

Meeting of the Sandy Springs City Council was held on Tuesday, December 21, 2021 6:00 p.m., Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:00 p.m.

II. Roll Call and General Announcements

Members Present: Mayor Rusty Paul, Council Member Andrew Bauman, Council Member John Paulson, Council Member Chris Burnett, Council Member Steve Soteres, Council Member Tibby DeJulio

Council Member Jody Reichel participated remotely and did not vote during the meeting.

III. Pledge of Allegiance

Mayor Rusty Paul led the Pledge of Allegiance.

IV. Public Comment

1. **Brad Raber, 375 Elden Drive, Sandy Springs** – no response
2. **Dontaye Carter, 300 Nesbit Lake Court, Sandy Springs** - public hearings
3. **Jack Misura, 137 Angus Trail, Sandy Springs** - trail plan

V. Approval of Meeting Agenda

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

VI. Consent Agenda

Motion and vote. A motion was made by Council Member Andrew Bauman, seconded by Council Member John Paulson, to approve the Consent Agenda. The motion carried by unanimous vote.

- A. **2021-337** Meeting Minutes
December 7, 2021 City Council Work Session
December 7, 2021 City Council Meeting
December 17, 2021 Special Called City Council Meeting

VII. Presentations

- A. **2021-338** Recognition of Outgoing Council Member Steve Soteres, District 2, and Council Member Chris Burnett, District 3

Mayor Rusty Paul recognized outgoing Council Member Steve Soteres, District 2, and outgoing Council Member Chris Burnett, District 3, for their Sandy Springs City Council service.

VIII. Public Hearing

- A. **2021-339** ABL # 8880 - Approval of Alcoholic Beverage License Application for 1820 Pony Express, LLC d/b/a BP Food Mart Corner – 5995 Roswell Rd Sandy Springs GA 30328. Applicant is 1820 Pony Express, LLC d/b/a BP Food Mart Corner; Sulaiman Sundrani for Package of Wine and Malt Beverages.

Toni Jo Howard, Finance Director presented the Change of Ownership application for Retail of Wine and Malt Beverages. The applicant has met all requirements and staff recommends approval. The business is located in District 5.

There were no public comments. **Mayor Rusty Paul** closed the public hearing.

Motion and vote. A motion was made by Council Member Tibby DeJulio, seconded by Council Member Steve Soteres, to approve ABL # 8880 - an Alcoholic Beverage License Application for 1820 Pony Express, LLC d/b/a BP Food Mart Corner – 5995 Roswell Rd Sandy Springs, GA 30328, applicant 1820 Pony Express, LLC d/b/a BP Food Mart Corner; Sulaiman Sundrani for Package of Wine and Malt Beverages. The motion carried by unanimous vote.

- B. **2021-340** ABL # 93760 - Approval of Alcoholic Beverage License Application for Shiven Liquors 2, LLC d/b/a Sam's Liquors 2 – 6623 Roswell Road, Ste. 6A, Sandy Springs, GA 30328. Applicant is Shiven Liquors 2, LLC; Harnesh Ghanshyam Patel for Retail Package of Wine, Malt Beverages, and Distilled Spirits.

Toni Jo Howard, Finance Director presented the Change of Ownership application for Retail Packages of Wine, Malt Beverages, and Distilled Spirits. The applicant has met all requirements and staff recommends approval. The business is located in District 4.

There were no public comments. **Mayor Rusty Paul** closed the public hearing.

Motion and vote. A motion was made by Council Member John Paulson, seconded by Council Member Chris Burnett, to approve ABL # 93760 - an Alcoholic Beverage License Application for Shiven Liquors 2, LLC d/b/a Sam's Liquors 2 – 6623 Roswell Road, Ste. 6A, Sandy Springs, GA 30328, applicant Shiven Liquors 2, LLC; Harnesh Ghanshyam Patel for Retail Package of Wine, Malt Beverages, and Distilled Spirits. The motion carried by unanimous vote.

- C. **2021-341** Request for Mayor and City Council Consideration of Approval of a Budget Amendment for the Fiscal Year 2022 Fund Balance Utilization

Motion and second. A motion was made by Council Member John Paulson, seconded by Council Member Tibby DeJulio, to defer the consideration of a budget amendment for the Fiscal Year 2022 Fund Balance Utilization to the January 18, 2022 City Council meeting.

The City Council will also review the budget amendment for the Fiscal Year 2022 Fund Balance Utilization at the January 4, 2022 City Council Work Session.

Council Member John Paulson stated the budget amendment for the Fiscal Year 2022 fund balance utilization is part of a five-year capital program, which staff first presented in the Spring of 2021. The plan was put on hold, waiting to see the final outcome of the 2021 TSPLOST referendum. If the referendum did not pass, the City would have to shift funds around. The 2021 TSPLOST referendum did pass, so the fund balance utilization consideration was resurrected. There are also some new items. There was also a budget surplus from 2021 that was just reconciled. There is some obvious confusion, so the motion is to allow the budget amendment to be further vetted in a work session in January.

Mayor Rusty Paul stated at the start of the Covid pandemic started at the midpoint of the 2020 fiscal year. Because the City did not know what the revenue impact of pandemic would be, the City stopped funding new capital projects. Fortunately, the impact of the pandemic no revenues was not as bad as anticipated. The projects presented on the budget amendment are those that were previously deferred, though there have been a couple of new ones added.

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

D. 2021-342 TA21-0005

Request for Mayor and City Council Consideration of Amendments to Section 105-19 State Minimum Standards Adopted of the Sandy Springs Code of Ordinances of the City of Sandy Springs; Section 1.2.1 Districts Established; Article 4 Corridor and Nodes; Division 6.6. Design Standards; Div 6.7. Height Bonus; Division 7.2 Allowed Use Table; and Section 11.6.2. Variances of the Development Code of the City of Sandy Springs

Raquel González, City Clerk read the rules for this portion of the public hearing.

Michele McIntosh-Ross, Planning and Zoning Manager presented TA21-0005, proposed text amendments to Section 105-19 State Minimum Standards Adopted of the Sandy Springs Code of Ordinances of the City of Sandy Springs; Section 1.2.1 Districts Established; Article 4 Corridor and Nodes; Division 6.6. Design Standards; Div 6.7. Height Bonus; Division 7.2 Allowed Use Table; and Section 11.6.2. Variances of the Development Code of the City of Sandy Springs. The text amendments would recreate new zoning district NEX-, North End Mixed Use. The City Council adopted the North End Revitalization as a City Council Priority in 2018. Since, the City hosted a series of public meetings and community engagements event to help determine the recommendations for improvements to the area. Key recommendations:

- Establishes new zoning district (NEX-) designed for properties north of Dalrymple along Roswell Road
 - Assemblages of land no less than 8 acres
 - Mixed Use Character Area
- 25% of total number of units required to be “single unit” development
 - Construction phasing must include required percentage of single units for issuance of multi-unit certificate of occupancy
- Height bonuses available for developments that provide 10% of multiunit residential affordable to those earning up to 80% of the Area Median Income
- District exempt from Type I and Type II construction classification requirements

The Div 4.10 and Div.4.11 amendments:

- Establish North End Mixed Use District

- NEX-5/6 and NEX-5/10/12
- Zoning districts with a by-right height of:
 - 5 stories in NEX-5/6
 - 5 stories with special allowance for 10 stories (>400' from Roswell Road) in NEX5/10/12
- Bonus heights available between 6 and 12 stories
 - Provide Ground Floor Retail; or
 - Provide 10% of multi-unit residential affordable to those earning up to 80% of the Area Median Income
- District standards established
 - Lot parameters, Building Placement, Height and Mass, & Activation

Included Design Standards:

- Internal Streets
 - Roswell Road
 - Retail Ready
- Residential Phasing
 - Single Unit / Multi-Unit Construction Correlation
- Parking Structures – screening requirements
- Construction Classification
 - Code moved from City Code of Ordinances and inserted into the Zoning Code
 - NEX- would be exempt from the material requirement, for floors four, five and six
 - Variances regarding construction classification are prohibited

No properties are rezoned with the presented text amendment. The rezoning of properties will await the direction of Mayor and City Council, and will be a separate process. Staff recommends approval of TA21-0005. The Planning Commission also recommended its approval.

Mayor Rusty Paul stated this was prompted when many residents complained there were not good restaurants and shops in the area. Many of the shopping centers in the area were not well maintained. The City faced three options: allow the area to continue to deteriorate until developers came in to redevelop, meanwhile property values decreased; the City could purchase properties and later redevelop, but the City did not have the resources; or incentive developers to come in and redevelop within tight guidelines.

Mayor Paul opened the public hearing.

Public Comment in Support

1. **Ronda Smith, 76 Long Island Place**

Public Comment in Opposition

1. **Sequoia Hanneman, 8085 Adair Lane, Unit 513**
2. **Cathi Arora, 8895 River Run**
3. **Maurice Hoelting, 86 Long Island Place**

Motion and second. A motion was made by Council Member John Paulson, seconded by Council Member Steve Soteres, to approve TA21-0005, Amendments to Section 105-19 State Minimum Standards Adopted to the Sandy Springs Code of Ordinances of the City of Sandy Springs; Section 1.2.1 Districts Established; Article 4 Corridor and Nodes; Division 6.6. Design Standards; Div 6.7. Height Bonus; Division 7.2 Allowed Use Table; and Section 11.6.2. Variances of the Development Code of the City of

Sandy Springs, with a modification to Section 6.7.3.B.2.b. to delete the second sentence and replace it with the following: Affordable units must be identical to market rate units.

Council Member John Paulson stated there should be no differentiation between affordable housing units and market rate units. Council Member Soteres and staff are commended for their work. There was discussion about taking these amendment across the city, and the North End is a good place to start.

Council Member Chris Burnett stated the revitalization of East Atlanta is incredible. Some of what was there had to come down, and what has come from those difficult decisions has created an extremely desirable place for people of all walks of life to live. This can be recreated in the North End, creating place to stay for those who are there and want to start as well as address the missing middle.

Mayor Paul stated the code change was driven by safety issues of some types of construction, particularly during the construction phase. If you continue to do nothing, it will impact all properties. The City is trying to create an environment to spruce up the area, which is why this is limited to older and larger shopping centers.

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

Ordinance No. 2021-12-42

E. **2021-343 TA21-0006**

Request for Mayor and City Council Consideration of Amendments to Division 9.6 Stormwater Management of the Sandy Springs Development Code

Ginger Sottile, Community Development Director presented TA21-006, amendments to Division 9.6 Stormwater Management of the Sandy Springs Development Code. The amendments are necessary to meet the Municipal Separate Storm Sewer System (MS4) Permit requirements, and includes the implementation green infrastructure in projects that require stormwater management.

Text Amendment Overview

1. 9.6.3.A.3.d. Stormwater Standards Minimum Requirements

- Non-residential lots and buildings need BMPs that include green infrastructure / low impact development
- Single Family – Single lot development that is not part of a larger common development shall be exempt from this requirement

2. 9.6.5.C.3 Permit Application Requirements

- Require Green Infrastructure Feasibility Form for all non-residential projects

3. 9.6.7.B.4 Stormwater Concept Plan

- The standard form will be provided with required documentation for linear or non-linear projects to determine if the installation of green infrastructure best management practices are feasible or infeasible

4. 9.6.12.A.1 Performance Criteria

- Water Quality/Runoff Reduction: All stormwater runoff generated from a site shall provide runoff reduction of the first 1.2 inches of rainfall or shall be adequately treated for water quality before discharge.

Staff recommends approval, as did the Planning Commission.

There were no public comments. **Mayor Rusty Paul** closed the public hearing.

Motion and vote. A motion was made by Council Member John Paulson, seconded by Council Member Steve Sotres, to approve TA21-0006, Amendments to Division 9.6 Stormwater Management of the Sandy Springs Development Code. The motion carried by unanimous vote.

Ordinance No. 2021-12-43

F. 2021-344 RZ21-0003

Request for Mayor and City Council Consideration of the Rezoning of the Property at 5920 Roswell Road From CS-3 (City Springs, 3 Stories Maximum Height) to CS-6 (City Springs, 6 Stories Maximum Height)

Michele McIntosh-Ross, Planning and Zoning Manager presented RZ21-0003, the rezoning of property at 5920 Roswell Road from CS-3 (City Springs, 3 Stories Maximum Height) to CS-6 (City Springs, 6 Stories Maximum Height). The requested change is only for a portion of the site, 7.95 acres towards the back of the property along Cliftwood Drive and Sandy Springs Circle. The project proposal includes 51,400 square feet of redeveloped retail; 63,000 square feet of office use; five townhouses; 23 condominiums; and 190 apartment units projected to consist of one and two bedroom units. The proposals also includes a 0.6 acre parcel known as the Common Green area and the 0.4 acre rooftop of green space located above the movie theatre. The proposed improvements will further connectivity throughout the district. The project proposals does align with the vision depicted in the City Center Master Plan. The redevelopment reflects the goals of The Next Ten to help realize redevelopment that achieves compact, walkable, missed-use spaces, interconnected centers, destinations, and unique places. Staff recommends approvals, as did the Planning Commission.

Mayor Rusty Paul opened the public hearing.

Public Comment in Support

1. **Nathan Hendricks, 6085 Lake Forrest Drive, Suite 200**
2. **Ronda Smith, 76 Long Island Place**
3. **Eric Hines, Jamestown LP**

Motion and second. A motion was made by Council Member Chris Burnett, seconded by Council Member Steve Soteres, to approve RZ21-0003, the Rezoning of the Property at 5920 Roswell Road From CS-3 (City Springs, 3 Stories Maximum Height) to CS-6 (City Springs, 6 Stories Maximum Height), with the inclusion that the total number multifamily units on the 7.95 acre parcel be capped at 275 and a 40% cap of units at six stories.

Council Member Chris Burnett noted Jamestown is was a catalyst in the redevelopment of East Atlanta, such as Ponce City Market. The 275 multifamily unit cap is a good number and fits in well with the retail balance.

Council Member John Paulson asked if the Council would consider a max percentage of 33% or 35% of units at six stories.

Council Member Burnett asked how the cap will impact the proposed development.

Mr. Hines replied a key consideration is the design, which can impact the height of the building. In the conceptual plan, 31% of the building is over six stories. If capped, 40% would provide needed flexibility.

Council Member Tibby DeJulio asked what assurance can be provided that the entire project will be developed, and not just the rental apartments.

Mr. Hines replied the Springs Cinema is a key consideration, requiring that it stay. As such, the uses office would work best. The core benefit of the plan is the green space, which will create the momentum for the other uses. There is also the capped units to control the number of apartments developed.

Council Member Andy Bauman stated the Council tried to get away from conditional zonings. Currently, they can build an unlimited number of apartments at three stories. The development plan is conceptual. At the five-year review of The Next Ten, Council needs to decide if it wants to go back to project reviews. I am less concerned about the capped on apartments than the public amenities, such as the green space.

Vote on the motion. The motion carried by majority vote (4 to 1).

Yeas: Council Member John Paulson, Council Member Andrew Bauman, Council Member Chris Burnett, Council Steve Soteres

Nays: Council Member Tibby DeJulio

Ordinance No. 2021-12-44

IX. Unfinished Business

- A. **2021-332** Request for Mayor and City Council Consideration of the Acceptance of a Gift of an Easement and a Fee Simple Interest Upon a Certain Parcel of Land known as 120 Northwood Drive, Sandy Springs, Located in Land Lot 90 of the 17th District, Fulton County, Georgia

Motion and vote. A motion was made by Council Member Andrew Bauman, seconded by Council Member John Paulson, to remove from the table and discuss agenda item 2021-332, Consideration of the Acceptance of a Gift of an Easement and a Fee Simple Interest Upon a Certain Parcel of Land known as 120 Northwood Drive, Sandy Springs, Located in Land Lot 90 of the 17th District, Fulton County, Georgia. The motion carried by unanimous vote.

Dan Lee, City Attorney recommended the that the Mayor and City Council for the City of Sandy Springs accept a gift of certain property rights and interests upon specific portions of a parcel of land located in Land Lot 90 of the 17th District Fulton County, known as 120 Northwood Drive, Sandy Springs, Georgia which rights and interests are more particularly shown in the attached exhibits. The Donor wishes to donate certain rights and interests upon specific portions of the Property which City staff has determined would be suitable for use as a public pocket park. The maintenance of the park will be the responsibility of the City, and the maintenance of the retention facility will be the responsibility of the grantor.

Motion and vote. A motion was made by Council Member Andrew Bauman, seconded by Council Member Tibby DeJulio, to approve the Acceptance of a Gift of an Easement and a Fee Simple Interest Upon a Certain Parcel of Land known as 120 Northwood Drive, Sandy Springs, Located in Land Lot 90 of the 17th District, Fulton County, Georgia . The motion carried by unanimous vote.

Resolution No. 2021-12-172

X. New Business

- A. **2021-345** Request for Mayor and City Council Consideration of a Resolution to Accept a Section 319(H) FY20 Grant from the Georgia Environmental Protection Division

Catherine Mercier-Baggett, Sustainability Manager recommended the City Council accept a Section 319(H) FY20 Grant from the Georgia Environmental Protection Division, in support of stabilization at Nancy Creek initiatives at Windsor Meadows Park. The proposed restoration project includes stabilization of the streambank, installation of a regenerative stormwater conveyance system, and improvement of the stream buffer. The City was selected for the 319(h) Grant from the Georgia Environmental Protection Division for this Project. The Grant is in the amount of \$400,000 and the City will provide a cash match of \$377,000. The cash match was programmed into the five year CIP plan during the FY22 budget process. Project P2205 includes \$280,000 with the remaining \$87,000 anticipated for funding in the FY23 budget. The City is positioned to move forward with this project. A Request for Statements of Qualifications was issued this past summer and qualified firms have been identified. A Request for Proposals will be released to qualified firms after the Contract is executed. Design could begin early next year, with project completion in Springs, 2023. The stabilization will be there to last. The flooding is a larger problem, and would require a much larger project.

Council Member Tibby DeJulio asked when the larger flooding problem can be addressed. What is the solution?

Sustainability Manager Mercier-Baggett replied the City will soon begin a study through the Atlanta Regional Commission's Community Development Assistance Program, which will include a flood vulnerability assessment. That is the first step, followed by what policies and projects can be implemented to address flooding.

Motion and vote. A motion was made by Council Member Tibby DeJulio, seconded by Council Member Andrew Bauman, to approve the acceptance of the Section 319(H) FY20 Grant from the Georgia Environmental Protection Division. The motion carried by unanimous vote.

Resolution No. 2021-12-159

- B. **2021-346** Request for Mayor and City Council Consideration of a Project Agreement with the PATH Foundation for Design, Engineering, and Construction Management of Segment 2E of the Trail Master Plan

Michael Perry, Recreation and Parks Director presented the Project Agreement with the PATH Foundation for Design, Engineering, and Construction Management of Segment 2E of the Trail Master Plan. The Sandy Springs Trail Master Plan was approved on October 15, 2019. On February 4, 2020, the PATH Foundation was awarded a Master Agreement for trail design and construction management. Subsequently, staff worked with PATH and the Sandy Springs Conservancy identify the most strategic and feasible sections of the Trail Master Plan as referenced in the Plan's Implementation Strategy. The Project Agreement for Segment 2A was approved on November 17, 2020 and design, acquisition and permitting is currently underway. Consistent with the 10-year Implementation Strategy, staff recommends that Segment 2E design begin to progress on the five-mile loop trail. This section will begin at Cimarron

Parkway, heading north along Roswell Road, crossing over Roswell Road near the Fulton County Service Center, aligning through the Wesley St. James Apartments before connecting east through Georgia Power and Fulton County utility easements, terminating at Colquitt Road. Segment 2E will be approximately 1.3 miles in length, providing a connection to Overlook Park via Trail Segment 2A. PATH Foundation's Scope of Services for Segment 2E includes: 1. Design Development 2. Construction Documents 3. Permit Coordination 4. Bid Assistance 5. Contract Administration; and 6. Construction Management. Total fees for design, engineering and construction management services for Segment 2E are \$196,600. PATH will provide contract administration and construction management services at no cost to the City, valued at approximately \$330,000. The estimated construction cost for Segment 2E is \$5,500,000. Property acquisition is not included in preliminary cost estimates. No funding has been allocated for construction.

Council Member Andy Bauman asked if the construction for trail is not budgeted for many years, will the plan endure for a period of time.

Director Perry replied the plans will still be good in several years, though the cost of construction may continue to increase.

Motion and vote. A motion was made by Council Member John Paulson, seconded by Council Member Steve Soteres, to approve the Project Agreement with the PATH Foundation for Design, Engineering, and Construction Management of Segment 2E of the Trail Master Plan. The motion carried by unanimous vote.

Resolution No. 2021-12-160

- C. **2021-347** Request for Mayor and City Council Consideration of the Approval to Authorize Investment as Related to the Georgia Fund 1 Local Government Investment Pool

Toni Jo Howard, Finance Director stated Georgia Fund 1 requires a resolution be adopted by Council for any changes to the accounts that are utilized for deposits or withdrawals. The funds from the bonds that were previously issued by the City, Series 2020B, are currently at US Bank. In order to utilize Georgia Fund 1 for these funds, the resolution recognizing US Bank as an authorized bank must be adopted by Council. This is a housekeeping item. The City has participated in the Georgia Fund 1 program since the inception of the City.

Motion and vote. A motion was made by Council Member John Paulson, seconded by Council Member Chris Burnett, to authorize investment related to the Georgia Fund 1 Local Government Investment Pool. The motion carried by unanimous vote.

Resolution No. 2021-12-161

- D. **2021-348** Request for Mayor and City Council Consideration of the Approval and Authorization of the Execution of a Transmission Relocation Agreement By and Between the City of Sandy Springs and Georgia Power Company and to Authorize the Mayor to Execute the Agreement

William H. Martin, Public Works Director requested approval and authorization of the execution of a Transmission Relocation Agreement by and between the City of Sandy Springs and Georgia Power Company and to Authorize the Mayor to Execute the Agreement for the TSPLOST Project TS-191 Johnson Ferry Road at Mt. Vernon in the amount of \$1,550,754. The purpose of relocating the existing

transmission tower from the northeast corner of the intersection of Mt. Vernon Highway and Roswell Road to the current City property on the southeast corner of the intersection is to avoid a conflict with the Project while concurrently providing increased aesthetics in the vicinity of the future Veterans Park. The purpose of the second newly-installed transmission tower which will be located near the southwest corner of the intersection is to provide an offset of the overhead transmission line across Roswell Road, thereby avoiding running the line over the existing Chase Bank building. This will be a new-install self-supporting structure adjacent to Chase Bank, and will provide proper clearance between the transmission line and the existing Chase Bank building. The work is scheduled to begin no early in October, 2023. Funding is available in Project CC-006.

Motion and vote. A motion was made by Council Member Chris Burnett, seconded by Council Member Steve Soteres, to approve and authorize the execution of a Transmission Relocation Agreement by and between the City of Sandy Springs and Georgia Power Company and to authorize the Mayor to execute the agreement. The motion carried by unanimous vote.

Resolution No. 2021-12-162

- E. **2021-349** Request for Mayor and City Council Consideration of the Approval to Authorize a Third Amendment to the Existing Contract with Gresham Smith for Design Services for the TS-193 Hammond Drive Corridor Project to Provide for Increased Project Scope and Costs and to Authorize the Interim City Manager to Execute the Amendment

William H. Martin, Public Works Director presented the third amendment to the existing contract with Gresham Smith for Design Services for the TS-193 Hammond Drive Corridor Project to provide for increased project scope and costs. The Contract for the Project, dated September 4, 2018, and Contract Amendment 1, dated May 23, 2018, together provided for traffic studies, conceptual design, and public involvement for the Project. Contract Amendment 2 provided for additional services to develop visualizations (flyover video) for the project corridor to aid in communicating the proposed design concept to the public and a public information open house meeting, which was held February 26, 2019. The additional services in Amendment 3 are intended to progress the project from its Concept Phase to an initial Preliminary Plan Phase for its Phase 1 construction limits, as well as including tasks and sub-tasks for survey and initial preliminary design. The project's Phase 1 limits begin 50 feet west of Boylston Drive and continue on Hammond Drive to 250 feet east of Glenridge Drive. Surveying (Task 2), topographical, and subsurface utility engineering surveys will be performed by the Project surveyors. Gresham Smith will develop Preliminary Plans (Task 3) initial preliminary design for the Phase 1 limits, with the intent that the design development will be used to complete Task 3. The total proposed fee for Amendment 3 is \$218,067. The original Contract fee was \$237,985, the fee for Amendment 1 was \$12,000, and the fee for Amendment 2 was \$47,500. There is adequate funding in the TSPLOST TS-193 Project Budget to fund the additional scope and deliverables for Amendment 3.

Mayor Rusty Paul asked when construction work on the Hammond Drive project will begin.

Director Martin replied this action will begin the survey work, which is the foundation of the design. Staff is currently working schedules for many of the TSPLOST 2021 projects. The concept has been approved by Council, and the Council has been executing protective-buys. Design will take at least a couple of years. The City has not completed right-of-way buys.

Motion and vote. A motion was made by Council Member Chris Burnett, seconded by Council Member Tibby DeJulio, to approve the third amendment to the existing contract with Gresham Smith for Design

Services for the TS-193 Hammond Drive Corridor Project to provide for increased project scope and costs and to authorize the Interim City Manager to execute the amendment. The motion carried by unanimous vote.

Resolution No. 2021-12-163

- F. **2021-350** Request for Mayor and City Council Consideration of the Approval of an Agreement Between the Fulton Perimeter Community Improvement District and the City of Sandy Springs for the Mount Vernon Highway Corridor Improvement Project

William H. Martin, Public Works Director presented an agreement between Fulton Perimeter Community Improvement District (CID) and the City of Sandy Springs for the Mount Vernon Highway Coordinate Improvement Project. The City has underway a project to improve the Mt. Vernon Highway Corridor from east of the Fulton County Public Library on Mt. Vernon Highway to Perimeter Center West. The project is being undertaken as Project TS-192, a TSPLOST funded project. Scope of the project includes adding a roadway lane within portions of the corridor, sidewalk, sidepath and associated improvements. Project budget has been challenged with cost growth based upon current estimates. The CID has indicated a desire to assist with project funding for portions of the project within the CID. The proposed Agreement was drafted by both the City and the CID and was approved by the CID Board on November 17, 2021. The Agreement provides \$2,850,000 in CID funding to aid in execution of the project for that work undertaken within the CID to include right of way acquisition and construction. The City would manage all aspects of the project under this Agreement and would be reimbursed by the CID as per the conditions of the Agreement. Right-of-way acquisition will take 8 – 10 months. Construction will likely begin by the end of 2022, and will take two years at a minimum to complete.

Motion and vote. A motion was made by Council Member John Paulson, seconded by Council Member Steve Soteres, to approve the agreement between the Fulton Perimeter Community Improvement District and the City of Sandy Springs for the Mount Vernon Highway Corridor Improvement Project. The motion carried by unanimous vote.

Resolution No. 2021-12-164

- G. **2021-351** Request for Mayor and City Council Consideration of the City of Sandy Springs' FY2022 Georgia Department of Transportation Local Maintenance & Improvement Grant Application

William H. Martin, Public Works Director presented the list of streets and the application to the Georgia Department of Transportation (GDOT) for the Fiscal Year 2022 Local Maintenance and Improvement Grant. On an annual basis, GDOT allows submissions by local governments for funding of needed projects within city, county or state rights-of-way. In furtherance of Operation Pave On, the Public Works Department has compiled a list of roads in need of resurfacing to submit to GDOT for funding under this Grant. The prioritized project list is due to GDOT by February 1, 2022. The following list represents approximately 4.21 miles of roads that are in need of resurfacing. The list was compiled using the 2021 pavement condition index (PCI). The streets to be submitted represent those with low PCI scores within the City's network and those that are logical to complete in conjunction with the lower ranked streets.

Proposed Street List

Road Name	Beginning	Ending	Length (Miles)
ADAIR LN	SPRING CREEK LN	MORGAN FALLS RD	0.47
CURRY DR	PEACHTREE DUNWOODY RD	EOP	0.26
DALRYMPLE RD	DUNCOURTNEY DR	GLENCOURTNEY DR	0.40
ELDEN DR	ROSWELL RD	GREEN HILL PL	0.26
EVERGREEN DR	PEACHTREE DUNWOODY RD	GREENWOOD CLOSE	0.24
FOREST HILLS DR	ROSWELL RD	HIGH POINT RD	0.78
MOUNT PARAN RD NW	JETT RD	HIGHCOURT RD	0.23
NORTHEDGE PKWY	ROSWELL RD	DUNWOODY PL	0.48
RIVERSIDE DR	7307 RIVERSIDE DR	BREAKWATER RDG	1.09
			4.21

There is a required 30% match to the LMIG. The City's LMIG distribution is \$956,185.33. The estimated amount to complete this work, which includes all items necessary to complete the resurfacing of these roads, is \$1,261,480.64. It is recommended that the City submit work in excess of the necessary amount to insure expenditure of the entire grant plus the required 30% match. Paving will begin in January, 2022.

Motion and vote. A motion was made by Council Member Tibby DeJulio, seconded by Council Member John Paulson, to approve the City of Sandy Springs FY2022 Georgia Department of Transportation Local Maintenance & Improvement Grant Application. The motion carried by unanimous vote.

Resolution No. 2021-12-165

- H. **2021-352** Request for Mayor and City Council Consideration of the Acceptance of an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on Property Located at 6292 Mt. Vernon Oaks Drive in Land Lots 35 and 36 of the 17th District, City of Sandy Springs (Tax ID# 17-0036-0001-063-9); TS-192 Mt. Vernon Highway Corridor Improvements Project.

William H. Martin, Public Works Director presented the agreement to purchase Fee Simple Right of Way and Temporary Construction Easement on the property located at 6292 Mt. Vernon Oaks Drive, Tax ID 17-0036-0001-063-9. The acquisition of 254.63 square feet of Fee Simple Right of Way and 231.81 square feet of Temporary Construction Easement on the subject property is necessary in order to construct the TS-192 Mt. Vernon Highway Corridor Improvements Project. The City's Appraised Fair Market Value offer was \$18,290.00 and Staff has reached an amicable settlement in the amount of \$19,700.00 with the property owners. Included in the City's offer was mitigation compensation, also known as a "Cost-To-Cure", in the amount of \$8,210.00 due to the project's negative impact on landscaping along the property's rear frontage along Mt. Vernon Highway. The property has submitted a quote to the City seeking an additional \$1,410.00 for landscape buffering to help restore privacy along the rear of the property. The balance of \$10,080.00 is appropriated towards the purchase of the Fee Simple Right of Way and Temporary Construction Easement needed for the project.

Motion and vote. A motion was made by Council Member Chris Burnett, seconded by Council Member Steve Soteres, to approve the acceptance of an agreement to purchase Fee Simple Right of Way and Temporary Construction Easement on property located at 6292 Mt. Vernon Oaks Drive in land lots 35 and 36 of the 17th District, City of Sandy Springs (Tax ID# 17-0036-0001-063-9). The motion carried by unanimous vote.

Resolution No. 2021-12-166

- I. **2021-353** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Fee Simple Right of Way, Permanent Easement for Construction and Maintenance and Temporary Construction Easement on Property Located at 800 Mt.

Vernon Highway in Land Lot 35 of the 17th District, City of Sandy Springs (Tax ID# 17-0035- LL-088-9); TS-192 Mt. Vernon Highway Corridor Improvements Project.

William H. Martin, Public Works Director presented the agreement to purchase Purchase Fee Simple Right of Way, Permanent Easement for Construction and Maintenance and Temporary Construction Easement on property located at 800 Mt. Vernon Highway (Tax ID # 17-0035-LL-088-9). The acquisition of 1,415.68 square feet of Fee Simple Right of Way, 117.41 square feet of Permanent Easement for Construction and Maintenance and 3,486.82 square feet of Temporary Construction Easement on the subject property is necessary in order to construct the TS-192 Mt. Vernon Highway Corridor Improvements Project. The subject property is developed with a four story office building and parking garage located on the NW quadrant of Mt. Vernon Highway and Barfield Road. The City's Appraised Fair Market Value offer was \$117,400 and Staff has reached an amicable settlement with the property owners in the amount of \$125,000. Included in the City's offer was mitigation compensation, also known as a "Cost-To-Cure", in the amount of \$30,945 due to the project's negative impact on landscaping, irrigation and electrical infrastructure along the property's frontage along Mt. Vernon Highway and Barfield Road. Although the Owners agreed to the Appraised Land Value of the City's appraisal, they obtained their own quote for the Cost-To-Cure mitigation and they are seeking an additional \$8,000 for such mitigation efforts. The Owner contend that the Cost-To-Cure offer is based on "current date expenses" and does not reflect what actual expenses would be when the project is complete. The balance of \$86,055.00 is appropriated towards the purchase of the Fee Simple Right of Way, Permanent Easement for Construction and Maintenance and the Temporary Construction Easement needed for the project.

Motion and vote. A motion was made by Council Member Steve Soteres, seconded by Council Member Tibby DeJulio, to approve acceptance of an agreement to purchase Fee Simple Right of Way, Permanent Easement for Construction and Maintenance and Temporary Construction Easement on property located at 800 Mt. Vernon Highway in land lot 35 of the 17th District, City of Sandy Springs (Tax ID# 17-0035-LL-088-9). The motion carried by unanimous vote.

Resolution No. 2021-12-167

- J. **2021-354** Request for Mayor and City Council Consideration of the Acceptance of an Agreement to Purchase Permanent Easement for Construction and Maintenance and Temporary Construction Easement on Properties Located at 700, 710 and 746 Mt. Vernon Highway in Land Lot 35 of the 17th District, City of Sandy Springs (Tax ID#'s 17-0035- LL-016-0; 17-0035- LL-014-5 and 17-0035- LL-013-7); TS-192 Mt. Vernon Highway Corridor Improvements Project.

William H. Martin, Public Works Director presented the agreement to purchase Permanent Easement for Construction and Maintenance and Temporary Construction Easement on properties located at 700, 710 and 746 Mt. Vernon Highway (Tax ID #s 17-0035-LL-016-0, 17-0035-LL-014-5, and 17-0035-LL-013-7). The acquisition of 577.70 square feet of Permanent Easement for Construction and Maintenance and 1,714.36 square feet of Temporary Construction Easement on the subject property is necessary in order to construct the TS-192 Mt. Vernon Highway Corridor Improvements Project. The City's Appraised Fair Market Value offer was \$30,700.00 and Staff has reached an amicable settlement with the property owners in the amount of \$34,525.00. Included in the City's offer was mitigation compensation, also known as a "Cost-To-Cure", in the amount of \$24,331.00 due to the project's negative impact on landscaping, lighting and signage along the property's frontage along Mt. Vernon Highway. The property owners submitted a quote to the City seeking an additional \$3,825.00 for costs associated with replacing the impacted sign after the project is complete, as well as costs for a Temporary Sign during the construction

phase of the project. The balance of \$6,369.00 is appropriated towards the purchase of the Permanent Easement for Construction and Maintenance and the Temporary Construction Easement needed for the project.

Motion and vote. A motion was made by Council Member John Paulson, seconded by Council Member Steve Soteres, to approve acceptance of an agreement to purchase Permanent Easement for Construction and Maintenance and Temporary Construction Easement on properties located at 700, 710 and 746 Mt. Vernon Highway in land lot 35 of the 17th District, City of Sandy Springs (Tax ID#’s 17-0035- LL-016-0; 17-0035- LL-014-5 and 17-0035- LL-013-7). The motion carried by unanimous vote.

Resolution No. 2021-12-168

- K. **2021-355** Request for Mayor and City Council Consideration of the Acceptance of an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on Property Located at 6288 Mt. Vernon Oaks Drive in Land Lots 35 and 36 of the 17th District, City of Sandy Springs (Tax ID# 17-0036-0001-062-1); TS-192 Mt. Vernon Highway Corridor Improvements Project.

William H. Martin, Public Works Director presented the agreement to purchase Fee Simple Right of Way and Temporary Construction Easement on property located at 6288 Mt. Vernon Oaks Drive (Tax ID # 17-0036-0001-062-1). The acquisition of 274.42 square feet of Fee Simple Right of Way and 237.72 square feet of Temporary Construction Easement on the subject property is necessary in order to construct the TS-192 Mt. Vernon Highway Corridor Improvements Project. The City’s Appraised Fair Market Value offer was \$17,755.00 and Staff has reached an amicable settlement in the amount of \$18,900.00 with the property owners. Included in the City’s offer was mitigation compensation, also known as a “Cost-To-Cure”, in the amount of \$5,400.00 due to the project’s negative impact on landscaping along the property’s rear frontage along Mt. Vernon Highway. The property has submitted a quote to the City seeking an additional \$1,145.00 for landscape buffering to help restore privacy along the rear of the property. The balance of \$12,355.00 is appropriated towards the purchase of the Fee Simple Right of Way and Temporary Construction Easement needed for the project.

Motion and vote. A motion was made by Council Member Chris Burnett, seconded by Council Member John Paulson, to approve the acceptance of an agreement to purchase Fee Simple Right of Way and Temporary Construction Easement on property located at 6288 Mt. Vernon Oaks Drive in land lots 35 and 36 of the 17th District, City of Sandy Springs (Tax ID# 17-0036-0001-062-1). The motion carried by unanimous vote.

Resolution No. 2021-12-169

- L. **2021-356** Request for Mayor and City Council Consideration of the Acceptance of a Settlement Offer for Certain Right-of-Way and Easements at 7700 Spalding Drive for the TS-166/F-1069-03/F-1058-01/F-1235-01 Spalding Drive Project (Winters Chapel Road to Holcomb Bridge Road/SR 140)

Dan Lee, City Attorney recommended the settlement of all claims related to property located at 7700 Spalding Drive, Sandy Springs, Georgia in the total sum of \$187,500. On or about October 15, 2019 the City Council resolved to acquire through the use of eminent domain certain property rights and interests consisting of 3,128.62 sq. ft. more or less of Fee Simple Right-of-Way and 7,284.44 sq. ft. more or less of Temporary Easement as to the portion known as Project Parcel 12; and 1,622.51 sq. ft. more or less of Fee

Simple Right-of-Way and 1,780.25 sq. ft. more or less of Temporary Easement as to the portion known as Project Parcel 14 (collectively the "Subject "Property") for the construction of a streetscape project known as TS-166/F-1069-03/F-1058-01/F-1235-01 Spalding Drive (Winters Chapel Road to Holcomb Bridge Road/SR 140). Shortly thereafter an action for condemnation was filed in Fulton County Superior Court to wit: City of Sandy Springs vs. 7700 Spalding Drive, Sandy Springs, et al. CAFN: 2019CV330994. The Property is owned by Selig Enterprises, Inc. (Condemnee) and after much discussion, Condemnee has presented an offer to settle this matter for the total sum of \$187,500. The City's original appraisal was \$91,900, which has been deposited with the Court Registry. If accepted, the City will make an additional payment of \$95,600 into the Court Registry. When added to the funds previously submitted, the Condemnee will receive the total sum of \$187,500 as the final settlement for the property to be taken. If rejected, this matter would be scheduled for a jury trial before the Honorable Kimberly M. Esmond Adams. The length and outcome of any trial is always unknown, while additional legal fees would be incurred in preparation for, and appearance at trial.

Motion and vote. A motion was made by Council Member John Paulson, seconded by Council Member Steve Soteres, to approve the acceptance of a settlement offer for certain right of way and easements at 7700 Spalding Drive for the TS-166/F-1069-03/F-1058-01/F-1235-01 Spalding Drive Project (Winters Chapel Road to Holcomb Bridge Road/SR 140). The motion carried by unanimous vote.

Resolution No. 2021-12-170

- M. **2021-357** Request for Mayor and City Council Consideration of an Appointment of a Member to the Planning Commission to Fill the Unexpired Term of Kevin King (Robin Conklin)

Mayor Rusty Paul nominated Roblin Conklin to fill Kevin King's unexpired term on the Sandy Springs Planning Commission. Robin Conklin is currently member of the Sandy Springs Board of Appeals. If appointed to the Planning Commission, Ms. Conklin will vacate her seat on the Board of Appeals.

Motion and vote. A motion was made by Council Member Tibby DeJulio, seconded by Council Member John Paulson, to approve the appointment of Robin Conklin to the Planning Commission to Fill the Unexpired Term of Kevin King. The motion carried by unanimous vote.

Resolution No. 2021-12-171

XI. Reports

- A. **2021-358** Mayor and Council Report

Mayor Rusty Paul recognized the passing of United States Senator Johnny Isakson. No one was more aggressive and supportive than Senator Isakson to create the City of Sandy Springs. His motto was people are either my friends or future friends. He believed in getting the job done, and finding the middle ground. Eden Freeman has accepted the City Manager position. She will begin on January 17, 2022. It has been a distinct privilege to work with outgoing City Council Member Steve Soteres and outgoing City Council Manager Chris Burnett. Finally, happy holidays. The Performing Arts Center will host a big New Year's Eve Celebration, beginning with a concert by the Atlanta Symphony.

- B. **2021-359** Staff Reports

1. October 2021 Unaudited Financials

Toni Jo Howard, Finance Director presented the October 2021 Unaudited Financials. The City's Local Option Sales Tax is about \$7.9M, exceeding 2021 at this same period. The City continues to see strong receipts. Overall revenues are at 27.4%, but the City is yet to receive current year property taxes and business occupational taxes, and others received once a year. Motor Vehicle TATV continues to perform strong. Insurance tax exceeded expectations at 104% of budget. City expenditures are at 18.3% overall, significantly below the 33.3%.

XII. Executive Session

Motion and vote. A motion was made by Council Member John Paulson, seconded by Council Member Tibby DeJulio, to recess the regular meeting and enter executive session for the purposes of real estate and litigation discussions. The motion carried by unanimous vote.

The executive session began at 8:23 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. The motion carried by unanimous vote.

The executive session ended at 8:53 p.m.

XIII. Adjournment

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

The meeting adjourned at 8:53 p.m.

Approved: January 4, 2022.



Russell K. Paul, Mayor



Raquel D. González, City Clerk

