

Meeting of the Sandy Springs City Council was held on October 18, 2022 Following the Work Session, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:19 p.m.

II. Roll Call and General Announcements

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

III. Pledge of Allegiance

Mayor Rusty Paul led the Pledge of Allegiance.

IV. Public Comment

1. **Joyce Gross, 534 The North Chace, Sandy Springs** – Vote on eminent domain against Autumn Chase

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.

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. 2022-269 Meeting Minutes

September 6, 2022 City Council Work Session
September 6, 2022 City Council Meeting

- B. 2022-270** Request for Mayor and City Council Consideration of the Acceptance of an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on Property Located at 203 Mt. Vernon Cove in Land Lot 71 of the 17th District, City of Sandy Springs (Tax ID# 17-0071-0005-046-6); TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Improvements Project

Resolution No. 2022-10-139

- C. 2022-271** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Real Estate on Property Located at 3100 River Exchange Drive in Land Lot 313

of the 6th District, City of Sandy Springs (Tax ID# 06-0313- LL-033-1); T-0066 Holcomb Bridge at Spalding Operational Improvements Project

Resolution No. 2022-10-156

- D. **2022-272** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Real Estate on Undeveloped Commercial Property Located along Holcomb Bridge Road at the Intersection of River Exchange Drive in Land Lot 313 of the 6th District, City of Sandy Springs (Tax ID# 06-0313- LL-025-7); T-0066 Holcomb Bridge at Spalding Operational Improvements Project

Resolution No. 2022-10-140

- E. **2022-273** Request for Mayor and City Council Consideration of Acceptance of a Permanent Drainage Easement on Property Located at 7140 Hunters Branch Drive in Land Lot 21 of the 17th District, City of Sandy Springs, Georgia (Tax ID# 17-0021-0001-021-4)

Resolution No. 2022-10-141

- F. **2022-274** Request for Mayor and City Council Consideration of Request for Mayor and City Council Consideration of Acceptance of a Settlement, Release of Claims and Indemnity Agreement on Property Located in Land Lot 384 of the 6th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2022-10-142

- G. **2022-275** Request for Mayor and City Council Consideration of the Approval of the Acquisition by Purchase of Easements at 4711 Northside Drive NW (Parcel # 17-0177-LL-029-1)

Resolution No. 2022-10-143

- H. **2022-276** Request for Mayor and City Council Consideration of the Acceptance of an Agreement to Purchase Real Estate on Property Located at 3295 River Exchange Drive in Land Lot 313 of the 06th District, City of Sandy Springs (Tax ID# 06-0313- LL-035-6); T-0066 Holcomb Bridge at Spalding Operational Improvements Project

Resolution No. 2022-10-144

VI. Presentations

There were no presentations.

VII. Public Hearing

A. 2022-277 ABL_BILL#: 95647

Request for Mayor and City Council Consideration of the Approval of Alcoholic Beverage License Application for RevPar Development LLC, d/b/a Aloft Hotel, at 6401 Barfield Rd., Sandy Springs, GA 30328. The applicant is Pieush Patel for Consumption on the Premises Wine, Malt Beverage, and Distilled Spirits.

Toni Carlisle, Chief Financial Officer, presented ABL 95647, an Alcoholic Beverage License application for RevPar Development, LLC, doing business as Aloft Hotel, at 6401 Barfield Road, Sandy Springs, Georgia 30328. The applicant, Pieush Patel, has met all requirements for Consumption on the Premises Wine, Malt Beverages and Distilled Spirits. Staff recommends approval.

Motion and vote. A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melody Kelley, to approve the ABL 95647, an Alcoholic Beverage License application for RevPar Development LLC, d/b/a Aloft Hotel, at 6401 Barfield Rd., Sandy Springs, GA 30328, applicant Pieush Patel for Consumption on the Premises Wine, Malt Beverage, and Distilled Spirits. The motion carried by unanimous vote.

B. 2022-278 ABL_BILL#96470

Request for Mayor and City Council Consideration of the Approval of Alcoholic Beverage License Application for Rohan 2017 LLC, d/b/a Sam's Bottle Shop, at 8725 Roswell Rd., Suite E, Sandy Springs, GA 30350. The applicant is Amisha Patel for Package Wine, Malt Beverage, and Distilled Spirits.

Toni Carlisle, Chief Financial Officer, presented ABL 96470, an Alcoholic Beverage License application for Rohan 2017, LLC, doing business as Sam's Bottle Shop, at 8725 Roswell Road, Suite E, Sandy Springs, Georgia 30350. The applicant, Amisha Patel, has met all requirements for Package Wine, Malt Beverage, and Distilled Spirits. Staff recommends approval.

Motion and vote. A motion was made by Councilmember Melody Kelley, seconded by Councilmember Melissa Mular, to approve the ABL 96470, an Alcoholic Beverage License for Rohan 2017 LLC, d/b/a Sam's Bottle Shop, at 8725 Roswell Rd., Suite E, Sandy Springs, GA 30350, applicant Amisha Patel for Package Wine, Malt Beverage, and Distilled Spirits. The motion carried by unanimous vote.

C. 2022-279 ABL_BILL#: 96421

Request for Mayor and City Council Consideration of the Approval of Alcoholic Beverage License Application for 7325 Roswell Rd LLC d/b/a 7325 Roswell Rd LLC, at 7325 Roswell Rd., Sandy Springs, GA 30328. The applicant is Jigarkumar V Patel for Package Wine and Malt Beverages.

Toni Carlisle, Chief Financial Officer, presented an Alcoholic Beverage License application for 7325 Roswell Road, LLC at 7325 Roswell Road, Sand Spring, Georgia 30328. The applicant, Jigarkumar V. Patel, has met all requirements for Package Wine and Melt Beverages. Staff recommends approval.

Motion and vote. A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melissa Mular, to approve the ABL 96421, Alcoholic Beverage License application for 7325 Roswell Rd., LLC, d/b/a 7325 Roswell Rd LLC, at 7325 Roswell Rd., Sandy Springs, GA 30328, applicant Jigarkumar V Patel for Package Wine and Malt Beverages.. The motion carried by unanimous vote.

D. 2022-280 ABL_BILL# 96498

Request for Mayor and City Council Consideration of the Approval of Alcoholic Beverage License Application for 6115 Peachtree Dunwoody, Inc., d/b/a El Azteca Mexican Restaurant, at 6115 Peachtree Dunwoody Rd., Suite 100, Sandy Springs GA 30342. The applicant is Horbelin Castrejon for Consumption on the premises Wine, Malt and Distilled Spirits.

Toni Carlisle, Chief Financial Officer, presented the Alcoholic Beverage License application for 6115 Peachtree Dunwoody, Inc., doing business as El Azteca Mexican Restaurant, at 6115 Peachtree Dunwoody Road, Suite 100, Sandy Springs, Georgia 30342. The applicant, Horbelin Castrejon, has met all requirements for Consumption on the Premises Wine, Malt, and Distilled Spirits. Staff recommends approval.

Motion and vote. A motion was made by Councilmember Melissa Mular, seconded by Councilmember Jody Reichel, to approve ABL 96498, the Alcoholic Beverage License application for 6115 Peachtree Dunwoody, Inc., d/b/a El Azteca Mexican Restaurant, at 6115 Peachtree Dunwoody Rd., Suite 100, Sandy Springs GA 30342, applicant Horbelin Castrejon for Consumption on the premises Wine, Malt and Distilled Spirits. The motion carried by unanimous vote.

E. 2022-281 ABL_BILL# 96343

Request for Mayor and City Council Consideration of the Approval of Alcoholic Beverage License Application for The Hill Liquor, LLC, d/b/a The Hill Liquor, at 1160 Johnson Ferry Rd., Sandy Springs, GA 30342. The applicant is Devang A Patel for Package Distilled Spirits.

Toni Carlisle, Chief Financial Officer, presented the Alcoholic Beverage License application for The Hill Liquor, LLC, doing business as The Hill Liquor, at 1160 Johnson Ferry Road, Sandy Springs, Georgia 30342. The applicant, Devang A. Patel, has met all requirements for Package Distilled Spirits. Staff recommends approval.

Motion and vote. A motion was made by Councilmember Tibby DeJulio, seconded by Councilmember John Paulson, to approve the ABL 6343, the Alcoholic Beverage License application for The Hill Liquor, LLC, d/b/a The Hill Liquor, at 1160 Johnson Ferry Rd., Sandy Springs, GA 30342, applicant Devang A Patel for Package Distilled Spirits. The motion carried by unanimous vote.

G. 2022-282 Request for Mayor and City Council Consideration of the Adoption of the Sandy Springs Next Ten Comprehensive Plan 5-year Update.

Michele McIntosh-Ross, Planning & Zoning Manager **Michele McIntosh-Ross, Planning & Zoning Manager**, presented the Sandy Springs Next Ten Comprehensive Plan 5-year Update. On June 22, 2022, the Sandy Spring Planning Commission voted to recommend the Mayor and City Council approve the Draft Next Ten 5-year Update and transmit it to the Atlanta Regional Commission (ARC) and the GA Department of Community Affairs (DCA) for review. On July 19, the Mayor and City Council approved transmittal of the Draft Next Ten 5-year Update 2022 to the regional agencies for review (Resolution 2022-07-88). The ARC and DCA have completed review of the Next Ten 5-year Update and determined that it adequately addresses the Minimum Standards for Local Comprehensive Planning. The City of

Sandy Springs must adopt the Plan before October 31, 2022.

Motion and second. A motion was made by Councilmember John Paulson, seconded by Councilmember Melody Kelley, to approve adoption of the Sandy Springs Next Ten Comprehensive Plan 5-year Update.

Councilmember John Paulson stated the Next Ten 5-year Update does not seem much different to what was done five years ago.

Planning and Zoning Manager McIntosh-Ross replied the Update is a continuation of what was done before, though there are some new projects neighborhoods wanted to see in terms of housing. Also, the transportation projects were added.

Councilmember Paulson asked does the City control where broadband coverage is placed.

Planning and Zoning Manager McIntosh-Ross stated the City does not control this, but the Georgia Department of Community Affairs requires cities to collect the data.

Councilmember Melody Kelley asked are the FY 2023 projects detailed in the Community Work Plan have funding already appropriated.

Kristin Smith, Assistant City Manager, stated Staff can prepare a comprehensive list and share that information with Council. Many of the projects in the Community Work Plan are included in CIP projects. The document will be used for planning in future budget years.

Vote on the motion. The motion carried unanimously.

Resolution No. 2022-10-145

VIII. New Business

A. 2022-283 Request for Mayor and City Council Consideration of Approval of a Budget Amendment for the Purchase of Radios for the Fire Department

Keith Sanders, Fire Chief, presented a request to amend the FY2023 Budget to allocate CIP Funds for the purchase of portable radios for the Sandy Springs Fire Department. The current portable APX 6000 radios the Sandy Springs Fire Department uses do not have LTE capabilities. The newer portable APX Next radios have LTE capabilities built in. If during an emergency incident the portable radios are out of range, the APX Next radios have the capability to automatically switch to LTE/cellular ensuring there is no loss in communication. In FY 2022 the Sandy Springs Fire Department purchased APX 6000 portable radios for \$463,9001.24. At the time of purchase, the LTE technology was not available for these radios. Given that the cost for the APX Next LTE portable radios is higher than the APX 6000 radios, we are requesting a reallocation of funds from two CIP fund accounts: Fire apparatus and Fire admin vehicle funds. The North Fulton Regional Radio Authority is recommending all cities transition to these radios.

**Meeting of the City of Sandy Springs City Council
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
October 18, 2022 Following the Work Session
Page 6 of 16**

Financial Impact:

Additional funding needed:

APX Next LTE Radio Cost: \$628,081.69
APX 6000 Radio Credit: (\$463,901.24)
Balance/Funds needed: \$164,180.45

The remaining balance of \$164,180.45 would come from 2 CIP accounts:

Fire Apparatus Replacement Funds (3523510-542200-FL233):	\$60,000.00
Admin Vehicle Funds (3523510-542200-FL232):	<u>\$104,180.45</u>
	\$164,180.45

Motion and second. A motion was made by Councilmember Tibby DeJulio, seconded by Councilmember Andrew Bauman, to approve the Request for Mayor and City Council Consideration of Approval of a Budget Amendment for the Purchase of Radios for the Fire Department.

Councilmember Tibby DeJulio asked was is LTE.

Chief Sanders replied currently, many businesses are having to install expensive amplifiers to cellular signal out. The LTE technology eliminates the need for those amplifiers.

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

Ordinance No. 2022-10-17

- B. **2022-284** Request for Mayor and City Council Consideration of Approval of the Municipal Separate Storm Sewer System Phase II Small Permit Notice of Intent, MS4 Phase II NOI, and to Authorize the Mayor to Execute Same

Amir Fallahi, Stormwater Unit Manager, Public Works, presented the Phase II Small MS4 Permit Notice of Intent to continue the City of Sandy Springs coverage under the reissued National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Phase II Small Municipal Separate Storm Sewer Systems (MS4) to the Waters of the State of Georgia. The Georgia Environmental Protection Division (GA EPD) proposes the reissuance of the General Phase II NPDES Stormwater Permit GAG610000, commonly referred to as the Phase II Small MS4 Permit. This permit authorizes municipalities to discharge stormwater collected from City stormwater infrastructure into the creeks and streams located within the City. The Phase II Small MS4 general permit was first issued in 2002, with reissuances in 2007, 2012, and 2017. The current Phase II MS4 Permit was issued December 6, 2017 and authorization to discharge under that permit expires at midnight, December 5, 2022. The City has maintained coverage under this permit since 2007 and submits annual reports to the GA EPD to demonstrate its compliance with the permit. The Notice of Intent (NOI) must be signed by either a principal executive officer or ranking elected official. Part 6.3 of the current Phase II MS4 Permit, establishes the NOI due date for existing permittees wishing to continue coverage, as at least 30 days prior to the expiration of the permit. Therefore, the NOI is due to GA EPD by November 5, 2022.

Part 3.1.1 of the current Phase II MS4 Permit states that "To be authorized to discharge stormwater from a small MS4, the permittee must submit an NOI." The NOI establishes the City's intent to comply with the reissued permit and its reporting requirements. The City must also prepare and submit a Stormwater Management Program (SWMP) for GA EPD's review at least 180 days (June 4, 2023) after the effective date of the MS4 Permit. The SWMP, shall contain the standard operating procedures, schedules, inspection forms, and other documents needed to support the implementation of Permit requirements. The GA EPD

will review and approve the SWMP. The City must utilize the documents contained in the SWMP to implement activities performed to attain Permit compliance. The City tracks its SWMP implementation throughout each reporting year (January 1st through December 31st) and submits an annual report, due by February 15th of each year, documenting permit compliance for the previous reporting year.

Major Changes for 2023 MS4 Permit include:

- Permittees will be liable for SWMP implementation as well as Permit compliance. SWMPs have always required EPD approval.
- Illicit Discharge Detection & Elimination Ordinance requirements specified; will require Community Development to Review IDDE Ordinance.
- Report total number of Land Disturbance Activity Permits issued. Previous reporting was only for land disturbance greater than 1 acre.
- Comprehensive Evaluation of Codes/Ordinances to ensure they do not prohibit/impede GI/LID practices. Due 1st year of permit, and certified sufficient in subsequent permit years. Or complete new Comprehensive Evaluation when cannot be certified sufficient.
- Report total amount of penalties assessed for E&S Violations.
- Further divides pond ownership categories into 3 sections: Permittee-owned, Publicly-owned by other entities, Privately-owned.
- Report/document maintenance by owner of non-permittee-owned ponds.
- GI/LID Structure Inspection and Maintenance are now two separate reporting items. Stormwater and GIS made update in 2022 to assist in this reporting change.
- Specify minimum types of GI/LID practices are in inventory. COSS Inventory includes the specified types.
- Replace water quality standard from Fecal Coliform to E. coli. City already monitors and reports both.

There are adequate funds available in the Public Works, Stormwater Unit operating budget to comply with the permit.

Councilmember John Paulson asked why is the City required to report the County ponds?

Dan Lee, City Attorney, stated in this process, Fulton County is treated like a private business. The City takes the place of the State in enforcement of the rules. If an issue arises, the City would work with Fulton County to reconcile any issues with the County's ponds. The City has regulatory oversight.

Motion and second. A motion was made by Councilmember Melody Kelley, seconded by Councilmember Melissa Mular, to approve Municipal Separate Storm Sewer System Phase II Small Permit Notice of Intent, MS4 Phase II NOI, and to authorize the Mayor to execute the same.

Councilmember Melody Kelley where these documents are available to the public.

Stormwater Unit Manager Fallahi replied Staff will need to look into this question and report back to Council at a later time.

Vote on the motion. The motion carried unanimously.

Resolution No. 2022-10-146

- C. **2022-285** Request for Mayor and City Council to Authorize a Supplemental Agreement to Amend the Existing Contract for Design Services with Jacobs Engineering, Inc., for the TS-191 Johnson Ferry Road at Mt. Vernon Highway Project to Provide for Changes to Project Scope and Associated Costs and to Authorize the City Manager to Execute the Supplemental Agreement.

William H. Martin, Jr., AIA, Public Works Director, presented a supplemental agreement to amend the existing Contract for Design Services with Jacobs, Engineering, Inc., for the TS-191 Johnson Ferry Road at Mt. Vernon Highway Project, for additional design services in the amount of \$113,255.16. On December 7, 2021, Council last approved an amendment to the Contract in the amount of \$434,102.06 for Jacobs to move forward with additional utility and design coordination required due to Project phasing changes, shifts in utility undergrounding limits, additional pedestrian access, Project limit changes, and coordination with the Veterans Memorial Park design. Since that amendment, additional work has been added to the Contract with Jacobs in the aggregate amount of \$149,880.59 for traffic control and geotechnical investigations, additional subsurface utility engineering, utility coordination, and roadway typical section revisions to reduce right-of-way impacts to adjacent property owners.

Staff performed a value engineering study of alternate alignments of Mt. Vernon Highway in the interest of reducing right-of-way impacts and associated right-of-way acquisition costs to commercial properties. This Supplemental Agreement includes plan revisions to shift the alignment of Mt. Vernon Highway north between Roswell Road and Boylston Drive to decrease right-of-way impacts and associated costs to commercial properties on the south side of Mt. Vernon Highway. Changes that will be made to the Contract by Council's approval of the Supplemental Agreement are summarized below:

Phase	Description	Addition (Reduction)	Scope Revision
Phase V	Right-of-Way	\$ 17,373.78	Additional right-of-way design and surveys for parcels 6-10, 20 to reduce right-of-way impacts
Phase VI	Final Plans	\$ 95,881.38	Changes in design due to shifting Mt. Vernon north, Triangle Park revisions. Affects all plan sections.
Totals		\$ 113,255.16	

The total proposed fee for the Supplemental Agreement is \$113,255.16 and is reasonable per staff review of the manhour breakdown documentation. The original Contract fee was \$935,574.25. There have been six (6) previous Contract amendments totaling \$713,821.26. This Supplemental Agreement would further amend the Contract, increasing the total Contract amount to \$1,762,650.45. Sufficient funds are available in the TSPLOST program to cover these additional expenses.

Motion and second. A motion was made by Councilmember Melissa Mular, seconded by Councilmember John Paulson, to approve the Supplemental Agreement to Amend the existing contract for Design Services with Jacobs Engineering, Inc., for TS-191 Johnson Ferry Road at Mt. Vernon Highway Project, to provide for changes to project scope and associated costs and to authorize the City Manager to execute the Supplemental Agreement. The motion carried by unanimous vote.

Councilmember Jody Reichel asked are the amendments and increases typical for these projects.

Director Martin replied yes, this is typical given the amount of work and final design of this size of roadway project.

Resolution No. 2022-10-147

- D. **2022-286** Request for Mayor and City Council Consideration of the Acceptance of a Purchase and Sale Agreement for Property Located at 504 Hammond Drive in Land Lot 71 of the 17th District of Fulton County, Georgia (Tax Parcel # 17-0071-0003-014-6); Associated with the Hammond Drive Widening Project; Project Number S2-193.

William H. Martin, Jr., AIA, Public Works Director, presented a purchase and sale agreement for property located at 504 Hammond Drive in Land Lot 71 of the 17th District, Fulton County, Georgia, associated with the Hammond Drive Widening Project S2-193 (Tax ID 17-0071-0003-014-6). The property owners are Francisco Hernandez and MA. Lourdes Hernandez Casimiro. In order to construct the Project, fee simple rights are required over, under, and through the property located at 504 Hammond Drive within the City of Sandy Springs. City Staff has been in negotiations to acquire the property by purchase.

The property in question is a single-family residence built in the 1950's on an approximate half-acre lot. It is located along Hammond Drive in a predominately single family residential area. City Staff has negotiated a Purchase and Sale Agreement wherein the City may acquire the Property for the purchase price of \$537,000. This property is in good condition and will be a candidate for a First Responder Lease-Out.

Purchase of the property has been budgeted in the TSPLOST/S2-193 Project Budget.

Motion and second. A motion was made by Councilmember Melissa Mular, seconded by Councilmember Tibby DeJulio, to approve the acceptance of a Purchase and Sale Agreement for property located at 504 Hammond Drive in Land Lot 71 of the 17th District of Fulton County, Georgia (Tax Parcel # 17-0071-0003-014-6); associated with the Hammond Drive Widening Project; Project Number S2-193.

Councilman Andy Bauman asked how many homes are occupied through the public safety rental program.

David Wells, Director of Facilities/Capital Construction and Building Operations, stated currently the four homes apart of the program are occupied. The evening's presented purchases will make two additional homes available for rental through the program.

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

Resolution 2022-10-148

- E. **2022-287** Request for Mayor and City Council Consideration of the Acceptance of a Purchase and Sale Agreement for Property Located at 636 Lorell Terrace NE in Land Lot 71 of the 17th District of Fulton County, Georgia (Tax Parcel # 17-0071-0006-010-1); Associated with the Hammond Drive Widening Project; Project Number S2-193.

William H. Martin, Jr., AIA, Public Works Director, presented a purchase and sale agreement for property located at 636 Lorell Terrace NE in Land Lot 71 of the 17th District, Fulton County, Georgia, associated with the Hammond Drive Widening Project S2-193 (Tax ID 17-0071-0006-010-1). The owners are Taric L. Mirza and Madigan Mirza (Madigan McGillicuddy). In order to construct the Project,

fee simple rights are required over, under, and through the property located at 636 Lorell Terrace NE within the City of Sandy Springs. Staff has been in negotiations to acquire the property by purchase.

The property in question is a single-family residence built in the 1950's but was renovated in 2018. The house sits on an approximate 17,800sf lot. It is located along Hammond Drive in a predominately single family residential area. City Staff has negotiated a Purchase and Sale Agreement wherein the City may acquire the Property for the purchase price of \$575,000.00. This property is in good condition and will be a candidate for a First Responder Lease-Out.

Motion and second. A motion was made by Councilmember Melissa Mular, seconded by Councilmember Tibby DeJulio, to approve the Acceptance of a Purchase and Sale Agreement for property located at 636 Lorell Terrace NE in Land Lot 71 of the 17th District of Fulton County, Georgia (Tax Parcel # 17-0071-0006-010-1); associated with the Hammond Drive Widening Project; Project Number S2-193.

Councilmember Tibby DeJulio asked how many more properties does the City need to purchase for the project.

Director Martin stated there are seven more properties needed, in addition to some right-of-way and easements that will be needed.

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

Resolution No. 2022-10-149

- F. **2022-288** Request for Mayor and City Council Consideration of the Acceptance of an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on Property Located at 1117 Perimeter Center West in Land Lot 19 of the 17th District, City of Sandy Springs (Tax ID# 17-0019- LL-111-9); 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 1117 Perimeter Center West in Land Lot 19 of the 17th District, Fulton County, Georgia, associated with the TS-192 Mt. Vernon Highway Corridor Improvements Project (Tax ID 17-0019-LL-111-9). The property owner is 1117 Sandy Springs, LLC. The acquisition of 680.49 square feet of Fee Simple Right of Way and 3,861.86 square feet of Temporary Construction Easement on the subject commercial 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 \$153,800 and staff has reached an amicable settlement in the amount of \$166,100 with the property owner. In seeking the additional \$12,300, the property owner submitted a list of recent sales comparables as support for their proposal. After Staff review, and subsequent review by the City's Appraiser, the parties have agreed to a settlement in the amount of \$166,100. The increase of \$12,300 is reasonable and Staff recommends acceptance and approval by the Council.

Sufficient funds are available in Project TS-192 Mt. Vernon Highway Corridor Improvements Project for this acquisition.

Motion and second. A motion was made by Councilmember Melissa Mular, seconded by Councilmember

Jody Reichel, to approve the acceptance of an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on property located at 1117 Perimeter Center West in Land Lot 19 of the 17th District, City of Sandy Springs (Tax ID# 17-0019- LL-111-9); TS-192 Mt. Vernon Highway Corridor Improvements Project.

Councilmember Tibby DeJulio announced he would abstain from the vote, as he has a lease at 1117 Perimeter Center West.

Vote on the motion. The motion carried.

Passed. Yes 5, No 0, Abstained 1

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

Nays: None

Abstentions: Tibby DeJulio

Resolution 2022-10-150

- G. **2022-289** Request for Mayor and City Council Consideration of the Use of Eminent Domain for the Appropriation of Certain Property Rights and Interests Owned by the Autumn Chase Homeowners Association, Inc. in Sandy Springs, Fulton County, Georgia.

Dan Lee, City Attorney, presented a recommendation to approve the use of eminent domain for the appropriation of certain property rights and interests owned by the Autumn Chase Homeowners Association (HOA), Inc. in Sandy Springs, Fulton County, Georgia (Subject Property), to facilitate the construction of certain intersections improvements known as the TS-192 Mount Vernon Corridor Improvements project. The Subject Property consists of approximately 7,046.61 square feet for fee simple right-of-way. In order to allow the Project to proceed, property rights are required over, under, and through the Subject Property.

Staff has been working on this since May, 2021. An appraisal has been performed by Jeffrey T. O'Dell, MAI, who estimated just and adequate compensation for the Subject Property to be \$235,800. Negotiations have been unsuccessful.

Today, Staff met with the HOA. While the HOA has agreed to sell the property to the City for the project, the difference between the City and HOA is the cost to cure. The HOA believes the City should fund a project manager and the installation of trees not already on the site. Staff will continue to work with the HOA and will try to recalculate estimates based on information learned at meeting with the HOA, and possibly go back to the HOA with a counter offer.

The request for eminent domain is driven by the construction timeline. The exercise of eminent domain will enable the City to obtain clear title to the Subject Property in order to allow the Project to proceed in a timely and cost-effective manner. Upon approval to proceed with eminent domain, the deposit into the court registry would be \$235,800 to which the Owner, and any other person(s) having an interest or claim against the Subject Property, will be endowed with rights to the compensation deposited with the Court.

There are sufficient funds in the project.

Motion and second. A motion was made by Councilmember John Paulson, seconded by Councilmember Tibby DeJulio, to approve the use of eminent domain for the appropriation of certain property rights and

interests owned by the Autumn Chace Homeowners Association, Inc. in Sandy Springs, Fulton County, Georgia.

Councilmember Andy Bauman stated it is important that the City is consistent and fair. The Council ensures that City acts in good faith. If this were to come to a settlement, the Council would have another opportunity to hear from the HOA and opine. Staff is encouraged to bring back a settlement agreed to by both parties.

Councilmember Melissa Mular announced she would abstain from the vote, as she is a member of the HOA.

Vote. The motion carried.

Passed. Yes 5, No 0, Abstained 1

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

Nays: None

Abstentions: Melissa Mular

Resolution No. 2022-10-151

- H. **2022-290** Request for Mayor and City Council Consideration of the Use of Eminent Domain for the Appropriation of Certain Property Rights and Interests Located at 348 Mount Vernon Highway, Fulton County, Georgia, Parcel ID: 17-0071-0004-004-6 and 17-0071-0004-0005-3

Dan Lee, City Attorney, presented a recommendation to a recommendation to approve the use of eminent domain for the appropriation of certain property rights and interests located at 348 Mount Vernon Highway, Fulton County, Georgia, to facilitate the construction of certain intersection improvements known as TS-191 Mount Vernon Corridor Improvements project (Tax ID 17-0071-0004-004-6 and 17-00071-0004-0005-3). The Subject Property is owned by The Link Counseling Center, Inc. The Subject Property consists of approximately 2,772.54 square feet for fee simple right-of-way.

In order to allow the Project to proceed, property rights are required over, under, and through the Subject Property. An appraisal has been performed by Hall Rigdon, MAI, who estimated just and adequate compensation for the Subject Property to be \$142,900. Negotiations have been unsuccessful. The exercise of eminent domain will enable the City to obtain clear title to the Subject Property in order to allow the Project to proceed in a timely and cost-effective manner. Upon approval to proceed with eminent domain, the deposit into the court registry would be \$142,900 to which the Owner, and any other person(s) having an interest or claim against the Subject Property, will be endowed with rights to the compensation deposited with the Court.

There are sufficient funds in the Project.

Motion and vote. A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melody Kelley, to approve the use of eminent domain for the appropriation of certain property rights and interests located at 348 Mount Vernon Highway, Fulton County, Georgia, Parcel ID: 17-0071-0004-004-6 and 17-0071-0004-0005-3. The motion carried by unanimous vote.

Resolution No. 2022-10-152

- I. **2022-291** Request for Mayor and City Council Consideration of the Use of Eminent Domain for the Appropriation of Certain Property Rights and Interests Located at 6272 Mt. Vernon Oaks Drive, Fulton County, Georgia, Parcel ID: 17 0036-0001-058-9

Dan Lee, City Attorney, presented a recommendation to approve the use of eminent domain for the appropriation of certain property rights and interests located at 6272 Mt. Vernon Oaks Drive, Fulton County, Georgia, to facilitate the construction of certain intersection improvements known as TS-192 Mount Vernon Highway Corridor Improvements project (Tax ID 17-0036-0001-058-9). The Subject Property is owned by Rita J. Beasley and Harold Edwards as joint tenants with rights of survivorship. The Subject Property consists of approximately 325.79 square feet for fee simple right-of-way.

In order to allow the Project to proceed, property rights are required over, under, and through the Subject Property. An appraisal has been performed by Jeffrey T. O'Dell, MAI, who estimated just and adequate compensation for the Subject Property to be \$29,000. Negotiations have been unsuccessful. The exercise of eminent domain will enable the City to obtain clear title to the Subject Property in order to allow the Project to proceed in a timely and cost-effective manner. Upon approval to proceed with eminent domain, the deposit into the court registry would be \$29,000 to which the Owner, and any other person(s) having an interest or claim against the Subject Property, will be endowed with rights to the compensation deposited with the Court.

There are sufficient funds in the project.

Motion and vote. A motion was made by Councilmember Melissa Mular, seconded by Councilmember Jody Reichel, to approve the use of eminent domain for the appropriation of certain property rights and interests located at 6272 Mt. Vernon Oaks Drive, Fulton County, Georgia, Parcel ID: 17 0036-0001-058-9. The motion carried by unanimous vote.

Resolution No. 2022-10-153

- J. **2022-292** Request for Mayor and City Council Consideration of the Use of Eminent Domain for the Appropriation of Certain Property Rights and Interests Located at 1235 Spalding Drive, Fulton County, Georgia, Parcel ID: 06-0378-LL-004-4

Dan Lee, City Attorney, presented a recommendation to approve the use of eminent domain for the appropriation of certain property rights and interests located at 1235 Spalding Drive, Fulton County, Georgia, to facilitate the construction of certain intersection improvements known as TS-111 Spalding Drive at Pitts Road projects (Tax ID 06-0378-LL-004-4). The Subject Property is owned by Chad R. McCubbins and Connie S. McCubbins. The Subject Property consists of approximately 2,517 square feet for fee simple right-of-way. In order to allow the Project to proceed, property rights are required over, under, and through the Subject Property.

An appraisal has been performed by Hall Rigdon, MAI, who estimated just and adequate compensation for the Subject Property to be \$43,161. Negotiations have been unsuccessful. The exercise of eminent domain will enable the City to obtain clear title to the Subject Property in order to allow the Project to proceed in a timely and cost-effective manner. Upon approval to proceed with eminent domain, the deposit into the court registry would be \$43,161 to which the owner, and any other person(s) having an interest or claim against the Subject Property, will be endowed with rights to the compensation deposited with the Court.

There are sufficient funds in the Project.

Motion and second. A motion was made by Councilmember John Paulson, seconded by Councilmember Jody Reichel, to approve the use of eminent domain for the appropriation of certain property rights and interests located at 1235 Spalding Drive, Fulton County, Georgia, Parcel ID: 06-0378-LL-004-4.

Councilmember John Paulson asked is there a design that addresses the issue of the steep driveway. Have the owners accepted the alternatives?

City Attorney Lee replied when the accommodations in the design puts the driveway where it is today, except for 30 ft in the driveway, which will be lowered. The elevation is the same. The property owners want a redesigned driveway, to go around, which is a new feature. The law requires just compensation for what the City takes and curing damages made to property by the City.

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

Resolution No. 2022-10-154

K. **2022-293** Request for Mayor and City Council Consideration of the Use of Eminent Domain for the Appropriation of Certain Property Rights and Interests Located at 1265 Spalding Drive, NE Fulton County, Georgia, Parcel ID: 06-0378-LL-004-4

Dan Lee, City Attorney, presented a recommendation to a recommendation to approve the use of eminent domain for the appropriation of certain property rights and interests located at 1265 Spalding Drive, Fulton County, Georgia, to facilitate the construction of certain intersection improvements known as TS-111 Spalding Drive at Pitts Road projects (Tax ID 06-0378-LL-004-4). The Subject Property is owned by Thomas Davis, Anthony Marion, Kevin Kinnie, Jr., Jaheel Kinnie, Alexis Johnson, Robert Bodemuller and Paris Davis. The Subject Property consists of approximately 3,076.84 square feet for fee simple right-of-way.

In order to allow the Project to proceed, property rights are required over, under, and through the Subject Property. An appraisal has been performed by Hall Rigdon, MAI, who estimated just and adequate compensation for the Subject Property to be \$52,100. Negotiations have been unsuccessful. The exercise of eminent domain will enable the City to obtain clear title to the Subject Property in order to allow the Project to proceed in a timely and cost-effective manner. Upon approval to proceed with eminent domain, the deposit into the court registry would be \$52,100 to which the owner, and any other person(s) having an interest or claim against the Subject Property, will be endowed with rights to the compensation deposited with the Court.

There are sufficient funds in the Project.

Motion and vote. A motion was made by Councilmember John Paulson, seconded by Councilmember Tibby DeJulio, to approve the use of eminent domain for the appropriation of certain property rights and interests located at 1265 Spalding Drive, NE Fulton County, Georgia, Parcel ID: 06-0378-LL-004-4. The motion carried by unanimous vote.

Resolution No. 2022-10-155

IX. Reports

A. 2022-294 Mayor and Council Report

Mayor Rusty Paul reported Fulton cities and Fulton County are still at an impasse in their LOST negotiations. There have been two mediation sessions. There is a desire by County to reach a resolution, but that desire has not manifested into movement. There may be some meetings coming up, but nothing is likely to happen this week. There was a press conference with the mayors, and it was like "cities-united." This is the best working relation the City of Sandy Springs has had with the City of Atlanta. Mayor Dickens has been very engaged and involved. He takes his responsibility as a leader in the region very seriously.

Councilmember Jody Reichel wished City Manager Eden Freeman a happy birthday.

B. 2022-295 Staff Reports

Eden Freeman, City Manager, announced the Fire Station 2 ribbon-cutting is on Thursday, October 20 at 11 a.m. The community is invited to attend.

1. August 2022 Unaudited Financials

Toni Carlisle, Chief Financial Officer, presented the August 2022 Unaudited Financials. The City is 16.67% of the fiscal year. Revenues are at 5.4w%. Expenditures are at 15.54% of the budget. Total revenues increased from \$1,500,000 in July, 2022 to \$4,500,000 in August, primarily due to the \$2,900,000 LOST revenue received by the City. Department expenditures are trending as expected. Revenues for impact fees have exceeded the budget due to the Fairfield Springs building with its 286 units.

Councilmember Andy Bauman requested Staff report on how the City is investing its cash at a future work session.

X. Executive Session - Real Estate & Litigation

Motion and vote. A motion was made by Councilmember John Paulson, seconded by Councilmember Melody Kelley, to suspend regular order and enter executive session for the purpose of real estate and 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 7:42 p.m.

Motion and vote. A motion was made by Councilmember John Paulson, seconded by Councilmember Melody Kelley, 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

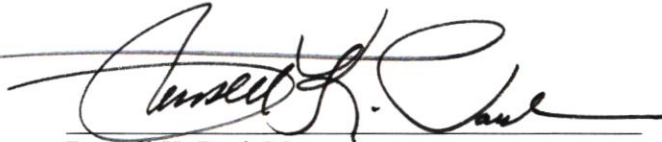
The executive session ended at 8:09 p.m.

XI. Adjournment

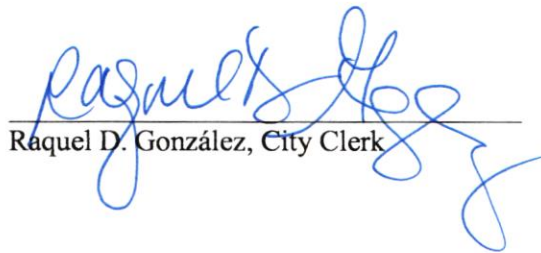
Motion and vote. A motion was made by Councilmember John Paulson, seconded by Councilmember Tibby DeJulio, to adjourn the meeting. The motion carried by unanimous vote.

The meeting adjourned at 8:10 p.m.

Approved: November 1, 2022



Russell K. Paul, Mayor



Raquel D. González, City Clerk