

Meeting of the Sandy Springs City Council was held on February 7, 2023 Following Work Session, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 7:19 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. **Jessica Kattula, 510 Carolwood Ln, Sandy Springs** – Phoenix Sandy Springs Gymnastics – Reverse decision to end the program.
2. **Christina Thompson, 7156 Stonington Dr, Sandy Springs** - Roswell Road median blocking Stonington condominium entrance.
3. **Shante Dingle, 7904 Bria Villa Place, Sandy Springs** – Saving Phoenix Gymnastics
4. **Autumn Smith, 2280 Dunwoody Crossing Apt D, Dunwoody** – Phoenix Gymnastics Contract Termination
5. **Kyla Langdon, 4041 Waldrop Hills Dr, Decatur** - Phoenix Gymnastics
6. **Leslie Mullis, 235 Brandon Pl, Sandy Springs** - Phoenix Gymnastics
7. **Michael Riddick, 1597 Ezra Church Dr. NW, Atlanta** - Phoenix Gymnastics.
8. **Gina White, 1597 Ezra Church Dr. NW, Atlanta** - Phoenix Gymnastics
9. **Renee Hoelting, 88 Long Island Place, Sandy Springs** - Phoenix Gym
10. **Jason Hamilton, 235 Winding River Drive, Unit A, Sandy Springs** – Community Center
11. **Bree Ellis, 8080 River Circle, Sandy Springs** – My community
12. **David Jaffer, 3538 Habersham at Northlake, Tucker** - Service Stations
13. **Soheb Roy, 7950 Laurel Crest Dr, Johns Creek** – C Store
14. **Mustaq Kamruddin, 6360 Roswell, Sandy Springs** - Service Stations.
15. **Nicole Motahari, 7130 Stonington Dr, Sandy Springs** – Median at Sandy Springs (Stonington Entrance)
16. **Suliman Sundrani, 295 Mt. Vernon Hwy, Sandy Springs** – Gas Station Comments
17. **Rahim Sundrani, 5645 Roswell Rd, Sandy Springs** - Gas Station Comments
18. **Mike Powell, 361 Thornwood Dr, 30328** - Phoenix Gymnastics
19. **Kate Tocci, 4789 E. Conway Dr NW, Sandy Springs** - Phoenix Gymnastics
20. **Porkpa Topka, 1160 Hammond Dr, Apt 461, Sandy Springs** - Phoenix Gymnastics
21. **Megan Harris, 9165 Carroll Manor Dr, Sandy Springs** - Phoenix Gymnastics & Park/Rec. Oversight
22. **Lindsey Powell, 361 Thornwood Dr, Sandy Springs, 30328** – Save Phoenix

Meeting of the City of Sandy Springs City Council
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
February 7, 2023 Following Work Session
Page 2 of 16

Kristin Smith, Assistant City Manager, presented a timeline of the contractual relationship between the City of Sandy Springs and Phoenix Gymnastics.

August 2019: The City of Sandy Springs awarded a five-year agreement (FY2020 – FY2024) for services for Hammond Gymnastics Center Operations to Phoenix Gymnastics. Outlined in the RFP and fee schedule, custodial work would be handled by Phoenix Gymnastics. Contractor payment to the City was \$33,500 for the first year and \$90,000 annually after. The City was responsible for capital improvements. The City paid \$4,000 per month, on average, for major utilities.

March 2020: City declares State of Emergency, temporarily closes Hammond Gym and other City recreational facilities

April 2020: Staff formally excuses all recreation contractors of contractual obligations, including payments, during closure

May 2020: Staff notifies recreation contractors that they may reopen June 1, 2020

June 2020: Classes reconvene. Phoenix requests modifications to contractual terms

October 2020: City Council approves First Amendment to the Agreement, as a result of request from Phoenix

First Amendment

"EXHIBIT B FEE SCHEDULE

Contractor shall pay a total of \$33,500 for the first year (fiscal year 2020) of the Agreement with a three (3) month concession on August, September, and October fees. For fiscal years 2021 and 2022, Contractor shall pay twenty-five percent (25%) of gross revenue, not to exceed \$90,000 annually. For fiscal years 2023 and 2024, Contractor agrees to pay a total of \$90,000 each fiscal year.

	FY2020	FY2021	FY2022	FY2023	FY2024
Payment to Sandy Springs	\$33,500	25% of gross revenues, not to exceed \$90,000	25% of gross revenues, not to exceed \$90,000	\$90,000	\$90,000

July-September 2021: Phoenix failed to remit rental payment

October 2021: Phoenix requests additional modifications to the Agreement, including a waiver of payments and adjustments to future payments.

January 2022: City Council approves Second Amendment to Agreement, as a result of request from Phoenix; contractor to pay \$14,400 for FY 2022 of the Agreement with a six month concession from July to December 2021. For FY 2023 and 2024, contractor agrees to pay a total of \$90,000 each fiscal year.

Second Amendment

"EXHIBIT B FEE SCHEDULE

Contractor shall pay a total of \$14,400 for the Fiscal Year 2022 of the Agreement with a six (6) month concession from July to December 2021. For fiscal years 2023 and 2024, Contractor agrees to pay a total of \$90,000 each fiscal year.

	FY2020	FY2021	FY2022	FY2023	FY2024
Payment to Sandy Springs	\$33,500	25% of gross revenues, not to exceed \$90,000	July – December: \$0 January – June \$2,400 per month	\$90,000	\$90,000

August - September 2022: Payments for August and September rejected (check returned, non-sufficient funds). Operator did not provide notice or communicate that payments would be late, that checks were not valid, or to make plans for late payment.

October 2022: October 2022 payment of \$7,500 received. No valid payments received for August or September 2022.

November 2022: Default letter issued November 18 for unpaid balance of \$22,500. Provided 10-days to cure per contract. Phoenix was unable to cure default within contractual default period. Staff met with Phoenix on November 28. Phoenix indicated that moving forward it would not be able to meet the contractual monthly payments of \$7,500, requesting that that rent be adjusted to \$5,000 per month through calendar year 2023

December 2022: Termination effective December 31. Termination letter noted that any future agreements were conditioned upon immediate payment of outstanding amounts.

- Received payment of \$22,500 on December 28, 2022
- Outstanding balance: \$7,500 (December 2022 rent)
- Staff worked with Phoenix to create a transition plan to allow families already registered for classes and competition team to finish out the session or season.

January -February 2023: Rental programming allowed for \$50/hour, although outstanding payment of \$7,500 not received and rental agreement has not been signed. Cost of facility cleaning absorbed by the City, \$2,410 per month

The Hammond Gym Facility was constructed in 1978 and has associated challenges. In 2018, the City invested \$571,755 in interior renovations. In 2019-2020, the City renovated the restrooms at \$215,000. Since January 2021, the City tracked more than 150 planned maintenance tickets; 8 tickets tracked through Facilities from Phoenix during this time. In 2022 alone, the City invested more than \$95,000 in facility enhancements.

City staff reached out to other local providers to ensure continuity of programming for local gymnastics participants. Both Peach Pit and Jump Start Gymnastics have availability to take on students during the interim period.

Staff intends to issue a new request for proposals to procure Hammond Gymnastics Operations Services. The City will allow month-to-month rental of Hammond Gymnastics Facility until a provider is selected through the RFP process.

Councilmember Tibby DeJulio asked how many students are enrolled in Phoenix. How much are the utilities?

Assistant City Manager Smith replied there are about 350 students enrolled. The City pays \$4,000 per month for utilities for the gymnasium.

Councilmember Melody Kelley asked how much did the City receive in FY 2022. There was a jump in the rental fee without any phasing or escalation, following the six month rental at \$2,400.

Assistant City Manager Smith said the fee was waived six months for FY 2022. Then \$2,400 for remaining six month period.

Councilmember John Paulson stated currently, Phoenix can rent the gym on an hourly-basis. What is the timeline for the new RFP?

Assistant City Manager Smith said Staff is working on the new RFP and hope to release it March, 2023.

Councilmember Andy Bauman thanked everyone for participating. This Body has only approved the contract and its two subsequent amendments. Is there anything appending before the Council?

Assistant City Manager Smith replied no. This is now a matter of contract administration.

Councilmember Andy Bauman asked is the plan to return to the Mayor and City Council and ask what to do next. Process wise, tonight is not the time to do that. At the moment, the meeting is way out of order of the normal process, from even responding. But, that is the Mayor's prerogative, and I think it was important that we have done that. The presentation was very important. I want to digest this. I do not know whose decision it was, that there is a plan to go out on an RFP. I want to know is the model broken. I have not received a complaint about the services. You cannot help but to be moved by the speeches tonight. I would like to think about and have the Staff think about what is the model. If I hear that they are serving underserved kids, and they are providing a service for the City. I would like to hear more about this before we move on. I am glad to hear that it sounds like there is a fairly reasonable proposal on the table for the continuation of service. But, I am concerned about the condition of the property. It is our obligation to make sure it is in good shape. Do we have an obsolete property? Is it even serviceable? I do not think all of these complaints are particularly fair tonight, in the sense that we may be conflating different issues, though they are legitimate issues. The City has made a decision, through Staff, that there is going to be an RFP on gymnastics. There will be high scrutiny from me that it is going in with a flawed model. It needs to be set up for success. It is important to note, the City did bend over backwards, at least that is what has been presented to us. I thank Staff for your good work and those attending tonight to comment.

Councilmember Jody Reichel said it is important for everyone to know to know that the City wanted this be successful. I know, I personally, have given a check. Some of the things said tonight were unfair, but I appreciate the passion. If there are that many problems with the building then the City will need to look at that before issuing an RFP.

Assistant City Manager Smith advised there is money in the budget to conduct a full master plan of the Hammond site. The intention with the RFP is to structure it so it is not a full five-year agreement term, so it can be terminated when needed given the future of the site is uncertain.

V. Approval of Meeting Agenda

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

VI. Consent Agenda

Motion and vote. A motion was made by Councilmember Jody Reichel seconded by Councilmember Melissa Mular to approve the consent agenda. The motion carried by unanimous vote.

- A. **2023-034** Meeting Minutes
January 17, 2023 City Council Work Session
January 17, 2023 City Council Meeting
January 23, 2023 City Council Special Called Meeting
- B. **2023-035** Request for Mayor and City Council Consideration to Accept an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on Property Located at 349 Johnson Ferry Road in Land Lot 71 of the 17th District, City of Sandy Springs (Tax ID #17-0071-0001-006-4); TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Intersections Improvements Project

Resolution No. 2023-02-11

- C. **2023-036** Request for Mayor and City Council Consideration to Accept a Temporary Driveway Easement on property located at 265 Mt. Vernon Highway in Land Lot 89 of the 17th District, City of Sandy Springs (Tax ID# 17-0089-0007-017-5); TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Intersections Improvements Project

Resolution No. 2023-02-12

- D. **2023-037** Request for Mayor and City Council Consideration to Accept an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on Property Located at 385 Johnson Ferry Road in Land Lot 71 of the 17th District, City of Sandy Springs (Tax ID #17-0071-0001-016-3); TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Intersections Improvements Project

Resolution No. 2023-02-13

- E. **2023-038** 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 1255 Spalding Drive in Land Lots 378 and 384 of the 6th District, City of Sandy Springs (Tax ID #06-0378- LL-002-8); TS-111 Pitts Road at Spalding Drive Intersection Project

Resolution No. 2023-02-14

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2023-039** ABL# 97112 - Approval of Alcoholic Beverage License Application for Aspire Hospitality LLC d/b/a Home2Suites Atlanta Perimeter Center – 6110 Peachtree Dunwoody Rd, Sandy Springs GA 30328.

Applicant is Nileshkumar Patel for Consumption on the premises Wine & Malt

Beverages.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application Consumption on the premises Wine & Malt Beverages for Aspire Hospitality LLC d/b/a Home2Suites Atlanta Perimeter Center – 6110 Peachtree Dunwoody Rd, Sandy Springs GA 30328.

Applicant submitted a completed application on November 11th, 2022. Applicant has passed the background investigation. This is a New Application for Consumption on the premises Wine & Malt Beverages. The business is located at 6110 Peachtree Dunwoody Rd, Sandy Springs GA 30328.

There being no public comment, **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 application Consumption on the premises Wine & Malt Beverages for Aspire Hospitality LLC d/b/a Home2Suites Atlanta Perimeter Center – 6110 Peachtree Dunwoody Rd, Sandy Springs GA 30328. The motion carried by unanimous vote.

- B. **2023-040** ABL_97149 - Approval of Alcoholic Beverage License Application for 215 Lounge LLC d/b/a La Dona Lounge – 215 Northwood Dr., Suite #08, Sandy Springs GA 30342.

Applicant is Cristian Ramirez for Consumption on the premises Wine, Malt, and Distilled Spirits.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application Consumption on the premises Wine, Malt, and Distilled Spirits for 215 Lounge LLC d/b/a La Dona Lounge – 215 Northwood Dr., Suite #08, Sandy Springs GA 30342.

Applicant submitted a completed application on November 9, 2022. Applicant has passed the background investigation. This is a New Application for Consumption on the premises Wine, Malt, and Distilled Spirits. The business is located at 215 Northwood Dr., Suite #08, Sandy Springs GA 30342.

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

Motion and second. A motion was made by Councilmember Andy Bauman, seconded by Councilmember Tibby DeJulio, to approve the application Consumption on the premises Wine, Malt, and Distilled Spirits for 215 Lounge LLC d/b/a La Dona Lounge – 215 Northwood Dr., Suite #08, Sandy Springs GA 30342.

Mayor Rusty Paul asked if there have been law enforcement issues in this area?

Kenneth DeSimone, Police Chief, replied yes. There was a law enforcement raid a month or two ago. There has always been a concern there, but it is hopeful the new owner will do better than the last.

Councilmember Andy Bauman asked is there anything needed in the process as it relates to objective standards for review of the permit. There have only been two or three previous situations where we paused on licenses for public safety reasons. Is there cause for concern, and is there anything that allows the process for subjective review, particularly for crimes and public safety.

Dan Lee, City Attorney said currently, the City ordinance is applicant driven. The trouble the chief has identified is not attributable to this applicant. The applicant has passed all requirements per our ordinance. Setting some geographical standards is not unprecedented. We have discussed with staff about grading a certain area. The police department is putting together a program to allow us to access data. In this instance, Department has identified problems. The property owner and the applicant have been made aware of the previous problems in the strip mall. But, as the City's ordinances are written today, that can not be held against the current applicant.

Councilmember Bauman said the consideration should have some cause and effect. The City needs to be careful of any unintended consequences. There should be some criteria to review when the City can correlate activity and crime in the process.

City Attorney Lee said with the data the police department keeps, the City can identify areas that are suitable for the sale of alcohol. One of the fastest rising areas of commercial liability has to do with the safety of the people that are invited into a shopping area. The police department could do an assessment like this.

Councilmember Bauman asked if on this tax parcel are there existing code violations.

City Attorney Lee said there have been numerous, including fire, especially this property. They have been corrected. This is on all of the property; especially this bar.

Councilmember Tibby DeJulio said when the City first incorporated there was a nightclub on Roswell Road, and the City refused to renew the license. The City did not renew the licenses because there was many call to the police for service and issues there.

Mayor Rusty Paul said that was a change of ownership.

City Attorney Lee replied in that case the applicant had been there during all of the calls. This was not an arm's length transaction. In the current situation, it is a new applicant and is unrelated to the old applicant as well.

Councilmember John Paulson said the City should not blame this applicant for past sins they were not party to.

Mayor Paul stated agreed, but when there are high rates of crime, the City needs the opportunity to say it is not an area where alcohol can be sold. This cannot be done tonight, but in the future the City should have the ability to make that decision because of the impact on the community.

Councilmember DeJulio asked if this decision could be tabled.

City Attorney Lee recommended that the City not do anything to impact this applicant for activities prior to his involvement. It does not address the applicant's due process right.

Councilmember Jody Reichel asked if there is a process to rescind an alcohol license later.

City Attorney Lee replied there is not. Should there be consideration of a policy change to consider the crime level in the area where the applicant intends to put the alcohol sales. The Mayor and City Council should consider an ordinance similar to that of the City's business license application process where the City Council is the appealing body should the license be revoked by Staff. The City has revoked at least

three business licenses. The Council should an ordinance amendment where the police chief, upon good cause shown, could suspend an alcohol license with the right of appeal back to the City Council.

Mayor Paul stated the City has been generous issuing of licenses in the City. The Staff has done a good job reviewing applications. Going forward where there is an area with consistent high levels of crime, this body should have the ability to manage and regulate that, in conjunction with public safety, for public safety.

Councilmember DeJulio asked if the police department is involved in the review of applications.

Toni Carlisle, Chief Financial Officer, replied yes.

Mayor Paul asked if a full background check is conducted to ensure no outstanding warrants, convictions or anything else that would disqualify them.

Chief Financial Officer Carlisle replied yes. There are specific guidelines to determine if an applicant is eligible or not, a review of various misdemeanors and arrests.

City Attorney Lee noted it is conviction based. A DUI counts. The problem is that the current ordinance does not allow any scrutiny of the location. This applications was handled like they all are. Staff caught this application during the regular process. The City Manager knows where the calls come from, and started an extraordinary review.

Councilmember Andy Bauman asked if there is a need for a moratorium so as to get the policies in place, but there should not be any unnecessary disruption to people and businesses.

Mayor Paul replied it is important to review an area with a lot of calls and make policy decision if alcohol should be permitted.

Councilmember Paulson said this is a policy decision the Council needs to spend time thinking about. I would like to understand in the future what can be done.

Police Chief DeSimone said many communities allow the police chief, under emergency circumstance, to suspend liquor licenses. It is a good idea to give the police chief that authority.

Mayor Paul said the City Manager and City Attorney should work together to identify what options are available, and present to the City Council at a later time.

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

- C. **2023-041** TA22-0007
Request for Mayor and City Council Consideration of an Amendment to Development Code Division 10.1. - General Provisions of Article 10. – Streets & Improvements, to Include a Complete Streets Policy

Catherine Mercier-Baggett, Sustainability Manager, presented a recommendation to amend Development Code Division 10.1. - General Provisions of Article 10. – Streets & Improvements, to include a complete streets policy. Planning Commission recommends approval of the amendment

The Complete Streets Policy is designed to meet the recommendations of the City of Sandy Springs'

Transportation Master Plan and Next Ten Comprehensive Plan, and the Georgia Department of Transportation (GDOT). Staff from Transportation, Sustainability, and Planning and Zoning also considered nationwide and local best practices of neighboring cities such as Roswell, Suwanee, and Dunwoody, in the formation of a policy. The policy will support recertification with the Atlanta Regional Commission's Green Communities program, by achieving Measure 44: Community Complete Streets. Adoption of this policy will also improve the chances of the City of Sandy Springs earning recognition as a Walk Friendly community, which will allow the city to receive another Green Communities credit: Measure 50. Furthermore, this text amendment will improve the City's competitiveness for transportation grants.

A complete street is a right-of-way corridor designed to safely accommodate all types of users, including motorists, but also pedestrians, cyclists and transit riders, regardless of their physical and cognitive limitations, and emergency responders.

The existing typical street sections under Div. 10.4. – Street Standards already meet the intent of a complete street policy. This amendment codifies the existing intent deliberately, rather than being implicit.

Proposed Amendment

Sec. 10.1.2. Complete Streets Policy

- A. This policy applies to all new construction and reconstruction of roadways within the limits of the City of Sandy Springs;
- B. Roadway projects should balance the transportation operational and safety needs of all users regardless of mode, for commercial and non-commercial travel, as well as access and mobility to adjacent land use;
- C. Roadway projects should consider the unique needs of vulnerable road users including pedestrians, bicyclists, persons using transit, persons with disabilities, older adults and youth;

Proposed Amendment

- D. Roadway projects should make use of the latest and best design standards, policies, and guidelines;
- E. Complete Streets solutions shall be developed based on adopted standards (Div. 10.4 – Street Standards and Sec. 2 of the Technical Manual) to fit within the context of the community, and these solutions shall be flexible so that the needs of the corridor can be met without wasting resources; and
- F. All departments shall collaborate to ensure the implementation of the policy through all capital improvements, maintenance and private development projects.

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

Motion and second. A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melody Kelley, for Mayor and City Council consideration of an amendment to Development Code

Division 10.1. - General Provisions of Article 10. – Streets & Improvements, to include a complete streets policy.

Councilmember John Paulson asked if Proposed Amendment Item E. referred to Georgia Department of Transportation policies. There are guidelines within the Federal guidelines and statues. Are the proposals over and above those policies? While I do not object to this right now, I am interested in specific details about this.

Sustainability Manager Mercier-Baggett replied the item refers to a sections within the City's Technical Manual and the Development Code. And yes, these are over and beyond federal requirements. The proposed amendments include needed dimensional standards that are not under federal regulations.

Councilmember Jody Reichel asked is no parallel parking allowed on streets.

Sustainability Manager Mercier-Baggett replied the image presented is an example of the various types of allowable parking.

Vote on the motion. The motion carried unanimously.

Ordinance No. 2023-02-06

IX. New Business

- A. **2023-042** Request for Mayor and City Council Consideration to Adopt the 2023 City Priorities

Eden Freeman, City Manager, presented at request for Mayor and City Council Consideration to Adopt the 2023 City Priorities.

At the annual Mayor and City Council Retreat on January 30, 2023, staff provided an update on the City's 2022 adopted priorities and recommended 2023 priorities for Council consideration. During the retreat, the Mayor and City Council discussed the priorities as recommended by staff. The resolution was prepared for consideration by the City Council to formally adopt the following 2023 priorities, in no particular order:

- Set the standard for excellence in CUSTOMER SERVICE and CITIZEN ENGAGEMENT;
- Deliver the highest quality PUBLIC SAFETY services;
- Create and support targeted ECONOMIC DEVELOPMENT opportunities, with an emphasis on the NORTH END;
- Promote SUSTAINABLE GROWTH and foster ENVIRONMENTAL STEWARDSHIP;
- Provide inclusive and diverse RECREATIONAL & CULTURAL ENRICHMENT;
- Enhance multi-modal TRANSPORTATION ACCESSIBILITY and maintain high COMMUNITY APPEARANCE standards; and
- Ensure long-term WATER RELIABILITY for all residents and the business community.

These priorities will assist staff in the development of the Fiscal Year 2024 Budget. No immediate financial impact is noted. As discussed during the Retreat, Council may choose to modify the Economic Development priority area to better reflect a focus on redevelopment opportunities across the City. For instance, "Create and support targeted ECONOMIC DEVELOPMENT opportunities with a focus on

redevelopment.”

The adopted priorities are the foundation and guidance staff will begin to form the budget for next year.

Motion and second. A motion was made by Councilmember Jody Reichel, seconded by Councilmember Melissa Mular, to approve the request for Mayor and City Council Consideration to Adopt the 2023 City Priorities with the alternative of “create and support target economic opportunities with the focus on redevelopment.”

Councilmember Melissa Mular asked if we could set goals to measure performance.

Eden Freeman, City Manager replied yes, Staff will be coming back with goals for measurements. We are working to finalize those and will report at the next retreat. You will also hear more during the budget process. This is also a requirement to be considered for the City’s first Government Officers Finance Association’s Distinguished Budget award.

Councilmember Andy Bauman said, to the citizens on the north end, this is not about bringing down the north end. It is a reflection that there are a lot of citywide needs. This should not be interpreted in any way as a negative. On the north end the City has committed to \$1,500,000 to Morgan Falls Park; a new public safety complex; and some studies. But there is also action being taken at City Center, the Crossroads, and Powers Ferry.

Vote on the motion. The motion carried 5-1.

Aye: Councilmember John Paulson, Councilmember Melissa Mular, Councilmember Jody Reichel, Councilmember Tibby DeJulio, Councilmember Andy Bauman

Nay: Councilmember Melody Kelley

Resolution No. 2023-02-15

- B. 2023-043** Request for Mayor and City Council Consideration to Approve the Submission of an Application to the FY2022 Assistance to Firefighters Grant Program

Scott McCullers, Division Chief of Administration, presented a recommendation to approve the submission of an application to the FY2022 Assistance to Firefighters Grant Program.

The purpose of the Assistance to Firefighters Grant Program (AFG) program is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by providing direct financial assistance to eligible fire departments, nonaffiliated EMS organizations, and State Fire Training Academies. Since 2001, AFG has helped firefighters and other first responders to obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards.

For the FY2022 AFG application, Sandy Springs Fire Department is requesting funds to purchase fire helmets and bail out kits for personnel. Currently all fire staff is provided with one helmet that is worn to all incidents. If there is a structure fire followed by another succeeding incident, having a second helmet lessens exposure to harmful chemicals and carcinogens. The bail out kit is a system that allows firefighters to exit out of multi-story residences, apartment complexes, or office buildings quickly and

safely through an unconventional means of exit, such as through a window, using three primary components: the hook, the rope or cord, and the descender. This system is used as a last defense against any unexpected fire or hazardous conditions that may arise during an active incident. We are requesting these kits for all personnel as well as for our training division.

The approximate cost of the proposed personal protective equipment (PPE) and subsequent training is \$124,100.00. The AFG programs requires a minimum 10% cash match from applicants whose jurisdictions serve between 20,000 and 1,000,000 residents. If awarded, the City will be required to provide a minimum of \$12,410. Award limitations are based on population served and one percent aggregate amount of available funds. As such, applicants serving a population of 100,001 – 500,000 people are limited to an award maximum of \$2,000,000.

Motion and vote. A motion was made by Councilmember John Paulson, seconded by Councilmember Melody Kelley, to approve the submission of an application to the FY2022 Assistance to Firefighters Grant Program. The motion carried by unanimous vote.

Resolution No. 2023-02-16

- C. **2023-044** Request for Mayor and City Council Consideration to Approve the Submission of a Solid Waste Infrastructure for Recycling Grant Application for Improvements at the Sandy Springs Recycling Center

Catherine Mercier-Baggett, Sustainability Manager, presented a recommendation to approve the submission of a Solid Waste Infrastructure for Recycling Grant Application for improvements at the Sandy Springs Recycling Center.

The Solid Waste Infrastructure for Recycling ("SWIFR") grant is part of the Bipartisan Infrastructure Law (a.k.a. Infrastructure Investment and Jobs Act) and is administered by the Environmental Protection Agency ("EPA"). The grants will fund projects that increase recycling, reduce contamination of materials, and promote a circular economy for sustainable materials management. EPA anticipates awarding approximately 25 projects, with awards between \$500,000 and \$4,000,000.

The City, in partnership with Keep North Fulton Beautiful, proposes applying for a grant to upgrade the Recycling Center at Morgan Falls and pilot a mobile recycling program. The budget is still under review and the total amount requested is anticipated to be approximately \$1,250,000. The site upgrades include resurfacing all paved areas and improving stormwater management; installing fencing, signage and landscaping; and purchasing new containers, a cover structure, and mechanical equipment such as a compact loader and a forklift. Multifamily housing has a lower rate of participation in recycling across the nation than single-family housing. In Sandy Springs, apartments are where the most underserved and vulnerable populations are concentrated. By taking a recycling service to the complexes, residents will have the opportunity to develop recycling habits and reduce the amount of waste taken to landfills. The property owners and managers of the 80+ apartment complexes in the City will be invited to participate in the rotating on-site collection. The program will require hiring two part-time employees to manage the collection routes and provide on-site education for residents. Funding for part-time employees is available through the SWIFR grant. A heavy-duty pick-up truck and two collection trailers will be purchased. The mobile recycling pilot program would be conducted for the three years of the grant. If successful, it would be permanently established and self-funded through at-cost fees to complex owners.

The City's match would include staff time for project management and the \$50,000 allocated annually for capital improvements at the Recycling Center.

Motion and second. A motion was made by Councilmember Melody Kelley, seconded by Councilmember Melissa Mular, to approve the submission of a Solid Waste Infrastructure for Recycling Grant Application for improvements at the Sandy Springs Recycling Center.

Councilmember Melissa Mular asked if of the 90 apartment complexes, only 19 recycle.

Sustainability Manager Mercier-Baggett replied only 19 of the apartment complexes advertise that they recycle, but there is no available data to confirm.

Councilmember Mular asked if the City requires new complexes or redeveloped complexes to require recycling?

Sustainability Manager Mercier-Baggett replied the City requires only haulers offer recycling services. There is requirement for customers to receive recycling services. Some complexes are limited by space on their site.

Councilmember John Paulson asked who is going to run the recycling center.

Sustainability Manager Mercier-Baggett said employees of Keep North Fulton Beautiful (KNFB).

Councilmember Tibby DeJulio recalled KNFB is a joint project between Sandy Springs and Johns Creek. Johns Creek should also provide support, if it is servicing both communities.

Sustainability Manager Mercier-Baggett replied it is unknown what Johns Creek contributes, but the recycling center is in Sandy Springs.

Councilmember DeJulio said the City has avoided using one-time money to support reoccurring expenses. Who will fund the proposed ongoing services when the grant money is over?

Sustainability Manager Mercier-Baggett said the idea is to charge the apartment complexes receiving the services after the duration of grant. The cost would be to cover the duration and equipment.

Kristin Smith, Assistant City Manager, stated for the recycling center operations, there are certain recyclable items that they only receive from Sandy Springs, primarily hazardous items.

Councilmember Andy Bauman said we should secret shop the service to ensure that is happening.

Mayor Rusty Paul stated they may not check identification regularly, as he has not been checked. There are concerns about one-time funds and on-going obligations. WE need to look at it and make sure there is a viable, economic pathway to achieve what we are trying to do. This grant is a highly competitive process. We need to make sure the economic model of sustainability from the maintenance of it is there, as well as recycling.

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

Resolution No. 2023-02-17

- D. **2023-045** Request for Mayor and City Council Consideration to Accept an Offer from Georgia Power Company to Purchase an Easement on City Property Located at

6189 Roswell Road in Land Lot 89 of the 17th District, City of Sandy Springs (Tax ID #17-0089-0007-030-8).

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to accept an offer from Georgia Power Company to purchase an easement on city property located at 6189 Roswell Road in land lot 89 of the 17th District, City of Sandy Springs (Tax ID #17-0089-0007-030-8).

At the December 21, 2021 Mayor and City Council Meeting, Council approved the Georgia Power Company Transmission agreement associated with the TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Intersections Improvements Project. This agreement is associated with Georgia Power agreeing to relocate the existing transmission pole/infrastructure currently located within the Veterans Park site onto the City's property located at 6189 Roswell Road (former temporary fire station site). The required area of the easement consists of 14,200.56 square feet. The location of the easement on the subject site is at the northwest corner of the property. Georgia Power Company obtained an independent appraisal of fair market value and has concluded that the fair market value of the easement is \$137,214.00. City Staff has reviewed the offer and has determined it to be fair and acceptable. The City will receive \$137,214.00 from Georgia Power Company.

The easement agreement is directly related to the Veterans Park construction schedule. Any delay in the acceptance of Georgia Power Company's offer to acquire the easement could have a negative impact on the project's completion date.

Motion and second. A motion was made by Councilmember Tibby DeJulio, seconded by Councilmember Jody Reichel, to accept an offer from Georgia Power Company to purchase an easement on city property located at 6189 Roswell Road in land lot 89 of the 17th District, City of Sandy Springs (Tax ID #17-0089-0007-030-8).

Councilmember John Paulson asked will the pole restrict the ability to put in a driveway to access the property.

Public Works Director Martin replied it allows Georgia Power the right to a transmission tower where the foundation is already set. The City has access to the remainder of the parcel and the ability to use the land underlying the wires. A permanent facility cannot be put underneath the wires.

Councilmember Paulson said it was discussed that there would be parking for Veterans Park visitors.

Public Works Director Martin replied roadways, sidewalks and landscaping are all appropriate options.

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

Resolution No. 2023-02-18

- E. **2023-046** Request for Mayor and City Council Consideration to Accept an Offer from Georgia Power Company to Purchase an Easement on City Properties Located at 6201; 6215; 6219 Roswell Road in Land Lot 89 of the 17th District, City of Sandy Springs (Tax ID#'s 17-0089-0007-036-5; 17-0089-0007-037-3; 17-0089-0007-032-4)

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to accept an offer

**Meeting of the City of Sandy Springs City Council
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
February 7, 2023 Following Work Session
Page 15 of 16**

from Georgia Power Company to purchase an easement on city properties located at 6201; 6215; 6219 Roswell Road in land lot 89 of the 17th District, City of Sandy Springs (Tax ID#'s 17-0089-0007-036-5; 17-0089-0007-037-3; 17-0089-0007-032-4).

At the December 21, 2021 Mayor and City Council Meeting, Council approved the Georgia Power Company Transmission agreement associated with the TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Intersections Improvements Project. This agreement is associated with Georgia Power agreeing to relocate the existing transmission pole/infrastructure currently located within the Veterans Park site onto the City's property located at 6189 Roswell Road (former temporary fire station site). The attached easements being considered are needed as a result of this relocation. The total area of the easements is 8,712 square feet and they are located along the Roswell Road frontage of the properties. Georgia Power Company obtained an independent appraisal of fair market value and has concluded that the fair market value of the easements is \$283,140.00. City Staff has reviewed the offer and has determined it to be fair and acceptable. The City will receive \$283,140.00 from Georgia Power Company.

The easement agreement is directly related to the Veterans Park construction schedule. Any delay in the acceptance of Georgia Power Company's offer to acquire the easement could have a negative impact on the project's completion date.

Motion and second. A motion was made by Councilmember Tibby DeJulio, seconded by Councilmember Jody Reichel, to accept an offer from Georgia Power Company to purchase an easement on city properties located at 6201; 6215; 6219 Roswell Road in land lot 89 of the 17th District, City of Sandy Springs (Tax ID#'s 17-0089-0007-036-5; 17-0089-0007-037-3; 17-0089-0007-032-4). The motion carried by unanimous vote.

Resolution No. 2023-02-19

X. Reports

A. 2023-047 Mayor and Council Report

Mayor Rusty Paul reported:

1. Tragic incidents happened in Sandy Springs and Dunwoody over the weekend, where a group of sick-minded bigots handed out materials to peaceful neighbors. In these situations there is a dilemma: Sit in silence and do not give them the attention they or stand up and say something. On behalf of this body and community, this behavior is despicable and intolerant. Tomorrow night starts the Atlanta Jewish Film Festival. There is no better way for this community to stand up and support the film festival as a counter to the bigotry we saw.
2. In the General Assembly, there will soon be introduced a broad pre-emptive bill that would prevent cities from taking action on many of the things the cities do, like land use and build-to-rent. It is not clear exactly what the bill will do or say. This is a serious piece of legislation that may go well-beyond what constitutional boundaries may allow. This is an effort to create housing around large economic development projects. The governor has put some money into a rural housing coalition, but coming into areas like ours there is no land to do this. This community was founded on the goal of making sure this community could shape its community through land use. We should mobilize our citizens. That will hit at the basic reason why local

governments exist. We are working with GMA to develop an alternative that focuses more on giving us incentives like creating housing opportunity zones and giving priority to applications that have housing components.

3. Beau Jamison was born over the weekend. He is the sixth Paul grandchild.

Councilmember Melody Kelley reported:

I was indeed moved by the public comment made earlier. I recognize that much of the relationship between the City and the vendor predates my being on City Council. I know the City of Sandy Springs prides itself on being business-like and efficient. I am beginning to find that sentiment to be reductive, or an over-simplification in some applications. With respect to recreation services, I would like to take some time in the future to think about our model, and the way we approach the delivery of recreation and similar services.

B. 2023-048 Staff Reports

There were no Staff Reports.

XI. Executive Session

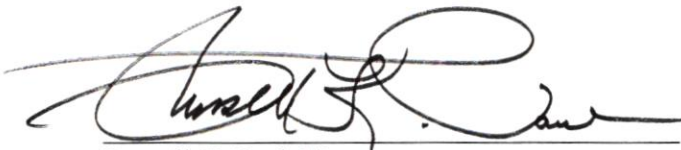
There was no Executive Session.

XII. Adjournment

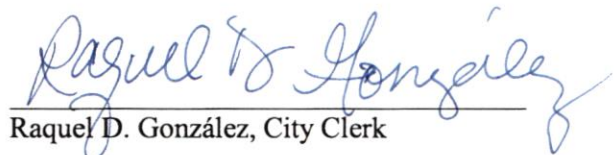
Motion and vote. A motion was made by Councilmember Tibby DeJulio, seconded by Councilmember John Paulson, to adjourn the meeting. The motion carried by unanimous vote.

The meeting adjourned at 9:31 p.m.

Approved: February 21, 2023



Russell K. Paul, Mayor



Raquel D. González, City Clerk