

1 Regular Session Meeting of the Sandy Springs City Council was held on Tuesday, June 1, 2021 at
2 6:23 p.m., Mayor Rusty Paul presiding.

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4 **I. CALL TO ORDER**

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6 Mayor Rusty Paul called the meeting to order at 6:23 p.m.

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8 **II. ROLL CALL AND GENERAL ANNOUNCEMENTS**

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10 City Clerk Raquel D. González called the roll.

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12 Mayor Rusty Paul – present.

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14 **Council Members present:** Council Member John Paulson, Council Member Steve Soteres, Council
15 Member Chris Burnett, Council Member Jody Reichel, Council Member Tibby DeJulio and Council
16 Member Andy Bauman.

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18 **III. PLEDGE OF ALLEGIANCE**

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20 Mayor Rusty Paul led the Pledge of Allegiance.

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22 **IV. CALL TO ORDER**

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24 Mayor Rusty Paul called the meeting to order at 6:23 p.m.

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26 **V. ROLL CALL AND GENERAL ANNOUNCEMENTS**

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28 City Clerk Raquel D. González called the roll.

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30 Mayor Rusty Paul – present.

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32 **Council Members present:** Council Member John Paulson, Council Member Steve Soteres, Council
33 Member Chris Burnett, Council Member Jody Reichel, Council Member Tibby DeJulio and Council
34 Member Andy Bauman.

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40 **VI. PUBLIC COMMENT**
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42 **David Sweeney** stated please accept documents that were submitted to the City Clerk in advance of the
43 meeting. I appreciate you allowing me to discuss this huge impact of the City Planning Department's
44 sidewalk development to our business. Sand Springs is business friendly. I am a constituent in Sandy Spring
45 District 6. I am looking for your help to implement solutions to the City planners. I have had discussions
46 with the Planning Department and the Deputy City Manager. Unfortunately at first they have refused to
47 acknowledge my concerns. Plans for constructions beginning as early as next month to build a ten foot
48 sidewalk and grassy areas on both sides, consuming about a third of my parking lot, which is pretty small
49 to begin with, and narrowing my curb cut entrances from 30 feet to 24 and 18 feet. First I am concerned the
50 plan will choke off my parking lot access by narrowing the parking entrance by building these curb cut and
51 retaining walls beside the turn aprons and grassy areas. I think it would easier for the City planners to fix
52 by maintaining the 30 feet parking lot entrance that we have had for 20 years, and also eliminating some of
53 the grassy areas. I am also concerned about the narrow depth of the parking lot of the building to the road.
54 Currently there is no problem with flow to both sides of the parking areas, but the City proposal will narrow
55 the space between the edges of the parking lot, close to the building, to 36 feet. Under City regulations I
56 should have 42 feet of parking area and driveway for the two way through the parking area. Having that
57 congestion will be difficult for my patients and staff. I have a wide variety of patients in my practice, such
58 as patients with eye emergencies that are not comfortable driving at that capacity. Or a 98 year old war
59 veterans with glaucoma, meeting the Georgia braille requirements. I am considered about him getting into
60 my parking lot, going south on Roswell Road making a sharp 90 degree turn into an 18' wide space and
61 hitting the side of the big curb that would be present, but is not present now in the parking aware. I want
62 the City Council and the planners to revise the drawing and incorporate some of my solutions to help our
63 business. The business address is 5380 Roswell Road.
64

65 **Duffy Hickey**, 5040 Vallo Vista Court, stated I am here on behalf of the High Point Civic Association. The
66 Association's mission is to preserve and protect property value, to build community and to advocate for
67 neighbors. The Association board and many of the neighbors has recently become concerned about the use
68 of homes in the neighbor for commercial purposes, primarily film productions and party houses. Many of
69 which charge a fee for attending or pay the homeowner to film on the property. Of late much serious
70 violence has resulted from activities like party events, in addition to the intrusion on immediate neighbors
71 of noise, street congestions, property damage and general irritation. The Association expects the City to
72 remain focus on the high quality experiences of its residents. Such focus should unequivocally include the
73 appropriate and timely permitting of such events, required and reasonable advance notice to immediate
74 neighbors from the permitted parties, and significant punitive damages for violating the terms of the permit
75 and the laws of the city. We have seen that small fines against large revenue parties does not do much to
76 deter activity and the impingement on the neighbors. As to filming production, this opportunity is welcome
77 in our neighborhoods, but trucks, cars, equipment, catering vehicles and people all need to have a base
78 camp from which they are working and only use the immediate area to drop off and pickup, to impact
79 residents as little as possible. These comments are in follow up to a May 5th meeting of the Association.
80 Mr. DeJulio, Mr. Lee, Ms. Shaw, Captain Vik, Mr. Coffey, were all very receptive to the concerns. Thank
81 you for your work on behalf of the citizens of our wonderful city, and preserving and enhancing their
82 experiences as residents.
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84 **VII. Approval of the Meeting Agenda**
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Motion and Vote: A motion was made by Council Member Tibby DeJulio, seconded by Council Member John Paulson, to approve the meeting agenda for Tuesday, June 15, 2021. The motion carried by unanimous vote.

VIII. Approval of Consent Agenda

- A. 2021-177** Meeting Minutes
June 1, 2021 Work Session
June 1, 2021 City Council Meeting

Motion and Vote: A motion was made by Council Member Andrew Bauman, seconded by Council Member Chris Burnett, to approve the Consent Agenda. The motion carried by unanimous vote.

IX. Presentation

X. Public Hearing

- A. 2021-178** Request for Mayor and City Council Consideration of RZ21-0002 (6096 Barfield Road), Request for a Zoning Map Amendment (Rezoning) from OX-3 (Office Mixed Use, 3 Stories Maximum Height) to PR-3 (Perimeter Residential, 3 Stories Maximum Height)

Alexandra Horst, Planner III, stated staff recommends condition approval. Planning Commission recommended approval with staff's recommended condition. Currently, the subject property is in both the OX-3 District and the Perimeter Center Character Area. The 5.17-acre property is developed as a Hawthorn Suites executive suites hotel, which includes 17 buildings. The improvements on site were built in 1987. There are 128 rooms, divided into 96 studios and 32 two-bedrooms. The Applicant proposes to repurpose the hotel into multi-unit residences, keeping the existing number of buildings and units the same. The units would be adaptively reused, repaired, and renovated. Landscaping and amenity and common areas would be updated. Rents are expected to be in the range of \$1,000-\$1,250 per month. These are in line with the U.S. Department of Housing and Urban Development's numbers for 80% Area Median Income for Efficiencies (studios) and Two-Bedroom Units. No minimum vehicle parking spaces are required in Perimeter Center; the maximum for multi-unit residential use is 1.1 spaces per bedroom. This equals 176 spaces; currently, there are 139 spaces on site. To the north of the subject property is the adjacent Westbury Square single unit attached residences. To the west is a single unit detached residence. The entrance to and street on 6096 Barfield Road are private streets. Though there has been discussion about a vehicular entry gate, gated public or private streets are not allowed. During The Next Ten process, the City designated the subject parcel as Perimeter Center, even though it is in the OX-3 District; the Rezoning would remedy the inconsistency and reinforce the existing and planned character of the area. Among the Perimeter Center Districts, PR- is the least intensive and more restrictive in terms of allowed uses. It is intended for residential living in attached single unit and multi-unit. The subject property is appropriate for allowed uses. The Rezoning substantially conforms with The Next Ten and the Development Code; The Next Ten prioritizes a balanced community, increased supply of housing and choices, workforce and mixed income housing, new housing in mixed use areas, and quality of place. Planning Commission recommended approval with Staff's recommended condition. Staff's recommended condition is to provide a minimum of 20% of the rental multi-unit residential units as workforce housing at a rate of 80% AMI or less, ensured upon a 20-year Land Use Restriction Agreement, to be written and signed.

Mayor Rusty Paul opened the public hearing.

Raquel Gonzalez, City Clerk stated five public comment cards were received in favor of the application and zero in opposition.

Jessica Hill, Applicant Counsel, 3343 Peachtree Road, Suite 1600, Atlanta, Georgia stated the application is a unique request because the applicant is requesting to down-zone the property. OX-3 allows a variety of uses, such as office, retail and restaurant uses. We believe this to be inconvenient with the development along the west side of Barfield Road. The property abuts single family homes to the west and townhome and condominiums to the north. This proposal allows the conversion of 120 extended stay hotel rooms to provide 128 housing options, which is needed in Sandy Springs. It is a more affordable option than some of the newer options that exists. We approve the staff recommended conditions, as recommended by the Planning Commission. Denial or approval of the application with conditions that are not accepted by the applicant implicates some constitutional objections with respect to due process and equal protection. We have worked with the surrounding neighbors and we think we have come to an agreeable solution.

Alex Murphy, PEG Companies, 180 N University Avenue, Provo, Utah stated PEG is a real estate developer based out of Salt Lake City. Originally formed in 2003, the focus was on new build hotels and multifamily properties in the Intermountain West. Since, PEG has grown nationally, in 24 different states. One of PEG's initiative is to provide workforce housing, currently doing 16 of these converted extended-stay hotels into apartment projects across the United States.

Matt Hansen, 255 S University Avenue, Provo, Utah, waived

Melissa Mular, Autumn Chase Homeowners Association, 258 The South Chase, Sandy Springs stated Autumn Chase townhome community is located to the north of the applicant's Barfield Road property. The Association has worked closely with PEG Companies, representatives from other nearby impacted neighborhoods and the Sandy Springs Council of Neighborhoods. The Association has worked with the applicant since February 2021, prior to the Community Meeting – 1, and reached agreements for remediation efforts. While the applicant is not bound by these agreements, the Association believes the applicant will honor the agreements. Apartment homes are never a popular topic, but consideration must be given to the properties current state and what is known about the proposed state. The property is in disrepair and the current owner maybe in financial distress. This is a down level rezoning, and the applicant plans to keep the same footprint in the property. At the Community Meeting – 2, the Autumn Chase Homeowners Association learned that the applicant's due diligence period ends in early August, which is after the rezoning decision. The Autumn Chase Homeowners Association does not know what will happen if the rezoning condition is denied, and the property continues to deteriorate. What impact will that have on the community? The Autumn Chase Homeowners Association supports the rezoning, with the following conditions to protect the community from the future unknowns and to preserve what the Autumn Chase Homeowners Association has negotiated in good-faith:

1. Enforce the condition to rezone the property to the existing site survey, or alternatively, enforce a density condition to limit the number of units to the existing number of 128. Change in the future from the exiting site plan or density would require a new rezoning discussion.
2. Allow the applicant to reinstall and operate the two security gates on the property, as they have agreed. The hotel parking lot is labeled on the City's GIS as a private street, and therefore is not permitted. Similar hotel properties do not have private street designation on their driveways through, and this property had two security gates operating in the past.

If the first condition is not adopted then the Autumn Chase Homeowners Association does not support the rezoning. While the Autumn Chase Homeowners Association does not necessarily want more apartments,

we believe the proposed known use for the land with the proper zoning conditions will offset the future unknowns in the current economic climate.

Rob Stein, General Counsel Autumn Chase Homeowner Association, stated PEG Companies needs the requested rezoning category to allow the current hotel's 128 units to be used as apartment. When the Autumn Chase Homeowners Association has met with the applicant, the Association has been told that no additional units are being built as part of the conversion, there will be no land-disturbance, and things will stay as they are. The Autumn Chase Homeowners Association supports the rezoning. Though there are so many apartments in Sandy Springs, one reason to support the applicant's project is because the known is better than the unknown. The Association's support requires the City Council to place a singular condition on the rezoning's approval. The conditions are not favored, the City's zoning ordinance does allow that conditions continue to be placed, even through the 2017 amendments. On June 16, 2020, the City Council placed a density condition on the Cliftwood rezoning to assure that the density that was committed to the City and community would be essentially what was built. The additional condition critical to ensure the plans presented by the applicant is either survey-specific condition or a condition that limits the units to 128. The community deserves the same protection given to Cliftwood.

Ronda Smith, President, Sandy Springs Council of Neighborhoods, 76 Long Island Place, Sandy Springs, stated the owner occupied townhome and protected neighborhood community leaders negotiated in good faith for four months through many conference calls, many emails and a site walk through with the applicant. All this with a survey site plan of existing conditions on the ground as the basis for the understanding that the intent of this applicant is for those conditions to remain completely unchanged. The application document states "Petitioner seeks to rezone the property from OX-3 to perimeter residential-3 (PR-3) to accommodate the adaptive reuse of the property from the current extended stay hotel into multifamily housing. The existing buildings will remain and no additional units will be added." This very specific language describes the survey site plan the applicant submitted with their application and defining in the application exactly what the final project will look like. No buildings to be razed, no land disturbance to occur, no additional density to be built. Again, this is the premise under which the community has operated these past four months of engagement in the process and the expectation of what they will get as legislated under this rezoning. It is the community's request of this council to insider how to condition RZ21-0002 to the expectation of the community as defined in the application for 128 units.

Mayor Rusty Paul closed the public hearing.

Motion and second: A motion was made by Council Member Chris Burnett, seconded by Council Member Steve Soteres, to approve agenda 2021-178, City Council Consideration of RZ21-0002 (6096 Barfield Road), Request for a Zoning Map Amendment (Rezoning) change from OX-3 (Office Mixed Use, 3 Stories Maximum Height) to PR-3 (Perimeter Residential, 3 Stories Maximum Height), with a condition as follows: for a period of 10 years, beginning on the date of rezoning, a condition will be a site-plan specific zoning with a maximum of 128 apartment units on the site.

Council Member Chris Burnett stated a lot will change in the perimeter market in the next 10 years. Right now, coming out of the pandemic, the hotel business has been hurt badly. There is uncertainty in the office market of what may be built in the perimeter market in the future, but that will flush itself out over the next several years. In interim, this property is in need of repair. We have had challenges with extended stay properties in the community. I do not know about this project particularly. It is important for residents and neighbors to understand what it is they will have adjacent to their homes for an extended period of time. Neighbors have expressed some concerns about traffic, and just the uncertainty about an open zoning without unit conditions. This is a compromise will address the community's goals to create some certainty

in the coming 10 years and, if there were a higher and better use for the property the applicant would be to come back in.

Council Member Jody Reichel stated while I would like to have additional affordable housing in Sandy Springs, my hope is that the current owner, if this does not pass, will bring other opportunities that will provide fee simple affordable housing in the area. If the zoning is changed to allow multiunit housing, then there will always be apartments there. Parking is also a concern. Even though it fits into the Code, Staff should take a look at this. There are 32 two-bedrooms, 96 studios and 139 parking spaces. If each two-bedrooms had two cars and each studio had one car, then that would be 160 cars. That is a minimum, and does not even count studios that may have a couple residing in them. I do not see where parking can be added.

Council Member Andy Bauman stated this is tricky. It violates everything we have talked about with zoning not to be for a specific project. Zoning should be about land use. This solution is not a 10 year zoning or restriction, but a permanent rezoning. What is proposed sounds like a conditional-use permit. The proposal talked about the site plan for 10 years. There was no mention of the Planning Commission or affordable housing component, which may actually be a red herring given the size of the units. This is the wrong the solution to a problem. This is not the best we can do. It is down-zoning in a sense, but it is up-zoning in the multifamily. We are missing an opportunity to have a say for a better project for the community and that location. I cannot support this. This is the wrong use of zoning.

Council Member Tibby DeJulio asked over what period of time has PEG completed the stated 16 other like conversion.

Mr. Murphy replied the 16 other projects are not all complete, but in various stages of completion, since 2018. Two conversion projects are complete with renters, five are pending start and several others are waiting on determination from the hotel to start the conversation, that the rezoning processes are complete. These conversation happen across the United States. In regards to parking, PEG Companies completed a study showing the number of current stalls will be sufficient. This was based on workforce housing, where you have people working in the day and others at night.

Council Member DeJulio asked of the completed projects, does PEG still own them. When will they be on the market for a new buyer? What other types of properties does PEG development.

Mr. Murphy replied PEG has a 10-year fund of owners. At the end of that lifecycle, there could be an exit or owners can continue to own it. It is not the intention to sell the properties when they are rented out, but it depends on the investment vehicle, which is usually 10 years. There have been cases where PEG has been approached by buyers that want to buy them, and PEG has sold before, but usually it is a longer period. PEG does a lot of ground-up multifamily, but it has been primarily Marriot, IHG and Hyatt hotels. PEG develops hotels and apartments.

Amendment on the motion: A friendly amendment on the motion was made by Council Member John Paulson to include the staff conditions in the motion. Council Member Chris Burnett and Council Member Steve Soteres accepted the amendment.

Council Member John Paulson stated extended stay facilities typically have short-term rentals. If these are converted to apartments there may be one and two year leases. So there is some stability that comes with apartment complexes. That is intriguing. Do we wait in hopes of something better comes along while a property that appears to good, beneficial use is denied? I support this. I am cautious, but this is an

interesting experiment in affordable and workforce housing and the conversion of a property that is a pretty cool idea.

Vote on the motion: The motion failed (3 to 4), with Mayor Paul providing the tie-breaking vote.

B. 2021-179 Request for Mayor and City Council Consideration of TA21-0001, an Ordinance to Amend the Following Development Code Division: Div. 9.2. State Waters Buffer Protection

Catherine Mercier-Baggett, Sustainability Manager stated presented Ordinance amendment will allow for public trails in stream buffers. Buffers should be vegetated and undisturbed, with the some exceptions as listed in the Code. These regulations are total of 50' of buffer and an additional 25' of impervious surface. The Community Development Director can approve minor variances, but major variances have to go before the Board of Appeals. The presented proposal is to allow, under certain conditions only, public trails and paths in the City's buffers and impervious buffer setback. There has been question of the paving material. Unpaved paths are already exempt in the Code. The choice material is traditional concrete because of the accessibility of the material, the safety it provides, ease of construction, longevity and maintenance. It is recommended by the PATH Foundation. Overall, the main concern is to ensure the trails are accessible to a multitude of different types of users, including those who may have limited mobility with walkers and wheels, those with strollers, and inline skaters and cyclists. Unpaved surfaces will compact quickly and do not provide the desired infiltration. Aggregates, like pebbles, gravel and mulch, easily wash away, particularly in slope conditions. Buffers are usually steep. Pervious concrete and permeable pavers require a lot of maintenance and are costly to install. The presented amendment will simplify implementation of the City's Trail Master Plan, as it would not require reoccurring request to the Board of Appeals for the multiple applicable segments. The ordinance amendment provides parameters to self-regulate how the trails will be in the buffers. The trails would be maintained the City or designee. They would have to be publicly available trails, not private trails. There would have to be minimal intrusion, up to 25' in disturbance. If more, then it would be at discretion of the Community Development Director to review the hardships. No more than 14' in width. Gathering spaces, platforms and seating areas, could not exceed 350 square feet each. The disturbance would have to be stabilized and restored to the maximum possible extent, based on the City's Restoration Standards as detailed in the Technical Manual. Planning Commission recommended approval of the proposed amendments.

Mayor Rusty Paul opened the public hearing.

City Clerk Raquel González stated zero public comments cards were received in support and three were received in opposition.

Karen Meizen-McEnerny stated there are three issues: Pervious versus impervious. The precedents-setting for the City to set aside the stream buffer protections for its property while not providing the same rights to other owners and developers. And, why set aside the existing variance process? It is more transparent to have the existing process that works very well. As many more folks, who are not here tonight because they have no idea this is going on, would have the right to come before you and the Board of Appeals to state their case. Before you is staff's recommendation to give the City carte blanche to pave trails in the outer 50' setback on its property. This is bad policy. Impervious pavements so close to the stream buffer will degrade the water quality of the streams through siltation and erosion due to the higher velocity of runoff. Secondly, pervious ground is the best and least expensive way to enhance stormwater absorption and recharge the ground water that all the ecosystems depend upon, including people. Third, paving so close a stream in counter to sound environmental practice. The City can and should do better,

and lead in its environmental construction practices even if it costs more to maintain or install. Do not put impervious materials in our parks. The simple solution is to make the concrete, multipurpose paths pervious. The Gwinnett Environmental Center has a pervious parking areas, trails and sod roofs on top of some improvements. There are a lot of examples of using pervious materials, all designed so bikes, people and families can enjoy the natural areas while protecting its stream water quality. Please add the word 'pervious' in front of all description of the 14' trails.

Bruce Spengler, 11 Wildwood Valley, Sandy Springs stated I am the Vice President of the Southeast Land Preservation Trust. The Trust hold conservation easements on various properties within Georgia, including the Big Trees Forest Preserve in Sandy Springs. Big Trees is one of the areas that will be potentially impacted by this. The City established the buffers and a process to handle any variances, and the Trusts supports continuing the current process.

Bill Cleveland, 6441 Wright Road, Sandy Springs stated I am the President on Environmental Sandy Springs. The presenters have done a good job of providing an overview. But the introduction of an impervious surface in a riparian buffer is false sense of being. The riparian buffer is there to absorb water. You are creating a surface to distribute water. That makes no sense. The subtle thing you are doing is creating an exception for the City that is not there for the average citizen. The message to the community is that you are above the law, above the regulations as you have an exemption that you gave yourself. That is wrong. We have heard that the various surfaces all have flaws, and the solution to create a larger flaw by introducing more impervious surfaces into the riparian buffer. This is not that difficult of a decision. You either even-handedly administer the impervious surface standards or you do not.

Mayor Rusty Paul closed the public hearing.

Motion and second: A motion was made by Council Member John Paulson, seconded by Council Member Andrew Bauman, to approve agenda item 2021-179, TA21-0001, an Ordinance to Amend the Following Development Code Division: Div. 9.2. State Waters Buffer Protection, with the addition that any of the trails be pervious materials.

Council Member Johnson Paulson asked is the last 25' of the buffer the stretch that these trails will go in, so they will always be a minimum of 50' away from the stream.

Sustainability Manager Mercier-Baggett replied that is ideal. The City's preference is to not go into the impervious setback or the buffer. This would be applicable to the City's 25' portion of the buffer and the additional impervious setback. Pervious concrete is a great application and so are permeable pavers, but not at the bottom of a slope. They should be only uphill. When there are pervious surfaces at the bottom of a slope the sediment gets carried away collects in the pervious surface and clogs it very quickly, becoming impervious. It is feasible, but the maintenance will be expensive.

Council Member Paulson stated a concern is if there 14' of concrete there then all of the silt washing down will be flushed into the stream as opposed to be captured. I would prefer we not do this is the 75' stretch, but if we have to do it, then they need to be pervious. There are maintenance techniques that all other pervious outfits have. The price of pervious pavers has gone down significantly over the last 10 years. Once you have a 14' impervious surface, you then create stormwater issues because you 100% runoff. These should be pervious systems.

Council Member Andy Bauman stated everyone agrees more trails is better and less stormwater runoff is better. I think the intent of the language and the intent of Staff is to do this as little as possible. If we can move strollers and provide handicap accessibility safely across pervious then that should be the default.

Council Member Jody Reichel stated it is important that anyone can access our trails. How are wheelchairs are impacted on pervious versus impervious surfaces?

Sustainability Manager Mercier-Baggett replied it should not be the expectation that everyone will be ADA compliant because there are topography issues in Sandy Springs, but Staff will do its best effort to make trails as accessible as possible. There is no difference between pervious concrete and impervious concrete in terms of accessibility. However, only certain pavers are ADA compliant. The City is committed to ADA compliance.

Council Member Bauman asked is the intent was to do impervious surfaces anyway, but there may be situations that necessitate the pervious materials. Council is unanimous about going into buffers for trails. The language in the proposed amendment reads that Staff will do this in the most sustainable way as possible. Allow the Council the luxury of saying if we want to spend the money or not.

Sustainability Manager Mercier-Baggett replied yes, essentially. It is not the intent to go into the buffer, unless there is no other choice. When we have to go into the buffers, we looking for a solution that would be effective in the sense that it trails would not get clogged.

Council Member Reichel asked if there is a huge cost difference.

Sustainability Manager Mercier-Baggett stated, given the data that changes quickly, pavers are about twice the cost at installation, and then there is added costs for maintenance.

Council Member Paulson stated that is about right. So in the areas that require harder surfaces, those will be more expensive stretches because the pervious systems are more expensive. When it is in the buffer, it should be made of pervious materials. If you cannot, come back to Council.

Council Member Bauman asked what the remedy is if Staff finds it needs an impervious system.

Dan Lee, City Attorney stated that is a policy statement by the City of what you will do with City property. The City already has rights that a private property owner does not have. The presented use will always be on City property, and this is a declaration of how the managers of the City property want it used. The Mayor and Council make the decision as to where the City can and cannot use pervious materials. If Staff finds they cannot use pervious materials, they will need to come back to Council.

Vote on the motion: The motion carried by unanimous vote.

ORDINANCE NO. 2021-06-22
TA21-0001

- C. **2021-180** Request for Mayor and City Council Consideration of TA21-0003, An Ordinance to Amend the Following Technical Manual Section: Section 1 - Landscape, Tree and Buffer Submittal Plans and Planting Standards

Catherine Mercier-Baggett, Sustainability Manager stated the purpose of the presented code amendment is to allow variances in the stream buffer. A Mitigation Plan is always required with Stream Buffer Variance application. There are Revegetation Standards used by staff that are more internal policy than anything codified. Native plant species are hard to find nurseries, and often come in smaller sizes. They also have to be planted by hand, which is easier because of their smaller size. The amendment maintains that all work is to be done by hand within the buffer, requires plant species must be native to the Piedmont, and reduces the stock sizes and associated coverage.

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

Motion and Vote: A motion was made by Council Member John Paulson, seconded by Council Member Tibby DeJulio, to approve the TA21-0003, an Ordinance to Amend the Following Technical Manual Section: Section 1 - Landscape, Tree and Buffer Submittal Plans and Planting Standards. The motion carried by unanimous vote.

ORDINANCE NO. 2021-06-16
TA21-0003

- D. 2021-181** Request for Mayor and City Council consideration of TA21-0002, An Ordinance to amend the following Development Code Article and Division:
Art. 7. Use Provisions
Div. 11.5. Other Permits

Matthew Anspach, Senior Plan stated in an attempt to protect the quality of life and residential nature of city neighborhoods, the proposed ordinance is intended to regulate commercial parties in dwelling units throughout Sandy Springs. Other ancillary edits have to do with the Use Table. While this does not make a difference in terms of regulations, it makes it easier to see these uses and where they are allowed. Most Temporary Uses are regulated under an administrative permits process. Staff proposes some additional clarity by the Administrative User Permit framework be detailed in the Code. Planning Commission recommended approval, with the request that the City Council consider appropriate language so as to not have the ordinance conflict with nonprofit events in residential settings or other non-party house events.

Mayor Rusty Paul opened the public hearing.

Raquel González, City Clerk stated four public comments cards have been received in support and zero in opposition.

Brenda Letzler, 120 Cameron Glen Drive, Sandy Springs stated the City Council is encouraged to support the proposed amendment, and also consider that any second code violation for this be increased from the current \$1,000 up to \$25,000. This will help make running a party house less financially viable. We have recent problems in our neighborhood. Our backyard is directly behind a four acre residentially zoned home, which is one home and a pool. In April, two single men bought it, and they have used to host at least three paying events. They call their house the Manor ATL. They have developed a logo. They are advertising it on Facebook, Spotify, Eventbrite, Peer Space and other social media. I have information that there will be a pirate party on June 26 from 3 p.m. to 2 a.m. Tickets are being sold from \$10 to \$600 per person. What are party goers going to get for \$600 per person? The Latin words on their logo mean to "to keep the mischievous." Since they have moved in, my family and neighbors have had to endure loud music, strong and loud profanity in music, traffic problems and littering. During the last event, on Memorial Day,

it was scheduled from 2 p.m. to 8 p.m., the noise was so loud in our home we could not stand even being in our house. Our background was unlivable. My husband's phone app registered 80 decibels. They use a party-type system, a PA going. It was awful. We want to move. I felt like I lived next to a nightclub or even Six Flags, depending on how many people were jumping in their pool. We saw busses delivering people to the party. We had reckless drivers coming into our cul-de-sac. Candidly it is just very uncomfortable for us. We tried to communicate our neighbors, and invited them to come to our house to experience the noise. That did not stop it. Since, I have been reporting problems directly to Code Enforcement and 911. When the police finally shut the party down on Memorial Day at 7:30 p.m., they told our neighbors there were over 250 people there. I will say that since Code Enforcement officers have visited them, they have taken down a lot of their materials from social media and are now asking for passwords to be able to access their site. I do not know if I or my neighbors can keep up with how they are advertising. We do understand from talking from party goers that there is a Juneteenth event scheduled, and the pirate party is still being advertised. Current Code says that when you are working from a residence that no more than five customers are permitted on the premises at one time, in a residential area. Furthermore, the Code states no equipment or process can be used in connection with the live-work unit that creates noise, vibration, fumes, odors or electrical interference detectable to the normal sense off the premises. Certainly our neighbors have detected noise and other things. We really need to give our City more leverage to be able to prevent these situation in advance and have a larger fine for subsequent infractions. I am concerned for the safety of our police for trying to break up future events. I am concerned for our Code Enforcement officers trying to enforce code in this situation. I am also worried about safety when so many people who are not vetted are gathered in a space that is not subject to normal business requirements or practices. We need to give our police and code enforcement personnel more tools to shutdown these events in advance. I am asking for your support.

Eric Richardson, 110 Cameron Glen Drive, Sandy Springs stated my wife and I are property owners next to Don and Brenda, also adjacent to the property described by Brenda. It was a shocking intrusion on our home life that we had not anticipated. We appreciate the Staff's effort to continue to build more tools to be able to ensure that residential properties are used for residential uses. Well intentioned attempts to water down the language of the proposed the amendments, so the nonprofit piece that the Planning Commission recommended, I am concerned that it is pretty easy to put something under the guise of being a nonprofit and use that as a skirt ordinance. It seems fine to require all events to go through the same permitting process.

James Dallas, 25 Cameron Glen Drive, Sandy Springs stated I support what is being done and increasing the fine. I was there on Memorial Day. I asked the owner why he was doing this. There were over 250 people. The partygoers were irate when the police shut it down. The owner pointed at me telling them I am the reason why it was shut down. With many people mayhem could have started. Also, they moved in April. On May 5 three masked men showed up trying to enter into the house that buffers their house from the back. Something spooks them and they leave. We caught them on video, but we could not see the tag number. My house is at the entrance of the subdivision and the pickup truck came fast. We have a grandchildren who play out there. It was 7 p.m.

John Renningen, 70 Cameron Glen Drive, Sandy Springs stated the Cameron Glen Neighborhood Association is concerned that the resolution pass and that more teeth be put into it. The proposal should go to a \$25,000 fine on a second offense. This could defer future events.

Mayor Paul closed the public hearing.

Regular Session of the City of Sandy Springs City Council
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference,
Tuesday, June 15, 2021
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519 **Mayor Paul** asked what does the State law allow the City to do in term of fines. How much can the City
520 fine? If the City ordinances allows five people, but there are over 200 found, can each additional person be
521 considered an additional fine?
522

523 **Dan Lee, City Attorney** replied on this issue the limitation is \$1,000 per charge. This particular house has
524 four pending charges. There are artful ways to do this. It is difficult to police. Comparing a large gathering
525 of commercially generated customers with a wedding reception is difficult. The situation at hand has to do
526 with the commercial promotion of the use of residential homes. This house does not seem to want to listen
527 to guidance about what can and cannot be used. It continues to develop its advertising. I will submit to you
528 this evening that we take action in superior court to stop this, which will be the bigger punishment. We
529 believe injunctive relief is necessary.
530

531 **Mayor Paul** stated a real concern is sending police officer and code enforcements officers into an
532 environment where there are people who have paid up to \$600, and do have some justification to be irate.
533 The goal to provide some way to prevent from happening in the first place.
534

535 **City Attorney Lee** stated the City court and prosecutor generally puts forth a proposition that the first
536 offense is a lesser offense. A second offense is a greater offense. The third offense is a much greater offense,
537 up to and including up to six months in jail. Some of the grievances are multiple offenses, subject to jail
538 time.
539

540 **Motion and second:** A motion was made by Council Member John Paulson, seconded by Council Member
541 Chris Burnett, to approve the TA21-0002, An Ordinance to amend the following Development Code Article
542 and Division: Art. 7. Use Provisions, Div. 11.5. Other Permits.
543

544 **Amendment to the motion:** A friendly amendment on the motion was made by Council Member Tibby
545 DeJulio to include that the second office be subject to six months in jail. Council Member John Paulson
546 and Council Member Chris Burnett accepted the amendment.
547

548 **Council Member John Paulson** asked were the party's permitted.
549

550 **City Attorney Lee** responded no.
551

552 **Council Member Jody Reichel** asked how does the permit decide who receives a permit?
553

554 **City Attorney Lee** replied the commercial activity described would not be eligible for a permit. You cannot
555 receive a Special Event Permit in a residential neighborhood.
556

557 **Council Member DeJulio** asked could the amendment include that a nonprofit be a registered 501(c)(3)?
558

559 **City Attorney Lee** stated it would be impossible to differentiate between the two. A nonprofit would not
560 be allowed to advertise or sell tickets for an event at a residential house either. And admission charge would
561 be not be allowed. An exception for nonprofits would be a mistake.
562

563 **Council Member Chris Burnett** asked could liens be filed against properties. The message needs to be
564 made that Sandy Springs will not tolerate this.
565

566 **Vote on the motion:** The motion carried by unanimous vote.
567

ORDINANCE NO. 2021-06-23
TA21-0002

E. 2021-182 Second Public Hearing on FY2022 Budget and Adoption

Andrea Surratt, City Manager presented the FY2022 Budget. The capital projects identified are very important, as well as the creation of the reserve fund for future fleet and infrastructure maintenance. At Workshop 2 the City Council adjusted the City's ARPA anticipated funds, added an additional Planner position, added \$150,000 for a nonprofit recreation grant program, and discussed the merits of including improvement to Allen Road Park and Old Riverside Drives Master Plan to allow those capital projects to happen early in the cycle. Workshop 3 included those items and additional capital projects, with \$17.5M available in fund balance. Staff was tasked with evaluation items in the proposed CIP and make those recommendations to the City Council at the late summer or early fall. The transfer to the Public Facilities Authority is a big shift this year, with projected \$20M in FY 2021. This included the purchase of the property at 620 Morgan Falls Road. The FY 2022 proposed includes a higher debt service. The FY 2022 use of Fund Balance includes FY 2022 General Fund Use of Fund Balance - \$1,212,505; Fleet Replacement Fund - \$3M; Infrastructure Maintenance Fund - \$10M; Additional Capital TBD - \$17.5M; totaling \$31,712,505. The total FY2022 budget is \$144,624,029.

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

Motion and second: A motion was made by Council Member Tibby DeJulio, seconded by Council Member John Paulson, to approve the FY2022 Budget Adoption.

Council Member Tibby DeJulio stated with the new reserve funds, the City will in effect has an additional \$13M in reserves. This is wonderful for a city the size of Sandy Springs

Council Member Andy Bauman stated the \$17.5M is inclusive of the funds remaining after the close of FY2021 and any received CARES Act money. Are we hamstringing ourselves by denoting the funds as "Capital TBD?"

City Manager Surratt stated in the past Council has chosen to use those funds for capital projects, but it could be used for a variety of things.

Mayor Paul stated we can always amend the budget when we need to.

Vote on the motion: The motion carried by unanimous vote.

ORDINANCE NO. 2021-06-17

Council Member Andy Bauman left the meeting at 8:16 p.m.

XI. New Business

- A. 2021-183** Request for Mayor and City Council Consideration of the Approval of Insurance Coverage for the City and to Authorize the City Manager to Execute Documentation Effectuating the Same

617 **Andrea Surratt, City Manager** introduced Mike Royal with Partners Risk Services. Transitioning from a
618 carrier-based agenda to a client-based agent, the City engaged Partners Risk Services to conduct market
619 research and an extensive inventory of current City assets and liabilities.
620

621 **Mike Royals, Partners Risk Services** stated while there is room for improvement, the safety conscious
622 nature of the City Staff is the reason why the City has resulted in a positive renewal. There has not been a
623 formal risk management or claims process in the City. Partners Risk Services has started to work to create
624 more formal processes. After the presented renewal is approval, work will begin to conduct a
625 comprehensive inventory of assets. There are some significant increases in property exposures, including
626 from 2019 when employees were brought in-house. While it is a hard insurance market, this is a low
627 increase, in relationship to exposure. The City's current insurance carriers did not want to lose the City's
628 business, which was evident in during the underwriting process. Also, traditionally the City has carried a
629 \$10M cyber security limit. Presented is a \$5M coverage, and we are still out to market for the additional
630 \$5. It is hard to get that number of insurance.
631

632 **Council Member John Paulson** asked is will the City save with larger deductibles.
633

634 **Mr. Royal** replied yes. We need to sharpen protocols. Cities the size of Sandy Springs are self-insuring
635 because of the difficulty to procure insurance. Next year the City may look at self-insurance.
636

637 **Council Member Tibby DeJulio** asked is Partners Risk Services were brokers or advisors? Where these
638 services bid out? Do the insurance policy presented reflect one or multiple carriers?
639

640 **City Manager Surratt** stated the services of Partners Risk Services were not bid out. Partners Risk Services
641 will bid the insurance policy services on behalf of the City.
642

643 **Mr. Royal** replied the City's contract is a fee-based contracted, and Partners Risk Services will not be paid
644 commission. This is with multiple carriers, though primarily made of One Beacon and Travelers.
645

646 **Council Member Chris Burnett** asked what is the extent of the City's general liability coverage in the
647 event there is a wrongful death involving the police department.
648

649 **Mr. Royal** replied law enforcement liability is under a different umbrella, which is under reputable
650 company. The City also has some sovereign immunity and various case law and other things that come into
651 play.
652

653 **Dan Lee, City Attorney** stated immunity exist up to the amount of coverage. For many cities, how you
654 carry insurance is a public policy concern for your citizens. If they are hurt, you see about them. You will
655 see that in what is presented the increase is mostly with the police. The City has not paid a police claim,
656 but it has gone up because of the climate we are living in. When the population goes up you will have
657 claims. We try to manage against a loss, and we have done well to manage those claims.
658

659 **Motion and Vote:** A motion was made by Council Member John Paulson, seconded by Council Member
660 Chris Burnett, to approve Insurance Coverage for the City and to Authorize the City Manager to Execute
661 Documentation Effectuating the Same. The motion carried by unanimous vote.
662

663 **RESOLUTION NO. 2021-06-84**
664
665

B. 2021-184 Request for Mayor and City Council Consideration of a Resolution to Accept the Real Property Purchase and Sale Agreement for Properties Located at North Island Ferry Road (Tax Parcel # 06-0365- LL-0098, 06-0365- LL-0080) and an Ordinance to Authorize Amending the FY 2021 Budget to Transfer Funds from Impact Fee Fund to Capital Projects Fund of the City of Sandy Springs

Mike Perry, Recreation and Parks Director stated the property contains approximately 8.2 acres with 980 feet of Chattahoochee River frontage. The property is adjacent to the Island Ferry Unit of the Chattahoochee River National Area (CRNRA) and tract recently purchased in 2020 by the City of Sandy Springs. In order to expand the footprint of City property along North Island Ferry Road and the CRNRA, fee simple rights are required over, under, and through the property located at North Island Ferry Road within the City of Sandy Springs. City staff have been in negotiations to acquire the property by purchase. City staff negotiated a Purchase and Sale Agreement wherein the City may acquire the property for the purchase price of \$1,250,000.00. Acquisition of river access property within the City is a priority identified within the Next Ten Comprehensive Plan and a recommendation of the Recreation and Parks Master Plan. Acquisition of the subject property would provide valuable partnership opportunities with the CRNRA as we plan enhanced river access for City of Sandy Springs residents.

Motion and second: A motion was made by Council Member John Paulson, seconded by Council Member Steve Soteres, to approve the Resolution to Accept the Real Property Purchase and Sale Agreement for Properties Located at North Island Ferry Road (Tax Parcel # 06-0365- LL-0098, 06-0365- LL-0080).

Council Member Tibby DeJulio stated this makes three parcels that are contiguous that the City owns. What is the total acreage and riverfront? Are there any immediate plans for the property?

Parks and Recreation Director Perry stated the total is 13.8 acres, and over 1200' of riverfront. The City will secure the property immediately. There are not yet specific plans. The City will continue to have discussion with the National Park Services, as they own adjacent property.

Vote on the motion: The motion carried by unanimous vote.

RESOLUTION NO. 2021-06-74

Motion and Vote: A motion was made by Council Member John Paulson, seconded by Council Member Jody Reichel, to approve the Ordinance to Authorize Amending the FY 2021 Budget to Transfer Funds from Impact Fee Fund to Capital Projects Fund of the City of Sandy Springs. The motion carried by unanimous vote.

ORDINANCE NO. 2021-06-18

C. 2021-185 Request for Mayor and City Council to Approve a Resolution Authorizing the City Manager and the City Attorney to Negotiate a Change Order with Sprinturf, LLC for Additional Services to the Hammond Park Turf Field Project ("Project"); to Authorize the City Manager to Execute the Change Order; and to Authorize an Ordinance to Amend the FY 2021 Budget to Provide Additional Funding for the Project

Mike Perry, Recreation and Parks Director stated on January 5, 2021, Mayor and City Council approved a contract award to Sprinturf in the amount of \$386,440 to replace the synthetic turf field at Hammond

Park. Prior to this award, staff conducted a preliminary assessment of the field's sub-base to gauge the viability of the base to adequately drain surface water falling on the field. Based on the information gathered from the selected sites excavated, an allowance for minor base replacement was written into the RFP and subsequent contract with Sprinturf. When all synthetic turf was removed and permeability tests performed, it became evident that the entire sub-base was severely compacted, not allowing the field to drain properly. Tests also revealed stone was at inconsistent depths over the field area. We are unable to find the construction documents from the past turf. One option is to remove everything, and replace with new piping and stone, costing about \$200K to \$250K. Staff recommends a second option is to leave the base as it is, and do minor grading and add cushion pad on top serving as a membrane. Staff is still waiting results from a compaction test to ensure this option is feasible. If this recommendation to authorize the City Manager to execute a change order not to exceed is made today, then the City can move expediently upon receipt of the results.

Motion and second: A motion was made by Council Member Tibby DeJulio, seconded by Council Member John Paulson, to approve the Resolution Authorizing the City Manager and the City Attorney to Negotiate a Change Order with Sprinturf, LLC for Additional Services to the Hammond Park Turf Field Project ("Project"); to Authorize the City Manager to Execute the Change Order.

Council Member Tibby DeJulio stated the option two seems like a bandaid. What is the cost difference between that and replacing the field?

Parks and Recreation Director Perry stated the previous field had been down ten years and the turf wore out. The base was not functioning. The new membrane comes with a 25 year warranty, and should last much longer than the previous base. We are confident this is a much better solution. This product acts as a cushion.

Council Member John Paulson stated it is disappointing the plans from the previous construction cannot be found. The drainage layer should have been put on top of a geo-textile fabric, which would have prevent the contaminated stone. The recommended layer functions as a lateral drainage system and it provides cushions.

Vote on the motion: The motion carried by unanimous vote.

RESOLUTION NO. 2021-06-75

Motion and vote: A motion was made by Council Member Tibby DeJulio, seconded by Council Member John Paulson, to approve the Ordinance to Amend the FY 2021 Budget to Provide Additional Funding for the Project. The motion carried by unanimous vote.

ORDINANCE NO. 2021-06-19

- D. 2021-186** Request for Mayor and City Council Consideration of a Budget Amendment to Amend the FY 2021 Budget to Conduct a City Springs City-Owned Property Analysis

Kristin Smith, Assistant City Manager stated at the May 18, 2021 City Council Meeting, Council approved a budget amendment to conduct an update to the 2012 City Center Master Plan. The update will include a high level consideration for city owned property, but will not provide the level of detail needed to appropriate consider the future for City owned property with the City Springs District. Staff recommends

and interim step to conduct a city-owned property analysis, which will take an in-depth look at all the City owned property within the district. This will include a review of market conditions, creation conceptual site plans, and providing and economic feasibility assessment. This report will serve as a direct input into the full City Center Master Plan Update process. The proposed budget amendment will add an additional \$40,000 to the City Center Master Plan Capital Account to conduct this work. We anticipate around 90 days for the work. The work will happen in two parts. The first will focus on City owned property, and there will have be a review of the existing City Center Master and what are the economics of the entire City Center. This will feed into a larger discussion of what it looks like for the entirety of the district. Staff is currently soliciting the scope of work to conduct the City Center Master Plan Update. Once a vendor is selected, the work will take at least six months.

Motion and second: A motion was made by Council Member John Paulson, seconded by Council Member Steve Soteres, to approve the Ordinance to Amend the FY 2021 Budget to Conduct a City Springs City-Owned Property Analysis.

Mayor Rusty Paul stated the updated to the City Center Master Plan will create another aspiration plan. It is an urban planning process. What is presented here will review City owned property, which is a practical look at what are the marketing conditions of specific parcels. This will be faster than the City Center Master Plan Update.

Vote on the motion: The motion carried by unanimous vote.

ORDINANCE NO. 2021-06-20

- E. 2021-172** Request for Mayor and City Council Consideration of a Resolution to Approve a Contract Award with SD & C, Inc., to Construct 4721 Dudley Lane Sidewalk Repair Project, T6016-2, and to Authorize the City Manager to Execute the Contract

Mayor Rusty Paul stated the City Council deferred this at June 1, 2021 City Council Meeting to the June 15, 2021 City Council.

William H. Martin Jr. , Public Works Director stated the award recommendation to SD & C, Inc. for construction of sidewalk improvements, to include driveway tie-ins, at 4721 Dudley Lane. During the Dudley Sidewalk project the driveway tie-ins and sidewalks at this particular frontage were installed neither to the satisfaction to the homeowner nor the City. The City has worked diligently with the property owner to come up with a mutually acceptable solution. Staff recommends the award of contract to complete the work to SD & C, Inc., the low bidder at \$109,358.25.

Motion and second: A motion was made by Council Member Jody Reichel, seconded by Council Member John Paulson, to approve the Resolution to Approve a Contract Award with SD & C, Inc., to Construct 4721 Dudley Lane Sidewalk Repair Project, T6016-2, and to Authorize the City Manager to Execute the Contract.

Council Member John Paulson stated he and Council Member Bauman have reviewed the circumstances, and what is presented is the best of an unfortunate situation. It is too bad we got here. Councilman Bauman indicated his willingness to support this as well.

Vote on the motion: The motion carried by unanimous vote.

RESOLUTION NO. 2021-06-76

- F. 2021-187** Request for Mayor and City Council Consideration of a Resolution of the City Council of Sandy Springs, Georgia Approving an Intergovernmental Agreement by and between Fulton County and All of the Cities Within It (Exception of City of Atlanta) for Use and Distribution of Proceeds Generated by the 2021 Transportation Special Purpose Local Option Sales Tax Referendum; Authorizing the Mayor of the City of Sandy Springs to Execute the Intergovernmental on Behalf of the City of Sandy Springs; Repealing Prior Resolutions in Conflict; And For Other Purposes

William H. Martin Jr. , Public Works Director stated presented is the City's TSPLIT II project list for the anticipated total collection by the City of Sandy Springs of \$114,680,000 through Tier III (at 115% of collection). Additionally, the draft IGA is presented that the City of Sandy Springs would enter into with Fulton County, along with the Fulton cities participating in the County TSPLOST II program.

Motion and vote: A motion was made by Council Member John Paulson, seconded by Council Member Steve Soteres, to approve the Resolution of the City Council of Sandy Springs, Georgia Approving an Intergovernmental Agreement by and between Fulton County and All of the Cities Within It (Exception of City of Atlanta) for Use and Distribution of Proceeds Generated by the 2021 Transportation Special Purpose Local Option Sales Tax Referendum; Authorizing the Mayor of the City of Sandy Springs to Execute the Intergovernmental on Behalf of the City of Sandy Springs; Repealing Prior Resolutions in Conflict; And For Other Purposes. The motion carried by unanimous vote.

RESOLUTION NO. 2021-06-77

- G. 2021-188** Request for Mayor and City Council Consideration of Acceptance of a Remediation Agreement and Temporary Easement on Property Located in Land Lot 119 of the 17th District, City of Sandy Springs, Fulton County, Georgia, Parcel No. 17011900010399

William H. Martin Jr. , Public Works Director stated this agreement reflect the cost to cure with project owner for compensation for mature landscaping and trees, associated with temporary drive easements and reconstruction of the driveway and sidewalks at 4721 Dudley Lane. The amount proposed \$16,621, and staff recommends acceptance of the mediation agreement.

Motion and vote: A motion was made by Council Member Jody Reichel, seconded by Council Member Chris Burnett, to approve the Acceptance of a Remediation Agreement and Temporary Easement on Property Located in Land Lot 119 of the 17th District, City of Sandy Springs, Fulton County, Georgia, Parcel No. 17011900010399. The motion carried by unanimous vote.

RESOLUTION NO. 2021-06-78

- H. 2021-189** Request for Mayor and City Council Consideration of a Resolution to Approve Contract Award to Pond and Company for the Design of the Mid-Block Crossing on Roswell Road at the North Fulton Government Annex and to Authorize the City Attorney and City Manager to Negotiate and Execute the Contract

William H. Martin Jr. , Public Works Director stated based on the results of a 2019 traffic study, the City realized a mid-block crossing with a Pedestrian Hybrid Beacon (PHB) was warranted in to give pedestrians on the west side of Roswell Road safe access to the Fulton County Government Services Center on the east side of Roswell Road. The City issued a Request for Quote seeking quotes from four qualified design consultants to design the project. Bids from one consultant, Pond and Company, in the amount of \$127,250. Other vendors declined to bid because they were project saturated. The staff estimate was \$120,000. Staff recommends approval award to Pond and Company, in the amount not to exceed \$127,250.

Motion and second: A motion was made by Council Member Jody Reichel, seconded by Council Member Steve Soteres, to approve the Resolution to Approve Contract Award to Pond and Company for the Design of the Mid-Block Crossing on Roswell Road at the North Fulton Government Annex and to Authorize the City Attorney and City Manager to Negotiate and Execute the Contract.

Council Member Jody Reichel asked why does it costs so much to design this work, when this is already some in the City.

Public Works Director Martin replied there is one on Roswell Road, south of I-285. This effort will require a significant coordination with the Georgia Department of Transportation. There may be some additional studies required before we get permits to construction in front of the North Fulton Annex building. This would equate to about 20% of the overall construction cost.

Council Member Chris Burnett asked is this project being done for nearby apartment residents to cross to the Annex.

Public Works Director Martin stated there is also transit access to the west side of road, with no dedicated pedestrian facilities for using the Annex. There are no signalized intersections nearby. This is also part of the Trails Master Plan as related to the Big Trees Preserve.

Mayor Rusty Paul stated this is a safety improvement project to help people get across from the MARTA.

Council Member John Paulson stated this is needed, but it also a huge benefit to Fulton County. Can Fulton County assist with the construction of the crossing?

David Wells, Deputy City Manager stated once the design is complete, the City will ask Fulton County if they will consider participating in the project. It is part of a larger discussion with Fulton County about participation in various projects.

Council Member Tibby DeJulio stated because it is located along a state road, perhaps the state can also help.

Public Works Director Martin stated we can ask a number of partners. The HAWK system by Fountain Oaks was supported with MARTA program.

Vote on the motion: The motion carried by unanimous vote.

RESOLUTION NO. 2021-06-79

- 910 **I. 2021-190** Request for Mayor and City Council Consideration of Resolution to Authorize Change
911 Order 2, Amending the Contract for Construction Services with Construction 57, Inc., for Roswell
912 Road (CDBG) Sidewalk Improvement Project ("Project"), (Phase 1), T0033-7, and to Authorize
913 the City Manager to Execute Change Order 2
914

915 **William H. Martin Jr. , Public Works Director** stated this agenda item is related to a public comment
916 received earlier this evening from a local business owner. Council Member Bauman is not available to sit
917 in on this evening's discussion. Should I proceed with the conversation or present at another time?
918

919 **Motion and vote:** A motion was made by Council Member John Paulson, seconded by Council Member
920 Chris Burnett, to defer the Resolution to Authorize Change Order 2, Amending the Contract for
921 Construction Services with Construction 57, Inc., for Roswell Road (CDBG) Sidewalk Improvement
922 Project ("Project"), (Phase 1), T0033-7, and to Authorize the City Manager to Execute Change Order 2 to
923 the July 20, 2021 City Council meeting. The motion carried by unanimous vote.
924

- 925
926 **J. 2021-191** Request for Mayor and City Council Consideration of Purchase and Sale Agreement
927 for Property Located at 633 Lorell Terrace NE (Tax Parcel # 17-0071-0006-014-3), Sandy Springs,
928 Georgia on the TS-193 Project
929

930 **William H. Martin Jr. , Public Works Director** stated this purchase is related to TS-193 of the TSPLOST
931 program. The Hammond Drive Widening project envisions a new four-lane road in this section with
932 medians. Presented is an offer to purchase the property at \$400K. This is an 18,000 square foot lot. The
933 property is not satisfactory candidate for a public safety officer rental.
934

935 **Motion and second:** A motion was made by Council Member Chris Burnett, seconded by Council Member
936 Jody Reichel, to approve the Purchase and Sale Agreement for Property Located at 633 Lorell Terrace NE
937 (Tax Parcel # 17-0071-0006-014-3), Sandy Springs, Georgia on the TS-193 Project.
938

939 **Council Member Chris Burnett** stated this the price per square foot is \$22.22.
940

941 **Vote on the motion:** The motion carried by unanimous vote.
942

943 **RESOLUTION NO. 2021-06-80**
944

- 945
946 **K. 2021-192** Request for Mayor and City Council Consideration of Acceptance of a Purchase and
947 Sale Agreement for Property Located at 576 Hammond Drive (Tax Parcel # 17-0071-0003-059-1),
948 City of Sandy Springs, Georgia on the TS-193 Project
949

950 **William H. Martin Jr. , Public Works Director** presented the purchase and sale agreement for 576
951 Hammond Drive in the amount of \$ 679,500 as a part of the TSPLOST TS-196. This project does not appear
952 to be suitable candidate for the public safety rental home program. This property will complete the
953 protected-buys within the TSPLOST I allocated funds for TS-193.
954

955 **Motion and vote:** A motion was made by Council Member Chris Burnett, seconded by Council Member
956 Tibby DeJulio, to approve the Acceptance of a Purchase and Sale Agreement for Property Located at 576
957 Hammond Drive (Tax Parcel # 17-0071-0003-059-1), City of Sandy Springs, Georgia on the TS-193
958 Project. The motion carried by unanimous vote.

RESOLUTION NO. 2021-06-81

- L. 2021-193** Request for Mayor and City Council to Approve an Ordinance Amending the FY2021 Budget and a Resolution to Authorize Contract Award to Tri Scapes, Inc. to Perform the Veteran's Park Interim Improvements Project ("Project"); to Authorize the City Manager and the City Attorney to Negotiate a Contract for the Project; to Authorize the City Manager to Execute the Contract; and for Other Purposes

David Wells, Deputy City Manager stated on May 12 the City released and Invitation to Bid to identify a contractor to provide demolition, asphalt paving and landscaping services to prepare the site for the eventual construction of the Veterans Memorial Park. The proposed improvements included in the project are (1) the removal of existing building foundations and grade to final grade along Roswell Road at City Springs; (2) the installation of approximately 25,000 sf of sod and irrigation connection; (3) the installation of a new fence line and bushes along the length of the Johnson Ferry Road; and (4) Asphalt drive lane for Public Safety vehicle use. Upon administrative review of the bids and reference checks, staff recommends that City Council approve the presented resolution for the following purposes: authorizing contract award for the Project to the lowest, responsive and responsible bidder, Tri Scapes, Inc. in the amount of \$263,285.01; authorizing the City Manager and City Attorney to negotiate a contract with Tri Scapes; and authorizing the City Manager to execute the negotiated contract. A budget amendment is required to provide the necessary funding and is included in the attachments. All the concrete will be removed, the footers from the billboard, and anything underneath the soil will be removed. Nothing east of the triangle will be demolished. The very tip is in the brownfield where there is contaminated soil. So there is clean up that will need to be done on that side of the site. The street is just used for the fire tuck to get in there. It will be paved.

Motion and vote: A motion was made by Council Member John Paulson, seconded by Council Member Tibby DeJulio, to approve the Ordinance Amending the FY2021 Budget and a Resolution to Authorize Contract Award to Tri Scapes, Inc. to Perform the Veteran's Park Interim Improvements Project ("Project"); to Authorize the City Manager and the City Attorney to Negotiate a Contract for the Project; to Authorize the City Manager to Execute the Contract; and for Other Purposes. The motion carried by unanimous vote.

ORDINANCE NO. 2021-06-21

Motion and vote: A motion was made by Council Member Tibby DeJulio, seconded by Council Member John Paulson, to approve the Resolution to Authorize Contract Award to Tri Scapes, Inc. to Perform the Veteran's Park Interim Improvements Project ("Project"); to Authorize the City Manager and the City Attorney to Negotiate a Contract for the Project; to Authorize the City Manager to Execute the Contract; and for Other Purposes. The motion carried by unanimous vote.

RESOLUTION 2021-06-82

X. Reports

- A. 2021-194** Mayor and Council Report

Mayor Rusty Paul reported that the City's request for funding from the federal earmarks for the Johnson Ferry trail project from Congress Representative McBath's office was not approved.

Council Member John Paulson reported the Sandy Springs Lantern Parade that were many new participants.

B. 2021-195 Staff Reports

Andrea Surratt, City Manager stated the July 4 Fireworks will be at City Springs. The program will include a concert.

Mayor Rusty Paul stated merchants in the City Springs area will allowing their parking lots to be used during the program.

1. 2021-196 April 2021 Unaudited Financials

Toni Jo Howard, Finance Director reported that the financials are continuing along a consistent trend. Revenues are exceeding the budgeted amount. Expenditures are at 71% for the General Fund, so we are over in revenues and under in expenditures.

XI. Executive Session – Litigation

Motion and vote: A motion was made by Council Member John Paulson, seconded by Council Member Tibby DeJulio, to suspend regular order and enter Executive Session for the purposes of litigation discussions. The motion passed. Executive Session began at 9:41 p.m.

Motion and vote: A motion was made by Council Member John Paulson, seconded by Council Member Tibby DeJulio, to adjourn the Executive Session and return to regular order (4 to 0; Council Member Jody Reichel left the meeting at 9:50 p.m.). The Executive Session ended at 9:53 p.m.

XII. Adjournment

Motion and vote: A motion was made by Council Member John Paulson, seconded by Council Member Tibby DeJulio, to adjourn the meeting. The motion carried by unanimous vote.

The meeting adjourned at **9:54 p.m.**

Dated approved: July 20, 2021.


Russell K. Paul, Mayor


Raquel D. González, City Clerk