

Meeting of the Sandy Springs City Council was held on Tuesday, March 1, 2022 following the City Council Work Session, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:58 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 called for a moment of silence in recognition of the people of Ukraine, and then led the Pledge of Allegiance.

IV. Public Comment

There were no public comments.

V. Approval of Meeting Agenda

Motion and vote. A motion was made by Councilmember Tibby DeJulio, seconded by Councilmember Melody Kelley, 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 Melissa Mular, to approve the Consent Agenda. The motion carried by unanimous vote.

- A. **2022-52** Meeting Minutes
February 15, 2022 City Council Work Session
February 15, 2022 City Council Meeting
- B. **2022-53** Request for Mayor and City Council Consideration of the Acceptance of the Purchase and Sale Agreement and a Permanent Drainage Easement on Property Located at 8845 North River Parkway, Unit 1, in Land Lot 367 of the 6th District, Fulton County, Georgia (Tax ID# 06-0367-0005-001-7); North River Parkway Stormwater Project

Resolution No. 2022-03-27

- C. **2022-54** Request for Mayor and City Council Consideration of the Acceptance of an Agreement to Purchase Permanent Drainage Easement on Property Located at 1270 Spalding Drive

in Land Lot 384 of the 6th District, City of Sandy Springs (Tax ID #06-0384- LL-011-9); TS-111 Pitts Road at Spalding Drive Intersection Project

Resolution No. 2022-03-28

VII. Presentations

A. 2022-55 Diversity and Inclusion Task Force Update

James Bostic, Diversity and Inclusion Task Force, Chair, provided an update on the Diversity and Inclusion Task Force activities. A year ago, the Task Force began by created the Housing Subcommittee, which reviewed Sandy Springs housing available to various members of the workforce and for those households earning \$55K per year or less. These are an important group of people that wanted to live in Sandy Springs, but many cannot. In the past 12 months, rental housing has gone up. The cost of homeownership in Sandy Springs continues to rise as well. Contributing to this is the trend for investors buying single family homes or neighborhoods and making them rentals only. The City of Sandy Springs 2017 housing incentives program, set up to support the North End, has had no participation. The second subcommittee was Communications, whose goal was to remove barriers of any marginalized community from connecting with the Sandy Springs city government. The Subcommittee looked at the Sandy Springs Works app, reviewing functions to make it workable. Also, the Subcommittee also reviewed how the City can better publicize activities and events, making public meetings accessible, and providing translation opportunities. For example, the City may consider hiring an individual to manage its language translation program contract-out the service with local minority-owned businesses. Finally, the Communications Subcommittee discussed the hiring of City employees, and discussed if the City should include efforts to connect with minority people when hiring. Significantly, the Subcommittee recommended that the City should connect with community partners to support its efforts to connect with the city's minority communities. Currently, the Task Force is reviewing Parks and Recreation through the Recreation Subcommittee. The Subcommittee had put together an online survey, whose respondents included 61% White; 15% Hispanic; 12% African Americans; 52% were aged 55 or older; and 12% between the ages of 18 and 34. There was a discussion to look at another method of survey those younger than 18. The Recreation Subcommittee, in partnership with the local community group Springs Together, is working on putting together a series of focus groups to discuss parks and recreation programming in Sandy Springs.

Mayor Rusty Paul thanked Task Force members for their work. The preliminary report was presented to the Mayor and City Manager. The City Manager will work to review the preliminary report, and see how recommendations can be implemented, which will be presented to Council.

Councilmember Tibby DeJulio asked why investors purchasing single family housing concerning. When an inventory buys a piece of property to rent out, the person who rents the unit may not have the ability to purchase because of the needed down payment or credit. This process may make the housing more available to people without the initial investment.

Chair Bostic replied an investor may decide it's easier to tear-down the houses, or build condominiums or apartments in their place.

Mayor Rusty Paul stated the cost of rental housing is getting more expensive. Investors are snatching housing away from people who want to buy housing, and driving increased costs, making housing less affordable. The Georgia General Assembly is trying to prohibit local governments from managing the creation of build-to-lease communities. Sandy Springs does not have a shortage of rental housing, but does

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the City want institutional investors to buy inventory that families can buy. For example, in Sandy Springs there were 67 townhomes that were going to be fee simple, but in the middle of the construction process, an investor bought all 67 units, prohibiting 67 properties that could have been bought by families. These investors are looking for 20% return, impacting the affordability of rentals in Sandy Springs. Homeownership creates generational wealth and stable communities.

Councilmember Jody Reichel noted individual owners who provide rental housing are different from institutional owners, who often do not care about their tenants.

Mayor Paul stated cities would need the ability to extradite these institutional investors when properties were not in compliance.

Councilmember Melody Kelley asked who are the Subcommittee Chairs and what is the public input mechanism that the Task Force is using. Also, is there a need to add more members to the Task Force?

Chair Bostic replied Rabbi Heller chairs the Communications Subcommittee, Ms. Clarissa Sparks chairs the Recreation Subcommittee, and the chair for the Housing Subcommittee resigned last year. The Task Force has only used surveys for its Recreation Subcommittee work, and advertised the surveys on Facebook. Over 700 people responded, but the Subcommittee would have liked to see more parents and young people. The Task Force has partnered with Sandy Springs Together, using their mailing list, and asked for assistance from the City's Recreation and Parks Department. It is up to the Mayor to add members to the Task Force.

Councilmember Andy Bauman asked has the Task Force formally met with citizens or other community groups? Have you formed any opinions about inclusivity in Sandy Springs? Are Task Force reports publicly available?

Chair Bostic stated the Task Force has not hosted large public meetings.

Raquel González, City Clerk, noted all of the Diversity and Inclusion Task Force draft reports are available and published with the Task Force's public meeting documents.

Councilmember Bauman stated Sandy Springs is a demographically diverse community, in terms of ethnicity, age, religion, LGBTQ, etc... But, after a year, what are observations on how the City can improve its inclusivity efforts?

Chair Bostic replied in Recreation, for example, Sandy Springs has a lot of tennis facilities, but other facilities, such as basketball courts and soccer fields, are desired. The City should look at where those sites are available. But 10 and 12 years old, for example, may not be interested in trails. There is lots of diversity in the community, there are parents who are interested in using other facilities. I am still working on my own opinions, but frankly, the high cost of workforce housing does not make this community a good place.

Councilmember Melissa Mular asked did the Task Force collaborate with other cities?

Chair Bostic replied the Communications Subcommittee, for example, did reach out to other cities for reference, but have not heard back from many.

Councilmember DeJulio asked has the Task Force identified how short the City is with some of the noted missing recreational facilities?

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Chair Bostic replied the Task Force is currently reviewing this, and is working with the City's Recreation and Parks Department.

Councilmember Bauman asked that the Task Force provide some feedback on how the City can improve its efforts to work with local non-profits that reach the City's disadvantaged communities.

Mayor Paul stated there is no question that the City has a shortage of active parks, which would assist in serving young families in Sandy Springs.

Councilmember Jody Reichel asked can the Task Force speak with local schools to access their facilities.

VIII. Public Hearing

- A. **2022-56** ABL_BILL#94125
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for Sandy Springs 215 Nightclub d/b/a La Dona Lounge at 215 North Wood Drive, Suite 8, Sandy Springs, GA 30342. Applicant is Mobin Sheikh for Consumption on the Premises of Wine, Malt Beverages, and Distilled Spirits.

Eden Freeman, City Manager, presented Alcoholic Beverage License Application no. 94125 for Sandy Springs 215 Nightclub d/b/a La Dona Lounge at 215 North Wood Drive, Suite 8, Sandy Springs, GA 30342. Applicant is Mobin Sheikh for Consumption on the Premises of Wine, Malt Beverages, and Distilled Spirits. The applicant has met all requirements.

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

Motion and vote. A motion was made by Councilmember Melody Kelley, seconded by Councilmember John Paulson, to approve Alcoholic Beverage License Application no. 94125 for Sandy Springs 215 Nightclub d/b/a La Dona Lounge at 215 North Wood Drive, Suite 8, Sandy Springs, GA 30342.

- B. **2022-57** Update and Public Hearing for the Community Development Block Grant Program 2022 Annual Action Plan

Michele McIntosh-Ross, Planning and Zoning Manager, provided an update on the Community Development Block Grant Program 2022 Annual Action Plan. Since 2008, Sandy Springs has received \$8,388,000 in CDBG funds from the U.S. Department of Housing and Urban Development (HUD). The City has dedicated those funds to the Roswell Road Multiyear Sidewalk Project, which includes Phase I from Dalrymple Road to Northridge Road, and Phase II from Northridge Road to the Chattahoochee River and along the north side of Hightower Trail. Phase I was completed in 2013 and Phase II was completed in 2016. The City has also dedicated those funds to the South Roswell Road Multiyear Sidewalk (Phase III). Phase III included two Sub-Phases: Sub-Phase I (from Long Island Drive to Stewart Drive) and SubPhase II (Stewart Drive to Northwood Drive) which is near completion. Infrastructure improvements are a priority for the City's CDBG Program as described in the 2018-2022 Consolidated Plan approved by Mayor and Council on May 3, 2018.

The Phase I and Phase II of the North Roswell Road Sidewalk Enhancement project and most of the South Roswell Road Multiyear Sidewalk Project, south of Interstate 285 (Phase III) have been completed. Staff will continue working on the finalization of Phase III-Sub-Phase II construction, including some installation of street lighting, handicapped ramps and brick pavers on the west side of Roswell Rd. Staff

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anticipates using any funds from the 2022 Grant Allocation for the 2022 Program Year to finalize the Phase III streetscape improvements and begin work on any new projects in LMI tracts north of Morgan Falls Road.

Finally, consistent with the City's adopted CDBG Citizen Participation Plan, a public hearing must be held to initiate the 2022 CDBG Annual Action Plan process to permit citizens to comment on the various eligible projects or on other needs in the community relevant to the CDBG Program.

The City's 2021 CDBG allocation was \$612,756. The City anticipates receiving notice from HUD regarding the allocation for 2022 by March of this year. Section 108 Loan funds will allow the City to accelerate project construction without significant financial impact.

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

Councilmember Melody Kelley asked how does the Staff identify potential projects? Has the City done anything other than sidewalks.

Planning and Zoning Manager McIntosh-Ross replied Staff looks for projects identified in City planning documents within CDBG eligible census blocks. To date, the City only done sidewalks projects.

Mayor Paul stated the City can use funds for transportation, housing or economic development within the eligible census blocks.

Motion and vote. A motion was made by Councilmember Andrew Bauman, seconded by Councilmember Melody Kelley, to begin the Community Development Block Grant Program 2022 Annual Action Plan process and open the public comment period. The motion carried by unanimous vote.

IX. New Business

- A. **2022-58** Request for Mayor and City Council Consideration of the Strategic Alliance Memorandum between the United States Small Business Administration and the City of Sandy Springs for the Small Business Education Program

Caroline Davis, Economic Development Manager, presented the Strategic Alliance Memorandum (IGA) between the City and the United States Small Business Administration (SBA). The primary purpose of this agreement is to facilitate coordination for the Sandy Springs Small Business Education Program. This program was first discussed at the February 3, 2022 City Council Retreat and has since been branded as the "Know & Grow Series," in which the City will invite business owners to participate in workshops to "know" and "grow" their small business. The partnership with the SBA is one piece of this program, and they will provide speakers to teach about the many services and loan programs they offer, and can provide expertise on other workshop topics as well. The City often receives requests from new or existing business owners looking for resources to grow their business, as a program like this one does not currently exist in our local community. Business owners often do not know where to look for help and this program will serve as a free one-stop-shop to get the tools they need for success. With the Economic Development department's vision to set the standard in the metro region as the easiest place to start, run, and expand a business, this program will serve as an effective tool to empower our business community. In addition to the programming the SBA will provide, special-topic workshops will be created with subject matter experts based on the needs of business owners. The creation of this program and partnership with the SBA are in line with the recommendations of our Strategic Economic Development Plan. There is no fee to

participate in the Strategic Alliance Memorandum and it will have a minimal impact on staff time. The City is coordinating efforts with the Sandy Springs Chamber.

Motion and vote. A motion was made by Councilmember John Paulson, seconded by Councilmember Melody Kelley, to approve the Strategic Alliance Memorandum between the United States Small Business Administration and the City of Sandy Springs for the Small Business Education Program. The motion carried by unanimous vote.

Resolution No. 2022-03-29

- B. **2022-59** Request for Mayor and City Council Consideration of the Authorization of the Letter Agreement with the Georgia Power Company to Resolve Certain Issues with Respect to Phase V of the City Center Project

William H. Martin, Jr., AIA, Public Works Director, presented the Letter Agreement with the Georgia Power Company to Resolve Certain Issues with Respect to Phase V of the City Center Project. The City and Georgia Power entered into a Stipulated Sum Agreement on July 10, 2015 for the Project. Phase V of the Project was not finished. The Phase V work was originally estimated to cost \$669,281. The City paid that amount to Georgia Power; however, only \$363,273 of the work was actually performed. Therefore, Georgia Power may owe a refund of \$306,008 to the City related to the unfinished work. Separately, but related to Phase V work, Georgia Power had to perform significant rework to lower and adjust conduits due to the City's contractor leaving a lower grade than anticipated. The grade encountered by Georgia Power was not within six (6) inches of final grade as certified by the City's contractor in writing. Sandy Springs' City Manager authorized Georgia Power to perform that rework at a cost of \$271,836.73.

Given the "debits and credits" for this earlier work, Georgia Power is willing to pay the City \$61,447.46 (that is, \$306,008.00 plus \$27,276.19 less \$271,836.73). This amount would close out all of the old Phase V work and the entire July 2015 agreement. Georgia Power proposes that the City can then proceed with new agreements to continue the work. Continuation of the work for the City will include the Aerial-to-Underground Utility Relocation of existing Georgia Power Distribution utilities for TSPLOST Project TS-191, Johnson Ferry at Mt. Vernon Highway Intersection Improvement Project, Phases 1-4.

Georgia Power will pay the City \$61,447.46 to close out all the Phase V work. These funds may be applied toward the Phases 1-4 scope for Aerial-to-Underground Utility Relocations.

Motion and vote. A motion was made by Councilmember Melissa Mular, seconded by Councilmember Jody Reichel, to approve the Request for Mayor and City Council Consideration of the Authorization of the Letter Agreement with the Georgia Power Company to Resolve Certain Issues with Respect to Phase V of the City Center Project. The motion carried by unanimous vote.

Resolution No. 2022-03-30

- C. **2022-60** Request for Mayor and City Council Consideration of the Authorization of the Georgia Power Company Stipulated Sum Agreement for Aerial-to-Underground Utility Relocation Agreement (Phases 1, 2, 3) for the TS-191 Johnson Ferry Road at Mt. Vernon Highway Project and Further Authorizing the Mayor to Execute Same

William H. Martin, Jr., AIA, Public Works Director, presented the Georgia Power Company Stipulated Sum Agreement for Aerial-to-Underground Utility Relocation Agreement (Phases 1, 2, 3) for the TS-191 Johnson Ferry Road at Mt. Vernon Highway project. The Project consists of intersection improvements at Johnson Ferry Road, Mt Vernon Highway and Boylston Road. On September 4, 2018, City Council voted to move forward with the Compressed Grid design for this project. The Project is currently in final design, right-of-way acquisition, and utility coordination phases. The utility coordination phase has been determined as an opportunity to highlight the planned Veterans Park, which will encompass the Roswell Road Triangle at the intersection of Johnson Ferry Road and Mt. Vernon Highway to the Sandy Springs Library. To optimize the aesthetics of Veterans Park and to supplement the aerial-to-underground improvements already implemented for the City Springs development, the City has coordinated with GPC for the development of an “aerial-to-underground” plan for distribution lines and poles. Preliminary engineering for the distribution phase of this Project was completed in October 2021. The Aerial-to-Underground Utility Relocation effort consists of implementing the preliminary engineering design which was completed in October 2021 for Phases 1, 2, 3 and Phase 4. The Agreement for Phases 1, 2, and 3 were separated from the agreement for Phase 4 in order to give the City ample time to determine whether to combine the four phases or complete the phases separately. The aerial-to-underground plan for the distribution poles and lines is essential to both executing the TSPLOST-funded transportation project TS-191 and in creating a future City Veterans Park. City staff has advanced this Project to the point where construction could begin in 2022. The Agreement amount for Phases 1, 2, and 3 is \$4,019,619.41.

Motion and second. A motion was made by Councilmember Jody Reichel, seconded by Councilmember John Paulson, to authorize the Georgia Power Company Stipulated Sum Agreement for Aerial-to-Underground Utility Relocation Agreement (Phases 1, 2, 3) for the TS-191 Johnson Ferry Road at Mt. Vernon Highway Project and to authorize the Mayor to Execute Same.

Councilmember John Paulson asked whether the City and Georgia Power determined the aerial-to-underground construction schedule.

Public Works Director Martin replied the City and Georgia Power are developing the scheduling and staging, milestones and key steps to build the final schedule.

Eden Freeman, City Manager, advised Georgia Power has agreed that the total construction period will be 165 days, which will meet the Council-defined timeline. Georgia Power is waiting for the City to execute the agreement so a start date can be determined.

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

Resolution No. 2022-03-31

- D. **2022-61** Request for Mayor and City Council Consideration of the Authorization of the Georgia Power Company Stipulated Sum Agreement for Aerial-to-Underground Utility Relocation (Phase 4) for the TS-191 Johnson Ferry Road at Mt. Vernon Highway Project and Further Authorizing the Mayor to Execute Same

William H. Martin, Jr., AIA, Public Works Director, presented the Georgia Power Company Stipulated Sum Agreement for Aerial-to-Underground Utility Relocation (Phase 4) for the TS-191 Johnson Ferry Road at Mt. Vernon Highway Project. The Project consists of intersection improvements at Johnson Ferry Road, Mt Vernon Highway and Boylston Road. On September 4, 2018, City Council voted to move forward with the Compressed Grid design for this Project. The Project is currently in final design, right-

of-way acquisition, and utility coordination phases. The utility coordination phase has been determined as an opportunity to highlight the planned Veterans Park, which will encompass the Roswell Road Triangle at the intersection of Johnson Ferry Road and Mt Vernon Highway to the Sandy Springs Library. To optimize the aesthetics of Veterans Park and to supplement the aerial-to-underground improvements already implemented for the City Springs development, the City has coordinated with GPC for the development of an “aerial-to-underground” plan for distribution lines and poles. Preliminary engineering for the distribution phase of this Project was completed in October 2021. The aerial-to-underground utility relocation effort consists of implementing the preliminary engineering design which was completed in October 2021 for Phases 1, 2, 3, and Phase 4. Phase 4 was separated from Phases 1, 2, and 3 while the City completed design engineering and cost analysis of the phases required for Veterans Park and TS-191. The aerial-to-underground plan for the distribution poles and lines is essential to both executing the TSPLOST-funded transportation project TS191 and in creating a future City Veterans Park. City staff has advanced this Project to the point where construction could begin in 2022. The Agreement amount for Phase 4 is \$573,702.00.

Motion and second. A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melody Kelley, to authorize of the Georgia Power Company Stipulated Sum Agreement for Aerial-to-Underground Utility Relocation (Phase 4) for the TS-191 Johnson Ferry Road at Mt. Vernon Highway Project and to authorize the Mayor to execute same.

Councilmember Melody Kelley asked what factors determine the cost, considering the cost for Phases 1, 2, 3 was \$4M and the cost for Phase 4 is \$500K.

Public Works Director Martin replied the confluence of circuits requires a good bit of rebuild in Phases 1, 2, 3. Also , it is a significant effort to resupply facilities with power through the new grounded network. The project for Phase 4 is less invasive. is a matter of taking a relatively simple circuit underground.

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

Resolution No. 2022-03-32

- E. **2022-62** Request for Mayor and City Council Consideration of the Roadway Lighting Memorandum of Agreement between the City of Sandy Springs and the Georgia Department of Transportation for Roadway Lighting on State Route 9 / Roswell Road from Mt. Paran Road to North of Stewart Drive, and to Authorize the Mayor to Execute the Agreement

William H. Martin, Jr., AIA, Public Works Director, presented the Roadway Lighting Memorandum of Agreement (MOA) between the City of Sandy Springs and the Georgia Department of Transportation (GDOT) for Roadway Lighting on State Route 9 / Roswell Road from Mt. Paran Road to North of Stewart Drive. The MOA recognizes that the City is installing pedestrian lighting in the GDOT controlled right-of-way on State Route 9/Roswell Road from Mt. Paran Road to north of Stewart Drive and that the City accepts all responsibility for the maintenance and operation of the City-installed lighting. The MOA addresses eighteen decorative pedestrian lights to be installed as part of this project. The City is required to sign an MOA with GDOT to establish the responsibilities of the parties for ongoing maintenance and operation of the lighting installed for the sidewalk project. The City has already paid the upfront cost and entered into a lease agreement with Georgia Power Company to ensure maintenance and repair of the

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installed lighting. The City will be responsible for the monthly installments through regular monthly billing, which will cover the cost of power consumption, maintenance and repair of these lights.

Motion and vote. A motion was made by Councilmember Melody Kelley, seconded by Councilmember Jody Reichel, to approve the Roadway Lighting Memorandum of Agreement between the City of Sandy Springs and the Georgia Department of Transportation for Roadway Lighting on State Route 9 / Roswell Road from Mt. Paran Road to North of Stewart Drive, and to Authorize the Mayor to Execute the Agreement. The motion carried by unanimous vote.

Resolution No. 2022-03-33

- F. **2022-63** Request for Mayor and City Council Consideration of an Appointment to the Sandy Springs Board of Appeals

Mayor Rusty Paul nominated Justin Sparano to serve a first term on the Sandy Springs Board of Appeals.

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

Resolution No. 2022-03-34

X. Reports

- A. **2022-64** Mayor and Council Report

Mayor Rusty Paul reported that he recently provided testimony on build-to-lease related bills. which is an unconstitutional infringement on city zoning controls. March 15 is cross-over day for this Georgia General Assembly session. Additionally, Representative Shea Roberts has introduced a bill impacting zoning law, with the intent of updating State zoning law to meet current practice. There are also some annexations bills being discussed.

- B. **2022-65** Staff Reports

There were no Staff Reports.

XI. Executive Session

Motion and vote. A motion was made by Councilmember Tibby DeJulio, seconded by Councilmember John Paulson, to recess from regular order and enter Executive Session for the purposes of Real Estate discussions. The motion carried by unanimous vote.

The executive session began at 8:14 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 8:58 p.m.

XII. Adjournment

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

The meeting adjourned at 8:59 p.m.