

Meeting of the City of Sandy Springs City Council – SUMMARY MINUTES
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
April 5, 2022 at Following Work Session
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Meeting of the Sandy Springs City Council was held on April 5, 2022 at Following Work Session, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:14 p.m.

II. Roll Call and General Announcements

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

Members Absent: Councilmember John Paulson

III. Pledge of Allegiance

Mayor Rusty Paul 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 meeting agenda. The motion carried by unanimous vote.

VI. Consent Agenda

Motion and second. A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melissa Mular, to approve the Consent Agenda.

Amendment to the Motion and second. An amendment to the main motion to remove from the Consent Agenda the March 15, 2022 City Council Work Session meeting minutes and add to New Business was made by Councilmember Melody Kelley, and seconded by Councilmember Andy Bauman. The motion passed unanimously.

Vote on the main motion. The motion to approve the main motion, as amended, carried by unanimous vote.

The March 15, 2022 City Council Work Session meeting minutes were moved to the last item under New Business, agenda item 2022-91.

- A. **2022-81** Meeting Minutes
February 3, 2022 City Council Retreat
March 15, 2022 City Council Meeting

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- B. **2022-82** Request for Mayor and City Council Consideration of Acceptance of the Dedication of Permanent Easement on that Tract of Land Located at 25 Pine Lake Drive, Lying in Land Lot 120 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2022-04-39

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2022-83** ABL_BILL#94795
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for BTM HWS Perimeter LLC d/b/a Homewood Suites Sandy Springs – 915 Crestline Parkway, Sandy Springs, GA 30328.
Applicant is Andy A Chopra for Consumption on the Premises of Wine & Malt Beverages.

Toni Carlisle, Interim Finance Director, presented ABL 94795, Alcoholic Beverage License Application for BTM HWS Perimeter LLC d/b/a Homewood Suites Sandy Springs at 915 Crestline Parkway, Sandy Springs, GA 30328. Applicant Andy A. Chopra has met all requirements for Consumption on the Premises of Wine & Malt Beverages. Staff recommends approval.

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

Motion and vote. A motion was made by Councilmember Melissa Mular, seconded by Councilmember Melody Kelley, to approve ABL 94795, Alcoholic Beverage License Application for BTM HWS Perimeter LLC d/b/a Homewood Suites Sandy Springs at 915 Crestline Parkway, Sandy Springs, GA 30328, applicant Andy A. Chopra, for Consumption on the Premises of Wine & Malt Beverages. The motion carried by unanimous vote.

- B. **2022-84** ABL_BILL#94763
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for Pisco Latin Kitchen INC d/b/a Pisco Latin Kitchen – 5975 Roswell RD Ste E353, Sandy Springs, GA 30328.
Applicant is Joseph P Rosales for Consumption on the Premises of Distilled Spirits, Wine, & Malt Beverages.

Toni Carlisle, Interim Finance Director, presented ABL 94763, Alcoholic Beverage License Application for Pisco Latin Kitchen Inc. d/b/a Pisco Latin Kitchen at 5975 Roswell Road, Suite E353, Sandy Springs, GA 30328. Applicant Joseph P Rosales has met all requirements for Consumption on the Premises of Distilled Spirits, Wine, & Malt Beverages. Staff recommends approval.

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

Motion and vote. A motion was made by Councilmember Tibby DeJulio, seconded by Councilmember Jody Reichel, to approve ABL 94763, Alcoholic Beverage License Application for or Pisco Latin Kitchen

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Inc. d/b/a Pisco Latin Kitchen at 5975 Roswell Road, Suite E353, Sandy Springs, GA 30328, applicant Joseph P Rosales, for Consumption on the Premises of Distilled Spirits, Wine, & Malt Beverages. The motion carried by unanimous vote.

- C. **2022-85** Request for Mayor and City Council Consideration of River Corridor Review RC-22-01SS for Property Located at 930 River Overlook Court

Michele McIntosh-Ross, Planning & Zoning Manager, presented River Corridor Review RC-22-01SS for Property Located at 930 River Overlook Court. Staff recommends approval of RC-22-01SS, consistent with the Chattahoochee Corridor Plan. Properties within 2000 feet of the Chattahoochee River are subject to the Chattahoochee River Corridor Protection Act. The regulations call for review and approval by the Atlanta Regional Commission (ARC), a public hearing and approval by the local governing authority, and issuance of a Metro River Certificate. The review focuses on whether the project is consistent with the Chattahoochee Corridor Plan, which limits clearing and impervious surface within the corridor. The property owner proposes a pool addition to the existing single-family house. The site is located in Vulnerability Category “C” with a proposed impervious area of 7,476 square feet, Category “D,” with a proposed impervious area of 1,138 square feet and Category “E” with a proposed impervious area of 0 square feet.

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

Motion and second. A motion was made by Councilmember Melissa Mular, seconded by Councilmember Melody Kelley, to approve the River Corridor Review RC-22-01SS for property located at 930 River Overlook Court.

Councilmember Jody Reichel asked did the owner remove trees to build a house or to put in the pool.

Planning & Zoning Manager McIntosh-Ross replied the site for the pool was already clear. The house was already existing.

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

IX. New Business

- A. **2022-86** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on Property Located at 6276 Mt. Vernon Oaks Drive in Land Lots 35 and 36 of the 17th District, City of Sandy Springs (Tax ID# 17-0036-0001-059-7); TS-192 Mt. Vernon Highway Corridor Improvements Project

William H. Martin, Jr., AIA, Public Works Director, presented an agreement to purchase Fee Simple Right of Way and Temporary Construction Easement on property located at 6276 Mt. Vernon Oaks Drive in Land Lots 35 and 36 of the 17th District, City of Sandy Springs (Tax ID# 17-0036-0001-059-7). Staff recommends acceptance of the agreement. The property is owned by John Ata Fard. The acquisition of 351.44 square feet of Fee Simple Right of Way and 244.17 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 \$19,134 and Staff has reached an amicable settlement in the amount of \$24,700 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 due to the

project's negative impact on ornamental landscaping along the property's rear frontage along Mt. Vernon Highway. The property owner provided the City with an extensive landscaping replacement estimate as part of their initial counter-offer. However, after lengthy amicable negotiations, the property owner agreed to accept an additional \$2,500 compensation for such landscaping items. Additionally, the proposed settlement includes additional compensation based on current sales comparables in the area that were provided by the owner. These comparables have been verified by the City's independent appraiser and support the additional compensation of \$3,066 in land value.

Motion and vote. A motion was made by Councilmember Melissa Mular, seconded by Councilmember Melody Kelley, to approve the Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on Property Located at 6276 Mt. Vernon Oaks Drive in Land Lots 35 and 36 of the 17th District, City of Sandy Springs (Tax ID# 17-0036-0001-059-7). The motion carried by unanimous vote.

Resolution No. 2022-04-40

- B. **2022-87** Request for Mayor and City Council to Approve a Lighting Services Agreement with Georgia Power Company to Install Pedestrian Scale Lighting for the CIP Community Development Block Grant (CDBG) T-0033-7, Roswell Road Sidewalk (Phase 2) Project and to Authorize the City Manager to Execute the Agreement

William H. Martin, Jr., AIA, Public Works Director, presented a Lighting Services Agreement with Georgia Power Company (GPC) to install pedestrian scale lighting for the Community Development Block Grant (CDBG) T-0033-7 Roswell Road Sidewalk (Phase 2) project. The agreement will provide the terms and conditions upon which the pedestrian lighting for the project will be installed by GPC. The agreement will further provide for the City to pay an initial installation cost of \$68,795 and a monthly lease cost of \$183.04 for ongoing maintenance and energy costs. As part of the design of the project, it is necessary to install decorative pedestrian scale lighting on the west side of Roswell Road from Lake Placid Drive to Northwood Drive. The scope of work includes:

- Install eight (8) lights with concrete bases, which includes the following:
 - Six (6) standard mid-block lights - 13' base mounted poles
 - Two (2) shepherd's hook intersection lights – 15' base mounted pole
- Install all underground feeds to lights
- Install all photocells for dusk to dawn operation

The City has previously entered into agreements with GPC to obtain pedestrian scale lighting on sidewalks and sidepaths. Pedestrian scale lighting is an important element in providing for a complete streetscape. There are sufficient funds within the CDBG account to fund the \$68,795 installation cost. The recurring monthly lease cost of \$183.04 for these lights covers maintenance and energy costs and will be paid through the City's Street Lighting Account.

Motion and second. A motion was made by Councilmember Andrew Bauman, seconded by Councilmember Tibby DeJulio, to approve the Lighting Services Agreement with Georgia Power Company to Install Pedestrian Scale Lighting for the CIP Community Development Block Grant T-0033-7 Roswell Road Sidewalk (Phase 2) Project and to Authorize the City Manager to Execute the Agreement.

Councilmember Andy Bauman asked if the cost is consistent with past projects? What is the timing? Also, are traffic disruptions anticipated?

Public Works Director Martin replied yes, the cost of installation is consistent with the City's other pedestrian lighting installation projects. Project construction will take place late in 2022 or early 2023. The City first needs to complete the final right of way acquisitions and a major utility relocation agreement for the project. There are likely to be lane closures on Roswell Road associated with the streetscape construction.

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

Resolution No. 2022-04-41

- C. **2022-88** Request for Mayor and City Council Consideration to Authorize the City Manager and Interim Finance Director to Access the City of Springs Georgia Fund 1 Accounts

Toni Carlisle, Interim Finance Director, presented a request to authorize the City Manager and Interim Finance Director to access the City of Sandy Springs Georgia Fund I accounts. O.C.G.A. § 36-83-1 to O.C.G.A. § 36-83-8 authorizes Georgia local governments to invest funds through the local government investment pool - Georgia Fund 1. Georgia Fund 1 requires that a local government's governing body authorize any change to the local government's accounts, which are utilized for deposits and withdrawals. The City of Sandy Springs has for many years maintained two investment accounts with Georgia Fund 1 and recent personnel changes have precipitated the need for authorization of the new City Manager and current Interim Finance Director to access the accounts. To execute the change in access, the City Council must adopt the attached resolutions, noting the City's two investment accounts.

Mayor Rusty Paul clarified this action is because the City Manager and Interim Finance new in their roles at the City, and require access to the funds.

Interim Finance Director Carlisle confirmed that is correct, and names of the City Manager and Interim Finance Director must be listed on the accounts to receive access.

Motion and second. A motion was made by Council Member Tibby DeJulio, seconded by Council Member Jody Reichel, to approve the authorize the City Manager and Interim Finance Director to access the City of Springs Georgia Fund 1 accounts.

Councilmember Andy Bauman asked if old names had been removed from the accounts. Has anything else changed, in terms of financial controls?

Interim Finance Director Carlisle replied yes, the old names have been removed. Each time there is a change in authority, the Council must approve the new access. Nothing else has changed. There is nothing outstanding for anyone not employed by the City.

Mayor Paul stated these are the City's reserves accounts.

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

Resolution No. 2022-04-42

- D. **2022-89** Request for Mayor and City Council Consideration to Approve a Contract with Wildlands Engineering for Design/Build of the Nancy Creek at Windsor Meadows Stream and Water Quality Improvement Project

Catherine Mercier-Baggett, Sustainability Manager, presented a request for contract award to Wildlands Engineering for the design/build of the Nancy Creek at Windsor Meadows Stream and Water Quality Improvement Project. In April 2020, the City applied for a Georgia Clean Water Act Section 319(h) grant for the Nancy Creek at Windsor Meadows Stream and Water Quality Improvement project. The City received the grant in the amount of \$400,000, with the City providing a cash match of \$377,000. The project scope includes stabilization of the streambank, installation of a regenerative stormwater conveyance system, and improvement of the stream buffer. The City conducted a two-phase solicitation process (RFQC #21-041, RFQ #21-041) that started in the summer of 2021. Four responses were received. After administrative compliance review and scoring by an evaluation committee composed of City staff members, two respondents were invited to the second phase of the solicitation. The second phase included a review of the project team, relevant experiences and references; and the firm's understanding and approach to the project and overall suitability of the firm. Cost was not considered a factor because the project is a not-to-exceed amount of \$777,000. The City's evaluation committee recommends awarding the contract to Wildlands Engineering. Wildlands Engineering because they have designed and constructed over 107,000 miles of stream restoration, a dozen stormwater control measures, they are experienced with 319(h) grants and designed-build, they have an in-house division that does the construction, they have a great support team; and they have an approach that includes extensive stakeholder and community engagement. The City's financial obligation to the project is the committed grant match of \$377,000.

Motion and second. A motion was made by Councilmember Tibby DeJulio, seconded by Councilmember Melody Kelley, to approve a contract with Wildlands Engineering for the design/build of the Nancy Creek at Windsor Meadows Stream and Water Quality Improvement Project.

Councilmember Tibby DeJulio stated this area has a history of congestion on the water from fallen trees. Will the project help clean the fallen trees and improve the area so it will not flood so often?

Sustainability Manager Mercier-Baggett replied it is an ongoing effort. Going upstream to identify the trees that have fallen or might fall is outside the scope of this project. Debris will be cleaned south of bridge.

Mayor Rusty Paul stated this is a streambank protection and restoration project. Explain why the team was not concerned about the cost because it is a not-to-exceed contract.

Sustainability Manager Mercier-Baggett replied the Environmental Protection Division will give the City \$400,000, and the City committed to a \$377,000 match. Staff will make sure the contractors will accomplish deliverables. The City has some room in the amount of vegetation that will be put back in the stream buffer. Cost was not considered a factor in the evaluation, because staff already knew the price tag.

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

Resolution No. 2022-04-43

- E. **2022-90** Request for Mayor and City Council Consideration of an Appointment to the Next Ten Comprehensive Plan Five-Year Update Advisory Committee

Mayor Rusty Paul nominated Clanci Jordan to the Next Ten Five-year Update Advisory Committee. Ms. Jordan served on the first Next Ten Advisory Committee.

Motion and vote. A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melissa Mular, to approve the appointment of Clanci Jordan to the Next Ten Comprehensive Plan Five-Year Update Advisory Committee. The motion carried by unanimous vote.

F. **2022-91** Request for Mayor and City Council Consideration of March 15, 2022 City Council Work Session Meeting Minutes

Motion and second. A motion was made by Councilmember Melody Kelley, seconded by Councilmember Melissa Mular, to approve the March 15, 2022 City Council Work Session meeting minutes with an amendment.

Councilmember Melody Kelley stated the minutes should be corrected to state staff directed to consider density as a criterion in the future in the next scoring, which was meant to compliment other parts of the criteria, like the 20 minute destination criteria.

Raquel Gonzalez, City Clerk, stated it is noted in the draft minutes that Councilmember Paulson references density as a criterion during the discussion. Councilmember Kelley is asking if it is the consensus of the Council to add density as a criterion in the scoring, which was not stated in the minute's summary/consensus statement.

Councilmember Andy Bauman asked Councilmember Paulson raised it, but was it clear that there was a Council consensus or just a discussion raised.

City Clerk Gonzalez replied at the end of the capital sidewalk discussion, Public Works Director Marty Martin summarized what he believes is the Council consensus, which councilmembers agreed to with nods. Public Works Director Martin, did not include " density" in his summary. This is the basis that was used to determine the statement noted as Council Consensus in the minutes.

Mayor Rusty Paul stated during a work session policy cannot be changed, but direction can be given to Staff to bring policy changes back to Council.

City Attorney Dan Lee clarified the forum we are in is deciding whether or not the question at hand occurred. You cannot change the minutes to reflect something that did not occur.

Councilmember Bauman asked if it is the opinion of the City Clerk that the presented minutes reflect the meeting's recording.

City Clerk Gonzalez replied yes.

Councilmember Melody Kelley withdrew the motion.

Motion and vote. A motion was made by Councilmember Jody Reichel, seconded by Councilmember Tibby DeJulio, to approve the March 15, 2022 City Council Work Session Minutes. The motion carried by unanimous vote.

X. Reports

A. 2022-91 Mayor and Council Report

Mayor Rusty Paul reported the current Georgia General Assembly legislative session has closed. Over 4,000 bills were introduced over the session.

- The Senate passed a dollar-for-dollar income tax credit for individuals and corporations that make donations to a qualified law enforcement foundation. These dollars will be marked as discretionary funds for police departments and may be spent on officer compensation, training, and equipment. The fiscal note attached to the Bill advises this could result in \$70M raised statewide for law enforcement. This bill is now sent to Governor Brian Kemp for his signature. (Senate Bill 361 - LESS Crime Act)
- House Bill 1013 (Mental Health Parity Act) was passed. It requires insurers to treat mental health treatments the same as physical health treatments. It is the most sweeping mental health bill passed in Georgia in decades. This puts \$30M into new programs and new facilities for mentally ill individuals and those with substance-abuse needs. On Monday, April 4, Governor Brian Kemp signed this bill. This bill is now sent to Governor Brian Kemp for his signature.
- House Bill 1405 (Zoning Procedures; Judicial Review) passed. It updates zoning procedure laws in Georgia. The Bill covers the process of appealing zoning decisions and incorporates some of the judicial rulings that have been made in recent years into the statute.
- House Bill 469 (Historic Rehabilitation Tax Credit Extension) passed and is now waiting for Governor Brian Kemp's signature.
- House Bill 1275 (Municipal Court Judges Appoint and Remove) authorizes municipalities to appoint a municipal court judge to complete a judicial term where a vacancy occurs, for the remainder of the unexpired term. The bill also provides for a removal process for municipal court judges. The Bill is waiting for Governor Brian Kemp's signature.
- House Bill 1390 (Whistleblower Protections for Sexual) Harassment Complaints clarifies that the state whistleblower statute applies to employees who report sexual harassment. The bill creates a right of action for a county or city employee who is retaliated against for opposing sexual harassment or has made a charge or complaint against sexual harassment. The Bill is waiting for Governor Brian Kemp's signature.
- House Bill 1009 (Personal Delivery Devices - Delivery Robots) would allow personal delivery devices to operate on any sidewalk or crosswalk in the state. The bill defines personal delivery device as a powered device intended to be operated primarily on sidewalks, crosswalks, and other pedestrian areas to transport cargo and capable of navigating with or without control of a natural person. The Bill is waiting for Governor Brian Kemp's signature.
- House Bill 302 (Restriction on Methods of Calculating Regulatory Fees) did not pass. It would have restricted a local government's ability to determine building inspection fees by removing the ability to determine the fee amount based on the cost of the project for construction projects not considered new construction.
- House Bill 1093 & Senate Bill 494 (Preemption on Regulating Corporate "Build to Rent" Subdivisions) did not pass.

- House Bill 1280 (Contracts for the Collection of Municipal Taxes) did not pass.

B. 2022-92 Staff Reports

There were no staff reports.

XI. Executive Session

Motion and vote. A motion was made by Councilmember Tibby DeJulio, seconded by Councilmember Jody Reichel, to recess from regular order and enter executive session for the purpose of real estate discussions. The motion carried by unanimous vote.

Passed Yes 5, No 0, Abstained 0

Yeas: Councilmember Melody Kelley, Councilmember Melissa Mular, Councilmember Jody Reichel, Councilmember Tibby DeJulio, Councilmember Andrew Bauman

Nays: None

The Executive Session began at 7:04 p.m.

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

Passed Yes 5, No 0, Abstained 0

Yeas: Councilmember Melody Kelley, Councilmember Melissa Mular, Councilmember Jody Reichel, Councilmember Tibby DeJulio, Councilmember Andrew Bauman

Nays: None

The Executive Session ended at 7:25 p.m.

XII. Adjournment

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

The meeting adjourned at 7:25 p.m.