

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, September 6, 2016, at 6:29 p.m., Mayor Rusty Paul presiding.

Councilmembers present: Council Member John Paulson, Council Member Ken Dishman, Council Member Chris Burnett, Council Member Gabriel Sterling, Council Member Tibby DeJulio, and Council Member Andy Bauman.

STAFF DISCUSSION ITEMS

City Management

1. **16-343** Overview of City Contracting – Field Services

City Manager John McDonough gave an Overview of City Contracting PowerPoint presentation.

Council Member Gabriel Sterling asked about the thinking of staff regarding not proposing to bid out the contracts for interstate mowing, tree removal services, and signs.

City Manager McDonough stated the signs were rebid about one year ago. The company had to expend a significant amount of funds to outfit a truck and begin the preparation process. The City felt it only fair to have a five-year period for them to recoup the capital investment for the signs contract.

Director of Public Works Garrin Coleman stated Optech Monette LLC was the winning bidder for the signs contract, which was rebid a little over one year ago. Staff recommends the contract be extended for three years with a one-year or two-year renewal. The City received eight to ten bidders for the tree contract services. That contract is based on breast height and diameter of the trees. That is a unit price contract. The City has a budget allocated by Council of \$200,000 for emergency and nonemergency tree removal. The emergency removals have a different rate sheet. The interstate mowing was a complicated process in getting the vendor selected due to insurance purposes. That contract value is only \$220,000 annually. The City does receive a per mile fee that is around \$90,000 to \$100,000 for State Route 9, I-285, and GA400 for mowing and litter pickup.

Mayor Rusty Paul stated the City mows the grass more frequently than the State does.

Director of Public Works Coleman responded yes. The State recognized this fact when City staff was discussing it with them.

Council Member Sterling asked if the \$100,000 for the pond vegetation and maintenance comes out of the stormwater budget.

Director of Public Works Coleman stated this will be a separate line item. There are 30 plus ponds that staff has identified through legal research and various other methods that are City owned and are the City's maintenance responsibility. Staff believes the cost will be \$100,000 for initial cleanup and then lower for ongoing maintenance.

Council Member Sterling stated once the initial cleanup is done, it will help the entire system handle the stormwater better.

Council Member John Paulson asked if the contract will be in effect six months before City Springs will open. He asked if the street lighting, striping, traffic signals, and other supporting contracts will include support for the new City Springs development

City Manager McDonough responded yes. The big impact will be the park maintenance. Staff is trying to put together a detailed scope of work as soon as we possibly can. That investment will require a good bit of maintenance to keep it up. Staff is talking about having a contractor for Recreation and Parks that will fall under the Director of Recreation and Parks within that new scope of work.

Council Member Andy Bauman asked what is the period of time that we are talking about extending the interstate mowing and signs contracts.

City Manager McDonough stated staff will look at that information and provide it to Council. Staff is only asking for some of the contracts to be rebid right now, which are the items listed under the green area on the presentation. He wanted to paint the full picture of all the contracts the City has for general government and field services.

Council Member Bauman asked when is the next opportunity for Council to say the contracts need to be rebid or extended.

Director of Public Works Coleman stated he believes there are two renewals after this period.

Finance Director Karen Ellis stated the contracts run through 2017.

Director of Public Works Coleman stated included in the contracts are annual renewals.

Council Member Bauman stated the Council will have an opportunity in a year to reassess the contracts.

Director of Public Works Coleman stated if the contractor were not to perform for some reason, the contract would then be brought back before Council.

There was a consensus of Council for staff to move forward with the rebidding of the Field Services contracts.

Community Development

2. 16-344 Consideration of City Initiated Rezoning for Peachtree Manor Subdivision at 1000 Manorwood Court

Assistant City Manager Jim Tolbert stated a small subdivision, Peachtree Manor, was previously approved by Fulton County. The City was approached by an attorney for some of the residents in the neighborhood to try to bring it into compliance, so they can sell their homes. They are having a great deal of difficulty getting clear title, because there are setback issues that have been violated. Staff has no idea how this happened and has been dealing with this for about six to eight months. In working with the City Attorney, staff has decided the best way to address the problems is to take the subdivision through a simple rezoning and record the plat as it is built with the conditions of zoning. If the City were to try and get variances for the subdivision with the Board of Appeals, there would be at least sixty-three variances. Staff would like Council to initiate a rezoning that staff will then take to the Planning Commission to get a recommendation and then bring it back to Council. Staff does not believe it is necessary to hold community meetings, since the property has already been built out and nothing new is being built. This is simply cleanup of property lines, setbacks, and easements to enable the property owners to have clear title to their property.

City Attorney Wendell Willard stated there are twelve homes on this property. The people that own the homes own nothing but the structure footprint. The rest of the property surrounding the homes is common owned property and the home buyers have run into great difficulty in getting financing as houses are being sold. There is nothing in Georgia that speaks of this type of ownership. This is not a condominium, but it may look like one. There is one pad with the structure on it and everything else is a common area. The property owners now want to divide the property up into twelve separate parcels with some common areas that will be owned by an association.

Council Member Chris Burnett asked if there are twelve existing houses on this site at this time.

City Attorney Willard stated the homes are all built out on one tract of land. The areas outside of the walls of the actual structures are common land. The property owners own the structures, but the rest of the property is commonly owned by the twelve unit owners. Whoever built the properties had a relationship with the bank which accepted this type of ownership and gave individual loans. This has become a problem as the properties have been resold and refinanced.

Council Member Burnett asked if converting all twelve properties to fee-simple ownerships will result in ending the setback issues.

City Attorney Willard stated this process will clear up all of these issues.

Assistant City Manager Tolbert stated when the plats are brought to the City, staff will place zoning conditions on them to make the corrections.

City Attorney Willard stated the City will give the property owners the right to make this a typical individual lot ownership. There will be setbacks and variances, because they will meet the City's normal development standards.

Council Member Gabriel Sterling asked if the vast majority of the property owners agree with this.

City Attorney Willard responded yes.

Council Member John Paulson asked who owns the land under the houses now, and do the landowners agree to all of this.

City Attorney Willard stated the land is owned by a common ownership in the name of the neighborhood association.

Council Member Andy Bauman asked if a community meeting will be held.

Assistant City Manager Tolbert suggested a community meeting not be held, but 500 notices will be mailed out with a letter explaining what is going on. Signs will also be displayed advertising the public hearing.

Council Member Bauman asked if this is a pressing issue.

City Attorney Willard stated there is no timeline that he is aware of. The property owners have been working with the City for several months and City staff has been working on how to resolve this.

Council Member Paulson asked if there are other similar communities in the City.

City Attorney Willard responded he is not aware of any others in the City.

Council Member Tibby DeJulio asked if the City has previously approved some of these types of properties on an as-built basis. He recalls the Emory building on Johnson Ferry Road, which was on someone else's land, because the surveys were wrong and Council approved it as it stands today.

Mayor Rusty Paul stated there are several parcels that had zoning conditions and other zoning requirements that were not met. There were also homes that were not approved and the City has had to do a lot of cleanup, because there was no enforcement by Fulton County on these issues. There are many zoning anomalies that go back decades that the City has had to clean up.

Public Works

3. 16-345 Utility Policy Update

City Manager John McDonough stated he is sure Council has heard about what is going on in neighborhoods with cable companies and high speed internet. Ever since Google Fiber was announced in Atlanta, AT&T, Comcast, and others have been trying to compete with Google Fiber to ensure they are providing those types of services as well. Council has sent a number of emails to staff from different neighborhoods that are impacted by the volume of utility work that is going on. As a result, he and Assistant City Manager Poole and Director of Public Works Coleman talked about what the City can do to try to make the process more transparent.

Director of Public Works Garrin Coleman gave the Utility Permit Policy Update PowerPoint presentation.

Council Member John Paulson stated there was a similar sign in his district last year. There was a big battle between the contractor doing the work and not having been the one to file the paperwork, and the utility company saying that they were not aware of all the problems with the contractor. He asked if that can be addressed for both the utility and the contractors. Will the proposed policy take care of issues such as this?

Director of Public Works Coleman stated if residents have complaints about a subcontractor, then the residents would be notified as to who is the contractor.

Council Member Paulson asked if the map could display the contractor's company information, in reference to the Utility Permit Map on page nine of the presentation.

Director of Public Works Coleman stated he would prefer the calls go directly to the utility company, because that is who the City will communicate with about the issues.

City Manager McDonough stated we need a responsible party that can answer questions and if you put two names on the signs, you do not know who is responsible for any issues that occur. As part of the policy, the City can require that the contractor and the utility representative meet with staff for the 72 hour in advance of beginning construction meeting.

Council Member Andy Bauman stated this has been the single biggest topic of emails he has received in the last two months. He asked if the City has any say on permitting on private roads.

Director of Public Works Coleman stated the City does not permit on private roads.

City Manager McDonough stated when there is a right of way infringement required, the City does not own that right of way, so therefore no permitting is required.

Council Member Bauman stated the City permits other private construction, such as when a homeowner builds a pool. He thinks the City needs to take a look at providing some customer or homeowner bill of rights for these neighborhoods that might have a private road, if the City can do so legally. He requested that staff look into this.

Director of Public Works Coleman stated looking at the State statutes, there might be a limitation on the local laws being more restrictive than the State laws.

Mayor Rusty Paul stated there are State laws that do not allow local governments to preempt the State law, particularly on utilities.

Council Member Bauman stated the utility companies are causing damage to neighborhoods that have private roads. Another common theme is a utility provider rips up the yard and fixes it and then four days later Google rips up the same yard. He asked what ability does the City have to restrict this.

Director of Public Works Coleman stated that would be a private agreement between the utility companies and the neighborhoods. Unfortunately, the City could issue a permit for Google to come into a neighborhood and six weeks later the City could be issuing a permit for AT&T to be allowed to do the same type of work. The only time he knows where joint trenching occurs is at City Springs where the City is providing the trench. Currently, the City does not provide joint trenching for neighborhoods, because that is outside the City's scope of work. It is difficult making the utilities coordinate.

Council Member Bauman asked if there are any bonding requirements for the damage that the utility companies may be causing. The City may want to impose a master bond on a utility company, whether it be \$25,000, \$50,000, or \$100,000. The utility companies are tearing up neighborhoods and not repairing them back to the standards that existed before. They need to be held accountable.

City Manager McDonough stated Director of Public Works Coleman has not discussed the enforcement part. He would like to discuss what the City can do in the event the utility companies do not do what they are required to do.

Council Member Chris Burnett asked if these same standards will apply to City of Atlanta Water and Fulton County Sewer.

Director of Public Works Coleman stated City of Atlanta Water and Fulton County Sewer are required to get permits when working in the City.

Council Member Burnett stated regarding the five to ten business days to repair the damage, that is not occurring with either sewer or water. There are two projects that have occurred in his neighborhood. One has been well over one month and there have been no attempts to rectify the damages. He asked how the City will enforce that with the County or the City of Atlanta.

Director of Public Works Coleman stated one thing the City is looking to do with the City of Atlanta is conducting point repairs on service lines and restoration work when the City of Atlanta does trenches for common work. There has been a change in leadership at the Atlanta Watershed, so that change has not yet occurred. Staff hopes to renegotiate and get that discussion going and formalize with a Memorandum of Agreement. He has not heard as many instances of having issues with Fulton County.

Council Member Gabriel Sterling asked about the court charges.

City Manager McDonough stated those that receive citations will be heard before the City's environmental court.

Council Member Tibby DeJulio asked if the map will be readable.

Director of Public Works Coleman stated you will be able to zoom in on the map and query and click on the segment where the activities are occurring and pull up what is going on.

Council Member Sterling asked how the enforcement will be handled, because he has had issues with traffic management plans. The utility company has filed a plan with the City and there are not actual people with flags to direct traffic. Spalding Woods is an example where this issue occurred. In these situations, should the work permit be pulled and a stop work order be issued.

Director of Public Works Coleman stated that is exactly what staff does. There was an issue with Spalding Drive where the utility company was working during rush hour traffic and they were to be out of the road by 4:30 p.m. A stop work order was issued and they were not allowed to continue work for that week.

Council Member Sterling stated the utility companies are supposed to be doing the same mitigation with silt fences. He is worried, because of these anomalies, that there are bad subcontractors.

Mayor Paul stated this is the reason why the City wants the utility company to attend the meeting with the contractor.

City Manager McDonough stated the notice requirements are much greater. The signage has to be installed, door knockers are to be hung, and individuals attend the meeting. Staff will be very aggressive on enforcing this issue. If staff receives a call from the Call Center, staff will be dispatched. His guidance to staff will be if there are repeat offenders, a stop work order will be placed on the utility company.

Mayor Paul stated when AT&T came through his neighborhood, the subcontractor who performed the work did not even know who they were working for.

City Manager McDonough stated staff is open to other suggestions from Council. Staff thinks the suggested policy is a good step towards providing an additional level of customer service in this area.

There was a consensus of Council to move forward with the suggested Utility Policy Update.

4. **16-346** FY 2017 Sidewalk Program Update and Recommendations

CIP Unit Manager Marty Martin gave a Sidewalk Program Update PowerPoint presentation.

Council Member Tibby DeJulio asked if the projects are listed in the order of when they will be done.

CIP Unit Manager Martin responded no. Listed next to the project cost at the end of the category list is a Total Points column and that would be the highest scored project, based on the criteria. The top project of \$231,000 is the Johnson Ferry Project, from Harleston Road to 425 Johnson Ferry Road, and next in order would be Dudley Lane.

Council Member Andy Bauman stated the City has \$400,000 for 2017, but we are still waiting on the construction estimate for the three 2016 projects of \$780,000 out of the \$1,555,000 that is left. That money will flow into 2017.

CIP Unit Manager Martin stated there is about \$200,000 in contingency right now. Staff will see how the construction bids come in and that will tell if the City has the savings to potentially reinvest.

Council Member Bauman stated the TSPLOST will be voted on in November. In the past, one of the Tier I line items had significant funding for sidewalk buildout in Sandy Springs. Under the current policy, that will be the reference point for the projects to be built. There is hope that if the TSPLOST passes in November, then the City will be moving further down the list working on the projects in the upcoming years.

CIP Unit Manager Martin stated the scored projects are a baseline for the TSPLOST.

Mayor Rusty Paul asked if TSPLOST passes, how many of these projects could be completed in the next two fiscal years.

City Manager John McDonough stated that is a tough question, because the TSPLOST money will begin to be collected in April 2017. It would be on a pay as you go basis and the City would have to look at how to accelerate that using the City's money. There was a meeting last week discussing program management and the development of timelines and the associated program management personnel. These projects will need to be prioritized and designed. He would hate to go on record saying how many projects can be completed in two years, because we do not know. Staff is working on a plan related to all the projects on the TSPLOST estimating when you start to design and construct them. There are multiple categories such as intersections, sidewalks, multiuse trails and paths. The projects have to be prioritized by looking at how long it will take to design and build each one of these and the cash flow requirements related to those. Staff will bring an update to Council, which will take a few months to prepare.

CIP Unit Manager Martin stated there is one omission of a project that will be added to the website. Adair Lane is on the sidewalk project master network, and is a Tier III project.

Council Member Bauman asked if the master plan revision will need to be adopted by Council.

CIP Unit Manager Martin stated for the purposes of this scoring exercise, he is asking that Council recognize that when the master plan is updated, that addition will be on the master plan.

5. **16-347** Resolution to Support the Perimeter Community Improvement Districts (PCIDs) Bicycle Implementation Strategy

Director of Public Works Garrin Coleman stated Jennifer Harper with the PCID is in attendance as well as her consultant, Bruce Landis with Sprinkle. The PCID was successful in obtaining a grant from the Atlanta Regional Commission (ARC) in 2012 for this study. If there are no major changes, the PCID will be requesting a letter of support from the City.

Jennifer Harper, PCID Chief Program Officer, thanked the Mayor and Council for their consideration and possible support of this document. The PCID engaged Sprinkle through a competitive quality based bid on this project. Sprinkle brings national expertise to the bicycle and pedestrian facility design and has done a really good job creating this strategy for the PCID area.

Bruce Landis, Principle for Sprinkle, gave the Bicycle Implementation Strategy presentation.

Council Member Andy Bauman stated there was discussion for the Next Ten plan about inter-parcel connectivity and it was talked about almost exclusively in the context of vehicles. Although the City and the PCID may not be able to go back retroactively on existing projects to create inter-parcel connectivity for vehicles, there may be opportunities to do that for bicycles. In the City's development code, he wonders where the City can start imposing on new development where in addition to the vehicle connectivity, bicycle connectivity may also be required. He asked if anyone has looked at opportunities for connectivity through parcels in order to get the bicycle riders off the roads.

Mr. Landis responded yes. That is a main strategy in the Commuter Trails Master Plan. He has found that a lot of existing developments are agreeable to that. The property owners understand that most bicycle riders are not comfortable riding alongside the roadway. That is probably the most effective way to get a physical network in place. A lot of developers around the country see the value of that and are open to it. Any kind of incentive that the City can provide that does not cost the City anything will help promote that.

Council Member Gabriel Sterling asked if Mr. Landis is asking the City to do anything that we are not already doing.

Assistant City Manager Jim Tolbert stated he does not think there is anything in their plan that is not anticipated in the Comprehensive Plan process. There are some things that need to be codified as the City's code is reviewed, such as the inter-parcel connectivity, the showers, and bicycle lockers.

Council Member Sterling stated these examples have been made conditions of the spot zonings that have come to the City.

Assistant City Manager Tolbert stated some of them were made conditions, but staff wants these added to the code.

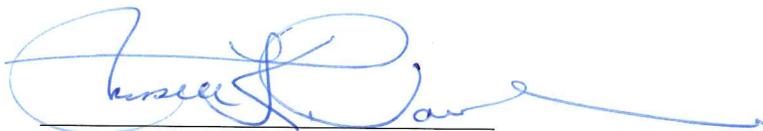
Council Member John Paulson stated a bicycle study was done a couple of years ago and the City's bicycle study and future paths were all on streets. This study says 90% of the bicycle paths are on private property/developments. He asked if the City can nest the private development opportunities with the bicycle study that was done a couple of years ago that mapped the whole City.

Council Member Sterling stated he believes Councilman Paulson is saying that on a private development, conditions should be imposed in a manner similar to imposing a left turn lane condition or making the developer add a multi-use trail as part of their plans. The City would be working with the developers on the inter-parcel connectivity and putting the path system in place that the City adopted and those plans that the PCID adopted.

There was a consensus of Council to move forward with a letter of support.

There being no further discussion, the meeting adjourned at 10:01 p.m.

Date Approved: September 20, 2016



Russell K. Paul, Mayor



Michael D. Casey, City Clerk