

Regular Session of the City of Sandy Springs City Council
Broadcast Via Live Webinar and Teleconference, Tuesday, March 2, 2021
Page 1 of 11

Regular Session Meeting of the Sandy Springs City Council was held on Tuesday, February 16, 2021 at 6:20 p.m., Mayor Rusty Paul presiding.

I. CALL TO ORDER

Mayor Rusty Paul called the meeting to order at **6:20 p.m.**

II. ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Raquel D. González made the general announcements and called the roll.

Mayor Rusty Paul – present.

Council Members present: Council Member John Paulson, Council Member Chris Burnett, Council Member Jody Reichel, Council Member Tibby DeJulio and Council Member Andy Bauman.

Council Members absent: Council Member Steve Soteres.

III. PLEDGE OF ALLEGIANCE – Mayor Paul led the Pledge of Allegiance.

IV. PUBLIC COMMENT

There were no public comments received.

V. APPROVAL OF THE AGENDA

Motion and Vote: Council Member DeJulio moved that the meeting agenda be approved for Tuesday, March 2, 2021. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (5 to 0).

VI. CONSENT AGENDA

A. 2021-073 Meeting Minutes
February 16, 2021 Work Session
February 16, 2021 City Council Meeting
(*Raquel D. González, City Clerk*)

B. 2021-074 Request for Mayor and City Council Consideration of Acceptance of a Real Estate Agreement for a Temporary Construction Easement on Property Located in Land Lot 15 of the 17th District, City of Sandy Springs, Fulton County, Georgia
(*Presented by William H. Martin, Jr., AIA, Public Works Director*)

2021-03-27 RES

C. 2021-075 Request for Mayor and City Council Consideration of Acceptance of a Real Estate Agreement for a Temporary Construction Easement on Property Located in Land Lot 15 of the 17th District, City of Sandy Springs, Fulton County, Georgia
(*Presented by William H. Martin, Jr., AIA, Public Works Director*)

2021-03-28 RES

- D. 2021-076** Request for Mayor and City Council Consideration of Acceptance of a Permanent Drainage Easement on Property Located in Land Lot 122 of the 17th District, City of Sandy Springs, Georgia
(Presented by William H. Martin, Jr., AIA, Public Works Director)

2021-03-29 RES

Motion and Vote: Council Member Bauman moved to adopt the consent agenda for Tuesday, March 2, 2021. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (5 to 0).

VII. Presentations

- A. 2021-077** A Proclamation in Honor of Malcolm Gailey

Mayor Rusty Paul presented a proclamation recognizing Mr. Malcom Gailey's 100th birthday.

VIII. Public Hearing

- A. 2021-076** ABL_73956 - Approval of Alcoholic Beverage License Application for Banana Leaf Thai, LLC DBA Banana Leaf Thai & Bar, 227 Sandy Springs Place NE, Suite 502, Sandy Springs, GA 30328. Applicant is Supakorn Thanasongtrakul for Consumption on the Premises of Wine, Malt Beverages, and Distilled Spirits.

Toni Jo Howard, Finance Director presented this is a change of ownership for Consumption on the Premises of Wine, Malt Beverages and Distilled Spirits Alcohol License for Banana Leaf Thai, LLC DBA Banana Leaf Thai & Bar 227 Sandy Springs Place NE, Suite 502, Sandy Springs, GA 30328. It is located between Sandy Springs Circle and Sandy Springs Place Northeast. Applicant is Supakorn Thanasongtrakul has met all the requirements and staff recommends approval. This business is located in District 3.

There being no public comments, **Mayor Rusty Paul** closed the public comment hearing.

Motion and Vote: Council Member Burnett moved for approval of agenda item 2021-076, for Alcoholic Beverage License Application for Banana Leaf Thai, LLC DBA Banana Leaf Thai & Bar, at 227 Sandy Springs Place NE, Suite 502, Sandy Springs, GA 30328. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (5 to 0).

IX. New Business

- A. 2021-079** Request for Mayor and City Council Consideration of a Resolution to Award Non-Profit Funding for COVID-19 Pandemic Response; to Authorize the Preparation of Contracts Setting the Terms and Conditions for the Granting of Such Funds; and to Authorize the City Manager to Execute Aforementioned Contracts

Assistant City Manager Kristin Smith presented award recommendations for the Non-profit Funding for COVID-19 Pandemic Response. At the November 17, 2020 meeting, the City Council allocated \$225K to create a COVID-19 Non-Profit Assistance Program. A request for proposals was published in December,

Regular Session of the City of Sandy Springs City Council
Broadcast Via Live Webinar and Teleconference, Tuesday, March 2, 2021
Page 3 of 11

2020 and the City received five (5) responses. Staff recommends funding awards to four (4) non-profits: \$15K to Temple Emanu-El to provide monthly food package to immigrant families; \$50K to support the Solidarity Sandy Springs Food Pantry; \$55K to The Society of St. Vincent de Paul to provide homelessness prevention and family well-being programs; and, \$55K to the Community Assistance Center (CAC) to support program operations to meet urgent needs for financial assistance for City residents. Unfortunately, Staff is not able to recommend award to the fifth applicant, Rehabilitation Ranch, because the proposed location is not appropriately zoned for the newly proposed childcare program. The presented contract awards total \$175K to provide support and assistance to non-profits servicing Sandy Springs residents.

Motion and Vote: Council Member Reichel moved for approval of agenda item 2021-079, Resolution to Award Non-Profit Funding for COVID-19 Pandemic Response; to Authorize the Preparation of Contracts Setting the Terms and Conditions for the Granting of Such Funds; and to Authorize the City Manager to Execute Aforementioned Contracts. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (5-0).

2021-03-30 RES

- B. 2021-080** Request for Mayor and City Council Consideration of Approval of a Contract with Kimley-Horn and Associates, Inc. for Design Purposes for the Roswell Road Transit Access Project (T0019) and to Authorize the City Manager to Execute the Contract

Marty Martin, Public Works Director stated Project T0019 Roswell Road Transit Access Project is a Capital Improvement Project that is expected to be designed and led by the City of Sandy Springs utilizing transit funding (\$6.2M) via a Federal Transit Authority (FTA) grant, with MARTA acting as the sponsor to execute street scape improvements on a significant portion of Roswell Road south of I-285. City staff advertised a Request for Information (RFI) on August 12, 2020. In response, staff received proposals from ten (10) qualified consultants: 1. AECOM Technical Services, Inc.; 2. American Engineers, Inc. (AEI); 3. Atkins North America, Inc.; 4. Columbia Engineering; 5. Goodwyn Mills Cawood (GMC); 6. Heath & Lineback Engineers, Inc.; 7. Kimley-Horn and Associates, Inc.; 8. LOWE Engineers; 9. NV5; and, 10. TranSystems. Proposals were evaluated by a committee of staff members who evaluated the 10 proposers against published criteria they viewed as they prepared their submittals. Technical Proposal Scoring by the evaluation committee rated Kimley-Horn; LOWE Engineers; Heath and Lineback Engineers; and, Atkins North America as the top four candidates by a narrow margin. Since the scores were so close, the committee chose to perform interviews to the four shortlisted firms. Interviews were held on November 6, 2020. Based upon the review and scoring by staff and through additional confirmation from the interviews, Staff recommends that the City award the design contract for the T0019 Roswell Road Transit Access Project to Kimley-Horn and Associates, Inc. Due to the expected duration of the project, as well as its length and multiple unknowns, Staff further recommends separating the design services into five tasks: Task 1 & 2: Survey and Concept Design Services; Task 3: Preliminary Design Services; Task 4: Final Design Services; and, Task 5: Post Design Construction Support Services. As a part of this Federal Transit Authority process for acquiring design services, from a qualifications process the staff then negotiated with Kimley-Horn to reach a price for Tasks 1 & 2 Survey and Concept Design Services by Kimley-Horn & Associates for \$490,331. Adequate funds have been budgeted and allocated to fund this planned portion of design. Staff recommends awarding both Task 1 & 2 within this overall design services delivery contract valued at \$490,331 for Concept Design Services.

Council Member Andy Bauman asked for clarification that this was Federal funds, correct? In the scoring process, was Kimley-Horn the only group Staff negotiated with? Regarding the basis for the estimate, is there a scope or something tie to the numbers because something without a bid requires higher scrutiny. Particularly when the scoring was so close.

Director Martin replied that per the Procurement Standards outlined in the City's agreement with MARTA and expectations from the Federal Transit Authority, Staff followed what is termed a Brooks Act Procurement, which is a qualifications based selection. This is where scoring and selection is based upon the qualification presented by the design firm. Subsequent to the qualifications based selection, Staff then negotiated a price with Kimley-Horn and Associates. Had Staff not been able to reach a reasonable settlement, in terms of previous costs associated with other design projects with Kimley-Horn, Staff would have been empowered to move on to the next best scored consultant to begin negotiations. City Staff felt that based on estimates and previous design costs, the costs presented by Kimley-Horn and Associates to perform this work were a reasonable reflection of the costs to do the work. In this case, Staff did scrutinize the scope with Kimley-Horn. The committee was diligent in reviewing estimates to confirm the true scope needed; particularly for these first two tasks. We hope through this process of delivering the design that, with the first two tasks, we will get greater clarity on what future costs and/or what the scope of services will be for the last three tasks outlined in the RFI. Facing them against Lowe Engineering would have made this become a competitive bid at this point, which is not allowed. This is the same process used when there are GDOT projects and we are securing design services, or CDBG design services procured. The same Federal processes apply to all of these. Because of this process, a competitive bid is not seen by the other three proposers. The committee takes the highest score, even if it is only two points higher than the next highest score.

Mayor Rusty Paul stated that we followed the state procurement process, but this is a Federal process. They have the type of process that we normally use; but they have other processes that are allowed by law and MARTA and FTA have elected to go this particular route. We are bound by their procurement rules since it is largely Federal funds.

Motion and Vote: Council Member Bauman moved for adoption of agenda item 2021-080, Approval of a Contract with Kimley-Horn and Associates, Inc. for Design Purposes for the Roswell Road Transit Access Project (T0019) and to authorize the City Manager to Execute the Contract. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (5-0).

2021-03-31 RES

- C. 2021-081** Request for Mayor and City Council Consideration of Approval to Authorize the City Manager to Execute a Change Order and Revised Contract for Engineering Design with Kimley-Horn and Associates, Inc. for the Spalding Drive at Pitts Road Intersection Improvement Project (TS111)

Marty Martin, Public Works Director stated this project was delayed for a portion of time while the City rebalanced the TSPLOST Program to find sufficient funds to execute those projects currently active on the list. With the reactivation of the project, the project required additional cost and investment, particularly in the area of stormwater studies related to how to handle stormwater with the additional impervious surface added with the intersection improvement as related to adjacent properties and drainage. Several alternatives were considered. We explored Pitts Road as an alternative to the Spalding Drive stormwater retention. We also explored a detention pond. We feel like we have found a method to work with the utilities on this shoulder of Spalding Drive, coupled with the fact these roadways are saturated with utilities, both buried, two water mains through the area and area utilities. The total proposed fee for this Change Order is \$12,040.00. Sufficient funds are available in the TSPLOST project TS111 to fund this work. The City is now entering right-of-way acquisition. It will be another 18 months to complete design and ROW acquisition to get project ready for construction.

Regular Session of the City of Sandy Springs City Council
Broadcast Via Live Webinar and Teleconference, Tuesday, March 2, 2021
Page 5 of 11

199 **Motion and Vote:** Council Member Paulson moved to approve agenda item 2021-081, Approval to
200 Authorize the City Manager to Execute a Change Order and Revised Contract for Engineering Design with
201 Kimley-Horn and Associates, Inc. for the Spalding Drive at Pitts Road Intersection Improvement Project
202 (TS111). Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried
203 unanimously (5-0).
204

205 **2021-03-32 RES**
206

- 207 **D. 2021-082** Request for Mayor and City Council Consideration of Approval of a Contract with Tri
208 Scapes, Inc. to Construct Johnson Ferry Road Landscape Improvements Project, 21-
209 033, and Authorization for the City Manager to Execute the Contract
210

211 **Marty Martin, Public Works Director** stated staff recommends award of the contract to install landscape
212 and other improvements on Johnson Ferry Road from the bridge at the river up to the Arts Center to Tri
213 Scapes, Inc. in the amount of \$122,487.96. A Pre-Bid Conference was held on January 7, 2021 with the
214 Bid Opening on January 20, 2021. The bids were evaluated by Field Services and Purchasing staff. The
215 evaluation focused specifically on the landscaping experience, past performance, quality of past work, and
216 bid price. Of the five bids received, Tri Scapes, Inc. was deemed to be the lowest and most responsive
217 bidder. The staff prepared estimate for this work was \$120,000. This will be funded out of the T4000
218 budget, which is the City Beautification Program.
219

220 **Motion and Vote:** Council Member Burnett moved to approve agenda item 2021-082, Approval of a
221 Contract with Tri Scapes, Inc. to Construct Johnson Ferry Road Landscape Improvements Project, 21-033,
222 and Authorization for the City Manager to Execute the Contract. Council Member DeJulio seconded.
223 Mayor Paul called for a roll call vote. The motion carried unanimously by those present (5-0).
224

225 **2021-03-33 RES**
226

- 227 **E. 2021-083** Request for Mayor and City Council Consideration of Agreement to Purchase Fee
228 Simple Right of Way, Permanent Easement for the Construction and Maintenance of
229 Slopes and Temporary Construction Easement on Property Located in Land Lots 205
230 and 210 of the 17th District, City of Sandy Springs
231

232 **Marty Martin, Public Works Director** stated the presented item concludes the City's right-of-way
233 acquisition for the Interstate North Parkway project, which is build a side path from Northside Drive to the
234 bridge at the river and the park side entry into the National Park Service lands funded through the TSPLOST
235 Sidewalk Program. The property owner agreed to accept the City's appraised offer of Fair Market Value
236 in the amount of \$182,600.00 for the property rights required to construct the project. Fee Simple ROW is
237 462.16 square feet but the larger portion will be the 4,865.40 square feet of Permanent Easement for the
238 Construction and Maintenance of Slopes as well as 8,024.58 square feet of Temporary Construction
239 Easement to be used to access the site to construct the project. The Temporary Construction Easement will
240 be surrendered at the end of the completion of the project. The lender refused to donate the land in this
241 particular circumstance.
242

243 **Motion and Second:** Council Member Burnett moved to approve agenda item 2021-083, Approval of
244 Agreement to Purchase Fee Simple Right of Way, Permanent Easement for the Construction and
245 Maintenance of Slopes and Temporary Construction Easement on Property Located in Land Lots 205 and
246 210 of the 17th District, City of Sandy Springs. Council Member Paulson seconded.
247

Council Member Chris Burnett asked for a clarification is this was fairly consistent with the other prices the City paid for the ROW along the corridor. The closest neighborhood in District 3 to this is Winterthur and there are already trails so residents can cut through their backyards and come up into the Riveredge Office Complex and then walk down to the river from there. Not a lot of residents may use the presented stretch and there is a parking nearby on Interstate North Parkway. The parking lot on the Cobb side is full a lot. It might be used for overflow parking.

Director Martin replied we used the same appraiser for all sites that were acquired for this project. The lender did not support a land donation. The Transportation Master Plan, which is soon to be released, shows that there is significant desire for multi-modal options in this area. This project will link into things that will be considered for other solutions here as we envision what to do with the next five years in the Transportation Master Plan. Although even as a stand-alone, it is not a bad project.

Council Member Andy Bauman stated these are neighborhood sidewalks. I am not opposing this project, but we are paying the money for the sidewalk. We try to make these things a partnership of all the stakeholders and this property owner is a stakeholder. Does this owner have a parking lot that they are using also? I would think it is benefitting their office workers. It is just a question of paying this amount for it. If this is not a project really for them, then their position is not entirely unreasonable.

Mayor Rusty Paul stated that this project is largely serving the National Park grounds. There is not enough parking currently. People are parking on the side of the road up to Powers Ferry and Northside, walking to the park with floats, canoes and other watercrafts. It is dangerous to get there. This is largely to allow access to the National Park lands on our side of the river. Cobb County has a trail coming down from their side and this would connect. If we do not build it, then we do not need this parcel. But, if we are going to build it, we have to have this parcel.

Council Member John Paulson stated this parcel is at least a half mile or more from the river. The justification for this parcel is not because people are parking here and walking down to the river. If this is part of the entire improvement along this stretch, then it makes a little more sense. This is a ton of money for a sidewalk improvement project.

Council Member Reichel asked if Staff talked with the owner of this property about allowing people to park there. There is a sidewalk from the second parking lot down to the river. Is there some sort of agreement that they are going to allow people to park there? So, should we approve it before we talk to the owner; or, should we talk to the owner before we approve this.

Amendment to the Motion: Council Member Burnett moved to amend his motion approve agenda item 2021-083, Approval of Agreement to Purchase Fee Simple Right of Way, Permanent Easement for the Construction and Maintenance of Slopes and Temporary Construction Easement on Property Located in Land Lots 205 and 210 of the 17th District, City of Sandy Springs, subject to the ability of the City to secure an agreement with the property owner to allow parking, so residents can access the path down to the river from that parking lot. Council Member Paulson seconded.

Mayor Paul asked if Council wishes to defer acquisition of this ROW and the accompanying easements for 60 days to allow staff to have a conversation with the building owner to see if they will allow people who are using the federal park to use their parking lot and then use the City's projected path to get down there. Are the two sufficiently related that the City can encumber their parking lot in the process of doing this without paying for it. Would we have to pay them for the use of their parking lot, if they allow us to use it? Is the owner assuming certain liabilities if people going to the park use their parking lot?

Council Member Paulson stated the conversation should be deferred 30 to 60 days.

Director Martin stated there are bids prepared to bring to Council in April, 2021. It will translate to 60 days. Can the City encumber a parking lot with a private development that has a requirement for parking spaces?

City Attorney Dan Lee replied they are not assuming certain liabilities because people are not invited to park there. They are just parking there. The law states if you invite people to park on your property, you owe them an extra standard of care. The issue would be if this owner does not want to designate this a public parking without compensation. The property owner was going to allow it or donate it, but his lender wanted compensation. A different level of use would be agreeing not to ticket or tow or 'boot' vehicles using the parking lot, though not explicitly saying vehicles are allowed to park here. That is a different question would have to be broached with the property owner.

Director Martin stated the City has acquired specifically 2000 Riveredge Parkway (\$2,100.00) and 1470 Riveredge Parkway (\$20,600), the properties east and west of the parcel in question. The parcel in question is the lion's share of the project. If not approved, there will be a gap in the sidewalk plan for this project.

Council Member Burnett asked if the City compensated the property owner for parking, will liability shift from the property owner to the City.

City Attorney Lee replied both the landlord and the tenant will have liability if someone were injured and the property was the cause. Also, the security contract with the lender may say that the lender cannot lease or give away use of the property.

Council Member Bauman stated for quality of life, connectivity to a river and these recreational facilities is one of the highest priorities of the City, other than to the first responders. The objection is to the price. It is just a high price.

Director Martin replied there were some costs-to-cure impacts that we asked our design team to work to mitigate. The price presented is primarily the cost of the use of the land.

Council Member Paulson withdrew support from the amended motion.

Vote on the Original Motion: Mayor Paul called for a roll call vote. The motion carried unanimously (5-0).

2021-03-34 RES

F. 2021-084 Request for Mayor and City Council Consideration of Adoption of the Green Infrastructure Feasibility Policy

Catherine Mercier-Baggett, Sustainability Manager presented the proposed Sandy Springs Green Infrastructure Feasibility Policy. First presented to the City Council in November, 2020, we are back with some adjustments. As a mandate of our MS4 Permit requirement, we need to have a Feasibility Policy for Green Infrastructure ("GI"). In our Comprehensive Plan we made a commitment to improve our ways of handling stormwater ("SW") management. The process of handling stormwater is broken down into a four step process. GI Construction shows that any private development would implement GI solely on a voluntary basis. Regardless if there is GI or not, some type of SW management will be required once a determination is made. If SW management is determined and passes the Technical Feasibility for City linear projects, many of our projects will not pass the ROW acquisition in the sense that if additional land would be required to implement the GI, this is where the analysis stops. In the GI Practical Feasibility, it shows two different aspects - construction delays and a threshold in cost increase. Staff recommends to set that threshold at 10% of the budget. If GI would require more than a 10% increase in costs, then we would forego the GI. The 10% threshold would be calculated based only on the items that would trigger SW management. If the proposed policy is approved, the next step would be to submit it to EPD and to provide training and guidelines for review staff and designers. We would like for this policy to be effective April 1, 2021, then revisit and review the policy in 18 months.

Motion and Vote: Council Member Paulson moved to approve agenda item 2021-084, Adoption of the Green Infrastructure Feasibility Policy. Council Member Bauman seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (5-0).

2021-03-35 RES

G. 2021-085 Request for Mayor and City Council Consideration of Adoption of a Resolution Designating Sandy Springs as a Bee City USA Affiliate

Catherine Mercier-Baggett, Sustainability Manager presented that Bee City USA is a national network of cities that is committed to sustaining pollinator communities. Sandy Springs' participation is spearheaded by a committee that includes members of Environment Sandy Springs, a local non-profit dedicated to the protection of natural resources. The committee will be responsible for the majority of the activities related to Bee City, including organizing an educational event and the annual reporting. Staff recommends that Sandy Springs become a Bee City USA Affiliate.

Mayor Rusty Paul stated the hive at Lost Corners was used as a demonstration hive. Unfortunately, it did not survive for a number of reasons. The interest in beekeeping has risen greatly. People who want to get into beekeeping should get involved with the Atlanta Beekeeping Association and learn how to manage and take care of them.

Motion and Vote: Council Member Bauman moved to adopt agenda item 2021-085, Resolution Designating Sandy Springs as a Bee City USA Affiliate. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (5-0).

2021-03-36 ES

H. 2021-086 Request for Mayor and City Council Consideration of a Resolution to Approve Award of Contract for Parks Landscape Maintenance and to Authorize the City Manager to Execute the Contract

388
389 **Mike Perry, Director of Recreation and Parks** stated that the current contract for Park Landscape
390 Maintenance was executed on May 24, 2017. Over the course of the last three years, the scope of this
391 contract has increased to include several new parks, green spaces, floodplain lots, and other City properties.
392 These added properties require change orders to the original contract to provide needed landscape
393 maintenance. The City issued ITB 21-036 for Parks Landscape Maintenance on December 23, 2020,
394 seeking bids from experienced, qualified landscaping contractors capable of providing well-rounded, year-
395 around maintenance of the City's parks, open spaces and floodplain lots ("Project"). The scope of services
396 included: 1. Mowing of grassed areas and fields; 2. Edging and trimming of grassed areas and flower beds;
397 3. Seasonal color of park planters; 4. Fertilization and weed control of grassed areas and beds; 5. Fall/winter
398 leaf removal; and, 6. Other maintenance items as noted within each individual park site specifications. Nine
399 (9) vendor bids were received on February 9, 2021. Georgia Green Landscape provided the lowest, qualified
400 bid at \$247,440.00. References were checked on this vendor from Fulton County Board of Education, Cobb
401 County government, and Cherokee County government. The Project was budgeted at a sum of
402 approximately \$630,000.00. Staff recommends awarding the contract to Georgia Green Landscape.
403

404 **Council Member John Paulson** stated that this bidder is two-thirds less than the cost of the next bidder.
405 Is Staff confident in the reference checks and in talking with the contractor?
406

407 **Director Perry** replied references were checked and there was a follow-up conversation with the company
408 owner because Staff did not want a bidder to begin a job, begin losing money and leave the City 'high and
409 dry' in June or July. His response was he was familiar with the bid amounts. The next week he inventoried
410 again to make sure his figures were solid. This bid does not include mulch or irrigation repairs. Those will
411 be handled separately. The scope of work in this contract is more stringently written than the current
412 contract, especially as to seasonal color.
413

414 **Motion and Vote:** Council Member Paulson moved to adopt agenda item 2021-086, Resolution to Approve
415 Award of Contract for Parks Landscape Maintenance and to authorize the City Manager to Execute the
416 Contract. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried
417 unanimously (5-0).
418

419 **2021-03-36 RES**
420

- 421 **I. 2021-087** Request for Mayor and City Council Consideration of a Resolution Reappointing
422 Members to the Sandy Springs Planning Commission
423

424 **Mayor Rusty Paul** stated that in considering the two gentlemen have each served two terms. Member of
425 the Planning Commission appealed for Andy Porter and Dave Nickles to be reappointed. There has not
426 been a tremendous amount done on the Planning Commission because of the pandemic. Andy Porter was
427 active in creation of the City and on the Board of Directors of Citizens for Sandy Springs. Dave Nickles
428 has been a long-time resident here. There are no formal term limits, and although appointed board members
429 have traditionally served two terms, the two term limit practice is suspended in this case for the reason
430 noted.
431

432 **Motion and Vote:** Council Member Burnett moved to adopt agenda item 2021-087, Resolution
433 Reappointing Members (Dave Nickles and Andy Porter) to the Sandy Springs Planning Commission.
434 Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously
435 (5-0).
436

437 **2021-03-38 RES**

X. Reports

A. 2021-088 Mayor and Council Report

Mayor Rusty Paul expressed the City's condolences for the loss of Council Member Burnett's father-in-law.

Council Member Chris Burnett thanked everyone for their support, prayers and condolences.

Mayor Paul reported that Police Chief Ken DeSimone recently testified at a Legislative hearing about local government false alarm ordinances. The City's alarm ordinance is under attack by the alarm industry. There is a bill that would basically bar the City from fining alarm companies. The Georgia Municipal Association requested that Chief DeSimone testify at the hearing. He did a great job but the bill is moving. The legislative session is rapidly coming to a close. Monday, March 8 is cross-over day. Chief DeSimone's testimony pointed out how the City's ordinance has reduced false alarm calls. It does not prevent us from requiring the alarm companies to call them in, but it will block the City from fining them. It seems that ADT is one of the worst offenders. They call them in, but they do not attempt to make any effort to try to verify their alarms. Also, there was a very controversial bill recently on the House floor dealing with elections. That bill has some significant implications for municipal elections in the State of Georgia. One of the things in the bill is a 'fix' for a dilemma that a lot of cities will have in the 2021 elections. State law requires that once the Census Bureau releases its data, that the next election must be performed using district lines drawn based on the Census. The Census Bureau generally releases their data in April, in the odd year, after completing the even year census. This time, they will not release the census data probably until the end of September. This causes a problem because we qualify for November municipal elections in August. So, as the law stands right now, you may qualify for one district and then have to run in another district. The attorneys at the Georgia Municipal Association state this is an impossibility. If they issue the data at the end of September, 2021, there is no way to get things redistricted, qualifying done and the election held on time. The bill provides a 'fix' that says if the Census Bureau releases its data within 120 days of an election that the election can occur over the 'old' districts. If this is not fixed, then we have a real dilemma in how we manage our elections later this year. The decisions will ultimately have to be made that the 2021 municipal elections, not only in Sandy Springs, but across the state that have district elections will have to be done over the current districts as they are drawn. The Georgia General Assembly will draw the districts. They have the sole power to draw districts. The delegation of the House and Senate must agree on the redistricting and they will have to pass a local legislation that sets the district. The Governor generally calls a Special Session in September and all the redistricting for Congress, the State and local elections are done in that September Special Session. Also, the City Manager received the estimate from Fulton County Board of Elections for conducting the 2021 municipal elections. It is almost double what it was four years ago. We have appealed to our Fulton County Commissioners to intervene with the Election Board and try to get a more reasonable figure for conducting our elections. The cost of performing the elections is in excess of \$500K, based on what the Fulton Board of Elections has told us. Other cities in Fulton County are outraged as well, so we will continue to work with the Fulton County Commission to get a more reasonable price for holding our municipals elections. In our last municipal elections, Gabriel Sterling went down, drew the maps and conducted all the technological work needed to get it done to try to keep the districts as close to intact as we possibly could, knowing that some lines would be moved around.

B. 2021-089 Staff Reports

City Manager Andrea Surratt stated there is a public meeting to update the community on the Trails Master Plan on Thursday, March 11 at 6:30 p.m. This will be a virtual meeting and there is information on

Regular Session of the City of Sandy Springs City Council
Broadcast Via Live Webinar and Teleconference, Tuesday, March 2, 2021
Page 11 of 11

the website. There will be a number of participants, including representatives from the PATH Foundation and Sandy Springs Conservancy. We are interested in knowing and hearing the community's feedback so that we can include it in next year's budget workshops. Finally, the TSPLOST process is ongoing. We will be bringing back to the community and to Council the ideas for a new round of possible TSPLOST projects. It is a process that we will follow just like the last time. We will provide the information to Fulton County, allowing it to be melded with other Fulton city projects; then voted on possibly in November.

Mayor Rusty Paul reported that cities must have project lists to Fulton County by May, 2021, in order to get it on the ballot in November. We will this to Council so that Council will have enough time to study it and ask questions. It will be vetted with the public. All the cities of Fulton County will have to signatories, except the City of Atlanta, to an agreement that will be TSPLOST II.

XI. Executive Session – none.

XII. ADJOURNMENT

Motion and Vote: Council Member DeJulio moved adjourn the meeting. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously (5-0).

The meeting adjourned at **8:01 p.m.**

Dated approved: March 16, 2021.



Russell K. Paul, Mayor



Raquel D. González, City Clerk

