA is inadequate. MARTA is dependent on sales tax and as the cycles go up and down MARTA is directly impacted.

Major Opportunities: FY 2009 and Beyond:

- Transportation Infrastructure Investment Key to Economic Stimulus
- Linkage of Transportation, Environmental and Energy Policies
 - Jobs Creation and Economic Competitiveness
 - Environmental Sustainability
 - Energy Independence and Homeland Security
 - Quality of Life (Healthy Communities and Lifestyles)
- The Public “Gets It”!
 - Transit Ridership Growth
 - State, Regional & Local Pools
 - National Transit Referenda
- The State of Georgia and Atlanta Region Must Move Now!

Mayor Galambos asked MARTA to get smaller buses.

Ryland McLendon stated that MARTA does need smaller buses that can operate in neighborhoods.

Mayor Galambos stated that we have been asking for this for years. MARTA has these huge empty buses going through our community; it’s ridiculous.

Councilmember Fries stated that she did an experiment. She dropped her car off and then rode MARTA home. She tried to go from North of I-285 to just south of the river and it could not be done. She walked more than she rode. The bus was clean. One of the shelters she passed as she walked had a map with the route of what bus may have gotten her there. She got on and off a lot of buses that did not get her to where she wanted to go.

Ms. McLendon stated that she will look into it and would welcome any suggestions.

City Attorney Wendell Willard stated that the House of the General Assembly did vote to modify the split and it is currently 55/45. The Assembly has agreed to go up to 60/40 until year 2011.

Ms. McLendon stated that is correct. Last week the Senate did pass the measures that MARTA had requested. The Bill will go into the Conference Committee and hopefully MARTA can get more visibility in the House. This remains to be seen.

Mayor Galambos questioned if MARTA had done anything yet on getting a larger transit board and system that would encompass more areas in Fulton and DeKalb County.

City Attorney Wendell Willard stated not through legislation. The only way this could be done is if the counties contiguous to MARTA vote and agree to come into the system and pick up 1%. Each time this has come up, Gwinnett and Cobb has never accepted.

Ms. McLendon stated that Gwinnett and Cobb are the only counties that could come in under the present structure. MARTA has worked very hard through the Transit Planning Board to get this kind of regional system. Consideration of all MARTA's Projects went through a 14 county Board. Under the present law, only Cobb, Gwinnett or Clayton could come into the MARTA system as it is now.

Discussion regarding implementation of a program and enactment of an ordinance to require the placement of automated external defibrillator ("AED") devices in certain establishments and facilities within the City of Sandy Springs (the "City"), to require permit fees, to provide for training, operation and inspection and to provide for penalties for failure to comply with the provisions of such an ordinance.

City Attorney Wendell Willard stated that Fire Rescue has requested preparation of an ordinance that would establish an AED device program for the City. The Ordinance would require certain establishments and facilities within the City to install, register and maintain AED devices. Fire Rescue recognizes the benefits of early defibrillation in the survival of persons who have experienced cardiac arrest. The American Heart Association has determined one key way to improving survival rates from sudden cardiac arrest is to reduce the time to delivery of defibrillation therapy. The installation of AED devices is a life safety issue with emergency response and public health implications, and Fire Rescue believes it necessary to public health, safety, and welfare to require installation of AED devices in certain establishments and facilities. Fire Rescue seeks Council's guidance on the extent and parameters of implementation of an AED ordinance by the City.

City Attorney Wendell Willard recommends that Council discuss the possibility of implementing an AED device program for the City prior to drafting an ordinance.

Mayor Galambos asked what the cost is for each AED.

City Manager John McDonough stated that it is between \$1,500 and \$2,000.

Councilmember MacGinnitie questioned if anyone had figured out how many AED devices would be required under this ordinance.

City Attorney Wendell Willard explained that it would be a lot. These devices are in police vehicles, Fire Stations and City Hall and are of great benefit. Country Clubs install AED's voluntarily on their Tennis Courts and Golf.

Mayor Galambos asked if Schools have AED's.

City Attorney Wendell Willard stated that he did not know.

Councilmember MacGinnitie explained before supporting something like this, he would like to know the cost the City would be imposing on all of the establishments. This seems to be something for the public good. If this is the case, the public needs to be paying for the AED's, not the establishments. This is a big expenditure the City would be putting on businesses. He will need additional information.

Councilmember Fries stated that she had talked with Chief McElfish about Huntcliff Summit in Sandy Springs. Someone had offered to pay for the AED and install it as well as pay for the training. The facility would not do it because of insurance purposes. This issue may not have been addressed yet. She agrees with Councilmember MacGinnitie on this being a little broad. She is hesitant to force folks to spend funds but loves incentives to encourage businesses to participate.

Councilmember Paul questioned what kind of incentives the City could give. Mr. Paul suggested if a business puts in an AED the City could give businesses a reduction in their business license fee.

City Attorney Wendell Willard explained that it could be voluntary.

Councilmember Meinzen McEnerny stated she would like to have discussion with the affected businesses such as the Atlanta Apartment Association and get their recommendation on standards for the ordinance. She questioned where the number 150 units for apartment complexes came from and where the standards in Council's packet came from?

Councilmember DeJulio stated that businesses are struggling in this economy. Before the City makes this a mandate, it should be tried on a voluntary basis with an incentive such as business license fee reduction. He believes that a lot of businesses would consider this to be a safety amenity for their tenants.

Mayor Galambos stated that there is no doubt Council wants this to be done voluntarily with incentives. She questioned if there are any other jurisdiction considering this.

City Attorney Wendell Willard stated that staff was unable to find any other jurisdictions with similar requirements.

Councilmember Fries stated that she would not mind mandating AED's in retirement homes and elderly facilities because more than likely they are needed on a regular basis.

City Manager John McDonough stated that is where the initial idea came from. He will share these thoughts with the Chief. Staff needs to show Council different types of classifications and better rationale for what is being proposed. Staff needs to review the cost issues and discuss how the City can work with the business community to create incentives for voluntarily compliance.

Councilmember DeJulio questioned if there was a legal liability should someone not use the AED properly.

City Manager John McDonough stated that it would fall under the Good Samaritan State Law.

City Attorney Wendell Willard stated that AED's are user friendly and can almost operate themselves.

City Manager John McDonough stated that those are good points. The Chief is just trying to build on the Heart City Award and other initiatives. Staff will bring something back to Council next month.

Discussion of An Ordinance to Amend the Code of the City of Sandy Springs for the purpose of consolidating appeals and renaming the Board of Zoning Appeals (BZA) to the Board of Appeals (BOA)

City Attorney Wendell Willard stated that the Mayor and City Council have dissolved the Board of Construction Appeals and their functions will be absorbed by the Board of Zoning Appeals (BZA). The Board of Zoning Appeals' (BZA) name will need to be changed to Board of Appeals (BOA) to allow the board to hear all appeals.

Director of Community Development Nancy Leathers stated that Council approved the concept of this last month. Staff is now bringing City Council the ordinance to change references to the Board of Construction Appeals to the Board of Zoning Appeals. The Zoning Ordinance has to be separate because there is a State Law that requires Zoning Ordinance changes to go through the Planning Commission.

Discussion of an Ordinance to amend Article 11.4.3(i): Development Ordinance of the Code of the City of Sandy Springs

Deputy Director of Community Development Chris Miller stated that this is another housekeeping item. As a part of the adoption of the Development Ordinance on September 16, 2008, criteria was established in Article

11.4.3(h) to address the locations at which driveways could be built on multiple lot, subdivision developments. The Mayor and City Council directed staff to work with the building community to discuss ways to address the location of driveways on detached single family residential lots in an effort to protect vegetated buffers along property lines.

This text amendment will clearly define where a driveway can be built on a single family detached lot based on the following criteria:

1. Lots previously developed as single family detached homes: driveway locations may remain in the existing location as was previously used to access the property (regardless of zoning class); or
2. Lots zoned R4, R5, R6 (or equivalent per square footage): Driveway can be located anywhere within the confines of the property, provided that each lot has only one (1) curb cut per Public Street.
3. Lots zoned R1, R2, R3 (or equivalent per square footage): If redeveloped lot: driveway may either be located in the previously used location or driveway must be located at least 10-feet from side property line. If newly developed lot: driveway must be located at least 10-feet from side property line.

Staff is proposing approval of these changes in the Development Code.

Mayor Galambos questioned if the proposed changes had received approval by the Atlanta Builders Association.

Joe Padilla, Greater Atlanta Home Builders Association stated that the builder members have worked with staff on this. The members are very pleased with the direction it is going, but they still have a lot of concerns regarding proposed driveway setback policy. Their biggest issue is with the R3 category. R1 and R2 have enough room with the lots, well in excess of 100 feet in width, to be able to get the 10 foot side buffer. Essentially, it is an undisturbed buffer on the side of each lot. This requirement is completely unprecedented in terms of the use of a setback in this regard. Most setbacks are meant strictly for keeping the building from the property line. This will eliminate the driveway from the property line. It is not something they are comfortable with, but would be okay with in R1 and R2 because of the lot widths. When you get into R3, the width is typically narrower and with a lot of those lots you're going to have a situation where you will not be able to get the size home to fit with the price of these lots. This is the only change the Association has. The Association requests that R3 be eliminated.

Councilmember Fries asked if he would suggest moving R3 up to where R4, R5 and R6 are.

Mr. Padilla stated that right now the R4, R5 and R6 do not require the 10 foot buffers. The Home Builders Association would recommend that the R1 and R2 be allowed with a 10 foot buffer where the driveway cannot go. R3, R4 and everything beyond that now requires a five foot setback and the driveway cannot get that much closer to the property line. This would be the Associations request. Other than that, the Association is very happy with the proposal.

Councilmember MacGinnitie stated that he assumes a driveway is only needed on one side of the property.

Mr. Padilla stated that it had to be on one side or the other. The issue is with the narrow lots and having more width for the driveway than the home. A turn around at the side of garage is challenging and is almost impossible unless you have a significant amount of width.

Councilmember DeJulio asked if by having the 10 foot setback does it increase the probability that you are going to have a side entry garage rather than a front entry garage?

Mr. Padilla stated that is correct. Most of these homes cost at a minimum \$250,000 to \$300,000 in today's economy. You're looking at a buyer who is not going to look at a front entry garage. It is not appealing and not what the buyer is looking for. The buyer wants a side entry with a turn around. In order to get this you need to have a very wide lot such as R1 or R2. When you get into R3, you have got to have enough width where you can get the drive within about five feet of the property line in order to make the turnaround work. The turnaround is more the problem than the driveway. You can run the driveway further in but when you get to that point where you

have the turnaround, the dimensions of that for a three car side garage almost require you to go the full width of the lot for that driveway.

Councilmember Fries stated that on the other lots with the R4, R5 and R6, to her it reads that it can be put anywhere. She questioned if that meant that the five (5) foot is required?

Mr. Miller stated that there are a couple of conflicting provisions. There is a distinction in the Land Development Ordinance that states the location of the driveways would touch each other by property lines. He does not believe it's necessarily on the side lot line, but when they touch the right-of-way of street that you don't want the driveways to touch.

Councilmember Fries stated that if two properties decide one is going to put the driveway on the left and the other one will put it on the right and they are together then they have to have five (5) feet between each other.

Mr. Miller stated that is to provide safety for the cars backing out so that they do not touch each other.

Councilmember Fries questioned what the size is for a R3 lot.

Mr. Miller stated that a R3 lot is about 18,000 square feet.

Councilmember MacGinnitie questioned why we are having this issue.

Mr. Miller stated that on the infill product, where someone is buying an existing home and tearing the house down in order to put a new home in its place, the new home is larger than what was previously there. This affects the location of the driveway and the way it impacts existing trees, not only on the subject property but also adjacent properties as well. This is one of the concerns discussed back in the fall and this is one way to find a little bit of a buffer in order to protect some of the trees on property lines without mandating the trees be saved or become a tree buffer area.

Councilmember MacGinnitie questioned if the trees have to stay in the buffer, subject to the City's Tree Ordinance.

Councilmember Meinzen McEnery stated that she has four points. If you exclude R3 from the protection of this driveway location, that is probably 75% of all the lots in Sandy Springs. Especially south of I-285 these homes are ranches that are very wide. I live in an R3 and my lot is 1 ¼ to 1 ½ acre. I have a wide lot, more than 110 feet and it is zoned R3. The question is the effect on the adjacent owners. We did have a provision in here that allowed the existing location of the driveway to be used. In my case, my driveway is right on the line. I can see the driveway, because I have a wide lot, staying where it is and then moving to the front if a new house is being built, to make the turn around. We are talking about the effect on the adjacent neighbors. There are situations where the slope is such that you are deep cutting. You're grading and digging and putting in a retaining wall. This kills all the neighbors' vegetation and is incompatible with the City's Tree Ordinance. The Tree Ordinance states that the side and rear setback have trees 18 inches so this is a way with great flexibility. You can use the existing driveway if you choose and save 10 feet. I definitely think R3 is large enough. If you exclude R3, then this is most of the lots in Sandy Springs. What staff has written is a very good compromise and over the long run will increase the value of the houses in the neighborhood.

Councilmember DeJulio questioned if the City is having a problem with this because almost no infill development is being done right now and does not see a need for this.

Mayor Galambos asked if it were possible to bring Council examples of where this would have been a problem if the driveway would have been directly on the line.

Mr. Miller stated that he has examples, but is not sure if they clearly show what she is looking for and will bring examples for Council to see at the next meeting.

Councilmember Fries stated that this is done by measurement of square footage of the lot. She questioned if it would be possible to do it on width because Councilmember Meinzen McEnerny property is not as wide as hers and the acreage is about the same. She does not know if that would make a difference, but seems more logical when putting setbacks on the side. It makes more sense to her to look at the width of the lot rather than the square footage.

Mr. Miller stated that staff could check that out.

Councilmember Meinzen McEnerny stated that is a good idea. The driveway could be some percentage of the width.

Councilmember Fries stated if the lot is 200 feet wide, there is no problem. If the lot is 40 feet wide, then you can put the driveway on the edge.

Councilmember Meinzen McEnerny stated that the issue, to answer Councilmember DeJulio's comment, is that it came in from the neighbors on Burdett Road. This gentleman had the buffers dug up and there was no setback at all. There was no protection for him. At that time, with the driveway issue, the staff very creatively addressed this and looked at it. If we tweaking the ordinance a little bit, having the ability to use the existing driveway is outstanding. If you do not like the way the house fits on the lot, use the existing driveway so you can get in on that side.

Mr. Miller stated that he has heard Council concerns regarding the R4, R5 and R6 categories and that Council wants staff to focus more on R1, R2 and R3 and look at the lot width.

Councilmember Fries stated that if staff is going to look at it, then it should be consistent for all of them.

There was a consensus of Council to have staff revisit the proposed ordinance and make necessary changes.

Approve 2009 CDBG Draft Action Plan for 30-day comment period

CDBG Program Manager Vann McNeill stated that the Action Plan for the 2009 Block Grant Program is due to HUD on May 15, 2009. Council discussed this at the February 3, 2009 Work Session. There is a draft plan that he hopes reflects Council's decisions and discussion at the Work Session earlier this month. For 2009, the plan reflects Council's direction to continue the work on Roswell Road on the sidewalk project. To construct the sidewalks, Council also directed staff to prepare a Section 108 loan guarantee application to HUD for construction funds. Under this program, the City may apply for up to 5 times its annual CDBG allocation, or approximately \$2,700,000.

If the draft is acceptable to Council, he needs Council's approval to advertise the 2009 CDBG draft Action Plan for a 30-day public comment period. Any public comments received will be in the final plan that will be before City Council on May 5, 2009, prior to transmitting it to HUD by the deadline.

Mayor Galambos asked if additional CDBG money was coming in the stimulus plan.

Mr. McNeill stated that will be on Council's agenda for the next meeting.

Mayor Galambos questioned if it could be written into the plan.

Mr. McNeill stated that \$146,909 will come from the stimulus bill.

Mayor Galambos stated that she and some members of Council feel that existing sidewalks that are halfway decent should not be torn up on Roswell Road. Use the money for gaps.

Councilmember Fries stated that it might be more cost effective to go ahead and take out the four foot strip out. She would like for them to have the ability to look at it.

Councilmember Paul stated that he would rather use the term value engineer those decisions to determine whether it's more cost effective to keep them or remove them.

Councilmember Meinzen McEnerny stated to take into consideration not only cost but other adverse effects that could occur by removing guard rails, if you had to in order to widen the sidewalk.

Assistant City Manager Steve Rapson stated that he spoke with HUD this afternoon and they are excited about the fact that the City is going to execute this particular program. He told them that the City would like to finance it over a shorter period versus a longer period, borrow for the five years and pay back over the five years. He was told that would actually help elevate the City's status in regards to some of the future funds that are coming. He also advised them that 100% of this money would be going into sidewalks and they were very excited about that as well.

TA09-002, An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance

Assistant Director of Planning and Zoning Patrice Ruffin stated that the Mayor and City Council asked for certain business proposals from City Departments regarding signage and other issues. Additionally, the business and religious communities have raised certain concerns and the Planning Commission has proposed certain clarifications regarding the current sign ordinance.

Page 209 in Council's packet is a bulleted list of the changes staff is proposing. The Planning Commission heard this at their February 19, 2009 meeting and recommended approval with one amendment to the signs during vacancy. The Planning Commission recommended that they be permitted for a maximum of 90 days and a requirement that the property owner provide vacancy information to staff.

Mayor Galambos stated that this is going to be complicated and Council needs to have discussion on individual sections.

Councilmember Fries stated that she would like to talk about the vacancy sign. There is a section in the ordinance about percentage and the Planning Commission is recommending 97%. Whatever the percentage is, she has two issues with it. One, are we going to knock on the doors to check and see, and the second is the section regarding checks and balances in the accounting for this regulation. She thinks if a percentage is put in and it does not matter what amount it is, it means that these signs are going to be up 365 days a year. She likes the Planning Commission recommendation of having a maximum of 90 days. Her concern is the part the Planning Commission has for them to get it again. Staff will still have to go through all of that accounting. That is a nightmare for everybody. She suggested the City do the 90 days with a maximum of one other time renewal. The apartment complex can only have a sign up twice a year, for rent specials. She does not like the time that it will take staff to keep up with the accounting. She does not think it is going to make a difference because it will still be 365 days a year so she would rather put a catch in the ordinance somewhere and put "90 days, twice a year" and they cannot have the two foot signs. It's either or. The ordinance needs to state that. They are a nightmare to look at and this is a nicer looking sign.

Councilmember Paul stated that he appreciates the insertion of the LED Sign. He had the opportunity to be in the Wachovia building at the downtown connector and saw the LED Signs down past the Dome. The LED Signs obliterate the landscape.

Mayor Galambos stated that she has received a lot of complaints from constituents about this ordinance proposal of allowing LED signs.

Ms. Ruffin stated that staff is actually prohibiting the LED Signs everywhere, but is allowing changeable copy which would just be the letters on a sign for places of public assembly, churches and schools.

Councilmember Fries question how they would be lit, would it be back lighting or would it be a light from the front shining on.

Ms. Ruffin stated that it would depend on what district they are in. If it is in the Overlay District, they are allowed to have internal or external illumination. Some districts prohibit it. Residential districts do not allow for internal illumination.

Councilmember DeJulio questioned if the churches that are in residential areas and already have internally lit signs would have to change them.

Ms. Ruffin stated that they would not. They would be grandfathered in.

Mayor Galambos questioned if additional signs for churches would allowed.

Ms. Ruffin stated no and there would be no additional reader boards or anything like that.

Councilmember DeJulio stated that many churches have lots of activities going on. Easter Holiday is here, Ash Wednesday was last week and next there are Lent, Good Friday and Easter. Some of the churches want to put up signs announcing these types of events. He questioned staff if any provisions Council talked about have been added to ordinance.

Mayor Galambos stated that it seems staff is allowing three banners at the same time with 90 days each. This is a lot of banners.

Ms. Ruffin stated that it is three banners per lot at any given time, which would be 32 square feet, and they can be five (5) feet above grade. There is no limitation on the number of days all year.

Councilmember Fries stated that is why she said "either/or". She would think they would rather have a sign up than a banner.

Councilmember DeJulio stated that he thinks a lot of the churches would like to have banners because they can be changed easily. The churches usually keep the banners up a couple of weeks and then replace it with another banner for a different event.

Mayor Galambos stated that limitations are needed on the amount of time for churches.

Councilmember DeJulio stated that it was discussed that the City would stop charging churches on this.

Ms. Ruffin stated that is correct and it is included in this change and no permit requirement.

Councilmember Fries asked the City Attorney to speak on the issue regarding not charging the churches for permits for banners.

City Attorney Wendell Willard stated that the City could run into a possible challenge where it exempts any group, even though it may be considered charitable or religious, it is also required to pay the fees. He will need to review it further in order to make sure this is something the City can do legally.

Councilmember Fries stated that a similar situation happened last year and there were major issues.

Councilmember DeJulio questioned if the City could exempt 501(C) 3 for organizations such as Sandy Springs Youth Sports or churches.

Councilmember Fries stated that when this was discussed a year ago it was decided to be at the discretion of the City Manager.

Mayor Galambos stated that no one remembers and more information is needed by the next Council Meeting. Council would like to have the change mentioned by Councilmember Fries regarding the recommendation of the Planning Commission. She and Council believe allowing banners to be up all year long for a church property is too much.

Councilmember DeJulio explained that most of these churches change their banners and have them up only a short time.

Councilmember Fries stated that there are some churches that would have them up all the time. There is one particular one at the corner of Mount Paran and Northside.

Mayor Galambos asked Councilmember DeJulio how many days he would allow them up.

Councilmember DeJulio suggested the churches be allowed to have the banners up whenever they want but for a maximum of 30 days for the same banner.

Mayor Galambos stated that they would then put up a new banner every 30 days.

City Manager John McDonough stated that it would be very difficult to keep up with administratively.

Mayor Galambos asked if Council would like to see how it works with unlimited ability.

Councilmember Fries stated that she would like to hear what City Attorney Willard has to say on whether the city can do it without causing any problems. She thinks it will cause the City problems.

Councilmember Fries stated she has another problem with signs on small stores. She agrees that there is an issue about the small stores with the little signs that you can't read from the road. There should be a minimum size requirement. She likes the way Roswell has it at 32 square feet as their minimum size for store front.

Ms. Ruffin stated that the sign size is 27 square feet for the smaller tenant.

Mayor Galambos asked if she was talking about individual tenants in a shopping center or individual properties that are small.

Ms. Ruffin stated it would be individual tenants in a shopping center.

Mayor Galambos stated that the rationale of these bigger signs is so that when you're driving down the road, you will be able to see each store front sign from the road and that doesn't work. She does not believe it will matter what you do, it will never work.

Councilmember Fries stated that she likes Roswell's idea, but thinks the 32 square foot signs are a little large, but likes the 26 or 27 square foot size.

Mayor Galambos asked if all of a sudden the tenants could all get bigger signs.

Ms. Ruffin explained it would be for the smaller tenants. The City would still have the maximum size for the larger tenants.

Councilmember Fries stated that most of these signs were above that size.

Ms. Ruffin explained that it really depends on the shopping center.

Councilmember Meinzen McEnerny stated that the Design Review Board expressed concern about not having any discretion to try to work with some of the signs to make them look better. One of the most wonderful things about the City's old sign ordinance is that when you left the City of Atlanta and came into our city, you saw that it was measurably less cluttered. It takes a long time for the old lollypop grandfathered signs and the larger signs that were in our community to come down. It's a gradual effort to get the look that the City's sign ordinance envisioned. I am totally in support of helping businesses during these troubled times with some flexibility with temporary signage. I still feel that we need to continue to pay attention to the clutter along the City's main roads. Personally I would not support increasing the size for small tenants because of the clutter. I would like for the City to stay on that path of trying to make the Sandy Springs community have that cleaner, less cluttered look.

Councilmember DeJulio stated that the City allowed temporary banners over the holidays. He asked what the City's experience was with that.

Ms. Ruffin stated that she does not believe there were any issues in allowing those properties to have banners during the holiday season.

Mayor Galambos questioned how many people took advantage of it.

Ms. Ruffin stated that she can only remember about 10 people that came in. She does not know how they were notified.

Councilmember DeJulio questioned if there were any incidents of people abusing it.

Director of Community Development Leathers stated that there were not. Staff communicated through the Chamber and a number of the other business organizations. A number of businesses did do it, but understood that the banners would need to come down. Folks who were in line to get a permit for a banner and found out the City had this provision then went ahead and put them up. There were no more violations of banners during that time period than the rest of the year.

Councilmember DeJulio questioned Ms. Leathers if she considered the City's experiment over the holidays a success.

Ms. Leathers stated that in a sense that some people did use it, yes. She had thought more businesses might use it, but the City did not give enough notice to really make it work as well as it might have.

Councilmember Meinzen McEnerny stated that she has seen a lot more banners popping up.

Mayor Galambos agreed with Councilmember Meinzen McEnerny in seeing more banners and questions if they are being permitted or not. She would like for Code Enforcement to check on this.

Mayor Galambos questioned if there was a consensus of Council on the small signs.

Ms. Ruffin stated that the two comments she heard from Council were: for signs during vacancy, limit those signs to 90 days, twice a year; and for the banners for non commercial places of public assembly...

Mayor Galambos stated that we are going to wait and find out whether it is even legal. In terms of the small signs for small businesses we do not have a consensus.

Councilmember Fries stated that on the 90 days, the percentage is not involved.

Ms. Ruffin stated that it would be taken out. Also, if they have that, they cannot have the standard informational signs.

Discussion of an Ordinance to convert Board of Zoning Appeals (BZA) to Board of Appeals (BOA) in the Zoning Ordinance

Assistant Director of Planning and Zoning Patrice Ruffin stated TA09-004 is the conversion of the Board of Zoning Appeals to the Board of Appeals. This is just piggy backing on the item that Mr. Willard had. This is in the Zoning Ordinance.

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

TA09-005, An Ordinance to Adopt the City of Sandy Springs Zoning Map

TA09-006, A Resolution to Adopt the City of Sandy Springs 2027 Comprehensive Plan Future Land Use Map

Assistant Director of Planning and Zoning Patrice Ruffin stated these two items are clean up items for the Zoning Map and for the future Land Use Map. There was some language that was included on both of those maps that the City Attorney thought needed to be removed.

There was a consensus of City Council to move forward with these items.

TA09-007, An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance.

Assistant Director of Planning and Zoning Patrice Ruffin stated the item of accessory structures, specifically swing sets, is brought back to City Council after a 30 day review from last month. Staff is proposing that outdoor play equipment be located in the rear yard and shall be a maximum height of 15 feet and can be set back from the side or rear property line 10 feet. This covers everything that was discussed at the last meeting.

Councilmember Meinzen McEnerny questioned if staff has received any opposition to the change for the swing sets.

Ms. Ruffin stated that this was a Work Session item and it still needs to go before the Planning Commission this month. There was one situation that was brought to Council previously, but other than that she does not think there have been any issues.

Councilmember Fries stated that some HOAs do not allow swing sets. The person with this issue came to Council and then found out that his HOA does not allow swing sets.

Mayor Galambos stated that the person came to a Council Meeting and she and Council were appalled about this restriction. The gentleman went back and found that it was his HOA covenant.

Councilmember Meinzen McEnerny stated that the HOA in his situation does not allow swing sets to be seen from the street. They can not be in the side setback, but they can be in the rear.

City Manager John McDonough stated that staff plans on bringing the False Alarm Ordinance back to City Council at the April 7, 2009 Work Session as well as the Red Light Camera Ordinance.

Councilmember Fries announced it is Movies by Moonlight time again. Council needs to address this because they need to start hiring their employees. Council can talk about the concerts as well.

Assistant City Manager Steve Rapson stated that the MOU's as currently written are restricted to each year because they are specific for a concert or venue. We could modify the MOUs with a little tweaking in language so we actually make it perpetual, if it's Council's direction to go ahead and fund that each and every. That would be Plan A. Plan B would be that the City could incorporate it as part of each year's budget and Council can discuss it during the budget cycle and then make sure that the Executive Directors submit the paperwork for the MOU as part of the budget as well. Either plan would suffice. One of the issues that brought it up to Councilmember Fries is the fact that a lot of the concert expenses are actually being let prior to the actual concert. We typically reimburse them in July. They wanted to know if they needed to do anything and we said that we could incorporate it as part of the budget. Since it is done on a reimbursement basis, according to the nonprofit policy City Council adopted, we are pretty much on the same track. Of course, they would like to have City Council on the record saying one way or the other.

Councilmember Meinzen McEnerny stated that she did not think Council could perpetually approve anything that would bind future City Councils.

Mr. Rapson stated that it would basically be structured so that the language would incorporate it into a budget. Each budget cycle would handle this.

Councilmember DeJulio questioned who is doing the movies.

Councilmember Fries stated that Leadership is. She believes it will be at the same church location as last year.

Mayor Galambos asked if Council had any direction to what Mr. Rapson brought forward.

There was a consensus of City Council to go with Plan B, incorporate it into the funding process for the budget each year.

Councilmember Meinzen McEnerny asked if the City had anymore MOU's with organizations that should be treated the same way.

Mr. Rapson stated these are the only two he is aware of that are reoccurring in nature.

Mayor Galambos asked Mr. Rapson to speak on the check received by Georgia Power.

Mr. Rapson stated that the Mayor graciously accepted a check for the City from Georgia Power; roughly over \$6,000,000, an increase of about \$200,000. The City had a big dip in Local Options Sales Tax for the month of January but we seem to be back on track because we were less than \$100,000 for February.

Councilmember Meinzen McEnerny stated that if you take City revenues through January and subtract City expenses, we are ahead of budget.

Mr. Rapson stated that the City is about \$600,000 to the good.

There being no further discussion, the meeting adjourned at 9:14 p.m.

Date Approved: April 21, 2009



Eva Galambos, Mayor



Michael D. Casey, Interim City Clerk