

1. **CALL TO ORDER**

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

2. **ROLL CALL**

Members Present: Chair Rusty Paul, Member Andrew Bauman, Member Tibby DeJulio, Member Melody Kelley, Member Melissa Mular, Member John Paulson, Member Jody Reichel

3. **APPROVAL OF MEETING AGENDA**

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

4. **PFA2022-09** Approval of the August 2, 2022 Public Facilities Authority Special Called Meeting Minutes

Motion and vote. A motion was made by Member John Paulson, seconded by Member Melissa Mular, to approve the August 2, 2022 Public Facilities Authority Special Called Meeting Minutes. The motion carried by unanimous vote.

5. **PFA2022-10** Request for Public Facilities Authority Consideration of the Lease Terms and Conditions with the Georgia Commission on the Holocaust for the Anne Frank in the World Exhibit, the Georgia Holocaust Memorial, and Associated Programming and Office Space

Dan Lee, City Attorney, presented the proposed lease terms and conditions with the Georgia Commission on the Holocaust (Commission) for the Anne Frank in the World Exhibit, the Georgia Holocaust Memorial, and Associated Programming and Office Space. The lease entails between 7,000 and 8,700 square feet, driven by a design managed by the City. Once the design is agreed upon and completed, the City will bid the construction work. The annual rent will be determined by the final design cost plus the cost of construction for their portion of the building, divided by 20. After the design work, the City and Commission could choose not to move forward with the project. The initial lease term is 20 years, with allowance for two five-year extensions. There is a 1.5% escalator beginning at year four of the initial term. The Commission will post a \$3,000,000 letter of credit. The line of credit will diminish after the total amount of the rent due over the 20 years drops below \$3,000,000. The lease cannot be reassigned by the tenant. Other conditions include:

- 1.If there is a promotion declaring contributors towards the project, the City of Sandy Springs will be identified as a major contributor.
- 2.At no time, residents of Sandy Springs cannot be charged admission.

Chair Rusty Paul advised those participating in the public hearing will have two minutes to provide their public comment. Public comment will be called in the order public comment cards were received, with

the exception that the Honorable State of Georgia Representative Sharon Cooper, Chair of the Health and Human Services Committee, will speak first.

Chair Paul opened the public hearing.

- **Sharon Cooper, State of Georgia Representative, District 43**
- **Betty Sunshine, 215 Cross Roads Lane, Sandy Springs - Support**
- **Gary Alexander, 8235 Grogan's Ferry Road, Sandy Springs - Support**
- **Ed Rapaport**
- **Lauren Antonino, 115 Strauss Lane, Atlanta - Opposition**
- **Jody Franco, 740 North Island Drive, Sandy Springs - New cultural center on Blue Stone Road in Sandy Springs**
- **Christopher Cornell, 730 Glenridge Close Drive, Sandy Springs - Opposition**
- **Sally Levine, Georgia Commission on the Holocaust, 6110 Blue Stone Road, Sandy Springs - Anne Frank project**
- **David Birnbrey, 705 Langford Lane, Sandy Springs - Anne Frank**
- **Chuck Berk, 5681 Long Island Drive, Sandy Springs - Support for Anne Frank Project**
- **Rita Levine, 465 Riverside Parkway, Atlanta - Endorsing the cultural center project**
- **Elissa Fladell, 6125 Weatherly Drive, Sandy Springs - Support**
- **Bill Gannon - Opposition**
- **Sherry Pilz, 450 Hunters Crossing Drive - Opposition**
- **Maurice Hoelting, 88 Long Island Place - Ann Frank**
- **Chris Burnett, 61115 River Shore Place, Sandy Springs - GCH Building**
- **Alice Knight, 6131 Ferry Drive - Support for Holocaust Museum**

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

Motion and second. A motion was made by Member Melissa Mular, seconded by Member Melody Kelley, to approve the lease terms and conditions with the Georgia Commission on the Holocaust for the Anne Frank in the World Exhibit, the Georgia Holocaust Memorial, and associated programming and office space.

Member Melissa Mular stated the vote is not about the location of the exhibit, as the location was determined on November 2, 2021. The Authority is not approving unspecified or unopened funding. The project will come back before the City Council for additional decisions and funding decisions. The evening's vote is about moving forward in the project lifecycle to adopt the terms and conditions for the lease. A vibrant city needs to have cultural, historical and educational elements, in addition to entertainment, to make the city exciting for people to live and visit. The museum will help everyone remember and learn, and will draw people to patronize businesses and visit, and enrich us. I am in favor of advancing this project to the next step.

Member Tibby DeJulio stated he met Mayor Eva Galambos in 1987, who changed his life. The real reason the City of Sandy Springs was formed was that people were making decisions for Sandy Springs residents that did not benefit Sandy Springs residents, but did benefit other parts of the County. It was about fiscal responsibility. Having worked with a wealth management firm for fifty years, this does not make sense for the City right now. I am in favor of education about the Holocaust. If you do not study history, you will repeat it. Fortunately, within 15 miles of Sandy Springs, Kennesaw State University has a holocaust exhibit. Also, there is another Anne Frank Exhibit in the southeastern United States - at the University of South Carolina in Columbia, South Carolina. Councilmembers have a fiscal and fiduciary responsibility to the citizens to spend money wisely. At this time, this is not a wise investment. Because of COVID, the City had to put \$1,700,000 into the budget to supplement the performing arts center. In the last month, the City has learned it may lose \$10,000,000 of its anticipated Local Option Sales Tax revenue or lose it completely. With all the other things pressing against the City at this time, and with

other contingencies that the City has no control over, it is fiscally irresponsible to spend the money now. I am for the mission, but this is not the right time.

Member Jody Reichel stated I support the mission of the Georgia Holocaust Commission and an Anne Frank museum and a holocaust museum in the city of Atlanta. As a city council member, I pledged to be fiscally responsible to the citizens of Sandy Springs. I have asked many questions about the feasibility of this project, and I have not received answers. We do not have enough details to make an informed decision. This museum should be in the most visible location possible. This museum needs to be a community project and in the city of Atlanta.

Member Melody Kelley asked what are the next steps.

City Attorney Lee advised the next steps are to engage the architects and other parties involved in participation of planning the building.

Eden Freeman, City Manager, stated once the design is completed, the City will issue a request for proposals seeking firms to construct the project. Prior to any award of contract, Staff would return before the City Council to request the appropriation.

Member John Paulson stated the Council is under pressure all the time. I listen to all sides, and try to make the best decision in the best interest of the city. I understand the uncertainties, but I am interested in moving to the next step. This has the potential to be a fantastic, impactful project with a state of the art facility and a world-class center. The facility will tell a sober story that has to be told.

Member Andy Bauman stated he was on the Georgia Commission on the Holocaust, appointed by David Ralston, until 2020. During conversations with the Commission about the financial elements of the projects, I recused myself regularly. My family has committed a personal donation should the project proceed. The City Council has discussed the project since 2018. There have been multiple votes and public hearings, all of which have resulted in favor. I have voted in favor at each opportunity. Everyone seems to agree on the mission. The question is why Sandy Springs. While there have been ideas offered about alternate locations, such as downtown or midtown Atlanta, but without evidence that those places are viable or meet the criteria of the Commission. No other entity or location has expressed interest, other than the City of Sandy Springs. Millions of dollars have been raised and pledged by private citizens with Sandy Springs in mind. The opposition just does not want this in Sandy Springs, or on City property with City support. Why is Sandy Springs not worthy of the project. Sandy Springs is the largest city in the metro area, outside Atlanta. Sandy Springs is centrally located, has first class hospitals, has more than 500 companies per capita than any other in the region, the Fulton County Board of Education is located in Sandy Springs, and Sandy Springs is one of the most economically and demographically diverse cities in the state. Sandy Springs was the first city in Georgia to adopt a municipal hate ordinance, even before the State Legislature adopted its own. The City of Sandy Springs offers first-in-class public safety services. There are record levels of funding set aside for more paving, sidewalks, trails, parks, and amenities. This project does not preclude the City from continuing to redevelop the downtown into an exciting and family-friendly place to visit. There are a lot of steps to go, and a lot of hurdles to overcome, but I would rather be remembered for welcoming this project to Sandy Springs.

The City Council needs to determine what will be built. A building at this location should not be locked at 5 p.m. The City should engage the architect to determine the programming. Hopefully, the mayor will appoint an advisory committee to determine what will go in the building, and hopefully there will be additional public use. The City should get more out of this property beyond the Commission, Visit Sandy Springs and an additional police precinct.

Chair Paul stated the Commission did look at downtown Atlanta, but the cost was too much. The Commission looked at Breman, but there was uncertainty at that site for such a long-term investment. Kennesaw is too far out, and will not get the necessary attendance. Sandy Springs is one of the most

envied communities. The City has well-designed the project to reduce the fiscal risk to the Sandy Springs taxpayers. There have been concerns that the project will create a depressive impact on what is hoped by some to be a night-life district, but the Anne Frank Exhibit was located for years in the city's most successful restaurant districts. Finally, this is a process. The City of Sandy Springs is worried about potential losing its Local Option Sales Tax Revenue of \$30,000,000. But, the City of Atlanta is positioned to lose approximately \$150,000,000. Will the Fulton County Commission allow the City of Atlanta to take such a hit? All negotiations are tough, but this is too valuable and too important, but there have been agreements that cities will be made whole as to where they are today. In terms of the process, the City can withdraw once the final costs are identified.

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

Passed Yes 4, No 2, Abstained 0

Yeas: Member Andrew Bauman, Member Melody Kelley, Member Melissa Mular, Member John Paulson

Nays: Member Tibby DeJulio, Member Jody Reichel

NEW BUSINESS

6. **PFA2022-11** Request for Public Facilities Authority Consideration of Change Order #6 to Amend the Existing Contract with Reeves Young for Construction of Fire Station No. 2 to Include Additional Scope; to Approve Change Orders Previously Approved by the General Manager; and to Authorize the General Manager to Execute Change Order #6

Dave Wells, Director of Facilities/Capital Construction and Building Operations, presented Change Order #6 to amend the existing contract with Reeves Young for the construction of Fire Station No. 2 to include additional scope; to approve change orders previously approved by the general manager; and to authorize the general manager to execute Change Order #6. On October 21, 2020, a Request for Qualifications #21-011 was issued, seeking responses from experienced, highly qualified contractors capable of providing construction services for the construction of Fire Station No. 2 (Project). As a result of this solicitation, the construction firm of Reeves Young was awarded the contract on April 20, 2021, in the amount of \$6,452,277.00. On September 21, 2021, the PFA approved Change Order #1 in the amount of \$443,027.95 to amend the contract to provide for additional scope. Additionally, the General Manager previously approved Change Orders #2 through #5 in the aggregate amount of \$498,880.67, taking the aggregate contract amount to \$7,394,185.62. The following describes Change Orders #2 through #5:

Change Order	Date	Amount	Description
CO#2	March 18, 2022	\$88,996.65	Soil disposal / minor modifications
CO#3	April 28, 2022	\$131,768.51	Traffic signal additions / low voltage revisions
CO#4	June 6, 2022	\$145,987.31	Epoxy flooring / exhaust fan additions
CO#5	August 2, 2022	\$132,128.20	Final soil disposal / minor modifications

By resolution on February 16, 2021 (Resolution), the PFA authorized the General Manager of the PFA to approve an aggregate in change orders for the Project up to the amount of \$500,000. Pursuant to the Resolution, when an aggregate in change orders for the Project approved by the General Manager is equal to or greater than \$500,000, the General Manager must seek authorization by the PFA. Change Order #6 in the amount of \$32,560.52 is required to provide funding to Reeves Young for additional scope of work. The additional scope includes:

- wall remediation;
- redesign of asphalt paving;
- testing strip for Johnson Ferry Road; and
- minor aesthetic modifications.

In September, 2021 the PFA approved an amendment to the contract and Change Order #1 in the amount of \$443,027.95 to expand the scope of the Project to include, among other things, accomplishing the removal of contaminated soil discovered at the Project site and adding audio/visual and data packages to the Project. The aggregate amount of Change Orders #2 through #5 previously authorized by the General Manager, plus Change Order #6 is \$531,441.19. The General Manager seeks authorization from the PFA for Change Orders #2 through #6.

Change Order #6 is in the amount of \$32,560.52 and will amend the contract for a new contract amount of \$7,426,746.14. The original approved budget for the Project was \$10,000,000. With this Change Order and all other costs and estimates included (architecture, surveying, contingency funds, testing services, etc.), the overall projected Project cost currently stands at \$8,878,882.68. Sufficient funds are available in PF003 to fund this additional scope.

Motion and second. A motion was made by Member John Paulson, seconded by Member Melody Kelley, to approve the Change Order #6 to amend the existing contract with Reeves Young for construction of Fire Station No. 2 to include additional scope; to approve Change Orders previously approved by the General Manager; and to authorize the General Manager to execute Change Order #6.

Member John Paulson asked will there be additional change orders.

Director of Facilities/Capital Construction and Building Operations Wells replied no.

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

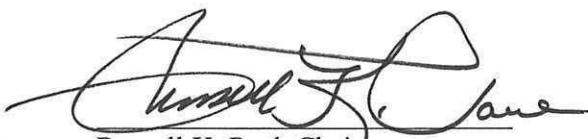
PFA Resolution No. 2022-08-08

7. ADJOURNMENT

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

The meeting adjourned at 7:20 p.m.

Date approved: September 6, 2022



Russell K. Paul, Chair



Karina Reyna, Assistant City Clerk

