

Work Session of the Sandy Springs City Council was held Tuesday, July 8, 2008 at 6:00 p.m., Mayor Eva Galambos presiding.

Mayor Galambos stated that the Executive Session would be held after the City Attorney's agenda items.

Discussion of Animal Control Agreement with Fulton County

City Attorney Willard stated that Fulton County is not willing to make a change in the City of Sandy Springs contract for Animal Control because the contract is applicable to all the cities. The Attorney's office recommends approval of the contract by City Council with a letter that will clearly explain that granting permits for multiple dog kennels is not a permitted use of the City's zoning standards. It is only permitting addressing health conditions for a kennel and their right to review for that purpose.

Mayor Galambos questioned if Fulton County was raising the cost from last year. Councilmember Fries stated that Fulton County has added a 20% surcharge.

Discussion of a Resolution to urge the Development Authority of Fulton County and the Fulton County Board of Assessors to present any offer for ad valorem tax abatement to City Council for review and approval before offering the tax abatement.

City Attorney Willard stated that there have been discussions with the Fulton County Development Authority on this issue. A letter was received from the Development Authority and he has forwarded to City Council. A Resolution has been prepared at Mayor Galambos request. The purpose of this Resolution is to give an expression of what the desire and intent is for the City of Sandy Springs government on the Development Authority negotiating of terms within the city limits of Sandy Springs for any type of tax abatement for business.

This Resolution expresses strongly the City's intent. The Development Authority is an autonomous governmental agency. The Development Authority and the County Board of Assessors can change the abatement of ad valorem taxes on businesses.

Mayor Galambos stated that the City was not given the total truth of the terms of the tax abatement. The other North Fulton Mayors are in agreement with this position. At the last Mayor's Association meeting, there was discussion that if a favorable response was not received from the Development Authority, Mr. Willard will be asked to take it to the Legislation. Mayor Galambos feels very strongly that the City needs to move in this direction.

Assistant City Manager Rapson stated that he spoke with Mr. Buck of the Fulton County Tax Commissioners office today. The Fulton County office is waiting to get a final copy of the actual order. What they think will happen is approval of the digest as it is now and try and get it certified, and bill everything they can with the exception of the citizens in the appeal process.

The appeal process will not allow the digest to be certified until it is below 3% of appeals. Two weeks ago, it was at 12% and at that time they had not received Mr. Proctor's lawsuit. They are waiting for the actual court to rule.

The appeals that are pending with respect to any tax year prior to 2008, shall be temporarily billed at 85% of assessed value under the appeal. The problem is that some of the assessments were actually higher in previous years and they are trying to work through these issues. In addition, the accounts have been reassessed in 2008 for which an appeal has been subsequently filed and temporary billed at the 2007 value. If there is no 2007 value then it will be the return value of 2008. There are several ways to calculate those. The City budgeted approximately \$2,000,000 from what the City collected last year. If they did nothing with the 2008 assessment and literally billed based on the 2007 digest, the City's exposure would be about \$2,000,000. Once they work through the court order and get actual numbers back from the Tax Assessor everyone

should know what the true impact is. Most of the things under appeal are the commercial valuations which are driving our property valuations as well.

Councilmember Fries stated that in the Code it states that the County tax bills are issued before the County Board of Equalization and renders a decision. The Tax Assessor shall specify to the County Tax Commissioner the higher of the tax payers return valuation or 85% of the current year's valuation as set by the County Board of Tax Assessors. It looks like they are taking 85% of the new return and in some cases, 85% of the new return could actually be lower than the previous return. She questioned if it would be taken from the higher return.

Assistant City Manager Rapson stated that is the calculation. The only way for this to become easy is to do the valuation for the same from year to year, or if it increases. A lot of people's assessments may have decreased. Most of the residential community is not impacted, he is only talking about commercial. The explanation that they are only using 85% of the digest would be correct for the majority of the people. There will be people that will have to make exceptions for.

Call to Order

Mayor Galambos called the meeting to order at 6:08 p.m.

Roll Call and General Announcements

City Clerk Rowland reminded everyone to silence their cell phones and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or at the conclusion of the meeting under the public comment section, are required to complete a public comment card. They are located at the back counter and need to be turned in to the Clerk.

City Clerk Rowland called the roll.

Councilmembers Present: Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, Councilmember Karen Meinzen McEnerny. Councilmember Meinzen McEnerny was absent.

Approval of Meeting Agenda

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

Executive Session -land acquisition & personnel matters

Motion and Vote: Councilmember Fries moved to enter into Executive Session to discuss Land Acquisition and Personnel issues. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session began at 6:08 p.m.

Motion and Vote: Councilmember Fries moved to adjourn Executive Session. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously with Councilmember Fries, Councilmember Paul, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session began at 6:45 p.m.

City Attorney Willard stated that the City has been in negotiations with the owners of the Target property. The City is looking at this property as a potential site for an expansion of government services. An agreement has been reached with Target verbally an option agreement calling for the possible purchase of the Target site. The option agreement calls for a closing to occur around December 17, 2008. There is a 60 day due diligence time once the contract is signed and will have the opportunity to examine the site in detail. A survey of appraisals and an environmental examination will be done. At the same time the Council can determine through citizen input if this site is desirable for the expansion of governmental

operations. The purchase price of property, approximately eight (8) acres, and includes the building is \$8,000,000. Target will vacate at the opening of its new store at the Prado site. The resolution, if approved by Council will authorize the City Manager and City Attorney to continue negotiations to form an acceptable contract for the City Manager. The contract will be submitted to City Council for review and signed by the City Manager in order to move forward expeditiously for preparation of contract and review of site.

Motion and Vote: Councilmember DeJulio moved to approve the Resolution to authorize the City Manager and City Attorney to continue negotiations on contract for the Target property. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Adjournment

Motion and Vote: Councilmember DeJulio moved to adjourn meeting. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously. The meeting adjourned at 6:10 p.m.

Continuation of Work Session.

Discussion of the 2008 Local Assistance Road Program resurfacing contract.

Public Works Manager Adderley stated that the City has gone out for bid on the Local Assistance Road Program resurfacing contract and is now ready to move forward.

Director of Public Works Parham stated that four (4) bids were received on this project. All bids received similar prices and came in under the estimate which means more funds will be added to the City's capital paving project. Staff recommends the award of the contract to Blount Construction, Inc., being the lowest responsive, responsible bidder

Councilmember Jenkins questioned if the same striping company would be used on this project. She expressed her dissatisfaction on the previous striping work done on the City's streets and does not want the same company doing the striping job.

Public Works Manager Adderley stated that the striping is subcontracted by the prime contractor that is doing the work. Staff will be on site to make sure the company doing the job does it exactly how the City would like.

Discussion of the acceptance of Right-of-Way in Land Lot 93 of the 17th District, Rosedale Condominiums

Director of Public Works Parham stated that this item is for a right-of-way acceptance for the Rosedale Condominiums project, a total of 1,752 square feet or .04 acres for the purpose of road improvements.

Transportation Planner Moore stated that this is condominium property, it is on the north east corner of Roswell Road and Forrest Hills Drive. This dedication is required per the conditions of zoning for the development of the Rosedale Condominiums.

Councilmember DeJulio stated that he thought as part of their zoning conditions they were to build a sidewalk along the property. Mr. Moore stated that it is and will be. Rosedale just received their land disturbance permit and the work is not yet complete. Staff has been in the review process for over a year and a half. This will not relieve them of their responsibility of building the sidewalk and will replace all guardrails as well.

Presentation of the Roswell Road Corridor Livable Centers Initiative (LCI) study

Transportation Planner Moore stated that staff has spent a better part of a year's process to do a Livable Centers Initiative study. It is a program through the Atlanta Regional Commission that gives participating local governments a chance to look at their corridors, town centers or activity centers in an area. This is a combined land use planning

additional study. It is sort of a gateway to get some additional LCI funding that is available through the ARC to do update projects, typically, the streetscape, multi middle transportation in nature. Once the study is done, it would need to be adopted by the local government and from then on the projects that are recommended from that could possibly get additional funding. There was an extensive public involvement process, four large public meetings; a lot of comments were received. The Sizemore Group, consultant that worked the City through this process. The Sizemore Group is the prime contractor on this. Bill de St. Aubin is here tonight to give Council a brief presentation and recommendations on this project.

Bill de St. Aubin, Sizemore Group, stated that this project is for the Roswell corridor of I-285 all the way down to where it meets Buckhead.

The study area goes from Lake Forrest up to I-285, includes High Point, Meadowbrook and Wieuca Road. This is a very interesting area because it is formed in an urban setting a long time ago where there is more suburban type neighborhoods and a very thick commercial corridor through it with multiple curb cuts. It is a challenging urban form to redevelop. There was a lot of public participation from the community. The community has thought about this area for a long time and it was a very active part of their study, along with the Councilmember from the area involved.

There were four public meetings held; October 29, 2007 - Visioning Session, December 10, 2007 - Character Preference Survey, January 19, 2008 - Work Shop, and February 25, 2008 - Final Recommendation meeting.

The overall recommendation in the final report takes the City's Comprehensive Land Use Plan one step further. It was clear that their document needed to be comparable to the Comprehensive Plan and not have any conflicts. Their strongest recommendation is to focus on the lower node at Windsor Parkway and Meadowbrook because that is the gateway into the City of Sandy Springs coming from the City of Atlanta. Primarily, they are recommending a lot of pedestrian improvements throughout the area with traffic calming to protect the neighborhoods and bicycle movements and detailed planning at the nodes as they were describe in the City's Comprehensive Plan.

There is currently land assembly going on. It is the perfect time to take this node to the next level and do a public/private partnership in the planning of it and do a detailed plan for this area as well. They are recommending some kind of transitional planning. The transect is how you can move from a very urban form to a rural form and you have to do that in this node of Sandy Springs very quickly because you want to protect the residential neighborhoods. The particular nodes they studied had a little more depth to them. In the plan you can see from Windsor Parkway you can move all the way from commercial along Roswell Road as a transition back to single family. It will take a lot of public/private partnership to get the pocket spaces and the green spaces put in there. This node is very important and he believes that ARC would be interested because it is multi jurisdictional. The City will have to work with the City of Atlanta as it connects at Chastain Park. There are a lot of reasons why he feels funding can be received for something of this nature quickly.

The Belle Isle node is very active commercially and for the most part the commercial is very successful on this corridor, has very strong demographics and strong economic forces. Some of that creates a challenge in redevelopment because the landlords are making money and it does not look very well. This area has relatively new commercial for the most part. They are recommending some linear buildings. When the character survey is done, it always scores low and shows that nobody likes to see a parking lot that is out in front of the road and is not as pedestrian friendly to walk along the street. They are recommending that buildings be moved to the street and streetscape improvements. The city can capitalize on the real estate asset if you do this for that particular developer.

The Glenridge node is identified in the Comprehensive Plan as mixed use. They are recommending potential land assembly, especially on the right hand side where it can be cleaned up and developed into a mixed use node. It is probably the biggest opportunity but the most difficult opportunity. The plan shows how you can move from relatively urban form. This node has the most opportunity for redevelopment and has the regional impact to the I-285, identified in the Comp Plan as "town center" node requires the most intense planning effort and is impacted by a lot of regional moves. They are recommending that this study take place at a later date so that some of the regional moves dust begins to settle on those. There is a stream that goes through this node and can create a great environment there with a bike and pedestrian path all

along the stream. It can connect a lot of the neighborhoods together and give an alternative mode of transportation that can get you back to the Prado redevelopment. As this area was studied from a market standpoint, the Perimeter Center has become such a hot office market that the City would become a secondary place for office right here because it is so expensive. There is a lot of opportunity for office development in this area.

Dan Cohen, Pond & Company, stated that one of the benefits of getting LCI spending money is the ability to get transportation implementation money up to \$4 million dollars, 20% match for the City. The end result of that effort is a list of projects (10) that has since been required by ARC. Pond & Company took the effort of the Sizemore Company and drew their transportation improvements along with the development of the Roswell Road corridor, followed the nodes and between the node, enhanced streetscapes and wider sidewalks. Along the corridor between the nodes they are trying to redevelop a series of midblock crossings so that people can get across the roadway. An additional study is needed to find out where the midblock crossings should take place and do a gap analysis to make that work. There is already in the ARC's Transportation Improvement Program streetscape improvements that are actually already along Roswell Road which consist of sidewalks to include benches and lighting as well.

The Glenridge Road project is also in the ARC Transportation Plan calling for widening a two-lane road. There is an abundant amount of right-of-way and would suggest a widening of the roadway from two to four lanes and an additional, median and extra 16 foot sidewalks. There is sufficient right-of-way to do a section like this.

The consultant the City hired looked at this transportation plan, looked at the traffic model and the capacity of the roadway over the next 20 years, came to the conclusion that it would have to be widened and understands that there is concern with the medical center at this location.

There are a series of projects along the neighborhood streets which include trails, bike paths and traffic calming measures but will need further analysis to determine the exact location of these particular improvements. The pedestrian bike and path will have connect nodes and make the area as pedestrian friendly as possible to get people out of their cars.

The two projects that were most highly recommended during the public process were; Phase I, Roswell Road corridor improvements, Phase II, Long Island Drive in conjunction with Windsor Parkway and Highpoint sidewalks.

Councilmember DeJulio stated that his understanding is that the LCI is to improve the pedestrian and bike traffic in alternate forms other than vehicular. Glenridge is the only one that speaks to increasing the capacity. He questioned why they felt that Glenridge should increase capacity when that was not the intent of the study.

Mr. Cohen started that the only reason they felt the need to address it is because it is a project that is in the ARC's transportation plan. It was already considered. They wanted to suggest should the City go in that particular direction that you actually have a much better typical section that includes a median and the extra wide sidewalk. While increasing capacity the City would also be providing pedestrian amenities. If it were not in RTP, they probably would not have addressed it.

Councilmember DeJulio stated that Council has already pulled it from the plan.

Councilmember Meinzen McEnerny requested staff to clarify whether or not the widening of Glenridge in the section of Roswell and Glenridge connector is in the Regional Transportation Plan with ARC.

Transportation Planner Moore stated that it is not in the current City funded CIP and there is no funding attached to it.

Mayor Galambos stated that a lot of the LCI is a dream. Roswell Road would be the City's number one of priority improvements.

Transportation Planner Moore stated that is exactly what staff has done. The first section of streetscape that is recommended is funded in the CIP. The next two sections have been submitted those two for prequalification. The streetscape on Roswell Road and the City is already funded from the Atlanta City limits all the way to I-285.

Discussion of the Submittal to the Mayor and City Council the Draft Memorandum of Agreement for Development of a North Fulton Comprehensive Transportation Plan among the Cities of Alpharetta, Johns Creek, Milton, Roswell and Sandy Springs

Director of Public Works Parham stated that this is a Draft Memorandum of Agreement for a project that ARC is sponsoring for a Comprehensive Transportation Plan for the cities in North Fulton. Staff would like to get City Council's comments on this agreement. The goal of this project is to come up with a Comprehensive Transportation Plan for the North Fulton area that serves the interest of these communities and is coordinated rather than doing it individually.

Councilmember Jenkins questioned the point of this.

Director of Public Works Parham stated that the City would show what has been done in the City's Transportation Master Plan but the point is to coordinate with other projects and with other municipalities and try to provide a corridor that would work for all the cities and try to focus the traffic where the cities would like for it to go and also, to coordinate the funding and potential projects because a lot of funding has a better chance of being approved if it serves more than just one municipality.

Councilmember Jenkins questioned if other cities would have veto power over what Council wants in Sandy Springs.

Mayor Galambos stated that the only connection the City has north of the river is Roswell Road. This is suppose to improve traffic flow throughout all of North Fulton. The Traffic Plan's emphasis is north of the River. She is not sure this is worth \$70,000 plus the other money the City is spending on transportation improvements.

Councilmember Paul stated that it would be helpful to know that if the City is working on a project and Roswell is working on a project that meet up somewhere, it makes sense to try and coordinate. The interconnectivity plan relates more to Alpharetta, John Creek and Roswell.

Councilmember Fries stated that the City has improved the intersections on the Roswell Road to the bridge.

Councilmember Jenkins stated that it is based on population and Sandy Springs would have the biggest price tag on that and would not benefit from this.

Director of Public Works Parham stated that part of the benefit to this is to have some control over where some of these items could go and what improvements the City would be in favor of. This would involve operation improvements as well as capacity improvements. This would have an effect on the City.

Councilmember Meinzen McEnery stated that staff could be asked to go back and say that the City is willing to participate at a lower level for reasons discussed.

Councilmember Fries stated that she would like to know what other benefits Sandy Springs would receive.

Mayor Galambos stated that this study is about North Fulton north of the river.

City Manager McDonough stated that there was a Bill that did not make it this year that talked about two or more counties joining together for regional Transportation SPLOST. This type of planning effort in North Fulton County is going to be the very basis for the list of projects that are going to be developed, may very well get through the legislative this year. He would be hesitant to say that the City is not going to participate in that process. This may be the venue in which that plan is developed. He cautioned Council not to discount the value of this planning process in working with the neighboring cities.

Councilmember Jenkins stated that north of the river has nothing to do with Sandy Springs. The City would be better off partnering with Cobb County and Dekalb to look at transportation going east/west and the City of Atlanta.

Councilmember Paul stated that if the City is not involved in this on a regional basis then Sandy Springs could be left of the funding mechanism.

Mayor Galambos stated that this needs to come before the North Fulton Mayors meeting and Sandy Springs needs to get commitments of what is going to be studied in Sandy Springs. The only way Sandy Springs can interact with North Fulton is with Roswell Road because there is no other connection.

Mayor Galambos stated that she wants Glenridge and Johnson Ferry to be studied and commitments such as that before paying \$70,000.

City Manager McDonough questioned staff on how the priority areas are going to be developed.

Director of Public Works Parham stated that would be a part of the project.

Mayor Galambos stated that the City needs upfront reassurance that some of the City's major arteries will be studied before going into this.

City Manager McDonough stated that it is reasonable to ask that staff work with their counterparts and our sister city's to develop a list of what the priorities might be and have this item brought back before City Council at the August work session.

Discussion of MOU with Cobb County regarding Abernathy Greenway Project.

Deputy Director Drysdale stated that in 2006 the City entered into an Agreement with Cobb County and GDOT for the overall project and agreed to \$8.5 million in right-of-way acquisition for the park. The agreement did not specify the details on how the funds would be distributed. GDOT started spending their share of the money and early this year ran out of money and has requested the City for help. Cobb County initially refused to come forward with their funds. Staff had a meeting in April with GDOT and Cobb County. GDOT had stated that Cobb County should pay their funds directly to Sandy Springs. He and Mayor Galambos met with Chairman Olens and his staff in June and came to a verbal agreement that the City would put a MOU together for their review. Staff received their comments last Friday. Staff is working on these now to come a resolution on this matter.

Assistant City Manager Rapson stated that the City is currently at \$1,679,000 which puts us at 95.8% of the total value the City should be in under the GDOT Agreement. The MOU that the City attempted to work with Cobb County was in an effort to put a contract in place to help streamline the Cobb County side of the equation. It was not necessary since the City had the GDOT contract to begin with. The problem is with the MOU Cobb County sent back to us. It is radically different than what the Mayor and the Chairman had agreed to in the original MOU. Staff suggests that the City Manager contact Cobb County, give them the original MOU and show the differences between the two MOU that Cobb County submitted to the City.

Councilmember Paul questioned how the funding would take place. City Manager McDonough stated that the City is funding the money beyond the \$1.7 and Cobb County would pay on a reimbursement basis. An invoice will be submitted and then Cobb County would have 30 days to make payment. City Manager McDonough stated that he could not go beyond the \$1.7. The implication is that all projects and land acquisition now ceases. Condemnation actions have begun and would have to be put on hold. Staff is satisfied with the original MOU as proposed. Staff has time to work on this and will bring back before City Council at the next meeting.

Mayor Galambos stated that Council authorizes the City Manager to do what ever is necessary.

Discussion of an amendment to the boundaries of the Fulton Perimeter Community Improvement District

Director of Community Development Leathers stated that this is an amendment to the boundaries of the Fulton Perimeter CID. This is a request that the Planning Commission made to the CID to remove from certain residential properties from the PCID which will have no impact upon either the residential properties or the PCID as residential properties are not taxed by the PCID and are not represented on the PCID Board as a matter of law.

Fulton PCID has already passed the first portion of this. The Planning Commission was very pleased with the first part of the action but stated that there was one more area of residences that needed to be included. The Planning Commission requested that Council delay action on this and send it back to them so that they can put the package together. At this time everything is moving along and is expected to continue to do so.

The additional properties that are added are off Mt. Vernon Road and Peachtree Dunwoody.

There was a consensus of Council to send this item back to the Planning Commission.

Briefing on state licensing of contractors

Director of Community Development Leathers stated that the State Legislature four years ago passed a regulation that requires that building contractors be licensed. The deadline has been extended for when the contractors actually have to produce the license. The expected date became July 1, 2008. As of that date, the City is required to enforce that requirement. The builder has to provide a copy of his license to the City in order to get a building permit. The only exception would be for the people who are constructing their own homes and plan to reside in them for two years. The paperwork has been put in place and this information is on the website.

Vacant Property Enforcement Program

Director of Community Development Leathers stated that at Councilmember DeJulio's request, staff is looking at the vacant properties in this area and the levels of maintenance of them. Staff has looked at the on going issues of financing and it became apparent the City has a larger issue. Staff has put together a program and has identified the vacant houses in the area. A report has been provided to Council with the addresses of the vacant properties with a status report.

After identifying the vacant properties, staff identified vacant or inactive development projects that were not being maintained and staff will follow up on these as well.

Assistant Director of Code Enforcement Kellum stated that each month staff will provide Council with an update on this program. There are a lot of overgrown properties in the city that staff did not know about. A list was started based on some of the compliance issues. The list was compiled from neighborhood complaints. Staff has gone out to each of the properties on the list. The property was posted and the owner was notified. From the time the list was established to the end of June, some of the properties are now occupied. The owner cleaned up the property and rented out the property.

There are several properties where they may be in foreclosure and the ownership is difficult to determine. Staff is in the process of researching the lending institutions and making contact with banks. Some properties are pending citation with the bank official receiving the citation because they have acknowledged that it is their property and have not sent a crew out to clean up the property. The last resort would be with the assistance of the City Attorney's office to run title searches on these individuals.

Councilmember Jenkins thanked staff for the great program. Ms. Jenkins stated that there are two vacant cleared lots for development and other sites in the City that look bad but are not in violation right now. There is a 36 month time period from the time they pull the LDP or finish LDP work till getting the building permit and they are not violating any of that. She would like for staff between now and September to have some time limit on these types of properties. Several of the homes on Peachtree Dunwoody can not sell. There is no way of knowing how long the land will sit as is.

Assistant Director of Land Development Dettwiler stated that staff has proposed a time limit provision for land disturbance permits as part of the retooling of the development regulations. Staff will bring this provision back to City Council in September.

City Attorney Willard stated if the property is not vegetated there is a chance of a run off water problem. The City can only require the owner to meet the minimum standards. A property owner has rights that can not be removed by ordinance or changed by an ordinance that is enacted after they get their permits.

Director of Community Development Leathers stated staff would be looking at a number of options. Council had already requested staff to look at putting an expiration clause in the zoning ordinance. One of the things the City is requiring is that a time limit be put on the land disturbance permit so that it will tie in. If they do not complete the construction that they have begun, then that would also take away some of their rights in zoning. Staff should be ready by the August Work Session to have discussions of what can be done.

Mayor Galambos questioned why this would be applicable to the Roberts property but would not be applicable to the City Walk.

Director of Community Development Leathers stated that this is still an outstanding issue because City Walk is still in litigation. Mayor Galambos stated that Code Enforcement should consistently stay on them.

Councilmember DeJulio stated that this is a major problem all over the world right now. He would suggest that Mr. Kellum keep in contact with his contemporaries around the country and find out exactly why they are forgetting about it and not willing to do anything until they are actually pushed to it. The neighbors and citizens should not be forced to live with this. City Council will support staff on any idea that will get this problem dealt with.

City Attorney Willard stated in regards to the green pool, there is a State Law that addresses a problem that becomes a danger to public health and safety. There is a process of the State Law where the City would go through notice provisions. The City can take action at initial cost and put a lien against the property for that cost. Unless it endangers public health and safety the City does not have the means under law or ordinance to do anything. The City has to comply with the State Law provision which means the City would have to file something and would be subject to be reviewed by the court.

Mayor Galambos questioned if the Health Department could help.

Director of Community Development Leathers stated that if the pool is not fenced and no one is living in that house, the City would have a public safety issue.

Discussion of the difference between setback and buffer

Councilmember Meitzen McEnery stated that this item will only affect residential properties. Her topic is when a buffer is not a buffer. She has learned that a buffer is only utilized between two uses that are different, for example, a shopping center next to residential. A buffer is an undisturbed area. Councilmember Meitzen McEnery submitted a site plan and other documentation to the Mayor and City Council that shows Lewis Cobels property, approximately five (5) acres on Burdett Road. She went over the site plan with City Council. She pointed out all the underground detention. In order to install the first of those structures they had to grade that whole section, raise the topography and then install the structure. The adjacent neighbor's rear yard is looking at that with no cover. She has learned that the City's Development Regulations allow detention structure right up to the property line. The City's Tree Ordinance describes "buffer" as any trees that are protected that are 18 inches in the buffer areas will be protected but that is not the case. A developer can put the buffer right up to the side of the structure.

Site Plan: Hedden Street, District 5, R-4 development. The whole site was cut.

Site Plan: West Belle Isle near Kroger, the entire site with the exception of one (1) tree that the developer saved in the back was clear cut. The detention, not underground, on West Belle Isle is at the corner closest to the street. Staff will be bringing forth in August or September recommendations for City Council to change the City's Development Regulations and create a temporary construction buffer between a development around the perimeter of a development such as Coble's property so that during construction there is a technical "No Disturb" area. That will require the developer and its Engineers to bring the detention structure out of the temporary construction buffer. Cobb County does this. At such time, when the certificates of occupancy are granted for the houses, naturally it will be a platted lot, then the temporary buffer goes away and it reverts to the side and rear yard. Staff is of the opinion and she agrees that it is difficult to enforce buffers between neighbors. With a temporary construction buffer, it will preserve and protect the adjacent neighbors somewhat from the destruction.

Mayor Galambos stated that Council will be looking forward to staff's recommendation on this.

Discussion of the Installation of Traffic Calming Devices on Stewart Drive

Councilmember Meinzen McEnerny stated that this item is a recommendation to Council to authorize the funding of a traffic safety measure on Stewart Drive. She provided Council with background on this street. She stated that this street met the policy for Fulton County and they were on the list. She explained that there were approximately 36 homes on this road and about half have had cars in their front yard. This is a safety issue.

She stated that these citizens have met the requirements of the policy. She would like for this to be on the next agenda for approval. She stated that the estimate is \$35,000 to \$55,000. This should come out of the contingency funds.

Councilmember Paul stated that he has several he would like to add in North Springs.

Councilmember Meinzen McEnerny stated that these citizens have met the requirements and have been patient.

Councilmember Jenkins stated that this is a funding matter and the time to discuss this is during the budget process. That time has already passed and this was not placed on the list. She stated that she did not want to take this out of contingency. She suggested that this be requested in the next budget year.

Councilmember Paul stated that each member of Council has problems in their district. He stated that one of the things Council has always done is politicize the public works issues. He stated that the professionals should be bringing these forward and not individual Council members.

Mayor Galambos stated that the Traffic Calming Policy was adopted early in cityhood. Some new information has surfaced as it relates to other jurisdiction's policies. She feels this should go back to staff for review.

Councilmember Meinzen McEnerny stated that she did try to get this in the budget process and reminded everyone that if warranted, the budget can be changed. She also stated that this is not politicizing. This project came through the process. She stated that the police have been very cooperative.

Mayor Galambos questioned if there was a consensus to place this on the agenda for consideration. There was not a consensus from Council.

Councilmember Fries stated that the City has just been informed that it may not receive its property tax money as anticipated and therefore the budget should not be amended.

Councilmember DeJulio stated that he has been asked many times by the Hebrew School for speed humps. He stated that he has worked with the police department on this.

Councilmember Meinzen McEnerny stated that she was fine with this going back to staff but she would like this in the budget now.

Councilmember DeJulio stated that the City has not funded any traffic calming devices to date.

Councilmember Fries moved to adjourn the meeting. Councilmember Jenkins seconded the meeting. The motion carried unanimously and the meeting adjourned at 8:20 p.m.

Date Approved: August 19, 2008



Eva Galambos, Mayor



Christina V. Rowland, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

July 8, 2008

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 8th day of July, 2008 in the city aforesaid, a meeting of the Council was closed to the public for the following reasons:

Future acquisition of real estate pursuant to O.C.G.A. 50-14-3(4);

Discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, but not receiving evidence or hearing argument on charges filed to determine disciplinary action or dismissal of a public officer or employee, pursuant to O.C.G.A. 50-14-3(16);

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.

Eva Galambos

Eva Galambos, Mayor

Sworn to and subscribed before me,

this 8 day of July, 2008.

Christina V. Rowland
Notary public

