

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, October 5, 2010, at 7:58 p.m., Mayor Eva Galambos presiding.

STAFF DISCUSSION ITEMS

Public Works

1. Trees on City Property

Director of Public Works Tom Black stated there needs to be a policy from the Mayor and City Council concerning trees within the right-of-way, specifically regarding construction by Public Works. Is Public Works under the Tree Ordinance?

City Manager John McDonough asked for an example of the issues Public Works is dealing with.

Director of Public Works Black stated a situation came up where a very large tree had roots that were pushing up the asphalt in the roadway. There was a complaint from a citizen to patch the roadway. When Public Works went to make the repair and removed the asphalt, the tree roots were in the asphalt. One of the neighbors had an issue with Public Works cutting the roots of the tree to make the repair, because it is a Heritage Oak. The citizen then called their Councilmember, the Mayor's office, and the City Manager to complain about this issue. He would like guidance on how to proceed with an issue like this. Typically, the Public Works activities that are within the right-of-way are exempt from the Tree Ordinance.

Councilmember Dianne Fries stated if a tree is so close to the road that its roots are damaging the road and creating a safety issue, she does not understand this discussion. The roots should be cut.

Councilmember Karen Meinzen McEnerny stated she can expound on this issue. A Heritage Oak is a much larger tree than a landmark status. This particular tree is on a neighborhood street where there is very little traffic. This is a wonderful idea that has been brought forward to establish a policy. At Lost Corner during construction staging there was granite dumped on the critical root zone of a tree. She thinks this question is warranted for the Council to set standards for when a major community resource such as a tree is removed. Look at the individuals that tried to save Abernathy Oak on Abernathy Road.

Councilmember Fries stated cutting the roots is different than removing the whole tree.

Councilmember Meinzen McEnerny stated cutting the roots under the street would kill the tree.

Mayor Eva Galambos asked if this is a specimen tree.

Director of Public Works Black responded yes.

Councilmember Meinzen McEnerny stated it is larger than a specimen tree.

Councilmember Tibby DeJulio asked what the alternative is.

Director of Public Works Black stated each issue is site specific. This tree is on a dead end street that does not receive much car traffic. In order to fix the asphalt correctly, the roots would have to be cut at the curb line and then patch in that area with asphalt. The individuals there thought more of the tree than the road being rough. If this was in a high traffic area, he would have felt like he had to do what it took to

make the repair. Public Works comes across these situations in all types of traffic areas. He would like some sort of policy on how to proceed.

City Manager McDonough stated this issue is coming up more with the sidewalk program.

Mayor Galambos stated the sidewalk is going around some of the trees.

Director of Public Works Black stated the sidewalk is being constructed around trees and poles and everything they possibly can. However, some critical roots of the trees are still being cut

Councilmember Ashley Jenkins stated she prefers the sidewalk go towards the curb or behind the trees as needed. If the roots cannot be avoided, that's the way it goes.

Director of Public Works Black stated there is not much room to stage these construction projects. Public Works needs an area to place back fill material. The only place to stage this is in the right-of-way. There is no place in the right-of-way that is not in some sort of critical root zone of a tree. Public Works will end up killing some trees by working in the right-of-way and he would like guidance from Council on how to proceed with these situations.

Mayor Galambos stated she has faith in the Director of Public Works common sense. This is a street that has very little traffic and he leaned in the direction of saving the tree. If this had been a street with a lot of traffic, common sense would have told him that you cannot have the pavement breaking up. A policy may diminish the ability to use common sense. She is comfortable with using common sense to make these decisions.

Councilmember Fries asked Chief Arborist Michael Barnett if he saw this tree.

Chief Arborist Michael Barnett responded yes.

Councilmember Fries asked if he thinks this tree would die from the roots being cut.

Chief Arborist Barnett stated not seeing what was under the asphalt makes it hard to tell.

Councilmember Fries stated it did have a lot of asphalt sitting on those roots. When the City is performing construction and has to place materials over the root zone for a short amount of time, will it kill the tree?

Chief Arborist Barnett stated if it can be done without any grading or use of equipment that will disturb the critical root zone, maybe, if it is done carefully.

Mayor Galambos asked how long the roots can be covered temporarily before it hurts the tree.

Chief Arborist Barnett stated it depends on the material. It is recommended to place down mulch, then plywood over that, and then place the material on top of that.

Councilmember Meinzen McEnerny stated the tree resources in this community need to be weighed against the cost of protecting those resources. The community she is engaged in values their tree resources. If it costs a little bit more money to lay the mulch and plywood, the community expects the City to do this. They want the City to do what is possible to protect these trees. She does not want the use of common sense and judgment by the Public Works Director to be perceived as the Mayor and Council not valuing the tree canopy.

Councilmember DeJulio stated this seems to be an "it depends on the situation" question. Chief Arborist Barnett cannot tell exactly how long a tree will survive in these conditions. This is an area best left to the judgment of Public Works and the Chief Arborist. Staff will need to look at the objectives of each situation. If the objective is to move traffic through a street safely and it is a busy street, then the tree has to be sacrificed. He would rather sacrifice a tree than a person. He thinks this decision needs to be left up to the professional staff.

Councilmember Fries stated the decision cannot always be made to construct the sidewalk around a tree. It needs to be confirmed the City will receive the needed right-of-way.

Mayor Galambos stated if she understands Council correctly, they would like to leave the decision of the trees to consultation between Public Works and the Chief Arborist. Staff will make a decision depending on the circumstances and do the best they can.

Community Development

1. Approval of an Ordinance to Adopt the International Property Maintenance Code, 2006 Edition as amended

Assistant Director Code Enforcement Marcus Kellum stated since 2005, the Sandy Springs Code Enforcement Division has used the 2003 version of the International Property Maintenance Code as the tool to enforce violations. Since then, the State has adopted the 2006 Edition of the International Property Maintenance Code. This Ordinance is presented as a way to stay current with the State adoptions. In the Ordinances there is a section submitted by Public Works that covers storm drainage. That language allows the department to conduct site inspections for property maintenance in a way consistent with State law.

Councilmember John Paulson asked if this obligates the Public Works Department or the City to have more responsibilities than before.

Community Development Director Nancy Leathers responded she does not think it gives more responsibilities. She believes it gives staff more useable Ordinances that allow them to handle enforcement more easily.

Councilmember Karen Meinzen McEnerny asked if this updated Code allows additional access into multi-family dwellings to inspect for property maintenance issues.

Community Development Director Leathers stated the existing Ordinances cover what staff can do. Staff cannot go inside a structure without probable cause.

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

2. **TA10-003** - An Ordinance to Amend Article 12B, Sandy Springs Overlay District, of the Sandy Springs Zoning Ordinance (Street Furniture and Bus Shelters)

Deputy Director Community Development Chris Miller stated what staff is asking for is concurrence from Council on the design for the bus shelter to be used only in the Main Street Overlay District. He believes the bus shelter design before Council is what they are looking for. The initial design did not provide any type of coverage or shelter from the weather and wind. This design, labeled figure 3 and named the Handi-Hut "Historical" bus shelter, does provide that coverage.

Councilmember Dianne Fries asked the reason Council cannot go forward with the shelter designs they approved. Is it because GDOT did not approve?

Deputy Director Community Development **Miller** stated that was one issue. These bus shelters are break-away standard and would match GDOT's requirements.

Councilmember Fries stated the figure 3 design bus shelter is one that was discussed.

Deputy Director Community Development **Miller** stated his recollection was the previous bus shelters presented to Council did not have sides or a back and Council is looking for something that will provide more shelter from the weather.

Councilmember Fries stated the previous design was approved by Council. She then received information that GDOT does not like it. Council voted on the previous style and approved it.

Deputy Director Community Development **Miller** stated his notes may be wrong. His impression was that Council wanted to see a bus shelter design that has protection on the sides.

Mayor Eva Galambos asked regardless of past history, how Council feels about this design.

Councilmember Fries asked what was wrong with the first design.

Deputy Director Community Development **Miller** stated GDOT did have an issue with the break-away standard. The original design chosen by Council did not have any side or rear panels. His notes were that Council had an issue with this. If that is not the case, he would be happy to bring this before Council again with the original version.

Councilmember Ashley Jenkins asked if Council can be referred to the website, so they can look through all of the bus shelter designs.

Councilmember Karen Meinzen McEnerny stated there are not many days of rain in our community. There are a lot of hot days and having breezes that flow through the bus shelters is desirable. She does like the original design better. Some of the panels on figure 3 should be removed to allow a breeze.

Councilmember Fries stated the new MARTA bus stops are not bad looking. She has sat in the figure 3 design and they do not breathe, so it is miserable sitting in one. If Council approves bus shelters with sides, there has to be ventilation on top and on all three sides. It still stands that Council voted and approved the original design.

Councilmember John Paulson stated he is in favor of the bus shelter design that has protection on the sides. He remembers looking at the one that has a sleek looking roof with no protection on either side. That design affords no protection. He is in favor of the figure 3 design over the original one.

Mayor Galambos stated Council will need to see all the photos of each bus shelter design so they may choose a design.

Councilmember Jenkins suggested just refer Council to the website with all of the designs.

Councilmember Fries stated three and half years ago MARTA came to the City about the advertising and it started all of this.

Mayor Galambos asked if more authorization is needed to go forward with all the overlook standards of the Design Review Board.

Councilmember Jenkins stated there is a schedule. Mayor and Council will not see this item until April, 2011.

Deputy Director Community Development Miller stated there are a couple of different things that will happen with the overlay district standards. One is the City will include the Main Street Alliance within the conversation before the Design Review Board. This will be part of the review process with the Design Review Board and the Main Street Alliance. Staff will come back before Council with a complete package for streetscape furniture and other components that will match with the bus shelters.

Mayor Galambos stated she would like to encourage staff to use all delivered speed to look at the overlay standards with the Design Review Board. The overlay district standards should be reviewed as soon as possible by the Design Review Board.

Councilmember Meinzen McEnerny stated she would like to see water in the streetscape, so the beautiful planters can be watered.

Mayor Galambos stated she has been asked when this will happen. It may be a year or longer.

Councilmember Meinzen McEnerny stated there is new streetscape being installed on Johnson Ferry Road in Councilmember Collins' district. The City should try to figure out how to get water in the area while building the streetscape.

3. Resolution to Amend the City of Sandy Springs Community Development Fee Schedule

Assistant Director Planning and Zoning Patrice Ruffin stated this item is to add a \$25 fee for the public notice signs that the City uses for rezoning and modification cases. The changes being made to the signs are the size, color, and the cost. Currently applicants are required to pay approximately \$100 for a sign directly to a sign company. Some of the signs are bulky and the colors make the text hard to read from the road. Staff will order the new signs in bulk and then the customer will pay the City directly.

Mayor Eva Galambos commented that the customer will save money.

Assistant Director Planning Zoning Ruffin stated the signs will cost \$25 instead of \$100.

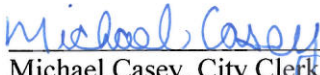
There was a consensus of Council to move forward with this item.

There being no further discussion, the meeting adjourned at 8:22 p.m.

Date Approved: October 19, 2010



Eva Galambos, Mayor



Michael Casey, City Clerk