

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, April 3, 2018, at 6:00 p.m., Mayor Rusty Paul presiding.

Council Members present: Council Member John Paulson, Council Member Steve Soteres, Council Member Chris Burnett, Council Member Jody Reichel, and Council Member Tibby DeJulio. Council Member Andy Bauman was absent.

INVOCATION

There was no invocation.

Mayor Rusty Paul recognized Senator Kay Kirkpatrick, who was in attendance. He asked that she give an update on the legislative session that just concluded during the public comment period.

STAFF DISCUSSION ITEMS

Community Development

1. 18-121 Sandy Springs Development Code Update

Planning & Zoning Manager Catherine Mercier-Baggett gave the Development Code Six Month Update PowerPoint presentation.

Council Member John Paulson suggested going through each of the items separately. He suggested making the residential lot coverage for the RE-1 and RE-2 districts identical. This would make things simple for a one or two acre estate lot. The lot coverage could be 25% with mitigation at 30%.

Council Member Chris Burnett stated he recommends the same change. He asked if it would make sense to eliminate swimming pools from the lot coverage ratios. This would include the pool only, not the pool deck. He has received a lot of public comments from citizens regarding the ability to install pools and still meet the lot coverage ratios.

There was a consensus of Council to change RE-1 and RE-2 coverage to 25% with mitigation at 30%.

Mayor Rusty Paul asked about swimming pools.

Planning & Zoning Manager Mercier-Baggett stated one intent of this regulation is to ensure that we keep the natural cycle of the water, which is the rain infiltrating the ground. If there is a pool located in a backyard, the rain will not runoff onto the neighbor's property. However, the rain will not return to the ground, either. Some jurisdictions do remove pools from the calculation. In the Blue Book, a pool may not be recognized as a method of stormwater management.

There was no final decision regarding swimming pools.

Council Member Paulson stated the feedback he received was to leave the Civic Uses Transitions as is. He believes there is the potential the building could be closer than before. He asked if the Planning Commission suggested leaving it alone.

Council Member Tibby DeJulio responded yes.

There was a consensus of Council to leave the Civic Uses Transitions as is.

Council Member DeJulio stated he received feedback from many citizens about the boutique retail. One thing we have always been concerned with in the City is the lack of quality boutique retail. The ON-3 district is a good place for boutique retail. This area is almost exclusively along Roswell Road.

Mayor Paul asked if the input Council Member DeJulio has received has been positive.

Council Member DeJulio responded yes.

Council Member Paulson stated the few comments he received were that they do not like the idea.

Council Member DeJulio stated it would be positive if we can get small quality retail businesses.

Council Member Jody Reichel asked why someone would be against this idea.

Planning & Zoning Manager Mercier-Baggett stated this goes back many years. There were nodes established under the old Comprehensive Plan where retail should be concentrated. Such areas were the Prado, Fountain Oaks, and where the Gateway is located. The new Comprehensive Plan has a slightly different approach with the corridor in mind. The community was involved in considering that those properties zoned ON should remain an office use to serve as a transition between Roswell Road and the interior of the neighborhoods.

Council Member Steve Soteres asked if the intent is not to have a restaurant due to people being there late at night in close proximity of residences.

Planning & Zoning Manager Mercier-Baggett stated staff was looking more at retail than a restaurant service. Restaurants typically require a higher rate of parking. Those lots are relatively small, so it would not be conducive to have a restaurant in these locations.

Council Member Paulson asked what the view of the Planning Commission was.

Mayor Paul stated they were opposed to it.

Planning & Zoning Manager Mercier-Baggett stated the Planning Commission mostly sided with the community and understood the effort put into the Next Ten. They believe it is appropriate to continue with the vision to develop the neighborhood village character.

Council Member DeJulio stated there are a lot of small properties along Roswell Road. We were hoping they would be rehabilitated over the years. No one has built office space along Roswell Road for many years. The lots are too small to rehabilitate anything. The proposed changes make sense.

There was a consensus of Council to approve the suggested boutique retail changes.

Council Member Paulson stated regarding residential accessory structures, he likes the separation between major and minor. He has had accessory structure issues in District 1.

Council Member DeJulio asked if accessory structures were being addressed.

Council Member Paulson stated a resident built a shed, the size of a two car garage as an accessory structure. The structure had a twenty-three foot high peak. It was about ten feet away from the neighbor's house. The neighbors could see the roof of the structure from their second floor window. The neighbor's complained about this, but it is allowed by the City code. He asked if that same thing can happen again. Within the buildable area means it has to be outside the standard setback. In many cases, the setback can be more than fifteen feet. He asked if the setback can be less. The accessory structures are a minimum of these distances, but do not encroach into the buildable area.

Council Member DeJulio suggested reducing the height of the accessory structure.

Council Member Paulson stated the structure was gigantic. The idea that it was a shed to store items was unbelievable.

Mayor Paul asked for an explanation of how to define a major accessory structure and staff's thinking in the process.

Planning & Zoning Manager Mercier-Baggett stated the difference between a minor and a major accessory has to do with storage and usage of the structure. A major accessory structure would be a garage, pool cabana, greenhouse, or something that is made for storing goods or that contains habitable space. A guest house would also be considered a major accessory structure. Minor accessory structures are objects such as a pergola, swing set, and pool.

Council Member DeJulio stated a swing set or a pool will not reach the height of twenty-four feet.

Council Member Paulson stated the twenty-four feet allows for a two story structure.

Planning & Zoning Manager Mercier-Baggett stated if the structure was between fifteen and twenty-four feet in height, it would have to be inside the buildable area. She looked into the specific case in District 1 and that accessory structure is inside the buildable area.

Council Member DeJulio asked if we could state that the structure cannot be built outside the buildable area.

Council Member Paulson stated the structure he referred to was built inside the buildable area. This is a property with a unique set of circumstances. If the structure is higher than fifteen feet, it has to be built within the buildable area.

Planning & Zoning Manager Mercier-Baggett responded that is correct.

Council Member DeJulio suggested setting a limit of fifteen feet for the height.

Council Member Paulson asked if the building can be occupied if it is only fifteen feet in height.

Planning & Zoning Manager Mercier-Baggett stated fifteen feet would prohibit something like a garage with a guest house.

Council Member DeJulio stated at a height of fifteen feet, it may be a garage with storage space above it.

Council Member Paulson asked how many accessory structure applications the City receives to be twenty-four feet high.

Planning & Zoning Manager Mercier-Baggett stated we do receive a lot of requests for garages with a second story.

Council Member Paulson stated he would prefer to limit the height to fifteen feet.

Council Member Burnett stated he would prefer the height to be a little higher than fifteen feet to allow for a guest apartment.

Council Member DeJulio stated the structure could be a garage with a storage space above it, rather than living space.

Council Member Reichel stated some people like to have an extra apartment above their garage. She does not agree with the maximum fifteen feet in height.

Council Member Burnett asked about reducing the height to twenty feet.

Council Member Paulson stated the height can be either fifteen or twenty-five feet.

It was decided that the discussion of Residential Accessory Structures would be continued at a later date.

Council Member Paulson stated he has several questions for clarification regarding grading and retaining walls in setbacks. He asked if grading in the side yard is allowed to construct a building. If the building is set within the buildable area, you will not be able to grade within the setback. He asked if the suggested changes will allow grading in the side building setback, with mitigation.

Planning & Zoning Manager Mercier-Baggett responded yes. Staff is recommending no grading at all in the side setbacks for RE-1 and RE-2 lots. The grading would be allowed for the narrow lot categories only.

Council Member Paulson stated if someone purchases a two acre lot and they have fifty foot setbacks on both sides, they will need another ten to twelve feet to build their building. This means they would have to put in ten feet of buffer, which is a construction easement, and that is what bothers him. This would essentially be an additional silent setback.

Planning & Zoning Manager Mercier-Baggett stated this makes it more difficult to build directly on the setback line.

Council Member Paulson stated grading in the side building setback is necessary. It is unfair to punish larger lots that want to have a larger house.

Council Member DeJulio asked if the existing setbacks should remain as is.

Council Member Paulson stated he likes the grading in the side yard. It should be allowed with mitigation in the RE-1 and RE-2 districts.

Council Member Burnett stated he agrees with Council Member Paulson. He would like to see that allowed in RE-1 and RE-2 with mitigation. The side retaining wall setbacks should be at 7.5 feet for RD-27 and 10 feet for RE-1 and RE-2.

There was a consensus of Council to change the side retaining wall setback for RD-27 from 7.5 to 10 feet and to 10 feet for RE-1 and RE-2; and to include the suggested rear grading and retaining wall setbacks.

Council Member Paulson stated regarding the overnight lodging, we are talking about a facility where 70% of the rooms have cooking facilities and there is a requirement to have a restaurant on site. A restaurant can cost a lot of money inside a facility in which 70% of the people will not eat there. He asked if a restaurant requirement means there has to be a full kitchen.

Mayor Paul stated the requirement is two meals served daily. He asked for the staff's rationale on this requirement.

Assistant City Manager Jim Tolbert stated staff is trying to recognize the legitimate need for hotels where people stay an extended length of time, particularly in the medical center area. In comparison to other communities, these should be the higher-end hotels that will include amenities such as restaurants. The restaurant has to serve meals, but does not require waiter service.

Council Member DeJulio asked if the hotels have expressed an interest in installing a restaurant.

Assistant City Manager Tolbert responded a restaurant of some sort. It may not be a full service restaurant.

Council Member Burnett asked if that could be something as simple as selling box sandwiches out of the hotel lobby or would it have to be a sit down restaurant.

Assistant City Manager Tolbert stated it can be a restaurant that serves cinnamon rolls in the morning, and sandwiches in the evening.

Council Member Soteres stated a hotel does not have to meet this definition. They can be a full service hotel without any kitchens.

Assistant City Manager Tolbert stated if the hotel wants to provide extended stay, they have to meet certain standards.

Mayor Paul stated the goal is to make sure we have the best quality hotels in the City. Those are the characteristics of higher-end facilities.

Assistant City Manager Tolbert stated these would be located in the Perimeter and medical center districts only.

Council Member Burnett asked if the nightly stay requirement will be for fifteen or more nights.

Assistant City Manager Tolbert stated it will be for one night or more. This would be for hotels near the medical center, if you have to stay an extended period of time because a family member is in the hospital. You can stay in the hotel for two months if needed. The other type of hotels are limited to a fifteen day stay with no type of renewal.

Council Member Paulson stated he is trying to avoid the requirement to build a \$50,000 restaurant in the hotel.

Assistant City Manager Tolbert stated he knows there are food servicing hotels that have small kitchens.

Mayor Paul stated these types of hotels serve continental breakfast in the morning and drinks in the afternoon.

There was a consensus of Council to proceed with the overnight lodging recommendations.

Council Member Burnett asked if there was clarification on the grading and rear setbacks.

Council Member Paulson stated that was approved by Council with changes.

Council Member Burnett stated RE-1 and RE-2 will be with mitigation with 10 foot setbacks on the retaining walls and side setbacks.

Mayor Paul stated the rear grading and retaining wall setbacks will remain as they are shown on the chart. The only change to RE-1 and RE-2 will allow grading in the side setback at 10 feet with mitigation.

2. 18-122 Ordinance to Amend the Sandy Springs Development Code to Allow a Home Business (Outdoor)

Community Development Director Ginger Sottile stated this item has been discussed at Council meetings regarding the use of a residential swimming pool to provide lessons to the general public. At the request of Council, staff drafted potential language to allow this type of home based business. The highlights include a use Permit that must be obtained prior to conducting any business. The business can

be outside the dwelling, but only in the rear and side yards when the side yard is not a corner yard. They must provide off street parking. Only two students per lesson and only four students per hour. Instructions are limited to six hours per day between the hours of 8:00 a.m. and 6:00 p.m. The outdoor area must have a six foot high fence that is opaque. The uses that were contemplated involve outdoor recreational types of uses and instructional lessons. This ordinance will not just be limited to swimming pools.

Mayor Rusty Paul asked if he could install a batting cage in his backyard, as long as there are no more than two children practicing at once.

Community Development Director Sottile stated that is correct, provided a use permit is issued first. The applicant would have to first be heard before the Planning Commission, then heard before Council. There would be opportunity for public input.

Mayor Paul asked if he could operate a home based business on his tennis court.

Community Development Director Sottile responded yes.

Mayor Paul asked if there are any other activities that would apply.

Community Development Director Sottile stated she believes it would allow someone to teach golf lessons. Someone could be coached in personal fitness, baseball pitching, or football.

Mayor Paul stated as long as it is a sport or athletic related activity, it would be allowed.

Community Development Director Sottile stated that is correct, provided the activity is in the rear yard or the side yard.

Council Member Reichel asked if the fence needs to be around the yard or the pool.

Community Development Director Sottile stated wherever the activity is held, it has to be screened from the abutting neighbors. If the activity is in the entire backyard then that area must have the fencing. If the activity is in the pool and the pool has a fence, then the fence needs to be six feet high, and screened from the neighbor.

Council Member DeJulio asked if the City requires all pools to have fences.

Community Development Director Sottile responded yes, but not necessarily six feet high and not opaque.

Council Member Paulson asked what the Planning Commission suggested on this item.

Assistant City Manager Tolbert stated the Planning Commission did not view this item, yet. The conversation tonight is about whether or not Council wants to refer this item to the Planning Commission so they can make a recommendation to Council following a public hearing. This is a zoning amendment that must go before the Planning Commission for recommendation.

Council Member Burnett asked if the activities will be limited to Monday through Friday.

Community Development Director Sottile stated she had not included that.

Council Member Burnett stated it might make sense to limit the activities to weekdays only, since most people are home on the weekends. He suggested the time be changed from 6:00 p.m. to 5:00 p.m.

Council Member Reichel stated a lot of children take swim lessons on the weekends. This would be for two children at a time during the summer months only.

Mayor Paul stated Council Member Reichel is referring to swimming pools. This ordinance would apply to the entire year. This ordinance cannot be limited to swimming pools. Each activity would need to be treated the same.

Council Member DeJulio asked if this ordinance can be limited to only swimming pools.

City Attorney Dan Lee stated the current limitation of maintaining the business inside the dwelling is a simple way of policing home occupation, historically. You could make a public safety exception to have the occupation licensed by the Red Cross. This may allow the limitation of the ordinance to an activity such as lifesaving swimming lessons. Different limitations will apply if the business is outside the dwelling

Council Member DeJulio stated the instructors could be required to be Red Cross certified lifeguards.

City Attorney Lee stated that is a possibility.

Council Member Reichel asked if children took tennis lessons on the court in their backyard, how that would be covered.

Council Member Paulson asked if this resident is operating a business.

Council Member Soteres stated the tennis instructor comes to her house.

Assistant City Manager Tolbert stated it is not an issue if the instructor comes to the home.

Council Member Paulson stated he has sympathy for the lady that operates the swim lesson business. She has been teaching the children how to swim for many years, but now she cannot. This item hopes to facilitate her business. He certainly does not want a batting cage in the backyard next door to his home.

Council Member Burnett stated he read about seven different City codes related to this item. All of them address specific things you cannot do. They do not address things that can be done. Examples of those items that can be done are: funeral homes, keeping of animals, and auto body shops and mechanics. He asked if staff can write the code to exclude things that we do not want allowed.

Mayor Paul stated if we list things that cannot be done, someone will find something to do that we have not contemplated.

Community Development Director Sottile stated she did receive correspondence from the lady holding the swim lessons. She requested via email that we allow six persons per hour and extend the six hour day to an eight hour day.

Council Member Reichel stated she knows that Ms. Dubovsky gives twenty minute lessons.

Council Member DeJulio stated there is no way she would be approved for a business license for this year, due to the time constraint.

Community Development Director Sottile stated that is correct. If Council decides to move this item forward, this will be before the Planning Commission in May and back to Council in June. If Council decides a special use permit is needed, the whole process will be pushed to the fall.

Mayor Paul stated he has made his position clear. He believes that a public policy mistake is made when you legislate for one specific application. The law of unintended consequences is equally important to what you are trying to accomplish. His heart goes out to people like this. There is no way to craft a law that will limit this to one application.

Council Member Reichel stated 900 people signed a petition in favor of this item. She would like to see it go before the Planning Commission.

There was a consensus of Council to move this item forward to be heard before the Planning Commission.

Public Works

3. 18-123 Update on T-SPLOST Projects

TSPLOST Program Manager Steve Tiedemann gave the TSPLOST Program Status Update PowerPoint presentation. He recognized the Sandy Spring citizen's oversight committee representative, Kevin King.

Kevin King, Sandy Springs TSPLOST Oversight Committee member, thanked the Mayor and City Council for giving him the honor to represent the City in this TSPLOST program. It was about one year ago that the sales tax was raised three quarters of a percent. In July 2016, the City signed an IGA by which we agreed, based on the population, that we would have 18.22% of every dollar that is received from the three quarters of a percent. The estimate provided showed the City would receive \$103 million over five years. The City has been receiving about 85% of this amount every month. He asked why the City has not received 100% of the funds. The projections may have been incorrect. There is a question about whether the businesses were collecting the right amount of tax. There are quite a few questions on whether or not the funds are being received. He suggested the Department of Revenue staff speak to the City regarding this. Some of these businesses are outside the City of Atlanta, but in Fulton County. There is a question of whether these businesses were included in the correct city. The Department of Revenue stated they would not come to speak on this matter. The IGA is with Fulton County and fourteen other cities. The money is collected by the Department of Revenue, divided up and sent to the cities.

Mayor Rusty Paul stated Senator Kirkpatrick is in attendance. He saluted the legislature for requiring the Department of Revenue to provide more information to localities about those processes. This would include sharing their records with local municipalities and counties to make sure the right people are being taxed.

Mr. King stated the oversight committee has one person from each city in Fulton County. Our job is to ensure the funds are being distributed properly and spent properly. The oversight committee and Fulton County, who operates the TSPLOST system, spent a lot of time updating the website. They are already planning for the next TSPLOST vote.

Council Member John Paulson asked if this presentation will be on the City website.

Director of Communications Sharon Kraun responded yes.

Police Department

4. 18-145 Consideration of Approval of a Contract Award to Axon Enterprises, Inc. to provide Body Camera Equipment, In-Car Video Equipment, Accessories and Services for the City of Sandy Springs Police Department

Deputy Chief of Police Keith Zgonc gave the Proposed Update to Axon Body Camera, In-Car Camera, and Equipment Services System PowerPoint presentation.

Council Member Chris Burnett asked if this will outfit all the police cars and officers.

Deputy Chief of Police Zgonc responded yes.

Council Member Burnett stated it was mentioned that when a Taser is used, it would trigger the body cameras. He asked if the same would happen when a firearm is used.

Deputy Chief of Police Zgonc stated not at this time.

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

Performing Arts Center

5. 18-146 Box Office Fees for the Performing Arts Center

PAC General Manager Michael Enoch gave the Revised Fee Proposal PowerPoint presentation.

Council Member Chris Burnett asked if the City will also assess sales tax.

PAC General Manager Enoch stated the sales tax is included in the ticket price. He believes the sales tax is 7.75%.

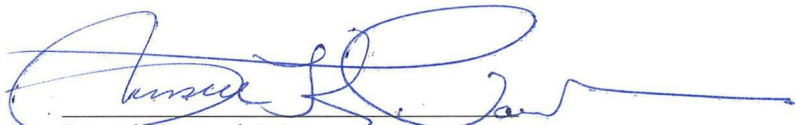
Council Member Burnett asked if the City will charge sales tax on the ticket price, plus the fees, or just the ticket price.

PAC General Manager Enoch stated the charge will be the ticket price plus the fees. The tax is included in the ticket price.

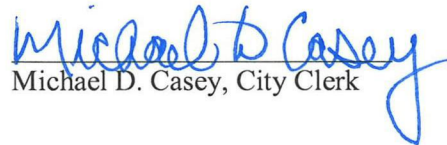
There was a consensus of Council to move this item forward to a regular City Council meeting.

There being no further discussion, the meeting adjourned at 7:20 p.m.

Date Approved: April 17, 2018



Russell K. Paul, Mayor



Michael D. Casey, City Clerk