

Work Session and Regular Meeting of the Sandy Springs City Council was held Tuesday, June 10, 2008, 6:05 p.m. Mayor Galambos presiding.

Councilmembers Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnerny.

PUBLIC HEARINGS

Budget

To receive public comment pertaining to the Fiscal Year 2009 budget.

Millage Rate

To receive input as it relates to establishing a millage rate to be levied for the tax year 2008 as required by O.C.G.A. Section 48-5-32 et seq.

Sharon Griswold, 240 Glen Meadow Court, stated that she is pleased with all the City services, and with everything that is going on in the City. She spoke in support of the City keeping the tax dollars to use toward programs to better the city. Sandy Springs residents would like for the City to keep moving forward and keep the City growing.

Harry Nolan, 450 Heritage Way, stated that he is very grateful for the City services. He supports the City keeping the tax dollars, and supports putting the additional \$2.7 million into an undesignated Capital Resource Fund.

Mark Sampl, 130 Stewart Drive, stated that he lives on Stewart Drive and over the years they have seen many accidents on the road because of the topography and winding of the road. The neighborhood has gone through all the steps to get traffic calming on their street, and request City Council to consider this during budget discussions.

Sherian Wilburn, 100 Allen Road, President & CEO of the Sandy Springs/Perimeter Chamber of Commerce, stated that the city's 2008 estimated gross digest analysis indicates that 45.3% of the tax digest comes from commercial properties. Her comments will respond to concerns expressed by members of this constituency in two meetings held with commercial property owners that ran the gamut from some of Sandy Springs largest property owners/employers to some of its smallest.

She addressed the public misconception regarding the statements that there has not been a commercial reappraisal of all properties in Fulton County in 16 years. While there has been no unified countywide reappraisal of all commercial properties during this period, it fails to recognize that there have been repeated geographically focused reappraisals, especially in fast growth areas like north Fulton during this period.

At the Chambers breakfast meeting yesterday, Bert Mannings, Fulton County's chief appraiser, indicated that the Sandy Springs properties were last appraised in 2006. The 2007-2008 reappraisal is the second reappraisal in two years for commercial properties in Sandy Springs, with both resulting in significant increase in assessed values for many, if not most, commercial properties.

There is a real concern in the business community that the City of Sandy Springs does not recognize the value business brings to the table. Some have expressed concern that the business community is viewed as a "non citizen".

Clearly, with a \$9 million surplus from FY2008, and a budget that allows for a full or partial millage rate rollback, it is completely inappropriate to try to bleed the business community. Without a roll back, there is minimal impact on the homeowners.

The fact that the city's FY-2009 budget can absorb a full roll-back, the business community strongly encourages Council to roll-back the millage rate to the full roll-back level which results in a revenue neutral budget. The city needs to be supporting business, not penalizing it.

Mayor Galambos stated that everyone welcomes the tax reassessment, because everyone knew for years they were not handled correctly. ABC news reported the fact to the community. Mayor Galambos stated that she does favor a partial roll back in order to give some of it to the business community.

Lonnie, Mimms, 1270 Jones Road, stated that his family's business has five (5) shopping centers, totaling 600,000 square feet and 79 tenants. The idea that the properties have not been reassessed is completely a myth. The timing of this could not be worse. The whole idea of creating a reserve fund while companies are struggling to survive is sending the wrong message. A vote for a full roll-back will not eliminate the substantial increase in taxes on commercial, but would show good intent from the Mayor and City Council.

Tom Fitzgibbons, 7 Concourse, General Manger, Westin Hotel, stated that their 2007 taxes reassessment went up about 52% for \$300,000. The hotel collects 7% occupancy tax for the Sandy Springs Hospitality & Tourism which is about \$1,000,000 a year. The Westin generates about \$1,800,000 coffers for Sandy Springs. The hotel brings in about 400,000 people into the area with their constituents, banquets, business, weddings and so forth which spend vital dollars in the community. Further increase in taxes will make it hard on them. The Westin is a significant contributor to the community, and are committed to the community in various organizations and in contributions. The Hospitality has encouraged them to do all they can to give back to the community, to be a good citizen and to be involved as much as they can. The hotel is involved in schools with internships and is an active participants with the Chamber of Commerce. The Westin would appreciate Council's consideration in helping keep them as profitable as possible with no tax increase.

Mayor Galambos expressed the City's appreciation in the Westin's cooperation with the Hospitality & Tourism and feel it has been a mutually satisfactory arrangement.

Frank Lewandowski, 42 Ridgemere Trace, stated that he oversees the property tax for the United Parcel Service. The Chamber thought it would be a good idea for him to express his thoughts regarding the proposed millage rate increase. No one wants their tax bills to go up and that goes for both business and residential. The problem with this proposal is the timing is terrible. The economic condition for larger, medium and small companies is the worst that it has been for the last 15 years, everyone is affected by what is going on right now.

If the City increases the rate, it will only add fuel to the fire. UPS faces a difficult time as a company, like many others. UPS has strict cost cutting initiatives in place right now to try and stay competitive in the market place. When unplanned expenses like this are placed on a company, it makes it very difficult to provide the same quality of service of product.

By increasing the millage rate the City is in fact doing that and making it much more difficult for a business to operate and stay competitive. He does not think that Sandy Springs wants that reputation. He thinks Sandy Springs wants to be known as a family city, a city that welcomes development, a city that treats its businesses and residents fairly, a city that understands the economic problems that businesses are facing right now. He feels that raising the millage rate will make the city look like its not being fair and that Sandy Springs does not care about the economic conditions going on right now. This would be the absolute worse time to increase any business tax since it is already difficult to operate officially and effectively. He believes it would be in the city's best interest to wait for economic conditions to improve. At that time, businesses and residents could potentially sell the tax increase much easier. In the media, it was said that commercial real estate has not had increases in years and that is simply not

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true. Properties from Buckhead to Alpharetta were reassessed in 2003 and 2006 on a selected basis. He strongly recommends and respectfully requests that the Mayor and the City Council consider a full roll back.

Mayor Galambos stated that the City is not proposing to increase the millage rate; it is the same millage rate.

Parthy Walker, 39 Westfair Court, thanked City Council for the great job on the City's budget. She would like to address some of the comments that have been made regarding the Sandy Springs residents and how they feel about the commercial businesses within Sandy Springs. The businesses are one of the main reasons she lives here because everything she does is in this area. She is a firm believer in the corporations that support the residents. In terms of the roll back, she believes this is the beginning of an economic down shift.

Commercial real estate and property values are going down and foreclosures are happening and residents are still paying the same taxes. Everyone needs to be mindful of where we are now as to where we will be in 24 years from now. The economic slowdown everyone is in does not seem to be improving. We are looking at a downshift and it is time for everyone to learn how to budget better and to make the hard decisions that everyone will have to make, not just to keep families afloat but the business community as well. She believes if everyone give back now, it will be very hard to ask for it later.

Mayor Galambos closed the public hearing.

Morgan Falls Master Plan

To receive input regarding the proposed Morgan Falls Park Master Plan.

Councilmember Jenkins explained that Joe Roach, and other coaches of the Sandy Springs Youth Sports that are on the Board are currently traveling with baseball teams and could not be here tonight.

There were no comments from the public.

Mayor Galambos closed the public hearing.

Staff Discussion Items

Discussion of a resolution to authorize Lost Corners Preserve to be exempted from the City's subdivision ordinance.

City Attorney Willard stated that the City is preparing to acquire the Lost Corners Property in partnership with the Trust for Public Land. The City has made application to the State for assistance for the grant that will assist in purchasing this property.

There is a request by the representatives of the property owner that the family wishes to reserve two (2) one- acre tracts in the event the owner requires long term care beyond her reserves. In that event, the family anticipates that the reserved lot or lots will be sold at market price to raise the money to pay for her care. TPL will have the right of first refusal to purchase the property if a sale becomes necessary. If TPL does not agree to purchase the property at that time, then the property would be sold to a third party. If and when there is any development planned on the reserved property, the owner/buyer would be charged with complying in full with requirements of the subdivision ordinance.

TPL has learned that the City's Community Development Department considers the reservation of these two acres to be a subdividing of the property and triggers the City's subdivision ordinance. This would require a variance and compliance with other provisions of the subdivision ordinance.

The City Attorney's Office recommends that the Council approve a Resolution authorizing an administrative exemption from the City's subdivision ordinance for the acquisition of the property for the purpose of preserving the land as a public park.

Councilmember Fries questioned where the two acres are located on the parcel. City Attorney Willard stated that it is a continuation of housing along Brandon Mill Road where housing ends and the property beginning.

Mayor Galambos questioned if the Trust for Public Land has negotiated with the owner of the land. City Attorney Willard stated that they have. The City received the due diligence document yesterday and the attorneys office is in the process of a full review of the documents. There is one other appraisal that is required by the State Agency that issues these grants that the city is in the process of obtaining. The time schedule to close this out is July.

Councilmember Paul questioned if the City has a right for first refusal on the two parcels. City Attorney Willard stated that staff inquired about it and are going on good faith and if the family does not need it they will come back to TPL and to the City. Mr. Willard stated that if the owner passes before the transfer the intent would be for it to come back to the 24 acres but is not in writing. This is the way it was planned and worked out with the TPL in negotiations with the family.

Mayor Galambos stated that she would like an update at the next meeting.

Discussion of intergovernmental agreement with City of Doraville for inmate housing.

Director of Administrative Services Horn stated that the City of Doraville has been a tremendous partner with Sandy Springs and the City has had great experiences with them throughout this partnership. The City currently contracts for short term housing of inmates at the Doraville City Jail. The existing contract has expired and the City of Doraville has presented an updated agreement. This contract provides for short term (i.e. under 72 hours) housing and peripheral services (means, coordination of medical services, etc) of Sandy Springs inmates.

This agreement has two changes from the existing contract. One, automatic renewal of this agreement, in one-year increments, for a period of four additional years following the initial term of the contract should either party take alternate action.

The second change is an addendum to the agreement providing for an increase in the daily rate. This increase is provided for the existing agreement. The agreement outlines that the rate may be increased annually according to the CPI. The Assistant City Manager has reviewed this, and based on industry standard calculations, arrived at a new rate of \$52.00, an increase of 4%.

In this agreement, the City of Doraville does not charge a full day if an inmate is just there a partial day. Doraville breaks it up into four (4) hour increments and the four hour increment charge will go from \$8.33 to \$8.67.

Staff recommends approval of the contract for jail services.

Councilmember Fries questioned if Doraville has agreed with the 4% increase. Mr. Horn stated that the City Council of Doraville will hear this item next week in their work session. Doraville's City Attorney has briefed the Council and are in agreement with the calculation method that is outlined in the agreement.

Councilmember MacGinnitie questioned how much Sandy Springs paid the City of Doraville for this service.

Assistant City Manager Rapson explained that the City from year to date has paid approximately \$30,000/month to the City of Doraville.

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Mayor Galambos stated that at the time this agreement was being negotiated, staff compared the cost between Doraville and Roswell and found that the City of Doraville cost to City was half of what the City of Roswell charged Sandy Springs for full day service, between \$72,000 and \$77,000/month.

Discussion of Right-of-Way Deed Agreement with MTW-Roswell, LTD for Road Improvements at Roswell Road and Windsor Parkway.

Transportation Manager Moore stated that this is a right-of-way dedication that was required by the Sandy Springs Development Regulations. Walgreen's is dedicating an extra strip, three (3) feet of right-of-way along Roswell Road and about two (2) feet on Windsor Parkway.

Discussion regarding the GDOT Project Framework Agreement Resolution (PFA) for the SR 9 ATMS Project (T-0013).

Public Works Manager Coleman stated that this agenda item is for the Project Framework Agreement for the State Route 9ATMS Project. This Agreement will facilitate the implementation of an Advanced Traffic Management System (ATMS) along Roswell Road from Abernathy Road to the Forsyth County line.

Staff had an IGA executed between the three cities's that are participating. At this time, the PFA needs to be executed so the City can access funds through GDOT.

Presentation of Transportation Master Plan

Transportation Manager Moore stated that this plan started in July 2006, with the Comprehensive Plan that was adopted on November 20, 2007. The plan provided a blueprint, based on community needs and opportunities, to guide the City's growth and infrastructure development.

The Comprehensive Plan started in July 2006. The Comprehensive Plan consisted of 16 Advisory Committee meetings, public hearings and work shops. There is a transportation component to each of this and the CAC was divided into different working groups, transportation being one of them. Richard Paine, of Carter Burgess has been instrumental to putting all of this together and involved in this process from the very beginning. Once the Comprehensive Plan was done, and had met the State requirement, Council approved in budget for a Sandy Springs Transportation Master Plan that goes above and beyond any State requirements. This is a 25 year plan that will generally follow the same time line as the Comprehensive Plan, and will be continued and update on a five (5) year cycle to follow under the Comprehensive Plan going forward as a companion piece so the City can continue to integrate land use and transportation in the City of Sandy Springs.

Once the Comp Plan was adopted, staff went back with Carter Burgess and started to review an analysis which included looking at what the transportation impact would be for all of the land use projections that were in the Comprehensive Plan. Staff looked at ARC's Regional Travel Demand model which looks at what kind of traffic we can expect through the year 2030 based on the regional projections. Staff coordinated this with the Regional Transportation Plan (RTP) long term capital program for the region and for local and state TIPS.

Staff was able to walk away with a set of guiding principles and transportation policies received from the public and the citizen involvement. From the quantitative analysis projected levels of service, congestion management information, what will be the City's trouble corridors, where they would be and when would there be a problem. Staff also got a better picture of the regional demand what would happen independent of those peculiar areas of the City's land use.

The majority of the plan documents are the recommended programs and projects. There are three ways that staff plans to use this going forward. The first is a very high level overview, 25 year long range capital improvement project list. Staff does not expect that every project will be done and every project would come out of this and be

done as it may be portrayed in the analysis. Each individual project will be sent through the City's normal annual budget cycle, requested and verified and validated on its own merits. The Master Plan gives staff something to look at moving forward

The future studies and concepts means that there were a number of ideas that came out of the comp planning process and out of staff's analysis process that are things that over the next decade or two, staff will come back to future Councils looking for additional studies and more analysis and have an idea of where the City is going. Some of these will be tied to Community Development and continued land use census.

The third piece is a forum for local policy and regulatory guidance. Staff is currently working with GDOT and ARC now to update the City's functional classifications which also change some of the development regulations. From a broader prospective, changes the forum for how much money the City can get through state and federal matching dollars based on data received. Some of the questions about the sidewalk master plan were things that were derivative that were not necessarily directly in the Comp Plan from the information on there. Staff expects that there will probably more issues like that will happen. Major Transportation Projects take five (5) to ten (10) years to hit the ground and be constructed. The City needs to look at this long range and form a picture and continue to update it and bring along if we are going to be ready for the transportation needs in the future.

Councilmember Fries stated that this is a good thing to have so that the City will have an idea of the needs on right-of-ways.

Mr. Moore stated that staff is still using the right-of-way tables and dedication requirements that were set by Fulton County base don their long range plan. That would be exactly the type of use the City would be able to get out of this.

Councilmember Jenkins stated that this is also a signal to the development community that the City has plans to do something and a signal of where to go or not go.

Mr. Moore stated that the City's future land use speaks to where you do or do not want development to go. Staff looked at what kind of traffic implications the City will have based on the future land use Council has already approved and overlay that on both, what existing conditions are and then projecting them.

Councilmember MacGinnitie stated that there was public comment as apart of this process in putting together this plan. Since the plan was published, a number of additional comments have been received from a number of parties. He questioned if there was a process to address those comments other than at a public hearing. He questioned if there was a way to consolidate the comments and put through a process so there will not be changes as Council adopts plan.

Mr. Moore stated that staff would like City Council's input. Staff has also been looking at it like a laundry list in looking at each project to see whether or not the City likes the project. Most comments he has seen have been yes or no on a particular project that staff does not like because staff feels it would impact the City in one way or another. Staff is taking a realistic view of the projects and identifies what will be needed in the future. Any particular project that would be dropped from it would go through the full conception process and go through its full public due diligence as staff has done with other concept projects that have been started.

Mayor Galambos stated that she would like for staff to consolidate a list of all the comments from the various neighborhoods and indicate the extent of the membership of the neighborhood that gave the comments.

Councilmember DeJulio stated as for justification we are building higher and higher density because the development community says this is in the plan.

Councilmember Meinzen McEnerny stated that she is in agreement with the Mayor's idea of having a list put together for City Council's review.

At 6:50p.m. the Regular Meeting of City Council began. (Skip to Meeting Agenda)

Discussion of RZ08-002-An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance – *Grade Plane & Height*

Director of Community Development Leathers gave the following presentation.

Staff Analysis

- The current definition found in Article 3 of the Zoning Ordinance does not provide clear direction as to how height should be measured.
- The State, under the Uniform Codes Act has adopted the minimum code standard developed by the International Code Council (ICC).
- The ICC definition provides clearer guidance and have been implemented throughout the building industry across the country and the State of Georgia.
- Staff is recommending the ICC definition be incorporated into the Zoning Ordinance by reference.

Staff Recommendation

- **Code Definition**
 - Height, Building. See Sec. 105-19 State minimum standards adopted, in the Code of the City of Sandy Springs, which adopts the State building code (O.C.G.A. 8-2-20 et seq.).

Staff and Planning Commission Recommendations

- **Extreme Slopes** – On extreme lots, the top of a retaining sub-wall may be used in the determination of average grade. The retaining sub-wall can not exceed 15' in height.
- **Mean Height** – the Planning Commission has requested staff investigate the use of “mean” height versus average height.
- **Height Calculations** – the Planning Commission has recommended the total building height be listed on the front page of the building plan set.

Councilmember Meinzen McEnerny requested that staff research and verify that “mean” has a different meaning than average. Median is the engineering phrase that means that half of the curve is on one side and half is on the other. This is what the City is trying to get to.

Director of Community Development Leathers stated that the method staff is recommending and the recommendation from the Planning Commission which was unanimously endorsed by the Planning Commission is that the term “mean” be used, because this is the method of calculation that is used and more accurately reflects what is actually done under the current building code as adopted.

Councilmember DeJulio questioned if this was the definition that is in the State Building Code. Council is deciding on whether to invent the wheel or not.

Director of Community Development Leathers explained that staff is requesting Council approval for the code definition in the ordinance so that the City’s ordinance corresponds with the State and there is no confusion or differences between the two. Council has already adopted the building code and staff feels that the definition should be the same in both ordinances.

Mayor Galambos questioned if staff was also requesting the State to consider changing the word “average” to the word “mean”.

Director of Community Development Leathers stated that is correct. Staff will write a letter to the State and will ask their concurrence in that. If the State authorizes that, then staff will bring it before City Council as a local amendment.

Councilmember Fries stated that there has been discussion on this for a couple of months now and she would like to get a consensus for staff to know that they do or do not need to move forward on this and make any changes. She stated that staff has done a wonderful job and addresses what Council was looking for and that was to find a base to measure from. It was not to address height or anything like that. The few changes that staff is taking to the State make sense.

Councilmember Meinzen McEnerny stated that when City Council heard the presentation earlier from staff that many were confused with the definition and sent it to the Planning Commission with the direction to come back with a more clear and concise description. She is not certain at this point, that the Planning Commission did indeed review the matter to bring back something that is clear. She appreciates staff checking on the intention of the Planning Commission's discussion about "mean" and "median". She believes that when the Commission talked about height that they were measuring the average height of a pitch of the roof, the gutter and that the intention was you would get one half of that distance. This is a factual engineering term and believes that the word should be "median" and not "mean". She would appreciate staff checking on this.

Councilmember Paul stated that he also likes what staff has done with this amendment and would like for staff to proceed.

Mayor Galambos stated that she does not recall through exchange of emails seeing reference to the word "median". The reference is to the word "mean".

There was a consensus by City Council to move forward with this amendment as presented.

Discussion of RZ08-007-An Ordinance to Amend the City of Sandy Springs Zoning Ordinance to Allow Senior Housing Developments.

Deputy Director of Community Development Miller stated that this item was before City Council about six weeks ago and will come back before City Council in the form of an ordinance change at the next Council Meeting. As requested, staff has made a couple of amendments that has gone before the Planning Commission. Based upon input, the minimum parcel size has been set at five (5) acres and the minimum unit size is 850 square feet. Staff has also added a couple of additional requirements under item no. 12, regarding the AED, the Emergency Pull Cord with some of the other features Council had asked for at the last meeting.

The amendment was heard at the June 2, 2008 Planning Commission Special Called hearing. The Commission recommended approval as presented by staff subject to an additional provision regarding guest quarters for visitors of residents, which shall have maximum heated floor area of 500 square feet. Additionally, each senior housing development may have at least one (1) guest quarter unit, but the total number of guest units may not exceed 1% of the total number of units within the development.

Councilmember MacGinnitie questioned why the minimum acreage is five (5).

Deputy Director of Community Development Miller stated that initially there were discussions of the minimum being three (3) acres but decided to increase it to five (5) acres. There are no magic figures on this and between now and the next Council meeting staff can do additional research on what the average size. Staff felt that five (5) acres in size appropriate to provide enough open space and often a park in this type of development.

Mayor Galambos stated that most of the senior housing developments in Sandy Springs exceed five acres and the City wants upscale development. Staff should take that into consideration when the decision is made on the size.

Councilmember Jenkins questioned if there would be any flexibility. Councilmember Fries stated that it is attached to a use rather than an area. She questioned if this would create any difficulty.

Deputy Director of Community Development Miller stated that if it was less than five acres the applicant would have to request a concurrent variance with the use request. If it was an admirable project and it was less than five acres, Council would have the opportunity to look at it in greater detail.

There was a consensus by City Council on the minimum parcel size at five (5) acres and the minimum unit size is 850 square feet. Each senior housing development may have at least one (1) guest quarter unit, but the total number of guest units may not exceed 1% of the total number of units within the development.

Mayor Galambos questioned who requested the percentage. Mr. Miller stated that the percentage came from the Planning Commission. Mayor Galambos requested staff to check with the industry before the next meeting and find out what percentages they use.

Presentation of draft 2008-13 Consolidated Plan, 2008 Annual Action Plan with any public comments.

Senior Planner Ruffin stated that Vann McNeil brought this item before City Council at the April 8, 2008 Work Session and the May 6, 2008 Regular Meeting. Since that time, the required community input meeting was held and received no comments.

Councilmember Meinzen McEnery clarified that there will be no new sidewalks put in front of Big Trees and the Annex. The sidewalks could start where there currently are none and go north on Roswell Road.

Mayor Galambos stated that the 2008-13 Consolidated Plan will be voted on at the next meeting.

Discussion of Mixed-Use Development requirements.

Deputy Director of Community Development Miller stated that staff was directed at the March 11, 2008 Mayor and Council Work Session to research the appropriate number of uses which should be required by the City in conjunction with mixed use developments. Staff presented a series of options during the April 8, 2008 Mayor and Council Work Session to better regulate mixed-use developments using a combination of amendments to both the Comprehensive Plan and the Zoning Ordinance to make sure the City is in conformance with the comprehensive plan which allows for greater density/intensity in the Living Working Community, Neighborhood or Regional categories, and to also look at the MIX Zoning category. This category allows the mixture of uses within the city.

The Comprehensive Plan contains a future land use element with three Living Working Categories. According to the Comprehensive Plan, these categories are intended, "to allow an appropriate and balanced mix of uses to create a live-work environment at a scale character that is compatible with its surrounding community".

The Comprehensive Plan defines these Living Working Areas:

- Living Working Neighborhood (LWN): This is the lowest intensity option of the three living working designations, residential neighborhood, allows up to five (5) units per acre, minimum size - three (3) acres.
- Living Working Community (LWC): This is a medium intensity/density category, 20 units per acre, minimum size - five (5) acres.
- Living Working Regional (LWR): This is a high intensity/density category, 20 units & above per acre, minimum size - ten (10) acres.

Staff has talked with the State regarding this Comprehensive Plan amendment which is considered a minor amendment and could be done here at the City without going back before the State for approval. Staff has spoke

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with the City Attorney's office and they feel that there is no legal issue associated with making the change in the City's Zoning Ordinance.

Deputy Director of Community Development Miller stated that normally this would go before the Planning Commission as an amendment to the City's Zoning Code. He questioned if that is the process Council would like staff to take or should staff bring this item back to City Council.

There was a consensus from City Council that this item should be brought back to them.

This would allow the City to incorporate the open space and green space component where the Comprehensive Plan has identified as things you need to work towards with those parcel sizes along with the densities.

Councilmember Paul stated that this is very reasonable and would like for staff to bring back an ordinance amendment because the City wants to encourage aggregation.

Councilmember Meinzen McEnerny stated that starting at three (3) acres is a good number. Since the Live Work Community is twice as much density, going from 10,000 square feet of commercial and retail per acre to 25,000.

Mayor Galambos stated that there is an incentive on the books that if you give higher density if you assemble five acres.

Councilmember Jenkins and Councilmember DeJulio both stated that they are happy with the three (3), five (5) and ten (10) acres.

Discussion of Overlay District Amendment.

Deputy Director of Community Development Miller stated that this is a major work effort for the Community Development Department going forward along with Public Works and many other departments within the City. Staff has tried to break things out between short term and the longer term approaches. The short term contains some of the different design features within the overlay district. There are several design requirements within the overlay district related to sidewalks or pedestrian lighting, benches, trash cans and shelters. For safety purposes, staff has discussed relocating the existing pedestrian light requirements from along the back of the curb area to the landscape area behind the sidewalk. This would give the pedestrian feel and would be safer than having the lights along the road bed. Staff has also discussed what would be the best way to incorporate a unique or specific design feature for bus shelters within the City. Staff included in Council's packet three different alternatives for bus shelter design. One of the most important factors is the size of the shelter, the cost of the shelter, whether it is a prefabricated model or one that would have to be built specifically for Sandy Springs and one that would not attract graffiti and vandalism. Staff would like to have Council's input and direction as to which alternative to go with. Staff will bring this item back before Council in August.

Discussion of amendments to the Impact Fee Ordinance.

Mayor Galambos questioned if the Design Review Board was looking at the standards for the three different areas along Roswell Road, as to whether those standard should remain as they are or should they be changed.

Deputy Director of Community Development Miller stated that one of the things staff is looking at on a longer term and something that will probably be accomplished through the Design Review Board late summer or early fall is how the City will apply the design standards. The Main Street area has one set of standards and since the City was incorporated has identified the need to expand the requirements on Main Street area to other parts of the City. Staff discussed using the Comprehensive Plan Land Use Nodes as a basis for the City's overlay district instead of the more arbitrary sections that the City has currently, and tie it back into the Comprehensive Plan. This would capture the more intense Live Work areas and require that a development in those areas would need to meet the

higher set of standards that the City has utilized successfully for other projects within the City's Main Street area. This is one of the longer term goals.

Councilmember Paul stated that, to some degree, the overlay requirements are a tax on property owners. The City requires the owners to spend a certain amount. The beautification effort is very important and he is not opposed to it. He wants to be sure that whatever the City is doing that it does not provide a disincentive for small property owners to be able to put money back into their property. Having been a property owner in this district, he knows that it creates a real burden on small land owners who wish to upgrade their property.

Councilmember DeJulio stated that the City is also trying to disincen small property owners and encourage them to get rid of the small parcels. Councilmember Paul stated where there is an economic incentive to do that, it is smart. He does not think that governments should be trying to force people to sell their property that they do not want to sell.

Mayor Galambos stated that she would like to know the cost in differentials between what the streetscape improvements cost around the various areas and the different standards.

Councilmember Jenkins questioned what it cost to do the long frontage along Roswell Road for Sandy Springs Plaza.

Director of Community Development Leathers stated that there are two different standards applied. The standard that the Sandy Springs Plaza would apply for would be the Main Street Standard, which is a more expensive standard.

Councilmember Fries stated that the number per linear foot would probably be helpful for all the designs. While staff is in the process of reviewing this, she would like for staff to consider the bus stops and graffiti issue and if glass and siding on these would have to be replaced all the time. There may be other designs the City could look at. In staff's report regarding the light poles, it states that Georgia Power gave the City another option and that was to affix banners/seasonal displays with a temporary bracket. The City's poles are too short and this would not work.

Deputy Director of Community Development Miller stated that the City has some sidewalks that are in the Comprehensive Transportation Plan for the street to be improved with sidewalks at some point in the future. Segments of those may not be within the overlay district. Staff would like Council's input on whether the City apply the less restrictive standard for the upgrade sidewalks cross section outside or adjacent to the overlay district. This would include all the major roadways that have been identified in the Comprehensive Transportation Plan.

Mayor Galambos directed staff to include in its staff report the streets staff would like for City Council to consider.

Deputy Director of Community Development Miller stated that from the Comprehensive Transportation Plan, the roadway section segments are identified with green and red lines identifying where sidewalks will be needed in the future. Staff will report on a road by road basis to Council.

Staff would like City Council's input on whether or not to have staff to look at developing some sort of a gateway treatment within the City for entry points. If a developer came on line on a piece of property and the City has a standard established the City would then have a way to have the developer construct to city standards. Without that, the City does not have much to request or require unless it goes through a zoning process.

Mayor Galambos stated that it has always been thought that a gateway being something like a monument announcing that you are entering Sandy Springs.

Deputy Director of Community Development Miller stated that this would be a combination of an enhanced section of tree, foliage, plants and maybe some signage.

Mayor Galambos requested that staff check with the Design Review Board on this issue and get an estimated cost.

Councilmember Meinzen McEnerny stated that the Sandy Springs community looks so much cleaner and taken care of now as you drive through and it would be nice to have another sense of arrival which would be paid for by the development community. She believes it is a good idea for staff to continue to pursue.

Councilmember DeJulio stated that he would like to see examples of gateways and cost estimates to see if this is something the City would like to do long term.

Councilmember MacGinnitie stated that this would be unfunded mandates to the business community.

Councilmember Fries stated that the City has received a check from MARTA and is in a position to buy a couple shelters once the design is decided.

Discussion of amendments to the Impact Fee Ordinance.

Director of Community Development Leathers stated that in an effort to provide provisions and further clarify for determination of credits for parks and recreation impact fee contained in the Impact Fee Ordinance the staff of Community Development Department is initiating the proposed amendment.

Councilmember DeJulio questioned what percentage of the donation would be a credit. Director of Community Development Leathers stated that it would be the amount of the donation and would only be for residential developments. The credits of impact fees would only apply to acquisition.

Discussion of False Alarm Ordinance.

Chief of Police Wilson gave the following presentation.

False Alarm Reduction Committee

- Gene Wilson, Chief of Police – Sandy Springs Police Department
- Jamie Moore, Major of Operations – Sandy Springs Police Department
- Gina Yabuku, Lieutenant, Support Services – Sandy Springs Police Department
- Steve Rose, Lieutenant, Public Information Officer – Sandy Springs Police Department
- Paul Heaton, Jr., Officer, Crime Analyst – Sandy Springs Police Department
- Glen Mowrey, Deputy Chief (Ret) Charlotte-Mecklenburg Police Department
National Law Enforcement Liaison, Security Industry Alarm Coalition

Goals

- Develop Alarm Ordinance and Program
- Reduce False Alarm Dispatches
- Enhance Efficient Use of Police Resources
- Build Partnerships with Community and the Alarm Industry

Recommendations

- **Permit or Registration**
 - Affix Responsibility
 - Identify Response Persons
 - Identify Alarm Company
- **Enhanced Call Verification**

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- Alarm companies are required to make two phone calls prior to calling police
- Possible 35% Reduction
 - Marietta, GA – 14% reduction in 3 months
 - Lagrange, GA -45% reduction in 2 ½ years
- **Alarm User Awareness Class**
 - Violators can take the class and avoid one fine.
 - Taught in partnership with the Alarm Industry
- **False Alarm Notices**
 - Will be left at each false alarm location
- **Appeals**
 - Violators can appeal their false alarm fine
- **Failure to Pay Fine**
 - Alarm Calls to that address require Verified Response
 - All Other Calls – normal response
- **Excessive False Alarms**
 - Three or more false alarms at one address
 - First two false alarms are free

Fine Structure

- Failure to Register - \$100 Fine
- False alarms 1 and 2 are Free
- False alarms 3, 4 and 5 - \$50 Each
- False alarms 6 and 7 - \$100 Each
- False alarms 8 and 9 - \$250 Each
- False alarms 10 and above - \$500 Each
- Failure to pay fine within 30 days will result in no police response to non verified alarm calls at the location.

False Alarm Billing and Tracking

- **We will be able to...**
 - Track false alarms reports
 - Handle user permits and registrations
 - Track alarm dealers to users
 - Report top offenders
 - Handle administrative and enforcement notices and invoices
 - Handle accounting and auditing needs

Sandy Springs Alarm Numbers

- **Alarms for 2007**
 - 10,799 Alarm Calls
 - 10,717 False Alarms (>99%)
 - Alarm Calls accounted for about 20% of calls for service
 - Police expended about 5,400 man hours answering alarm calls

False Alarm Ordinance Proponents

- International Association of Chiefs of Police
- Georgia Association of Chiefs of Police
- Alarm Industry

- Cities who have adopted and implemented this module ordinance, such as
- LaGrange
- Marietta
- Cobb County

- **Charlotte, NC**
 - Alarm Dispatches Without Program – 122% Increase
 - Permits – Increased Nearly 300%
 - Dispatches – Decreased 76%

Councilmember Fries questioned the process of verifying an alarm.

Chief of Police Wilson stated that if the fine is not answered within 30 days, the call will not be answered at that location unless it is verified there is an emergency at the location. The alarm company will only call 911 after attempting to verify the alarm by making two phone calls. If the first number is not answered they will try the second number.

Councilmember DeJulio questioned how you could not respond to a 911 call. Councilmember Fries stated that someone could be in there and can not answer the phone or make a call.

Glen Mowrey stated that when the alarm company calls in to the dispatch center, they do not call in on 911. The alarm company will call in on a special number and that is where the cancellation comes in. The alarm company would be the only one who could cancel the call.

Chief of Police Wilson strongly recommended to the City Council to start the process of a false alarm ordinance.

Councilmember Fries stated that storms create false alarms. Chief of Police Wilson stated that it would not be counted as a false alarm.

Councilmember Fries stated that she has a problem with requiring a permit. Chief of Police Wilson stated that there would have to be an appropriate meeting time before enforcing the ordinance. The registration could be done on line and could contract with someone to do it at almost no cost to the City. The registration and the permitting is the very first phase of training to tell people what the City expects of them and what we expect of the alarm companies.

Councilmember Fries questioned if the start up date of October was realistic. Chief of Police Wilson stated that City Council makes the policy; January 1st could be a better date.

Mayor Galambos questioned what right the City has to request the alarm companies to provide a list of customers and telephone numbers.

City Attorney Willard stated that the City does have a right to require that provision while seeking police response. He would need to check the law on this so it does not become an open records request.

Mayor Galambos stated that it would be more practical to get list of the 10,000 to 20,000 people from the companies without having to register each one individually.

Glen Mowrey stated that there is the education process, letting people know that there is an ordinance in place and there will be a grace period of 60 to 120 days for people to register. Most likely 99% of alarm holders in Sandy Springs have an alarm company. The police department and the chief are working with the industry in partnership. The industry will step up to help register their customers.

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Chief of Police Wilson stated that it is part of the ordinance, part of the model policy. The registration would not have been put in here if it was not needed. The registration provides information of where the person lives, phone number, emergency phone number, other names of people to contact and special information like; are there children in the home, disabled people, guard dog and information such as that. The whole thing about registration is to arm the police department with information. When it will be the most important is when the City gets its own 911 system and as those officers respond it can literally come up on the mobile terminal and tell everything about the person they are going to.

Councilmember Jenkins stated that it is not so much for education but for the background information for the officers before they get there.

Councilmember MacGinnitie questioned the cost of outsourcing.

Chief of Police Wilson stated that staff has spoke with one outsource company and it appears in the initial years they get almost all of the fines to reimburse them for their cost. Over the years as more people have registered and the alarms go down, their cost and their profit go down and some of that money comes to the city.

Councilmember MacGinnitie stated that he believes that the fines should be higher in order to get peoples attention. He has concerns with the registration.

Councilmember Meinzen McEnerny expressed her concerns about safeguarding the privacy of the registered information. If this information gets out then it would be known who has and who does not have an alarm. She would prefer no registration and fine the people after the second or third false alarm.

Councilmember DeJulio stated that the police department could keep a spreadsheet and every time an alarm goes off at a location it be listed and after the third false alarm, send out a bill. Chief of Police Wilson stated that he would have to have a name to send the bill to. In regards to getting information from the registration, information could be received from the tax records or the telephone company or from a hundred other places.

Councilmember Fries questioned if at the time of a false alarm could one be required to register at that time. There was a similar issue with the Code Enforcement and they eventually found the name through the tax records.

Mayor Galambos questioned if he could examine what the possibilities would be of getting a database from the alarm companies and see how many addresses are listed.

Mr. Loud, representative of Alarm Company, stated that the person that registers the alarm is the alarm user. The information that is registered is not a public record indicator. The problem is that there are so many alarm companies that deal with city residents that are not from here locally. These companies will not see any public notices in the newspaper. Mayor Galambos questioned if they could be contacted. Mr. Loud stated that there are too many companies out there to contact.

Chief of Police Wilson stated that if this going to work, the registration is needed.

Councilmember Paul suggested that some of the Council meet with Chief Wilson and staff to discuss this.

Mayor Galambos appointed Councilmember MacGinnitie, Councilmember Paul and Councilmember DeJulio to meet with the Chief Wilson and his staff. Mayor Galambos requested that the City Manager set up a meeting with the Committee and Chief of Police.

Fire Chief McElfish stated that one of the big issues is updating the information so that the alarm companies know who to call.

Mayor Galambos stated that she would like to get information from the other jurisdictions.

There was not a consensus from Council to move forward on this item. Additional information is needed from staff on this item.

Councilmember's Discussion Items

Discussion of Naming Rights Policy.

Mayor Galambos stated that the major existing or new facilities in Sandy Springs should not be for sale at this time and should be considered on a one by one basis as they come along. The City can authorize the Friends of Sandy Springs to use naming rights to the best of their ability on all other tiers.

Councilmember MacGinnitie questioned if sidewalks would be included. Mayor Galambos stated that this is an issue that Council needs to address.

Councilmember Jenkins stated that Heritage sold off one of their rooms and questioned if the City was going to let the individual organizations running the City Parks do that or will the naming rights come to City Council for approval. There was a consensus by Council that the naming rights come back before them for approval.

Mayor Galambos stated that the Friends of Sandy Springs has a policy that they can not contribute to buildings and can only contribute and raise funds for park land. Mayor Galambos stated that Council does not need to pressure Friends.

Councilmember Meinzen McEnerny stated that if it helps Heritage to name the interior of a building and it facilitates getting additional funds the City does not need to micro manage their fundraising process.

Councilmember Paul stated that if they own the room they can sell it but if they do not own it, they can not.

Mayor Galambos stated that she would like for Council to read the information before the next meeting so that a motion can be made at the next meeting.

Discussion of July 4th plans for 2009.

Mayor Galambos stated that the City has had a request from an OMI child, Page Bennet to have a parade on the 4th and volunteered to help put it together. Mayor Galambos feels that it should be a small affair like a Barbeque.

Councilmember Paul stated that he would like to request a meeting with Rick Hirsekorn regarding the City's contract with CH2M Hill on grass cutting and right-of-way property.

City Manager McDonough stated that he has a briefing in the morning with Mr. Hirsekorn on this same issue.

Councilmember Paul would like for this to be scheduled at the next work session. Mayor Galambos stated that she too would like a report.

Councilmember Fries requested that Mr. McDonough check on the gateway project at I-285 and Roswell Road.

Mayor Galambos adjourned the Work Session at 9:00 p.m.

Regular Meeting of the Sandy Springs City Council was held Tuesday, June 10, 2008, 6:52 p.m. Mayor Galambos presiding.

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Call to Order

Mayor Galambos called the meeting to order at 6:50 p.m.

Roll Call and General Announcements

Councilmembers Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnerny.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance

Approval of Meeting Agenda

Motion and Vote: Councilmember Fries moved to amend the agenda by adding Executive Session for personnel. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Motion and Vote: Councilmember Fries moved to approve the meeting agenda as amended. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Executive Session-land acquisition & personnel

Motion and Vote: Councilmember Fries moved to enter into Executive Session to discuss Land Acquisition and Personnel matters. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session began at 6:53 p.m.

Motion and Vote: Councilmember Paul moved to adjourn Executive Session. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session adjourned at 7:29 p.m.

Adjournment

Motion and Vote: Councilmember Fries moved to adjourn the meeting and continue with the Work Session. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously. The meeting adjourned at 7:30 p.m.

Date Approved: July 15, 2008



Eva Galambos, Mayor



Christina V. Rowland, City Clerk