

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, December 20, 2011, at 6:30 p.m., Mayor pro tempore Tibby DeJulio presiding.

CITY COUNCIL DISCUSSION ITEM

1. City Council District Flood Maps

Director of Community Development Angela Parker stated this is a presentation regarding the Council district flood maps. The nationwide Map Modernization program began in 2004, during which the Georgia DNR/EPD teamed with FEMA to produce updated flood maps in a digital format. The purpose of the flood maps is to help communities better assess flood risk and reduce future flood losses. There are two primary areas of study. One area of study is required by National FIRM maps for areas above 640 acres or one square mile. The Metropolitan North Georgia Water Planning District (MNGWPD) requires special flood hazard zones be delineated for all streams with a drainage of 100 acres or greater. The stream basins from 100 to 640 acres are mandated by the MNGWPD. This area is outside the mandated FEMA study area. The Sandy Springs City Council has a decision to make in this regard. There are areas on the preliminary maps that are shown as Zone A or Zone X shaded. The City Council has an option on how to designate particular areas. The 640 acre drainage basin is designated on the FEMA flood insurance maps as Zone A or Zone E. These are federally regulated and insured lenders require owners of buildings located within areas designated Zone A or AE on the Flood Insurance Maps to have flood insurance. The requirement is for the structures, not just if there is a portion of the property within the flood zones. There is a 90 day appeal/public comment period regarding the preliminary maps beginning in late January, 2012. During this period affected property owners can submit information through the City which will be turned into FEMA. There are 173 structures that are located in the area where the City can specify the flood zone designation. One hundred of those structures are located in the 10 year flood zone. There are 53 structures in the 50 year flood zone and 20 structures in the 100 year flood zone. The 173 structures are not necessarily 173 residences. An example of other structures would be a pump station and storage shed.

Councilmember Dianne Fries asked if staff knows which of the 173 structures are residences.

Director of Community Development Parker responded no. Council has two choices for designating this area. Zone A designated properties require flood insurance for structures located within the flood zone. Flood insurance is more expensive when a property is designated Zone A. If a property owner wants to show that their structure is located outside of Zone A, they would have to engage an engineer to document so. The City's topography map can be used to show FEMA that a structure is outside the flood zone only if an engineer will certify it. Zone X is classified as a moderate flood risk area. There is no mechanism in place to insure that property owners know they are within a Zone X flood area. Flood insurance in Zone X is less expensive than if the property is designated Zone A. Another option that the City Council has is to take no action. If no action is taken, the stream segments denoted in orange and designated Zone A on the preliminary maps will retain that designation. Council may instead choose to request that FEMA designate stream segments denoted in orange as a shaded Zone X.

City Manager John McDonough asked Director of Public Works Kevin Walter to bring the flood maps to the front and explain the 10, 50, and 100 year flood plain designation for the 173 structures. He also asked for an explanation of the yellow areas and the two options available to Council.

Director of Public Works Kevin Walter stated the blue areas on the map along the major courses were flood zones in the past which have been updated. Looking at the Marsh Creek flood basin, the red line is the stream around the blue flood area designated Zone A or AE. The orange lines are the small streams. They have small drainage basins that are less than 640 acres that were studied by the City, as required by

the MNGWPD. The areas in which the 173 structures exist were studied by the consultants and have been designated by FEMA to be Zone A, due to the accuracy for prediction of a flood. However, because they are only required by the MNGWPD and not federal law, FEMA will consider a City request to not designate the areas as Zone A, but instead as Zone X. If no request is given to FEMA, the areas will remain designated as Zone A. Along the orange stream segments the dots represent structures. The red dots are in a 10 year flood hazard area. These structures have a ten percent risk of flooding each year. The yellow dots are in a 100 year flood risk area and the orange dots are in a 50 year flood risk area. Over half of the 173 structures have a 10 year flood risk.

Mayor pro tempore Tibby DeJulio asked if the structures in the 10 year flood risk area are included on the current flood plain map.

Director of Public Works Walter stated these structures are not on the current flood plain map. The structures were included on the preliminary maps after a study required by the MNGWPD.

Councilmember Fries asked why there are fewer dots on these maps compared to the original maps given to Council. She asked if the dots are the only areas where Council needs to make a decision.

Director of Public Works Walter responded no. These dots do not include all of the structures in Zone A. This map includes the rivers and the tributaries that were studied.

Councilmember Gabriel Sterling asked if what is shown on the map is the new Zone A areas.

Director of Public Works Walter responded yes.

Mayor pro tempore DeJulio stated the number of structures went from 200 to 320 and is now 173.

Director of Community Development Parker stated if Council chooses to leave all of the areas as Zone A, then there will be a total of 330 new structures within Zone A. These structures were not previously shown in Zone A on the old maps. The reason the number is 330 is because not all of Zone A is part of a decision that Council can make.

Councilmember Fries stated FEMA has stated a portion of the map will remain as is, but Council can decide how they would like the portion with the 173 structures designated.

Director of Community Development Parker stated 330 total structures that were not previously shown on the old maps are now in Zone A. If you subtract 173 from 330, that number is 157. These 157 structures in Zone A on the preliminary maps were not previously in Zone A. FEMA did an additional study and the preliminary maps are more accurate than the older Flood Insurance Rate Maps (FIRM).

Director of Public Works Walter stated the additional 157 structures are along major water courses where the drainage basin is greater than 640 acres. The zone area that FEMA studied can be changed only if there is scientific proof the study was wrong. At issue tonight is the 173 structures in the area for which Council can make a request or choose to take no action.

Councilmember Fries stated Council is not being asked to approve the whole map. FEMA is allowing Council to make a decision on a small area.

Mayor pro tempore DeJulio stated 100 of the 173 structures are in the 10 year flood plain. He asked why FEMA is giving the City the choice on the 100 structures in the 10 year flood plain.

Director of Public Works Walter stated that area is not federally regulated, but is regulated by the MNGWPD.

Councilmember Fries asked why the MNGWPD is asking the City to do such detailed work, but FEMA does not require it.

Director of Public Works Walter stated the federal requirement applies to the whole country, including rural and urban areas. The MNGWPD was created as a result of several counties and cities in the area around Atlanta that have stormwater problems. The Water District has a higher degree of regulation to make it safer for this urban area.

Councilmember Sterling asked for verification that if Council does nothing in regards to the map, the homes in the new Zone A will remain in Zone A when FEMA adopts the new maps.

Director of Public Works Walter responded yes. If a home was built in a flood area, but on elevated land, a certified elevation survey could be used to prove the house is above the flood line. That documentation would be sent to FEMA and the line could be changed.

Councilmember Meinzen McEnerny asked if it is true that the cost of an elevation certificate for a residential property is \$200 to \$300.

Director of Public Works Walter stated he has heard the cost ranges from \$200 to \$500.

Councilmember Meinzen McEnerny asked about the federally mandated 640 acres.

Director of Public Works Walter stated the red line on Marsh Creek shows it drains into an area larger than 640 acres. The small orange lines are tributaries that only drain into small areas which are not federally regulated. These small creeks are the issue and can flood just as a river can. The study shows that half of the structures on the map will flood every ten years.

Councilmember Fries asked if the City has an engineer on staff that can certify an elevation survey.

Director of Community Development Parker stated she would not recommend the City take on that responsibility.

Councilmember Fries asked if a structure is above the flood plain area, can the City write a letter stating this and if FEMA would accept it.

Director of Community Development Parker responded no.

Councilmember Fries stated the cost may be cheaper if several property owners on the same street choose to order an elevation survey. The maps need to be consistent to avoid confusion for Council and the citizens.

City Manager McDonough asked to have the map consistency issues addressed by staff.

Stormwater Manager Celia Klardie stated the blue on the map is a tail water effect from the existing Zone A and AE areas. The blue hatched area along the orange area is where the new designated areas were determined.

Councilmember Fries asked if this map is posted on the City website.

Stormwater Manager Klardie responded yes. There is a slightly different map that is posted on the Georgia Department of Natural Resources (Georgia DNR) website.

Councilmember Sterling asked which map is correct.

Stormwater Manager Klardie stated Georgia DNR's map is correct. When the City's consultants submitted the study to the DNR, the DNR reviewed the study, placed it through several checks and changed a couple of areas.

Councilmember Fries stated the map on the City's website needs to be correct. She asked if the blue hatched area with the orange line is the area Council can make a decision on.

Stormwater Manager Klardie responded yes.

Director of Public Works Walter stated the blue hatched area is the 500 year flood plain. The orange represents small streams that start off in that area.

Councilmember Fries stated she wants the public to know this map is what Council is considering and has a choice to decide on.

Councilmember Chip Collins asked the City Attorney if he can confirm whether or not a City request to FEMA to designate the segments in orange as Zone X would unduly expose the City to liability.

City Attorney Wendell Willard stated if the Council decides to take that position, it would not bring any liability to the City.

Director of Public Works Walter stated FEMA's decision is to make that area Zone A.

Mayor pro tempore DeJulio asked if the City can override FEMA's decision.

Director of Public Works Walter responded yes, because that area on the map is not federally regulated.

Councilmember Sterling stated if the City does nothing, FEMA's decision becomes final. Does the City have some system by which the owners of all 173 structures have been made aware of this process?

Stormwater Manager Klardie stated staff has gone through the process of trying to inform the property owners. Staff will go back through the 173 structures to confirm that the owners are aware.

Mayor pro tempore DeJulio stated he would like staff to ensure that all 173 property owners are informed.

Director of Public Works Walter stated the property owners receive letters along with anyone else in the City affected by the changes on the map. If the area is designated Zone A, lenders will have access to that information and the property owners will be notified.

Councilmember Collins asked how an individual would find out if he is in an area that is designated shaded Zone X.

Director of Public Works Walter stated that information is on the City's website.

Councilmember Fries stated for people moving into the City it is the realtor's responsibility to obtain this information from the FEMA maps.

Councilmember Collins asked if the FEMA maps will show Zone X.

Director of Public Works Walter responded yes.

Councilmember John Paulson stated the new maps designate the 173 properties that are very likely to flood during ten years. These new maps are a more accurate assessment of flooding in this area. He has an issue with the City deciding if the area is to be designated Zone X. Two years from now, if a property owner tries to participate in a FEMA buyout, he may not be eligible because he did not have flood insurance.

Director of Public Works Walter stated a very important factor is that half of the structures are in a 10 year flood area. Some of the property owners have experienced previous flooding. Property owners who have not lived through heavy floods would not be informed and would not have checked the maps.

Councilmember Fries asked how often FEMA updates the flood maps.

Director of Public Works Walter stated FEMA updates the flood maps every ten years at a minimum, but tries to update the maps every five years.

Councilmember Sterling asked if the properties have to be in Zone A to be eligible for a buyout.

Stormwater Manager Klardie stated each mitigation program for buyout opportunities has different levels of requirements or exclusions. With the particular grant opportunity the City is currently participating in, the homes need to be in the Zone A area to be eligible for the FEMA buyout. However, there is a new program that provides the property does not have to be in a high risk area if it has substantial damage conclusively from the flood.

Councilmember Sterling stated if the property is located in Zone A, the owner will be required to purchase flood insurance and more than likely will be eligible for such a program, depending on the level of damage the home receives.

Director of Public Works Walter stated the FEMA buyout program was intended for the property owners that have insurance. This allows the federal government to not have to fix a property multiple times, but instead buy the property. The buyout program is not a replacement for flood insurance.

Councilmember Fries asked if in order to qualify for a buyout, the property owner has to have flood insurance.

Director of Community Development Parker stated qualifying for a buyout depends on the program. For most FEMA buyout programs, flood insurance is required prior to the buyout.

Councilmember Paulson asked if the issue with the discrepancy on the map will be corrected.

Stormwater Manager Klardie responded yes.

Councilmember Collins stated this is a philosophical question on whether there should be more federal regulation or not. When it is time to vote on this issue, he will vote no to more federal regulation. It is important to note that many property owners in the area are already buying flood insurance. Changing the structures from Zone X to Zone A just means the property owners will pay more for the insurance. This decision is going to cost Sandy Springs residents money. It will cost the residents money because they will be paying more for insurance and because their houses will be worth less. He has had requests from

citizens for the City not to create any more roadblocks to them for selling their homes. Many people that will be in the newly designated Zone A who have lived in their houses for years told him that in September 2009 the water did not even come close to their homes. He received an email from a surveyor who has been hired by a citizen. The surveyor questioned the data because the stream depth is wrong. If the stream depth is wrong, it can affect the whole study.

Councilmember Meinzen McEnerny stated it was mentioned that the process of mapping seeks to help communities better assess flood risk and reduce future flood losses. She asked how changing the maps for the 173 structures will reduce future flood losses.

Stormwater Manager Klardie stated building and development regulations are stricter in Zone A pertaining to the elevations at which structures can be constructed.

Mayor pro tempore DeJulio asked how many properties in the City could be built in Zone A that are not built now.

Stormwater Manager Klardie stated she does not have the exact acreage at the moment. The zone designations are located along State waters, which have the 25, 50, and 75 foot State and local buffers assigned to them. To a certain extent, the properties would be encumbered by the buffers.

Director of Public Works Walter stated there are not building lots along the streams, but there are properties there that could be sold. If the area around a stream is flat, a flood could go 200 feet away from the stream. The further the water travels, the less chance it will move upwards. If the area is designated Zone A, the homeowners would be required to have flood insurance and that will protect future losses. The insurance will pay property owners if there is flood damage. This will provide a mechanism to compensate the property owners for losses.

Councilmember Fries asked how new construction will be affected if Council decides to leave the areas designated Zone A. She asked if it would be possible for someone to lose the ability to rebuild their home.

Director of Community Development Parker stated in order to rebuild a structure that is in Zone A, the property owner would have to create a scenario where the new structure would be above the flood elevation. Otherwise, the City would not issue a building permit for a property located in Zone A.

Mayor pro tempore DeJulio stated on Pine Forest Road there was an issue when the property owners built their houses, changing the flow of the water in the area, and then houses that did not flood before have since flooded.

The Council resumed the regular meeting at this time.

The Regular meeting ended at 8:16 p.m. The Work Session resumed at this time.

STAFF DISCUSSION ITEMS

Recreation and Parks

1. Additional Vehicle Parking at Hammond Park

Deputy Director of Public Works Garrin Coleman stated staff looked at the different options for the parking lot which include pervious concrete, porous pavement, and pervious pavers. Council has photos

showing an example of a pervious paver system. Staff compared the costs, which are the same, except that the other systems require a water detention type structure to be built. This particular system handles the water detention underneath the paver system. Percolation tests have already been performed at Hammond Park to verify this type of paver system should function fine. Community Development has reviewed the preliminary drawings and has agreed it is a solid system. This would be the first type of paver system installed in the City.

Mayor pro tempore Tibby DeJulio asked if there is a similar paver system located nearby.

Deputy Director of Public Works Coleman stated there is a parking lot in the City of Roswell. These pictures are of the parking lot at Sharpshooters firing range.

Mayor pro tempore DeJulio asked how long these systems remain serviceable. His concern is this system looks fairly loose.

Deputy Director of Public Works Coleman stated the paver system is interlocking. If a paver cracks, one can be replaced.

Councilmember Karen Meinzen McEnerny asked if the parking lot would meet the requirement for one tree per six parking spaces.

Deputy Director of Public Works Coleman stated all requirements would be met except for having the one planting pot per five parking spaces.

Councilmember Meinzen McEnerny asked why the City would build a parking lot that does not comply with the building regulations.

Deputy Director of Public Works Coleman stated more trees can be planted on the perimeter of the parking lot. He would not recommend planting more trees in this particular paver system, because the detention is underneath the pavers. There is a need to have more of the pavers to allow water to infiltrate.

Councilmember Meinzen McEnerny asked if the plan shows additional trees on the perimeter.

Deputy Director of Public Works Coleman responded yes. Trees will be planted in the interior where the proposed root barrier is.

Mayor pro tempore DeJulio asked if trees were planted in the middle of the parking lot, would the roots tend to grow up.

Deputy Director of Public Works Coleman stated a root barrier would need to be installed so the roots would grow down instead of up. One of the redesigns of the parking lot was to make the parking lot one-way traffic in order to narrow the width of the lot to save some of the hardwood trees on the perimeter of the parking lot.

Councilmember Gabriel Sterling asked if there will be parking along the road.

Deputy Director of Public Works Coleman stated there will not be parking along the road.

Councilmember John Paulson asked if this is the only permeable paver system staff is looking at.

Deputy Director of Public Works Coleman stated this paver system was recommended by the design engineers.

Councilmember Paulson stated the problem with this system is the holes will not have stone in them, which will create no support. He asked that staff consider other paver systems.

Councilmember Fries asked how well the parking lot at Overlook Park is working.

Deputy Director of Public Works Coleman stated the drive lanes are asphalt and the parking bays are pervious surface.

Mayor pro tempore DeJulio asked if there have been problems with people tripping on the pavement at Overlook Park.

City Manager John McDonough stated not that he is aware of.

There was a consensus of Council to move this item to the next Regular meeting agenda.

2. Allowing Patrons to Bring Bottles of Wine into Commercial Businesses for Consumption on Premises

Councilmember Chip Collins stated Council heard from business owner Ms. Lewis during the Regular session. Ms. Lewis has a business model that people seem to like, but it does not fit with the City's current ordinance structure. Staff has started looking at options. It was discovered that neighboring jurisdictions have ordinances that do allow BYOB. The City Attorney and staff were asked to explore options for Council to consider that would allow BYOB in Sandy Springs. Anytime you are referring to alcohol, it should not erode the quality of life and lead to other problems. Police Chief Terry Sult was included in the analysis of the BYOB. He would be in favor of an ordinance that allows BYOB. The City should be able to make a decision on what types of businesses would be allowed to have BYOB. He asked what could be included in the ordinance to give the City protection.

City Attorney Wendell Willard stated the ordinance could specify wine only. Per the State law, the bottle should be brought in sealed and the customer cannot leave with a bottle, once it has been opened. The business owner will be required to have a license for this type of use and a background check will be required.

Councilmember Collins asked if there will be a fee for this license and if the times the alcohol is served will be restricted.

Police Chief Terry Sult stated he would recommend the City adopting the times that the State already allows.

Councilmember Karen Meinzen McEnerny asked what the start time would be of serving alcohol.

City Attorney Willard stated he would have to check the State law.

Mayor pro tempore Tibby DeJulio asked if there are restrictions on days of the week and times of day when the alcohol can be served.

City Attorney Willard stated the Sunday serving time for alcohol is different than the other days of the week. An opened alcohol container is allowed to be taken home only if the restaurant has the ability to

reseal the bottle. Otherwise, if the alcohol is carried home, it would be a case of travelling in a vehicle with an open container.

Councilmember Gabriel Sterling stated it seems less safe for a customer to finish a bottle of wine before they get in their car instead of resealing the bottle and taking it with them.

City Attorney Willard stated as long as the business has the ability to reseal the bottle, it can be carried from the business.

Councilmember Dianne Fries stated Council previously passed a resealing ordinance. She asked if the alcohol will not be allowed to be taken from the business in this case.

Councilmember John Paulson asked if there will be a list of the types of businesses that will be allowed to participate in the BYOB. He asked if there is a way to restrict the ordinance so there would not be the unintended consequences of allowing a business to obtain a permit when Council would prefer that type of business not to have one.

City Attorney Willard stated that is a risk the City would be taking.

Councilmember Collins stated the restriction of it being wine would probably limit the number of businesses applying for the license.

Councilmember Fries asked if grocery stores in the area are currently allowed to have wine tastings.

City Attorney Willard stated grocery stores can have wine tastings. This particular ordinance is not the selling of wine, but instead is bringing the wine into a business.

Councilmember Meinzen McEnery stated a requirement of the ordinance could be that food has to be served as well.

City Attorney Willard stated the serving of food is addressed under the current ordinance, which requires a kitchen. This new ordinance being discussed would not require a kitchen.

Councilmember Collins stated Sips n Strokes looked into having a kitchen built, but it would be cost prohibitive.

Councilmember Meinzen McEnery stated she was not referring to the preparation of food, just the serving of food along with the wine.

Mayor pro tempore DeJulio asked what if an adult bookstore that shows movies wants to allow customers to bring wine into their business.

City Attorney Willard stated it would be a permissive right to that business as it would be to Sips n Strokes.

Councilmember Fries asked how the other cities are allowing the BYOB.

City Attorney Willard stated the City of Dunwoody has an ordinance. Cobb County does not have an ordinance, but instead has some other manner of allowing the BYOB. He is not aware of what other cities are allowing BYOB. Staff did research to find out how other jurisdictions address the situation.

Some jurisdictions do not have an ordinance and instead are just allowing the BYOB. If Sandy Springs chooses to allow the BYOB, it should be permitted.

Councilmember Collins stated he researched other ordinances and did not see restrictions on uses, but there were restrictions on the time. He asked what time Sips n Strokes closes for the evening.

Ms. Lewis stated her business closes at 10:00 p.m.

Mayor pro tempore DeJulio asked if the permit would be needed until 10:00 p.m. or could the time be 9:00 p.m. He asked if it would affect her business.

Ms. Lewis stated that time would not affect her business. The classes start at 7:00 p.m. and end at 10:00 p.m. On Sundays class is from 2:00 p.m. to 5:00 p.m.

Councilmember Fries stated this is something the City's legal staff should work on. She wants to see the ordinance language before this is voted on.

City Attorney Willard stated he needs guidance on what Council would like included in the ordinance.

Mayor pro tempore DeJulio stated all of Council is in agreement that they want to help a business in Sandy Springs accomplish what they would like to accomplish and also to protect the City from unintended consequences.

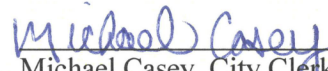
There was a consensus of Council to move this item forward to the next Regular meeting.

There being no further discussion, the meeting adjourned at 8:45 p.m.

Date Approved: January 3, 2012



Eva Galambos, Mayor



Michael Casey, City Clerk