

Meeting of the Sandy Springs City Council was held on Tuesday, January 18, 2022, immediately following the City Council Work Session, Mayor Rusty Paul presiding.

**I. Call to Order**

Mayor Rusty Paul called the meeting to order at 6:05 p.m.

**II. Roll Call and General Announcements**

**Members Present:** Mayor Rusty Paul, Councilmember John Paulson, Councilmember Melody Kelley, Councilmember Melissa Mular, Councilmember Jody Reichel, Councilmember Tibby DeJulio, Councilmember Andrew Bauman

**III. Pledge of Allegiance**

Mayor Rusty Paul led the Pledge of Allegiance.

**IV. Public Comment**

1. **Lauren Patrick, 5270 Greenhill Place, NE, Sandy Springs** - Revisions to Section 9.3 of the Municipal Code
2. **Janet Wells, 302 Beachland Road, Sandy Springs** - Tree protection from development

**V. Approval of Meeting Agenda**

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

**VI. Consent Agenda**

**Motion and vote.** A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melody Kelley, to approve the Consent Agenda. The motion carried by unanimous vote.

- A. **2022-10** Meeting Minutes  
January 4, 2022 Work Session  
January 4, 2022 City Council Meeting
- B. **2022-11** 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 Property Located at 690 Mt. Vernon Highway in Land Lot 35 of the 17<sup>th</sup> District, City of Sandy Springs (Tax ID# 17-0035- LL-084-8); TS-192 Mt. Vernon Highway Corridor Improvements Project

**Resolution No. 2022-01-03**

- C. **2022-12** Request for Mayor and City Council Consideration of the Acceptance of a Purchase & Sale Agreement, Permanent Drainage Easement and Temporary Construction Easement on Property Located at 6850 Castleton Drive in Land Lot 126 of the 17<sup>th</sup> District, City of Sandy Springs, Georgia (Tax ID# 17-0126-0002-074-6); Castleton Drive Stormwater Project

**Resolution No. 2022-01-04**

**VII. Presentations**

There were no presentations.

**VIII. Public Hearing**

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

**Toni Jo Howard, Finance Director**, presented the proposed Budget Amendment for the Fiscal Year 2022 Fund Balance Utilization. The FY21 estimated unassigned fund balance is \$67,349,843. Staff recommends using some of the funds as follows:

| FY21 Projected Fund Balance                                       |                     |
|-------------------------------------------------------------------|---------------------|
| <b>FY21 Estimated Unassigned Fund Balance</b>                     | <b>\$67,349,843</b> |
| Estimated Unassigned Required 25% of Revenues                     | (26,526,318)        |
| <b>Recommended FY23 Fleet and Infrastructure Maintenance Fund</b> | <b>(13,000,000)</b> |
| Paving Budget Amendment (10/19/21)                                | (2,500,000)         |
| Fire Salaries Budget Amendment (11/2/21)                          | (422,395)           |
| Veterans Park Budget Amendment (11/16/21)                         | (1,200,000)         |
| <b>Projected Available Fund Balance after Budget Amendments</b>   | <b>\$23,701,130</b> |

As detailed at the January 4, 2022 Work Session, City department requests total \$10,967,845, including several time-sensitive requests totaling \$7,347,845. If approved as presented, the Fund Balance Summary is:

| Fund Balance Summary                    |                     |
|-----------------------------------------|---------------------|
| Item                                    | Amount              |
| Projected Available Fund Balance        | \$23,701,130        |
| Fund Balance Utilization Recommendation | (\$10,967,845)      |
| PFA Balance for City Springs Project    | \$4,900,000         |
| PFA Utilization Recommendation          | (\$1,500,000)       |
| <b>Remaining Balance</b>                | <b>\$16,133,285</b> |

Presented options to address the remaining balance of \$16,133,285 include:

### Allocation Options for Remaining \$16,133,285

| Projects                                                       | Amount      |
|----------------------------------------------------------------|-------------|
| Increase Unassigned Fund Balance to 30%                        | \$5,300,000 |
| Public Safety Facility Needs                                   | \$4,333,285 |
| Trails Segment 2A                                              | \$6,500,000 |
| Alternative Options                                            | Amount      |
| River Valley Road Paving                                       | \$365,000   |
| Lake Forrest Slope Stabilization: Concrete Barrier Replacement | \$1,200,000 |

Mayor Rusty Paul opened the public hearing.

#### 1. Jack Misura, 137 Angus Trail, Sandy Springs - Fund Balance Allocation

Mayor Paul closed the public hearing.

**Motion and second.** A motion was made by Councilmember John Paulson, seconded by Councilmember Jody Reichel, to approve the budget amendment for the Fiscal Year 2022 Fund Balance Utilization, excluding the River Valley Paving and the Lake Forrest Slope Stabilization. And, before the \$1.5M in recreation expenditures are authorized, that those expenditures be brought back to Council for final approval.

**Councilmember John Paulson** stated the Infrastructure Maintenance Fund should be broken out to review the categories and understand what is delineated. It should be a separate line item. What is the detail behind the \$1M request for the Abernathy Arts Center?

**David Wells, Deputy City Manager**, reviewed the detailed Abernathy Arts Center Budget.

### Abernathy Arts Budget Request

| Task                                     | Estimate      |
|------------------------------------------|---------------|
| Phase I and II ALTA Surveying            | \$15,000.00   |
| Professional Services Feasibility Report | \$9,300.00    |
| Detention Pond Expansion /Clearing       | \$119,000.00  |
| Newer Building Finishes                  | \$ 121,900.00 |
| Newer Building Envelope Repairs          | \$110,000.00  |
| Newer Building MEP                       | \$231,400.00  |
| Newer Building Interior Buildout         | \$222,800.00  |
| Doors/Hardware/Equipment                 | \$170,600.00  |
| TOTAL                                    | \$1,000,000   |



The City does not yet have an architect on board. The presented budget does not address the two older buildings on the property, other than the feasibility study.

**Councilmember Jody Reichel** asked what will the Abernathy building be opened to do, and what work will be done at Abernathy South Greenway?

**Kristin Smith, Assistant City Manager**, replied the Abernathy South Greenway work will review and address erosion issues. It is for design and construction administration.

**Deputy City Manager Wells** stated the City is accessing the buildings at the Abernathy Arts Center. In February, 2022, Staff will share its findings with Mayor and Council. Following a meeting with the community, Staff has learned the community would like to continue to operate the building as Fulton County had it programmed.

**Councilmember Tibby DeJulio** asked why is the \$1M being requested today to put aside for use later?

**Deputy City Manager Wells** stated the City will begin working on the detention pond immediately. Nothing else will be done until Council decides what to do with the building.

**Councilmember DeJulio** stated no one has answered his two requests to receive a briefing on the FY 2022 Fund Balance Utilization. It is not a good fiduciary use. The last work session was cancelled.

**Mayor Paul** stated the information was presented in detail at the last meeting.

**Raquel González, City Clerk**, confirmed the Fund Balance Utilization was discussed at the January 4, 2022 City Council Work Session.

**Councilmember Paulson** asked that Staff present information on all the trail and multi-use paths planned across the city.

**Assistant City Manager Smith** confirmed this will be presented at the upcoming City Council Retreat.

**Councilmember Andy Bauman** thanked the Sandy Springs Conservancy for their work on Trail Segment 2A. What is the cost for the whole trail system; more than \$100M? What is the funding mechanism to complete these projects? The City needs to know that the people who will be benefiting from this are also contributing.

**Mr. Misura** replied the cost is a moving target because costs continue to go up. There are 17 miles in the plan. There are significant dollars outlined in the plan for acquisition. The City may not have to pay for land for the five-mile trail loop. People want to be a part of the trail system.

**Dan Lee, City Attorney**, noted this discussion is to allocate fund to go towards projects. There are more decisions to come before the money can be spent.

**Councilmember Bauman** stated Trail Segment 2A is important. It is one of the largest expenditures on parks. There are also needs that exist at Old Riverside, Hammond, Morgan Falls, and others. The Council should not imply that this segment jumps to the head of the line. There needs to be a funding mechanism to support all these projects, otherwise there will not be money left for other projects.

The Fleet and Infrastructure Maintenance fund is like a sinking fund for assets that are depreciating, but there needs to be more detail. The Council should reserve the right to come back later to determine its use.

**Finance Director Howard** stated the Council could choose to wait on the Infrastructure fund, and bring back for future discussion.

**Councilmember Bauman** asked what progress has been made on the Crossing/HAWK signal on Roswell Road at the North Fulton Annex. Has the City already spoken to Fulton about a contribution? And, does \$300K cover the cost to complete it?

**Deputy City Manager Wells** replied the City is currently in discussions with Fulton County.

**William H. Martin, Jr., AIA, Public Works Director**, stated the Georgia Department of Transportation will provide some funds in the direct support of the signals being installed. The \$300K does cover the City's costs.

**Councilmember Bauman** asked is the \$3.4M undergrounding at Mount Vernon and Johnson Ferry part of the Veterans Park Project? Why is the project noted as time sensitive?

**Public Works Director Martin** stated the City Council recently approved an agreement with Georgia Power for the relocation of transmission lines for TS-191. The current \$3.4M request is to support the aerial utilization distribution conversion to underground utilities for TS-191.

**Councilmember Bauman** asked will there be a public input component for the Old Riverside, Hammond and Allen Road Park masterplans. What is the detailed budget for the \$1.5M request at Morgan Falls?

**Assistant City Manager Smith** confirmed there will be a public input component for the development of the park master plans.

**Michael Perry, Recreation and Parks Director**, stated there are three funding categories for the Morgan Falls request: bleachers, netting, and shade structures. Shade structures are large and expensive. These items were reported as the most important based on the youth organization and their participants.

**Councilmember Bauman** stated player and parent experience is important, and safety is critical, but the shading seems like a luxury item. Can this be reviewed at the Retreat? The \$1.5M should be approved, and Staff should come back to the Council before any commitments are made. Sandy Springs Youth Sports should be included in this review.

**Councilmember Reichel** asked what is the total number of shade structures that are needed.

**Recreation and Parks Director Perry** stated the budget would purchase enough shade structures for each field. Shade structures are important. They assist in the prevention of skin cancer. You can be at a ballpark all day, and many places do not have shade structures. Pool complexes now have shade structures, as an example. The current shades at Morgan Falls were not installed correctly and are not commercial grade.

**Councilmember Reichel** asked how much will it cost to complete the 5.7 mile trail loop?

**Assistant City Manager Smith** replied for construction, not including land acquisition, the latest cost estimate is \$35M for the trail loop.

**Councilmember DeJulio** stated when making Sandy Springs Circle, there was a shopping center that wanted to donate the land but their lender would not allow it. Has all the land been negotiated for the trails?

**Mr. Misura** stated in recent years, lenders such as Fannie Mae and others work with borrowers. This is an assumption, but likely.

**Councilmember Bauman** stated the important case for shade structures can be made all over the city. That is the largest single item. There are millions of dollars of needs and wants for the city's recreation and greenspace needs. But, over the next six months, the community needs to consider a funding mechanism plan. There are options that should be considered.

**Mayor Paul** stated the budget is a priority-setting process.

**Vote on the motion.** The motion carried (5 to 1).

**Yes 5, No 1, Abstained 0**

**Yeas: John Paulson, Melody Kelley, Melissa Mular, Jody Reichel, Andrew Bauman**

**Nays: Tibby DeJulio**

**Ordinance No. 2022-01-01**

**IX. New Business**

- A. 2022-13** Request for Mayor and City Council Consideration of the Acceptance of the Fiscal Year 2020 Comprehensive Opioid, Stimulant, and Substance Abuse Program Criminal Justice Coordinating Council Sub-Grant

**Andrew Spears, Captain, Sandy Springs Police Department,** presented the FY 2020 Comprehensive Opioid, Stimulant, and Substance Abuse Program Criminal Justice Coordinating Council sub-grant. The State of Georgia Criminal Justice Coordinating Council (CJCC) was awarded a federal grant through the Bureau of Justice Assistance FY20 Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP). CJCC then made the funds available to local agencies for various programs, including to purchase Naloxone products, which are anti-overdose medications. State Law allows first responders to carry and administer this medication and provides immunity from civil and criminal liability while administering it. The Sandy Springs Police Department (SSPD) applied for a sub-grant of \$14,400.00 in order to equip all front line officers with two devices each, while also creating a backup supply, should the devices be used. SSPD would like to equip all of its front line officers and sergeants with Narcan, which is a Naloxone product designed specifically to be administered via the nasal cavity of those experiencing an overdose. The cost of each dose is \$37.50 and SSPD would need to purchase 384 devices to equip employees and create a back-up supply. SSPD previously established a Naloxone device program and issued devices to select employees within the Department. The current inventory of devices is depleted and most of the issued devices in the field are past their expiration. The Atlanta Harm Coalition did establish a program to exchange expired devices for new devices, but it appears that program has ceased. SSPD did not budget for the replacement of its expired devices during this fiscal year, as the City had expected to exchange them. Without the grant, SSPD will not be in a position to equip officers with non-expired devices until City funds become available at the beginning of the next fiscal year.

**Motion and second.** A motion was made by Councilmember John Paulson, seconded by Councilmember Jody Reichel, to approve the acceptance of the Fiscal Year 2020 Comprehensive Opioid, Stimulant, and Substance Abuse Program Criminal Justice Coordinating Council Sub-Grant.

**Councilmember Jody Reichel** asked can the City donate its expired supply to other organizations.

**Captain Spears** replied that SSPD will return its expired supplies to the Atlanta Harm Coalition.

**Councilmember Melody Kelley** asked what is the product's shelf life.

**Captain Spears** replied the shelf life is three years.

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

**RESOLUTION 2022-01-05**

- B.     **2022-14**     Request for Mayor and City Council Consideration of a Contract Award for Probation Services to Professional Probation Services, Inc. and to Authorize the City Manager to Execute the Contract

**Cheston Roney, Municipal Court Administrator**, presented the recommendation to provide a contract award for probation services to Professional Probation Services, Inc. and to Authorize. The purpose of Request for Proposals #22-019 was to solicit responses (Proposals) from qualified firms (Offerors) to identify a provider of probation management services for the City of Sandy Springs (City) Municipal Court (Court). The services include basic and intensive probation services and reporting activities in compliance with federal and Georgia laws ("Services"). The RFP required Offerors to provide information on their requested involvement in the City's new Behavioral Health Court program to help reduce participant recidivism and encourage active participation in the community. Integrity Supervision Services, which was acquired by Professional Probation Services, is the current probation provider for the City pursuant to competitive procurement undertaken by the City in 2016. To ensure the City receives the best Services at competitive rates, RFP #22-019 was issued on October 27, 2021. The City received two Proposals: Professional Probation Services, Inc (PPS) and CSRA Probation Services (CSRA). Proposals were reviewed for suitability, project understanding and methodology, qualifications of personnel, and past performance and similar experience. The Evaluation Committee determined PPS had a total score of 96.50 and CSRA had a total score of 82.25. In review of each offeror's cost proposals, there was generally a \$5 difference in the per month charge, which are incurred by the probationer. The Evaluation Committee reached consensus that PPS is the most responsible Offeror for the Services requested. The Evaluation Committee did not conduct formal interviews, based largely on scoring results and the fact that no Evaluation Committee members requested clarification or edification of Proposals. The following considerations and factors were important in selecting PPS:

1. PPS assists in locating job opportunities for unemployed probationers that match their skills and work history. PPS educates probationers on drafting resumes and conducting mock interviews.
2. PPS offers a multitude of behavioral health programs, and has extensive experience in implementing and operating such programs.
3. Corporate management of PPS has long-tenured staff that have advanced through various roles in the organization.
4. The average successful completion rate for probationers in PPS behavioral health programs is 94%, and PPS has experienced a decrease in the total number of misdemeanor violations of probation cases.
5. PPS is a provider of court services throughout the Atlanta metropolitan area, including courts in surrounding areas, such as Norcross, Alpharetta, and Dunwoody.
6. PPS has an extensive onboarding process to ensure communication with probationers and to promote understanding of probation requirements.

Based upon evaluation of the Proposals in accordance with the criteria and process described in the RFP, the Evaluation Committee has determined that the Proposal submitted by PPS represents the best probation management program for the Court and the best value for the City; therefore, the Evaluation Committee recommends a contract award to PPS.

**Motion and second.** A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melody Kelley, to approve a contract award for Probation Services to Professional Probation Services, Inc. and to authorize the City Manager to execute the contract.

**Councilmember Jody Reichel** asked how many have gone through the behavioral health court program and is the program proving successful.

**Court Administrator Roney** replied the contract award is for probation services is for all probationers, not just the accountability court. The City is still in the process of establishing the treatment program, and will soon release an RFP. The accountability court program is under the office of the solicitor, and is currently being worked on.

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

**Resolution No. 2022-01-06**

- C. **2022-15** Request for Mayor and City Council Consideration of a Change Order to Amend the Existing Contract for Engineering Design Services with Michael Baker International, Inc. for the T-0033-7 CDBG Roswell Road Sidewalk Improvement Project to Provide for Changes to Project Scope, and to Authorize the City Manager to Execute the Change Order

**William H. Martin, Jr., AIA, Public Works Director** presented the change order amending the existing Contract for Design Services between the City of Sandy Springs and Michael Baker International, Inc. to provide additional design services for the T-0033-7 Community Development Block Grant, Roswell Road Sidewalk Improvement project. The City and Baker entered into the contract in November of 2015. As part of the ongoing design of the project, the City has asked Baker to provide additional services that are outside of the original scope of work. In order to enhance the aesthetics and safety of the project, the City had originally directed Baker to design the project with the intention of converting the existing power lines from aerial to underground and thus, providing power service to businesses from the front of the buildings. Due to recent changes, the City has decided to request Georgia Power and AT&T to serve the businesses aerially from the rear, as opposed to burying the lines underground. This redesign will reduce the utility relocation cost from \$850,000 to \$400,000 and will require a lesser and more acceptable impact to the affected private property owners. In addition, the original limits for Phase 1 of the project extended from Long Island Drive to Stewart Drive and the limits of Phase 2 were from Stewart Drive to Northwood Drive. Because of prolonged right-of-way acquisition and utility relocation efforts along the north end of the Phase 2 portion of the project, it was decided to extend Phase 1 of the Project into the limits of Phase 2 of the Project. The new Phase 1 limits extend from the previous end at Stewart Drive to Wentworth Street, and the new Phase 2 limits will be from Lake Placid Drive to Northwood Drive. The change order is required to provide additional funding for Baker to perform the additional work needed to complete the project design. The additional scope included in the change order is:

1. Redesign the sidewalk per comments received by the City.
2. Revise the construction bid documents including plan set, quantities, estimates, and right-of-way plans to include limits from Lake Placid Drive to Northwood Drive.
3. Provide right-of-way appraisal and appraisal review services for parcels 20 and 21.
4. Provide layouts for "cost to cure" services for parcels 20 and 21.

5. Provide lighting design elements for construction plans from Lake Placid Drive to Northwood Drive.
6. Provide additional funds for miscellaneous services as needed.

The total proposed fee for this Change Order is \$49,575.00. This Change Order will bring the total contract value to \$1,102,932.70. Sufficient funds are available in the Project to fund this work. The original Contract amount from November 2015 was \$470,669.00. The Mayor and City Council approved a Change Order for \$142,200.00 on February 2, 2017. Since then, the following Change Orders have also been processed:

1. \$259,585.00 in 2017 to perform Phase 1 and Phase 2 Site Environmental Assessments and for right-of-way acquisition services;
2. \$118,877.00 in 2018 to update survey information and perform signal designs along with enrolling environmentally impacted parcels into the EPD Brownfields program and to perform appraisal updates;
3. \$41,703.20 in 2019 to perform underground utility SUE studies and additional right-of-way staking; and
4. \$20,323.50 in 2020 to perform value engineering drainage evaluations on Phase 1 work that was under construction and to update right-of-way plans for the Phase 1A and Phase 2 parcels.

**Motion and second:** A motion was made by Councilmember Andrew Bauman, seconded by Councilmember Melissa Mular, to approve the change order to amend the existing contract for engineering design services with Michael Baker International, Inc. for the T-0033-7 CDBG Roswell Road Sidewalk Improvement Project, to provide for changes to project scope, and to authorize the City Manager to execute the change order.

**Councilmember Melissa Mular** asked if Phase I and Phase II are being combined.

**Public Works Director Martin** replied the timeline remains the same, but some portions of the project originally planned for Phase II will be executed sooner.

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

#### **Resolution No. 2022-01-07**

- D.      **2022-16**      Request for Mayor and City Council Consideration of a Change Order to Amend the Construction Contract with Ohmshiv Construction for the Roswell Road at Grogans Ferry Road Intersection Improvement Project (TS105); and to Authorize the City Manager to Execute the Change Order

**William H. Martin, Jr., AIA, Public Works Director** presented the change order to amend the existing construction contract between the City of Sandy Springs and Ohmshiv Construction for the Roswell Road at Grogans Ferry Road Intersection Improvement Project (TS-105). The multi-use path portion of the change order includes all construction items necessary to widen the planned 5-foot sidewalk to a 10-foot sidepath. Half of the items were existing pay items in the contract, therefore, those prices were already set and it was simply an increase or decrease in plan quantities. There were three items that are additional pay items to the Contract. Those are net fill as grading complete, two-board fencing and landscape mulch. The net fill item was higher than expected, but field conditions have shown that both solid and weathered rock are in the area and suitable fill material will have to be brought in. This provides adequate justification for the price escalation. Ohmshiv has requested forty-five additional contract days. There has been a delay in excavation and drainage installation due to the amount of weathered and solid rock that has been encountered as well as several unknown utilities. This amount of rock was not taken into account when the original contract time

was set. The additional time needed takes into consideration the unknown conditions in the area. With the update to the plans to include the multi-use path, there will be also be extended lead time on some of the additional material needed. The forty-five days will account for all additional contract time needed to complete the change order work as well as the delays from the current drainage work. The total proposed fee for this change order is \$47,865.50. The original contract value was \$3,594,792.00. There was one previous change order to correct the deficiencies in division of work in the City of Atlanta water plans in the amount of \$131,700.00. This Change Order will bring the total construction contract value to \$3,774,357.50. This will be paid with TSPLOST funds. Sufficient funds are available.

**Motion and vote.** A motion was made by Councilmember Melody Kelley, seconded by Councilmember John Paulson, to approve a change order to amend the construction contract with Ohmshiv Construction for the Roswell Road at Grogans Ferry Road Intersection Improvement Project (TS105); and to authorize the City Manager to execute the change order. The motion carried by unanimous vote.

**Resolution No. 2022-01-08**

- E.    **2022-17**   Request for Mayor and City Council Consideration of the Acceptance of an Agreement to Purchase Temporary Construction Easement on Property Located at 6244 Mt. Vernon Oaks Drive in Land Lot 36 of the 17<sup>th</sup> District, City of Sandy Springs (Tax ID# 17-0036-0001-051-4); TS-192 Mt. Vernon Highway Corridor Improvements Project

**William H. Martin, Jr., AIA, Public Works Director** presented the agreement to purchase Temporary Construction Easement at 6244 Mt. Vernon Oaks Drive, Sandy Springs, Georgia. The acquisition of 601.86 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 \$16,100.00 and Staff has reached an amicable settlement in the amount of \$18,000.00 with the property owner. Included in the City's offer was mitigation compensation, or "Cost-To-Cure", in the amount of \$4,950.00 due to the project's negative impact on landscaping along the property's rear frontage along Glenridge Drive. The property owner has submitted a quote to the City seeking an additional \$1,900.00 for landscape buffering to help restore privacy along the rear of the property. The balance of \$11,150.00 is appropriated towards the purchase of the Temporary Construction Easement needed for the project.

**Motion and vote.** A motion was made by Councilmember Melissa Mular, seconded by Councilmember Melody Kelley, to accept an agreement to purchase Temporary Construction Easement on property located at 6244 Mt. Vernon Oaks Drive in land lot 36 of the 17<sup>th</sup> District, City of Sandy Springs (Tax ID# 17-0036-0001-051-4). The motion carried by unanimous vote.

**Resolution No. 2022-01-09**

- F.    **2022-18**   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 480 Mt. Vernon Highway in Land Lot 71 of the 17<sup>th</sup> District, City of Sandy Springs (Tax ID# 17-0071-0005-027-6); TS-192 Mt. Vernon Corridor Highway Improvements Project

**William H. Martin, Jr., AIA, Public Works Director**, presented the agreement to purchase Fee Simple Right of Way and Temporary Construction Easement at 480 Mt. Vernon Highway, Sandy Springs, Georgia. The acquisition of 1,005.14 square feet of Fee Simple Right of Way and 765.97 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 \$23,700.00 and Staff has reached an amicable settlement in the amount of \$28,000.00 with the property owners. Included in the City's offer was mitigation compensation, or "Cost-To-Cure", in the amount of \$8,847.00 due to the project's negative impact on ornamental landscaping along the property's frontage along Mt. Vernon Highway. The property owner has consulted with their own contractors and they contend that critical root zones of several other trees not mentioned in the City's Cost to will likely need to be removed. Therefore, the property owner is seeking the additional \$4,300.00 to cover the cost of such removal and ground prep for replanting of other trees and vegetation to restore the buffer that will be taken. The balance of the agreed upon amount, \$14,853.00, is being paid for the land rights being acquired.

**Motion and second.** A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melissa Mular, to accept an agreement to purchase Fee Simple Right of Way and Temporary Construction Easement on property located at 480 Mt. Vernon Highway in Land Lot 71 of the 17<sup>th</sup> District, City of Sandy Springs (Tax ID# 17-0071-0005-027-6).

**Councilmember Melody Kelly** asked how much of the right-of-way acquisition is complete for project TS-192.

**Dan Lee, City Attorney** replied revealing that information may impact the City's current negotiations. This can be discussed in an executive session.

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

**Resolution No. 2022-01-10**

- G.     **2022-19**     Request for Mayor and City Council Consideration of Appointments to the Sandy Springs Board of Appeals

**Mayor Rusty Paul** nominated Bill Thackston to serve a second term on the Sandy Springs Board of Appeals, and Fred Jewell to serve a first term on the Board of Appeals. Fred Jewell lives in District 1 and is active with the Sandy Springs Chamber.

**Motion and vote.** A motion was made by Councilmember John Paulson, seconded by Councilmember Tibby DeJulio, to approve the reappointment of Bill Thackston and the appointment of Fred Jewell to the Sandy Springs Board of Appeals. The motion carried by unanimous vote.

**Resolution 2022-01-11**

- H.     **2022-20**     Request for Mayor and City Council Consideration of Appointments to the Sandy Springs Planning Commission

**Mayor Rusty Paul** nominated Andrea Settles to serve a third term on the Sandy Springs Planning Commission and Elizabeth Kelly to serve a second term on the Sandy Springs Planning Commission.

**Motion and vote.** A motion was made by Councilmember Jody Reichel, seconded by Councilmember John Paulson, to approve the reappointment of Andrea Settles and the reappointment of Elizabeth Kelly to the Sandy Springs Planning Commission. The motion carried by unanimous vote.

**Resolution 2022-01-12**

- I.     **2022-21**     Request for Mayor and City Council Consideration of Appointments to the Sandy Springs Board of Ethics

**Mayor Rusty Paul** nominated Bethany Diamond to serve a first term as the second-alternate member on the Sandy Springs Board of Ethics.

**Motion and vote.** A motion was made by Councilmember Melody Kelley, seconded by Councilmember Melissa Mular, to approve the appointment of Bethany Diamond to the Sandy Springs Board of Ethics. The motion carried by unanimous vote.

**Resolution No. 2022-01-13**

**X.     Reports**

- A.     **2022-22**     Mayor and Council Report

**Mayor Rusty Paul** welcomed City Manager Eden Freeman back to the City of Springs.

**Councilmember Jody Reichel** asked Police Chief Ken DeSimone to speak about the recent hostage events in Texas. Does the Sandy Springs Police Department have relationships and programs with our temples and synagogues, and others?

**Ken DeSimone, Police Chief, Sandy Springs Police Department**, replied the City has a great relationship with its temples and synagogues. The Jewish community throughout the metro-Atlanta area take security very seriously. The City is well prepared for anything that may happen. Many of the Sandy Springs Officers work off-duty jobs at several schools, such as the Weber School. The Sandy Springs Police Departments sends police command staff to Israel for training. The City also has a great relationship with the FBI, so much so, that soon, the Atlanta FBI Special Agent in Charge will host their retirement celebration at City Springs. It is time to get a new SWAT truck so that the City continues to be well-prepared to respond to any contingency that may happen in the City.

**Mayor Paul** stated the Sandy Springs Police Department Intelligence Unit is one of the best anywhere. The ability to exchange information with the FBI and other anti-terrorism organizations is something the City takes very seriously. The City may not be able guarantee knowing everything that is going on, but the ability to respond is important.

**Councilmember Andy Bauman** stated it is not unnoticed the time that the Sandy Springs Police Department put into these partnerships. The Council is here to support those partnerships. The ability for the organizations to train, coordinate and participate in walkthroughs with the Police Department is significant. The community component distinguishes Sandy Springs from other. The community work pays off.

**Police Chief DeSimone** stated the Police Department appreciates the support of the Mayor and City Council.

**Councilmember Tibby DeJulio** stated in the past two weeks there have been two major apartment fires claiming lives in the north. How has the City's ordinance impacted fire prevention in the city?

**Keith Sanders, Chief, Sandy Spring Fire and Rescue**, replied the ordinance has made a strong impact on minimizing fire growth in the community. All apartments in the City have to comply by 2023. There are

four apartments outstanding. The City has proven that it does work. There has not been a complete building burn-off that was compliant with the ordinance. There are a couple of complexes that may be taken to court to get compliance.

B. 2022-23 Staff Reports

1. Unaudited November 2021 Financials

**Toni Jo Howard, Finance Director**, presented the November 2021 Unaudited Financials. The City has received local option sales tax collections for four months, and has exceeded the collections of the same period in the previous fiscal year at 21%. Revenues are at 55.13%, at 42% of the year. This includes about 88% of the current year's property taxes collected. Overall expenditures are at 30%.

**XI. Executive Session – Real Estate**

**Motion and vote.** A motion was made by Councilmember John Paulson, seconded by Councilmember Tibby DeJulio, to suspend regular order and move into executive session for the purpose of real estate discussions. The motion carried by unanimous vote.

The executive session began at 7:39 p.m.

**Motion and vote.** A motion was made by Councilmember John Paulson, seconded by Councilmember Tibby DeJulio, to adjourn the executive session and return to regular order. The motion carried by unanimous vote.

The executive session ended at 8:34 p.m.

**XII. Adjournment**

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

The meeting adjourned at 8:34 p.m.

Approved: February 1, 2022

  
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Russell K. Paul, Mayor

  
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Raquel D. González, City Clerk

