

Meeting of the Sandy Springs City Council was held on July 19, 2022 at Following Work Session, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 7:08 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

- I. Leon Pomerance, 6961 Brandon Mill Road, Sandy Springs** - Restrictions for rentals in residential zoned neighborhoods.

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 Melody Kelley, to approve the consent agenda. The motion carried by unanimous vote.

- A. **2022-167** Meeting Minutes
June 21, 2022 City Council Meeting
- B. **2022-168** Request for Mayor and City Council Consideration of the Dedication of Right of Way and Temporary Construction Easement on Property Located at 314 and 354 Dalrymple Road in Land Lot 75 of the 17th District, Fulton County, City of Sandy Springs, Georgia (Tax ID#'s 17-0075- LL-004-7 & 17-0075- LL-117-7)

Resolution No. 2022-07-80

- C. **2022-169** 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 6268 Mt. Vernon Oaks Drive in Land Lot 36 of the 17th District, City of Sandy Springs (Tax ID# 17-0036-0001-057-1); TS-192 Mt. Vernon Highway Corridor Improvements Project

Resolution No. 2022-07-81

- D. **2022-170** Request for Mayor and City Council Consideration of Acceptance of a Permanent Drainage Easement on Property Located at 5565 Errol Place in Land Lot 134 of the 17th District, City of Sandy Springs, Georgia (Tax ID# 17-0134-0003-023-2) (Errol Place Stormwater Project)

Resolution 2022-07-82

- E. **2022-171** Request for Mayor and City Council Consideration of Acceptance of a Permanent Drainage Easement on Property Located at 5575 Errol Place in Land Lot 134 of the 17th District, City of Sandy Springs, Georgia (Tax ID# 17-0134-0003-024-0) (Errol Place Stormwater Project)

Resolution No. 2022-07-83

- F. **2022-172** Request for Mayor and City Council Consideration of Acceptance of a Permanent Drainage Easement on Property Located at 7560 Winters Chapel Road in Land Lot 312 of the 6th District, City of Sandy Springs, Georgia (Tax ID# 06-0312-0001-006-6) (Winters Chapel Stormwater Project)

Resolution No. 2022-07-84

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2022-173** ABL_BILL#95673 Approval of Alcoholic Beverage License Application for Sunnyside Pizzeria LLC, DBA Sunnyside Pizzeria -220 Sandy Springs Circle Suite 149, Sandy Springs GA, 30328.

Toni Carlisle, Chief Financial Officer, ABL_BILL#95673 Approval of Alcoholic Beverage License Application for Sunnyside Pizzeria LLC, DBA Sunnyside Pizzeria -220 Sandy Springs Circle Suite 149, Sandy Springs GA, 30328, applicant Yuying Sun, for Consumption on the Premises of Wine, & Malt Beverages. The applicant has met all requirements. Staff has reviewed this application and recommends its approval.

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

Motion and vote. A motion was made by Councilmember Melissa Mular, seconded by Councilmember Jody Reichel, to approve the ABL_BILL#95673, Alcoholic Beverage License application for Sunnyside Pizzeria LLC, DBA Sunnyside Pizzeria, at 220 Sandy Springs Circle Suite 149, Sandy Springs GA, 30328. The motion carried by unanimous vote.

- B. **2022-174** Request for Mayor and City Council Consideration of River Corridor Review RC-22-06SS for Property Located at 675 River Chase Point

Raquel Gonzalez, City Clerk, read the rules for the remaining portion of the public hearing agenda.

Michele McIntosh-Ross, Planning and Zoning Manager, presented River Corridor Review RC-22-06SS for property located at 675 River Chase Point. Properties within 2,000 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 sewer and drainage easement. The site is located in Vulnerability Category "C" with a proposed impervious area of 11,948 square feet. ARC reviewed the proposal and found that the project is consistent with the Chattahoochee River Corridor Plan. Staff recommends approval of RC22-0006, consistent with the Chattahoochee Corridor Plan.

There being no public comment, **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 River Corridor Review RC-22-06SS for property located at 675 River Chase Point.

Councilmember John Paulson asked is RC-22-06SS and RC-0006 referring to the same item, as they are noted differently in the memo and on the agenda.

Planning & Zoning Manager McIntosh-Ross replied they are the same. The "SS" is added by the ARC to identify Sandy Springs.

Councilmember Melody Kelley asked are these projects ever coupled with variances or other types of permits.

Planning & Zoning Manager McIntosh-Ross replied they can. If there were a variance, it would be reviewed by the Board of Appeals. In such cases, it would suit the applicant to go through the variance process first with the ARC first.

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

Resolution No. 2022-07-85

- C. **2022-175** Request for Mayor and City Council Consideration of River Corridor Review RC-22-07SS for Property Located at 380 Crosstree Lane

Michele McIntosh-Ross, Planning & Zoning Manager, presented River Corridor Review RC-22-07SS for property located at 380 Crosstree Lane. Properties within 2,000 feet of the Chattahoochee River are subject to the Chattahoochee River Corridor Protection Act. The property owner proposes an in-law suite and two lower level offices. The site is located in Vulnerability Category "D" with a proposed impervious area of 6,766 square feet. ARC reviewed the proposal and found that the project is consistent

with the Chattahoochee River Corridor Plan. Staff recommends approval of RC22-0007, consistent with the Chattahoochee Corridor Plan.

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

Mayor Rusty Paul asked is the office-use compliant with zoning.

Planning & Zoning Manager McIntosh-Ross replied yes.

Motion and vote. A motion was made by Councilmember Melissa Mular, seconded by Councilmember Jody Reichel, to approve River Corridor Review RC-22-07SS for property located at 380 Crosstree Lane. The motion carried by unanimous vote.

Resolution No. 2022-07-86

- D. **2022-176** Request for Mayor and City Council Consideration of River Corridor Review RC-22-08SS for Property Located at 300 Skyridge Drive

Michele McIntosh-Ross, Planning and Zoning Manager, presented River Corridor Review RC-22-08SS for property located at 300 Skyridge Drive. Properties within 2,000 feet of the Chattahoochee River are subject to the Chattahoochee River Corridor Protection Act. The property owner proposes to upgrade a retaining wall, add a new retaining wall and patio to the backyard. The site is located in Vulnerability Category "D" with a proposed impervious area of 8,795 square feet. ARC reviewed the proposal and found that the project is consistent with the Chattahoochee River Corridor Plan.. Staff recommends approval of RC22-0008, consistent with the Chattahoochee Corridor Plan.

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

Motion and vote. A motion was made by Councilmember John Paulson, seconded by Councilmember Melody Kelley, to approve River Corridor Review RC-22-08SS for property located at 300 Skyridge Drive. The motion carried by unanimous vote.

Resolution No. 2022-07-87

- E. **2022-177** Request for Mayor and City Council Consideration of RZ22-0002, a Zoning Map Amendment (Rezoning) from RE-1 (Residential Estate, 1 Acre Minimum) to RT-3 (Residential Townhouse, 3 Stories Maximum Height) - 6669 Peachtree Dunwoody Road (Parcel # 17 0020 LL0175)

Michele McIntosh-Ross, Planning & Zoning Manager, presented RZ22-0002, a Zoning Map Amendment (Rezoning) from RE-1 (Residential Estate, 1 Acre Minimum) to RT-3 (Residential Townhouse, 3 Stories Maximum Height) - 6669 Peachtree Dunwoody Road (Parcel # 17 0020 LL0175). The applicant requests a rezoning from RE-1 to RT-3. The applicant intends to build 15 single unit attached townhouses, 10 of which would be under the Cottage Court Design Pattern provided in the Development Code, which would require the development of a new east/west street. Development Code Sec. 11.3.4.D. notes that conditions should be limited only to "those deemed essential to the proper development and use of the subject property, and to the safety and quality of life of the community."

Zoning Map Amendment Considerations

- The property is currently in the RE-1 District but also in the Urban Neighborhood Character Area (which contains the RT-3 zoning district). There is a similar sized property, also zoned RT-3 neighboring to the north
- Site plan is not required - goal is to consider appropriateness of proposed change in regard to potential allowed uses within proposed zoning district - in this case primarily single unit detached to single unit attached
- Concept aligns with vision for the Perimeter Center Small Area Plan
- Meets the goals of The Next Ten to help realize redevelopments which promote more compact and walkable places
- Appropriate for the current and planned character of the area

Staff recommends approval of RZ22-0002 without conditions because the Development Code is sufficient in this instance to ensure proper development and encourage safety and a high quality of living. The Planning Commission recommended Approval of RZ22-0002 at the June Public Hearing.

Mayor Rusty Paul opened the Public Hearing.

Support

1. **David Joss, Glen Meadow Home Owners Association, 445 Otter Creek Court**

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

Motion and second. A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melissa Mular, to approve, RZ22-0002, a Zoning Map Amendment (Rezoning) from RE-1 (Residential Estate, 1 Acre Minimum) to RT-3 (Residential Townhouse, 3 Stories Maximum Height) - 6669 Peachtree Dunwoody Road (Parcel # 17 0020 LL0175).

Councilmember Andy Bauman stated it should be noted the commenter's design request is not subject to conditions that the Council can impose, nor could be enforced by the City, absent some modifications. This process is for the zoning.

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

Ordinance No. 2022-07-06

- F. **2022-178** Request for Mayor and City Council Consideration of TA22-0001, an Ordinance to Amend Development Code Divisions 1.2. Districts; 4.1. District Intent Statements; and 4.4. Commercial Mixed Use (CX-)

Michele McIntosh-Ross, Planning & Zoning Manager, presented TA22-0001, an Ordinance to Amend Development Code Divisions 1.2. Districts; 4.1. District Intent Statements; and 4.4. Commercial Mixed Use (CX-). When Sandy Springs completed the citywide rezoning process and related Development Code in 2017, there was an expectation that unintended errors and general oversights would be

discovered over the subsequent months and years, as the new Zoning Map and Development Code were practically observed and implemented. Part of the citywide rezoning and Development Code implementation included the creation of a new district titled "Commercial Mixed Use (CX-)," within the "Corridor & Nodes" Character Area. Code language in three different sections effectively establishes and lays out the height parameters of the district: "Districts Established"; "Commercial Mixed Use"; and more specifically "Height and Mass." Staff recently realized that though property in the City is currently zoned CX-6 on the official Zoning Map, the zoning category itself (CX-6) is not listed as an option in the aforementioned sections. The only CX- category listed is CX-3 (Commercial Mixed Use, 3 stories maximum). Staff believes this discrepancy to be an oversight error and seeks to correct it by including CX-6 (Commercial Mixed Use, 6 stories maximum) as an additional district within Commercial Mixed Use.

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

Motion and vote. A motion was made by Councilmember John Paulson, seconded by Councilmember Melody Kelley, to approve, TA22-0001, an ordinance to amend Development Code Divisions 1.2. Districts; 4.1. District Intent Statements; and 4.4. Commercial Mixed Use (CX-). The motion carried by unanimous vote.

Ordinance No. 2022-07-07

- G. **2022-179** Request for the Mayor and City Council Consideration to Approve the Transmittal of the Draft Sandy Springs Next Ten Comprehensive Plan 5-year Update 2022 to the Atlanta Regional Commission and the Georgia Department of Community Affairs for Review

Michele McIntosh-Ross, Planning & Zoning Manager, presented the request to transmit the Draft Sandy Springs Next Ten Comprehensive Plan 5-year Update 2022 to the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs (DCA) for review. The DCA requires that municipalities update their comprehensive plans every five (5) years. The DCA planning standards also require municipalities to submit draft comprehensive plans, via an approved resolution, for review by the local regional planning agency before the official adoption of the final comprehensive plan. Since the announced kick-off of the Next Ten 5-year Update at the Mayor and City Council meeting on January 18, 2022, we have accomplished many of the goals we set out to achieve. The Mayor appointed a fourteen-member Advisory Committee to help guide the Plan Update. The Advisory Committee met five times to discuss the components of the Plan Update and make recommendations. The first round of public community engagement kicked off on March 28, with a Public Open House forum, followed by virtual engagement through May 9. Staff also ventured out to meet the community at the Farmers' Market, local parks, Lantern Festival, and partnered with the Community Assistance Center to conduct surveys at their Pantry, Thrift Shop, and Community Celebration event at Northwood. This round of community engagement served to inform the planning team of the community's desire for changes to the Next Ten. A second round of public community engagement took place with a Public Open House on June 9, followed by a virtual forum until June 30. This round of engagement allowed the community to examine and comment on the draft recommendations suggested for the Next Ten 5-year Update. Based on the feedback from surveys, most respondents agree and/or are satisfied with the vision and direction described in the existing 2017 Next Ten Plan.

There were recommended edits that the planning team captured and incorporated into the Next Ten 5-year Update. For example, City Staff recognized a trend regarding housing. As a result, in the Needs and

Opportunity section, there is a statement that recognizes there are established multi-unit neighborhoods that are valuable to the community by providing a range of housing choices and price points.

The Draft Next Ten 5-year Update has been prepared and reviewed by the public. The Draft was presented to the Planning Commission on June 22, and their recommendation is for the Mayor and City Council to approve the resolution to transmit the Draft Next Ten 5-year Update 2022 to the reviewing agencies.

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

Motion and second. A motion was made by Councilmember Andrew Bauman, seconded by Councilmember Melody Kelley, to approve the transmittal of the Draft Sandy Springs Next Ten Comprehensive Plan 5-year Update 2022 to the Atlanta Regional Commission and the Georgia Department of Community Affairs for review.

Councilmember Andy Bauman stated in the last several months, there were many things discussed outside the scope of a five-year update. For example, the Advisory Community discussed what the City can do to be a good stakeholder in making the quality of life for residents that live our our current housing even better though code enforcement, law enforcement, holding property owners to standards, or other resources. Is there a list of highlighted points that may not have made into the Five-year Update, but are valid action items that can be brought before Council policymaking considerations? Hopefully such comments are noted, and can be revisited before next year's retreat or budget.

Kristin Smith, Assistant City Manager, replied if there was a recognized trend, but no existing studies to provide guidance, then such trends were included in a work plan. For example, in terms of housing, there were some policy studies into the work program to address those issues. Also, in the appendices of the plan, there were all of the public comments received for later reference.

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

Resolution No. 2022-07-88

- H. **2022-180** Request for Mayor and City Council Consideration of a Variance from Section 9.2.2 – Applicability; State Waters Buffer Protection of the Development Code, to Allow the Use of Impervious Concrete in the 50-foot Stream Buffer and Additional Impervious Setback, for the Construction of a Portion of Trail Segment 2A

Michael Perry, Recreation and Parks Director, stated the bid for Trail Segment 2A is let, and Staff anticipates the bid opening in mid-August. Staff recommends a variance from Section 9.2.2 – Applicability; State Waters Buffer Protection of the Development Code, to allow the use of impervious concrete in the 50-foot stream buffer and additional impervious setback, for the construction of a portion of Trail Segment 2A (“Segment”). Most of the trail will be constructed using porous concrete within sensitive areas. A portion must be built over a Fulton County sewer easement, requiring impervious H-20 loading concrete to support the heavier vehicles that support Fulton County sewer operations. City consultants propose the use of impervious concrete trail with an adjacent infiltration trench on the north side of Orkin lake that will provide an infiltration rate equivalent to that of porous concrete. This will provide an equal water infiltration rate to actual porous concrete.

Chuck Abbot, KAIZEN Collaborative, Engineer/Consultant, advised the porous concrete and the

infiltration trench both provide three square feet of infiltration per linear foot of trail, and is less likely to get clogged by sediment, tree leaves and organic matter than porous concrete, and will provide more direct infiltration. Heavy duty concrete with infiltration trench is estimated at \$145.22 per linear foot, compared to \$344.57 per linear foot for porous concrete or \$529.98 per linear foot for pervious pavers.

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

Motion and second. A motion was made by Councilmember Melody Kelley, seconded by Councilmember John Paulson, to approve variance from Section 9.2.2 – Applicability; State Waters Buffer Protection of the Development Code, to allow the use of impervious concrete in the 50-foot Stream Buffer and additional impervious setback, for the Construction of a Portion of Trail Segment 2A.

Councilmember Melody Kelley asked if the proposal is cheaper and provides equal infiltration, why is the whole trail not made of impervious material.

Consultant Abbot stated the parts out of the buffer are impervious, and there is a need to be consistent to the sensitivity and adhere to the City's ordinances within the areas. Relief is needed in this one area.

Councilmember Andy Bauman is this a variance because the City is the property owner that the City has to come before the Council to issue a variance.

Dan Lee, City Attorney, stated it is a variance, but not a variance under the Development Code. This is not a zoning variance.

Assistant City Manager Smith stated City Code Section 2.2.3. Variance for City or City Sponsored Projects, which says if we need to bury something for a City sponsored projects it would be advertised in the same way and brought before the Council instead of the Board of Appeals. Previously, staff brought for Council's consideration text amendments, but Council determined it would like to see pervious concrete in the buffers, which is what Staff is doing in the areas they are able. In this case, the City cannot.

City Attorney Lee advised that technically the zoning ordinances do not apply to Council.

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

Resolution No. 2022-07-89

IX. New Business

- A. **2022-181** Request for Mayor and City Council Consideration of Approval of a Subgrant Agreement with the Metropolitan Atlanta Rapid Transit Authority (MARTA) for the Medical Center Station to Dunwoody MARTA Station Pedestrian/Bicycle and Transit Connectivity Improvements Project and to Authorize the Mayor to Execute Same

William H. Martin, Jr., AIA, Public Works Director, presented a request to approve a subgrant agreement with the Metropolitan Atlanta Rapid Transit Authority (MARTA) for the Medical Center Station to Dunwoody MARTA Station Pedestrian/Bicycle and Transit Connectivity Improvements Project and to authorize the Mayor to execute the same. The City was awarded federal funding for the Project and this Subgrant Agreement through FY 2016 Surface Transportation Program Urban Funds

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allocated by the Atlanta Regional Commission ("ARC") under its Last Mile Connectivity Program in the Metropolitan Transportation Improvement Program under TIP Project # 0015070, ARC # DK-440. These funds have been flexed/transferred from the Federal Highway Administration to the Federal Transit Administration ("FTA") to be administered under the Section 5307 Program. MARTA will be a pass-through entity for providing the federal assistance to the City. MARTA will provide oversight of the Project and administer the funds, and the City will execute the Project in accordance with FTA regulations and the Subgrant Agreement.

The Project will add a bicycle/pedestrian facility on the west side of Peachtree Dunwoody Road from just north of I-285 to Hammond Drive. The Project will also include bike and sidewalk improvements on Lake Hearn Drive from Peachtree Dunwoody Road to the City limits. Project components will include a ten (10) and twelve (12) foot wide side path, six (6) foot wide sidewalk, ADA compliant curb ramps, 24 inch wide curb and gutter, turning lane, storm drain structures, and standard City streetscape elements (lighting, brick pavers, and landscaping). When completed, this Project will improve bicycle and pedestrian facilities and traffic operations between the Dunwoody and Medical Center MARTA stations. It will connect to recently completed bicycle/pedestrian facilities that tie directly to the MARTA Medical Center Station. Additionally, the Project will extend the GA 400 Multi-Use Path project, currently in design, up the west side of Peachtree Dunwoody Road to Hammond Drive.

The current estimated total Project cost is \$4,802,481.00. Per the Subgrant Agreement, the City will be responsible for a twenty percent (20%) match of the federal funding, which is \$960,496.20. The Perimeter Community Improvement District (PCID) has entered into an agreement with the City to provide the local matching funds required under the Subgrant Agreement. Funding details are shown in the below table.

	Federal Share MARTA/FTA (80%)	Local Share PCID (20%)	Total Estimated Project Cost
Engineering and Design Activities	\$ 768,396.96	\$192,099.24	\$ 960,496.20
ROW, Utility, and Construction Activities	\$3,073,587.84	\$768,396.96	\$3,841,984.80
TOTAL	\$3,841,984.80	\$960,496.20	\$4,802,481.00

Motion and second. A motion was made by Councilmember John Paulson, seconded by Councilmember Melody Kelley, to approve the a subgrant agreement with the Metropolitan Atlanta Rapid Transit Authority (MARTA) for the Medical Center Station to Dunwoody MARTA Station Pedestrian/Bicycle and Transit Connectivity Improvements Project and to authorize the mayor to execute the same.

Councilmember John Paulson asked will the City manage the construction of the path.

Public Works Director Martin replied yes. The portion immediately underneath I-285 is currently being construction with the CID project. The City, Path and CID contributed funds. This action is for the portion just north.

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

Resolution No. 2022-07-90

- B. **2022-182** Request for Mayor and City Council Consideration of Approval of an Agreement by and between the City of Sandy Springs and the Fulton Perimeter Community Improvement District for the Medical Center Station to Dunwoody MARTA Station Pedestrian/Bicycle and Transit Connectivity Improvements Project and to Authorize the Mayor to Execute Same

William H. Martin, Jr., AIA, Public Works Director, presented a request to approve an agreement by and between the City of Sandy Springs and the Fulton Perimeter Community Improvement District for the Medical Center Station to Dunwoody MARTA Station Pedestrian/Bicycle and Transit Connectivity Improvements Project and to Authorize the Mayor to execute the same. The City was awarded federal funding for the Project and a Subgrant Agreement with MARTA through the FY 2016 Surface Transportation Program Urban Funds allocated by the Atlanta Regional Commission ("ARC") under its Last Mile Connectivity Program in the Metropolitan Transportation Improvement Program under TIP Project # 0015070, ARC # DK-440. These funds have been flexed/transferred from the Federal Highway Administration to the Federal Transit Administration ("FTA") to be administered under the Section 5307 Program. Pursuant to the Agreement, the CID will be responsible for the cost of local matching funds required for the Project and will help coordinate the Project work with the City. The City will execute the Project in accordance with FTA regulations and the Subgrant Agreement. The proposed Agreement was drafted by both the City and the CID and was approved by the CID Board on June 27, 2022.

The Project will add a bicycle/pedestrian facility on the west side of Peachtree Dunwoody Road from just north of I-285 to Hammond Drive. The Project will also include bike and sidewalk improvements on Lake Hearn Drive from Peachtree Dunwoody Road to the City limits. Project components will include a ten (10) and twelve (12) foot wide side path, six (6) foot wide sidewalk, ADA compliant curb ramps, 24 inch wide curb and gutter, turning lane, storm drain structures, and standard City streetscape elements (lighting, brick pavers, and landscaping). When completed, this Project will improve bicycle and pedestrian facilities and traffic operations between the Dunwoody and Medical Center MARTA stations. It will connect to recently completed bicycle/pedestrian facilities that tie directly to the MARTA Medical Center Station. Additionally, the Project will extend the GA 400 Multi-Use Path project, currently in design, up the west side of Peachtree Dunwoody Road to Hammond Drive.

The current estimated total project cost is \$4,802,481.00. Per the Agreement, the CID will be responsible for the local matching funds required for the Project, which is \$960,496.20. The funding details are shown in the table below.

	Federal Share MARTA/FTA (80%)	Local Share PCID (20%)	Total Estimated Project Cost
Engineering and Design Activities	\$ 768,396.96	\$192,099.24	\$ 960,496.20
ROW, Utility, and Construction Activities	\$3,073,587.84	\$768,396.96	\$ 960,496.20
TOTAL	\$3,841,984.80	\$960,496.20	\$4,802,481.00

Motion and vote. A motion was made by Councilmember John Paulson, seconded by Councilmember Tibby DeJulio, to approve an agreement by and between the City of Sandy Springs and the Fulton

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Perimeter Community Improvement District for the Medical Center Station to Dunwoody MARTA Station Pedestrian/Bicycle and Transit Connectivity Improvements Project and to authorize the mayor to execute the same.

Councilmember John Paulson thanked the PCID for their partnership. This is a great project that has been going on for many years. It will allow people to walk safely under I-285.

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

Resolution No. 2022-07-91

- C. **2022-183** Request for Mayor and City Council Consideration to Approve Contract Award to Construction 57 Incorporated to Construct the Dalrymple Road Sidewalk Project (TS168), and to Authorize the City Manager to Execute a Contract

William H. Martin, Jr., AIA, Public Works Director, presented a request to approve a contract award to Construction 57 Incorporated to construct the Dalrymple Road Sidewalk Project (TS168), and to authorize the City Manager to execute the contract. The Project consists of the installation of 67 linear feet of 6-foot sidewalk with 2-foot landscape buffer on the south side of Dalrymple Road from Duncourtney Drive to Dunraven Place and 1,060 LF of 6-ft sidewalk with 2-ft landscape buffer and associated improvements on the north side of Dalrymple Road from Dunraven Place to existing sidewalk near Princeton Way. Proposed improvements included in the Project are:

1. Sidewalk
2. Curb and gutter
3. Storm drainage system
4. Retaining wall
5. Mid-block crossing between Duncourtney Drive and Dunraven Place on Dalrymple Road

To advance the Project, on March 9, 2022, the City issued an Invitation to Bid ("ITB") seeking bids from qualified contractors to construct the Project. Bids from four (4) contractors were received on April 13, 2022, including the following:

Construction 57 Incorporated	\$445,816.00
Backbone Infrastructure	\$586,160.52
Summit Construction	\$637,525.80
Sol Construction	Unresponsive

The construction cost estimate for the Project is \$483,000. Upon review of the bids, Staff recommends that award be made to Construction 57 Incorporated, the lowest responsive and responsible bidder, in the amount of \$445,816.00. There are adequate funds available in the Project budget to award this contract.

Motion and second. A motion was made by Councilmember Melody Kelley, seconded by Councilmember Melissa Mular, to approve a contract award to Construction 57 Incorporated to Construct the Dalrymple Road Sidewalk Project (TS168), and to authorize the City Manager to execute a contract.

Councilmember Melody Kelly asked is the project from the previous TSPLOST.

Public Works Director Martin replied yes, and there is one other remaining project.

Councilmember Jody Reichel asked has the City worked with this company before.

Public Works Director Martin replied yes, they also built the City's CDBG sidewalk project, just south of 285 along Roswell Road.

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

Resolution No. 2022-07-92

- D. **2022-184** Request for Mayor and City Council Consideration of Recommended Pieces for ArtSS Sculpture Competition 2022-2023

Marla Shavin, Senior Public Relations Specialist, presented the recommended pieces for the ArtSS Sculpture Competition 2022-2023 for the Mayor and Council's consideration. In 2018, the City began funding the Annual ArtSS Walk, Art Sandy Springs' annual Arts in the Open sculpture competition. Each year, nine sculpture finalists are selected from hundreds of entries from around the country. The works are displayed on the City Green at City Springs, creating an annually changing sculpture art gallery in the park. At the conclusion of each exhibit, selected works from the finalists are purchased and placed in permanent locations by the City. More than 60 pieces were reviewed by City staff who looked for safety, durability and appropriateness. Art Sandy Springs then formally screened the balance and sent them for review by a panel of art expert judges. The recommended nine final pieces are: *Earth Water Wind Fire* by Hanna Jubran represents the four elements in harmony (\$25,000). *Xequé Muisca Priest* by Maria Sarmiento is inspired by pre-Columbian culture (\$10,000). *Inspire* by Jim Weitzel is part of his current Wings series (\$10,000). *Square Dance* by Bob Turan is a piece inspired by geometry and balance (\$19,950). *Icosahedron*, a 20-sided shape, by Kirk Seese is a kinetic piece (\$7,500). *Moon Man Moves* by Gwendolyn Kerney is a colorful, whimsical piece (\$5,000). *Single Rider* by Jim Collins his style features a silhouette of a single rider (\$5,500). *Red Green Construction* by Ray Katz combines colored geometric and organic elements to convey kinetic energy (\$20,000). *Nucleus* by Gregory Johnson focuses on simple, elegant geometric shapes (\$26,250). Each of the nine artists represented will receive a \$1,500 stipend to cover costs of delivery and display, which can be put toward the purchase of selected pieces for permanent location. Overall cost: \$13,500 (\$1,500 x 9).

Next steps include the sculptures currently on Green City will be swapped with the approved recommended pieces.

Motion and second. A motion was made by Councilmember John Paulson, seconded by Councilmember Tibby DeJulio, to approve the Request for Mayor and City Council Consideration of Recommended Pieces for ArtSS Sculpture Competition 2022-2023.

Councilmember Jody Reichel asked can private citizens purchase pieces not selected by the City. The City should share how to citizens can purchase some of the pieces.

City Manager Freeman replied citizens can contact Art Sandy Springs if they are interested in any particular pieces.

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

Resolution 2022-07-93

X. Reports

A. 2022-185 Mayor and Council Report

Mayor Rusty Paul reported on the LOST, Local Option Sales Tax, negotiations between Fulton County and the Fulton Cities. Cities met with the County last week. Currently, Fulton receives 4.9% of the total LOST collection. They asked for 35% at the first negotiation meeting, which is a 600% increase. The County argues the current distribution is not fair, and they provide services they are not being reimbursed. The County did not lay out any new uses for the revenue they receive. The 15 cities are in unanimous agreement that the Cities are opposed to the County's proposition. The Cities agree the current distribution is fair and equitable. This is a 60-day negotiation process. After the negotiation period, the parties may go to arbitration. Under the current LOST agreement, City of Sandy Springs receives approximately \$27M each. The revenue is used to fund police, fire, and other essential services. If the County gets what it has asked for, the City of Sandy Springs would have to cut programs and lay off employees to achieve a balanced budget because the City of Sandy Springs cannot raise its millage rate, which is set by Charter. A cut to City of Sandy Springs' current LOST revenue above 5% would hurt and anything over 10% would be debilitating. The County is counting all residents once as city residents and then again as county residents, arguing they have 49% of the population. This will be a long, difficult, and contentious process. Residents should talk to their County commissioner. There will be another meeting on Friday, July 22, where the Cities will work together to develop a counter proposal. In August, 2022, the County and Cities will meet every Friday.

Councilmember John Paulson congratulated Mayor Paul for his induction into the Georgia Municipal Association's Hall of Fame.

Mayor Paul replied it was a great honor to join Mayor Eva Galambos and others who received such a recognition.

Councilmember Andy Bauman recognized Sandy Springs Police Chief Ken DeSimone and the Sandy Springs Police Department for their presence at the July 16 Farmers Market, and thanked City Staff for the tours of the nonprofit grant program awardees.

Councilmember Jody Reichel reminded everyone to attend the City's fireworks presentation on July 29.

B. 2022-186 Staff Reports

1. May 2022 Unaudited Financials

Toni Carlisle, Chief Financial Officer, presented the May 2022 Unaudited Financials. The City is at 91.67% of the fiscal year and revenues are at 83.62%. The overall expenditures are at 86.56% of the budget as of the close of May. Departments are doing an excellent job of managing expenditures within

the constraints of the budget.

XI. Executive Session

Motion and vote. A motion was made by Councilmember John Paulson, seconded by Councilmember Tibby DeJulio, to suspend regular order and enter an executive session for the purposes of real estate and pending litigation discussions. The motion carried by unanimous vote.

Passed Yes 6, No 0, Abstained 0

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

Nays: None

The executive session began at 8:40 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.

Passed Yes 6, No 0, Abstained 0

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

Nays: None

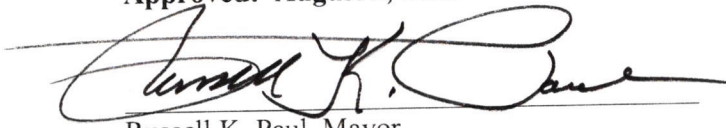
The executive session ended at 10:16 p.m.

XII. Adjournment

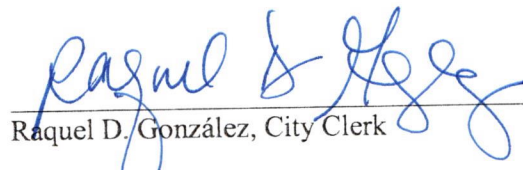
Motion and vote. A motion was made by Councilmember John Paulson, seconded by Councilmember Tibby DeJulio, to adjourn the meeting. The motion carried by unanimous vote.

The meeting adjourned at 10:16 p.m.

Approved: August 2, 2022



Russell K. Paul, Mayor



Raquel D. González, City Clerk