

Meeting of the Sandy Springs City Council was held on March 21, 2023 6:00 PM, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:00 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 Andy Bauman

III. Pledge of Allegiance

Mayor Rusty Paul led the Pledge of Allegiance.

IV. Public Comment

There was no public comment.

V. Approval of Meeting Agenda

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

VI. Consent Agenda

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

- A. **2023-075** Meeting Minutes
March 7, 2023 City Council Meeting Minutes
- B. **2023-076** Request for Mayor and City Council Consideration to Accept a Permanent Drainage Easement on Property Located at 6788 Brandon Mill Road in Land Lot 87 of the 17th District, City of Sandy Springs, Georgia (Tax ID# 17-0087-0002-0107)

Resolution No. 2023-03-33

- C. **2023-077** Request for Mayor and City Council Consideration to Accept an Agreement to Donate Real Estate on property located at 6795 Brandon Mill Road NE in Land Lot 87 of the 17th District, City of Sandy Springs (Tax ID# 17-0087-0006-001-2); TS-172 Brandon Mill Road Sidewalks – Lost Forest Drive to Brandon Ridge Project

Resolution No. 2023-03-34

- D. **2023-078** Request for Mayor and City Council Consideration to Accept a Settlement, Release of Claims and Indemnity Agreement on Property Located in Land Lot 71 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2023-03-35

- E. **2023-079** Request for Mayor and City Council Consideration to Accept a Settlement, Release of Claims and Indemnity Agreement on Property Located in Land Lot 71 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2023-03-36

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2023-080** Request for Mayor and City Council Consideration to Approve a Metropolitan River Protection Act Certificate for River Corridor Review RC-22-11SS for Property Located at 8980 Ridgmont Dr. NE

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve a Metropolitan River Protection Act Certificate for River Corridor Review RC-22-11SS for property located at 8980 Ridgmont Dr. NE.

Properties within 2000 feet of the Chattahoochee River are subject to the Chattahoochee River Corridor Protection Act. The regulations call for review and approval by the Atlanta Regional Commission (ARC), a public hearing and approval by the local governing authority, and issuance of a Metro River Certificate. The review focuses on whether the project is consistent with the Chattahoochee Corridor Plan, which limits clearing and impervious surface within the corridor. The property owner proposes the demo of an existing deck and screened porch and extension of a new deck. The site is located in Vulnerability Category “C” with a proposed impervious area of 10,096 square feet and Vulnerability Category ‘E’ with a proposed impervious area of 1,434 square feet.

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

Motion and vote. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Melissa Mular**, to approve the Metropolitan River Protection Act Certificate for River Corridor Review RC-22-11SS for property located at 8980 Ridgmont Dr. NE. The motion carried by unanimous vote

Resolution No. 2023-03-37

B. **2023-081** Request for Mayor and City Council Consideration to Adopt the Capital Improvements Element Update

Ginger Sottile, Director of Community Development, presented a recommendation to approve the Capital Improvements Element ("CIE") Update.

The purpose of the Annual Financial Report is to provide an overview of impact fees collected, encumbered and used by category of public facility and service area for the last completed fiscal year. The Annual Financial Report must be developed as part of the annual audit process normally undertaken by the county or municipality. It must include the following information:

- Impact fee funds balance carried over from the previously completed fiscal year.
- Amount of impact fees collected during the last completed fiscal year.
- Amount of impact fees used during the last completed fiscal year, listed by category of public facility and service area.
- Interest earned on the impact fee account.
- Amount of impact fees encumbered (i.e., committed to be expended under a contract for construction of a specific capital improvement) during the last completed fiscal year.

The City of Sandy Springs Transmitted the CIE to the Atlanta Regional Commission ("ARC") and the Georgia Department of Community Affairs ("DCA") on September 20, 2022. Staff worked closely with the ARC and DCA to modify the local planning due date from October 31 to June 30 to follow the City's annual audit and adjusted the numbers to match the audited financials. DCA completed its review and the proposed CIE meets all the submittal requirements and is ready for adoption. Compliance with the provisions of the Georgia Planning Act and the Development Impact Fee Act are prerequisites to establishing and maintaining local impact fee programs and other grants.

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

Motion and second. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Jody Reichel**, to approve the Capital Improvements Element ("CIE") Update.

Councilmember John Paulson asked is the change a due date and not the material in the program?

Director of Community Development Sottile replied that is correct.

Councilmember Melody Kelley asked is CIE Update available on the website for the public to view?

Director of Community Development Sottile replied the CIE Update will be published on the City's Comprehensive Plan page webpage after adoption.

Vote on the motion. The motion carried by unanimous vote

Resolution No. 2023-03-38

C. **2023-082** Request for Mayor and City Council Consideration to Approve the Alcoholic Beverage License Application for Nowak's SS LLC – 6690 Roswell Rd., Suite #410, Sandy Springs GA 30328 (ABL 99002)

Applicant is Blaiss Nowak for Consumption on the Premises Wine, Malt, and Distilled Spirits.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the Alcoholic Beverage License Application for Nowak's SS LLC – 6690 Roswell Rd., Suite #410, Sandy Springs GA 30328 (ABL 99002).

Applicant submitted a completed application on July 5, 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 6690 Roswell Rd., Suite #410, Sandy Springs GA 30342. The financial impact is revenue of \$6,150.

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 Melody Kelley**, to approve the Alcoholic Beverage License Application for Nowak's SS LLC – 6690 Roswell Rd., Suite #410, Sandy Springs GA 30328 (ABL 99002). The motion carried by unanimous vote.

IX. New Business

- A. **2023-083** Request for Mayor and City Council Consideration of to Authorize a Contract Award to Reeves Young, LLC for Construction of the Inflow Water Diversion System to the City Green Cistern and Authorizing the City Manager to Execute the Contract

Dave Wells, Director of Facilities/Capital Construction and Building Operations, presented a recommendation to approve a contract in the amount of \$389,752.00, with Reeves Young, LLC ("Contract"), for construction of the inflow water diversion system to the City Green cistern, and to authorize the City Manager to execute the contract, subject to approval of the City of Sandy Springs ("City") Legal and Finance Departments.

Plans for the City Springs campus included construction of a large, buried cistern that could independently separate and manage "dirty water" from parking lots and "clean water" from City Hall roof areas. Original plans prepared for the City called for cast-in-place construction of a two (2) chamber concrete cistern to facilitate watertight performance and structural integrity over the long-term. Instead of the cast-in-place units, the general contractor allowed construction of a prefabricated modular concrete cistern that included a two (2) chamber vault and a transfer box. Post-construction inspection reports indicated that the constructed system leaked, in part because the numerous joints in the modular system joints were not watertight. Repeated efforts to reduce leakage proved unsuccessful. Because the structural and hydraulic correction measures will need to be periodically inspected and potentially maintained/repaired, the City will be required to periodically drain the vaults to facilitate inspection and maintenance. It is therefore necessary to install an inflow water diversion (by-pass) system ("Project") so that the vaults can remain drained for a few weeks while the vaults are inspected, cleaned, and/or repaired. The City's ITB #21-013 for construction of the Project was issued on October 5, 2020. The City publicly advertised the Project for four (4) weeks, but no bids were received on the due date of November 2, 2020. On February 16, 2021, the City negotiated a contract with Rubio and Sons LLC to perform the Project. After proceeding, it was discovered that the design was insufficient due to the grade of the cistern and the amount of "fall" required to divert the water. The City then contracted with Long Engineering to re-design the Project and to prepare and identify a scope of work and anticipated budget. A second ITB #22-039 was issued in February 2022, for this new scope of work. The low bid received was \$800,000.00, which was \$600,000.00 higher than the Project budget. The City went back to Long

Engineering to ask them for a revised design approach to the Project that would help reduce the cost.

Due to the complexity (as well as mitigating the Project cost and disruptions to the site), staff has had to redesign this Project to take into consideration the existing site conditions, construction cost, and site availability. The Project will require multiple mobilizations to work around the concert and events scheduled on the City Green during the summer months. To advance the Project, with Reeves Young, LLC already under contract with the City to perform work on the Veterans Park site, staff requested that Reeves Young's submit a bid to perform the Project. Reeves Young submitted a price of \$389,752.00, which is in line with the engineer's budget estimate of \$227,623.50. Awarding this work to Reeves Young will help to minimize re-mobilization costs and assist in working around the concert and event schedule on the City Green. Pursuant to the City's Purchasing Policies, staff has completed a sole source form describing the benefits of awarding the work to Reeves Young under the Contract. The total proposed construction cost is \$389,752.00. There are adequate funds available in Cistern Project F2101 to award this contract.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Tibby DeJulio**, to approve a contract in the amount of \$389,752.00, with Reeves Young, LLC ("Contract"), for construction of the inflow water diversion system to the City Green cistern, and to authorize the City Manager to execute the contract, subject to approval of the City of Sandy Springs ("City") Legal and Finance Departments.

Councilmember Paulson said this is a huge project. With many big projects, certain smaller items linger longer than we would like. When was the last time we inspected the cistern to see how the waterproof system in place is working?

Director of Facilities/Capital Construction and Building Operations Wells said the last time we were in the cistern was when Holder was on site. We found the collapsed wall inside the cistern a year after we moved into the building.

Councilmember Paulson stated that was three years ago. Will this allow us to see what is there and clean it out?

Director of Facilities/Capital Construction and Building Operations Wells replied yes.

Councilmember Jody Reichel asked much is it going to cost year after year to inspect it? How much money are we saving by doing this? Should we cut our losses and not fix it or spend this money and fix it.

Director of Facilities/Capital Construction and Building Operations Wells said both pumps in the cistern have failed. The pumps should feed the irrigation system and provide water to our fountains. Currently, domestic water is being used for those two functions. We want drain the cistern and get the pumps changed and cleaned out. We will determine if it is leaking after inspecting all the seals.

Councilmember Reichel asked if we did not have the cistern would we just have a regular irrigation system and use the City's water?

Director of Facilities/Capital Construction and Building Operations Wells replied yes.

Councilmember Reichel asked stated Sandy Springs is a very wet city. We do not use our irrigation all the time. This is a lot of money. What did the cistern cost originally? We are putting a lot of money into this and do not know if it is going to work.

Mayor Rusty Paul stated that is a policy question.

Director of Facilities/Capital Construction and Building Operations Wells said Facilities will need to clean and inspect the cistern annually.

Councilmember Reichel asked how much will it cost to annually maintain the cistern?

Director of Facilities/Capital Construction and Building Operations Wells said first, we need to divert water around the cistern, drain the cistern and clean the cistern. It will probably cost between \$5,000-\$10,000 to pressure wash the inside of the cistern. It is a minimal cost once we can get down there. As long as there are no repairs it would be about \$10,000 to have it cleaned. It is much like cleaning out storm scepters in a stormwater system.

Councilmember Reichel said the cistern is currently broken. How are the fountains operating now?

Director of Facilities/Capital Construction and Building Operations Wells said the City is using domestic water.

Councilmember Reichel asked how much does that cost?

Director of Facilities/Capital Construction and Building Operations Wells said he can provide that information.

Mayor Paul said when we built this facility, we wanted to make it as sustainable as possible. This meant we made this building as highly energy efficient as possible and we wanted to capture the water on the site for reuse. This cistern is a crucial part of that because it captures the water on this site, roof, parking lots, decks and allows us to reuse that water multiple times. We put a lot of time and effort to make sure this entire campus uses state of the art sustainable features whether it was energy, lighting, water usage, reuse of materials, and more.

Councilmember DeJulio asked has Reeves Young provided any indication of how long this will last? We are going in there to waterproof it and seal the joints and more. How long is that draining and inspection process going to last?

Director of Facilities/Capital Construction and Building Operations Wells said what is requested this evening is just to install a bypass system. Right now, the system is designed to have all of the runoff from this site going into the cistern, which fills up. It is a 300,000-gallon cistern, which provides two weeks of water. What we are doing right now is making a bypass. We are diverting the pipes around the cistern so we can go in and work in it because, once we get a bit of rain in there, it will probably be a quarter of an inch of rain on the roads. We get about six feet of water in the cistern so this just allow us to drain the cistern. It takes about two days but currently once it rains, we must get back out of the cistern. This is just the bypass system, not the waterproofing system. It drains into Marsh Creek. This is just the bypass system, not the waterproofing system. The last time we went in there, Holder was still on site for the failed wall and did some waterproofing. We need to go in and inspect the seals now.

Councilmember Andy Bauman asked do we distinguish between dirty road water, if you will, and roof water? Is that separated inside the cistern?

Director of Facilities/Capital Construction and Building Operations Wells replied yes. There are two Chambers there. One about 20% and the other 80% dirty water.

Councilmember Bauman is there a distinction on which water is used for irrigation and for the

fountains, not the kids Fountain Splash Pad?

Director of Facilities/Capital Construction and Building Operations Wells yes and they use the clean side.

Councilmember Bauman said I understand questions about the return-on-investment. On sustainability aspects, we have an obligation to store just like we impose on homeowners and this serves that function. If we can reuse a million and a half gallons of water a year for all the fountains other than that is a very good story to tell. We do not know what we are going to have to spend once we are inside the cistern. Hopefully, with this process, we do a good job of tracking our usage. We should do everything we can to mark what we have been using for water in these last few years to be able to demonstrate the reuse of water. This is a very complicated system going to a lot of different places. Let us continue to educate ourselves on how we are using this water because we must deal with on-site water and excess going to Marsh Creek. The point of this cistern is to also reduce sediment that is going into Marsh Creek.

Director of Facilities/Capital Construction and Building Operations Wells said the sediment goes into bottom of the cistern and that is what we have to clean.

Dan Lee, City Attorney, reminded Council of a pending lawsuit dealing with this cistern. In the litigation that we have gone through and the litigation that remains, **Director of Facilities/Capital Construction and Building Operations Wells** has been the point person and has gotten the brunt of it all trying to figure out what this thing is supposed to and can do. It has a detention mechanism, and it is there to retain water from the whole facility, not just the roof and the driveways, but captures that water and holds it before it gets to Marsh Creek. The design was supposed to be to be used for two functions, the dirty water for irrigation and the cleanest water for the fountains. The viability question is a great one. We have sought to figure out what the damages of the City of Sandy Springs are because of the failure to design it properly. It has been very hard to capture. Should be determined by how much money you can save on the use of Atlanta water. The City has been tracking that because we have not put that in our damages against Rosser and its insurance carrier. The device **Director of Facilities/Capital Construction and Building Operations Wells** mentioned, which took a while to find an expert to design it and know that it would work, is required for even the dirty side of the cistern. In deciding whether lining it is cost worthy is a debate you will need to have once this device is approved tonight. The next phase of examination could be carried out after it has been drained.

Councilmember Melissa Mular asked since we are diverting water into Marsh Creek and it is not going to be in any kind of detention, must we do anything to prepare for the increased flow?

Director of Facilities/Capital Construction and Building Operations Wells said when we are in the diversion phase and switch the valves over it will be in a dry time of the year. We are not going to do it when we are expecting large torrential rains. The amount of water going into Marsh Creek should be minimal.

Mayor Paul said we have the facility bioswales there to filter it out.

Director of Facilities/Capital Construction and Building Operations Wells said the structures we are installing are long pipes that will fill up and go to the next level so that there will be some storage of water in those structures. Engineers calculated to ensure we would not overflow storm Marsh Creek.

Councilmember Mular said we discussed sustainability and managing stormwater. If the cistern goes away, would we not have to find a different mechanism to manage storm water from the campus?

Director of Facilities/Capital Construction and Building Operations Wells replied yes.

Councilmember Melody Kelley asked is the reason we are looking at this inflow water diversion system because of the type of modular cistern we have? If we had the type of cistern, we thought we were getting, would we need a diversion system installed?

Director of Facilities/Capital Construction and Building Operations Wells said it is because there was never a diversion system installed. When the cistern was installed, there was no way to cut the water coming into the cistern off. We should have had a cast in place which would have made it watertight. That is another issue as there is no way to divert. If it was watertight, we probably would not have to do maintenance down there. Since it is not watertight currently, we must do maintenance, but we still should have designed a diversion system.

Mayor Paul said the complaint with Rosser is that the cistern was improperly designed. The failure to include this part in the design is part of our complaint about Rosser's failure to properly and timely design this facility. After litigation, we are expecting to be reimbursed for a major part of this, if not all.

Councilmember Paulson said during the construction of this, we found the problems. There are two waterproofing contractors that attempted to waterproof it. We have not been able to drain it to see how effective waterproofing is. Once we can get in, clean the silt out, and inspect it, we can hopefully determine how well it is holding the water. It could be holding a vast majority of the water because they spent a lot of time and money doing the waterproofing of these joints in these seams.

Councilmember Reichel asked is there anything we can do besides spending \$389,000 to know whether the diversion system is going to work?

Director of Facilities/Capital Construction and Building Operations Wells said this is just for the diversion system. We cannot get in there without it.

Eden Freeman, City Manager, said if you extrapolate based on the August 2022 water bill, which was \$5000 dollars, at 12 months, that is \$60,000. This includes the entire site, though. Factoring in the \$389,000 for this cost you are looking at roughly six and a half years to pay back the cost. Considering there will be water rate increases from Atlanta Water, that is likely to be a shorter return period.

Councilmember Mular said she is not sure what technology is used to not have to keep draining the cistern and going in every year and looking at it. Can we do something on an automated basis? It sounds like a lot, but are there other monitoring mechanisms we could have inside to help with the management and reduce the ongoing cost?

Councilmember Reichel asked with the \$60,000 per year, will we need to use city water when fixed?

City Manager Freeman said we plan to use it for the restrooms but not for the fountains and the irrigation.

Vote on the motion. The motion carried by unanimous vote

Resolution No. 2023-03-39

- B. **2023-084** Request for Mayor and City Council Consideration to Authorize an Amendment to the City of Sandy Springs FY2023 Budget to Transfer between Funds for the F2102 Cistern Improvements Project

Dave Wells, Director of Facilities/Capital Construction and Building Operations, presented a recommendation to authorize an amendment to the City of Sandy Springs FY2023 budget to re-allocate \$380,000.00 previously allocated to Project CC010 (Sandy Springs Circle) to Project F2102 (Cistern Improvements).

The City has redesigned the City Green cistern inflow water diversion (by-pass) system due to the complexity of the site and cost issues. The project currently requires construction services for the project delivery requiring a project budget increase of \$380,000.00. Currently, F2102 project has an available budget balance of \$62,482.86. The revised task requires \$389,752 to complete the project, leaving the project a small contingency.

Reeves Young submitted a proposal for the construction of the inflow water diversion (bypass) system for the City Green cistern in the amount of \$389,752.00. The project will require Reeves Young to mobilize multiple times to work around the scheduled events on the City Green.

The proposed transfer amount of \$380,000.00 in addition to the available project balance of \$62,482.86 will create a total project budget of \$442,482.86 and will fully fund this project. The City may elect not to re-allocate project funds and instead provide additional guidance. As a result, if the Cistern is not funded now, the city will continue to rely on domestic water from the City of Atlanta and pay the water usage bill. Once the Cistern is repaired, rainwater collected will be used for irrigation and fountains, saving the City money and achieving green initiatives.

Motion and vote. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Tibby DeJulio**, to authorize an amendment to the City of Sandy Springs FY2023 budget to re-allocate \$380,000.00 previously allocated to Project CC010 (Sandy Springs Circle) to Project F2102 (Cistern Improvements). The motion carried by unanimous vote

Resolution No. 2023-00-00

- C. **2023-085** Request for Mayor and City Council Consideration to Approve a Contract Award to Kimley-Horn to Conduct the Powers Ferry Multimodal Circulation Study

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve a contract award in the amount of \$199,377.00 to Kimley-Horn to Conduct the Powers Ferry Multimodal Circulation Study.

The Project will be a technical transportation study of key recommendations from the Powers Ferry Small Area Plan (“SAP”) and will prioritize future transportation improvements in the area. It will identify holistic improvements to support pedestrian, bicycle, transit, and vehicular travel. An implementation plan will be developed to move projects and strategies forward. The SAP identified area improvements, but there is a need to further evaluate these improvements and determine the feasibility and costs associated with implementation. The Project was recommended in the City’s 2021 Transportation Master Plan.

On January 11, 2023, the City released its Request for Proposals (“RFP”), soliciting responses (“Proposals”) from qualified consultants to perform the Project. The RFP was advertised on the City’s website and the Georgia Procurement Registry. An online pre-Proposal meeting was held on January 20, 2023. The City received Proposals on February 7, 2023, from Croy Engineering and Kimley Horn and Associates.

Based upon the review and scoring of Proposals by the Evaluation Committee, it was determined that

Kimley-Horn was most qualified to perform the Project. Kimley-Horn provided an estimated fee proposal of \$199,377.00. The Evaluation Committee believes that the Proposal submitted by Kimley-Horn is the best value and is in the best interest of the City; therefore, staff recommends that Kimley-Horn be awarded a contract for the Project.

The recommended contract award is \$199,377.00. The City's estimate for the Project is \$225,000.00. There are adequate funds available in the T7000 Intersections and Operations account to award this contract. The City may choose not to award the contract to Kimley-Horn and provide staff with further direction, which may include requesting staff to release the RFP again to solicit additional proposals.

Motion and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Jody Reichel**, to approve a contract award in the amount of \$199,377.00 to Kimley-Horn to Conduct the Powers Ferry Multimodal Circulation Study.

Mayor Rusty Paul said this desperately needs to be done. It is confusing to people who are not experienced in that area and there are major crashes and fatalities there.

Councilmember Andy Bauman said hopefully there will be some solutions. This predates the City of Sandy Springs and we should use this as an opportunity to refresh. The Council sees many studies that cost \$200,000 or \$180,000, for example. For \$200,000, what can we expect going into this study? Is there any engineering or surveying that is done?

Kristen Wescott, Traffic/Transportation Unit Manager Wescott, replied we want to get existing data and dig deeper into traffic patterns, crashes and many elements that were not previously investigated during that initial plan. A recommendation in the Small Area Plan was to assess the one-way pairing and to do a Traffic Operation Study to see what changes could be made. Also, there were some broad recommendations in the Small Area Plan such as improvements for bicycle connections and pedestrian connections from neighborhoods to the park system and the river. We will do a needs assessment rather than surveying. We are honing down on specific recommendations that can go into future capital investments and prioritize that against other needs in the City of Sandy Springs.

Councilmember Bauman asked are stakeholder conversations for citizens and business owners included?

Traffic/Transportation Unit Manager Wescott replied yes. General public meetings are also part of that.

Councilmember Bauman asked what is the shelf-life of the report we expect to receive?

Traffic/Transportation Unit Manager Wescott replied the original plan was completed in 2016. Generally, when working on transportation planning studies, we look for quick response projects that can be completed in one to three years and identify projects for the first five years with bang for our buck. We develop the next set of projects 5-10 years beyond that. This is a time to look at that again.

Councilmember Bauman said he hopes from a process standpoint we would assess best practices. The studies are never \$10,000, but \$100,000 or \$200,000. A consideration should be for every one of these: do we have an opportunity to implement this during the shelf life of this study?

Traffic/Transportation Unit Manager Wescott said since 2011, she has seen how we have taken plans adopted by Council and moved projects forward. Going back to the original Transportation Master Plan completed in 2006-2007, there were many incredible projects that originated out of that original plan.

Mayor Rusty Paul asked, for example, the traffic efficiency on Northside in two directions for instance. Is that a matter of just restriping the road? How do you implement that?

Traffic/Transportation Unit Manager Wescott said that will be something to work through with engineering and planning consultants to see how that phased approach would happen if that ends up being the ultimate recommendation. We will engage the Georgia Department of Transportation in those conversations as well due to the interchange with I-285.

Vote on the motion. The motion carried by unanimous vote

Resolution No. 2023-03-40

- D. **2023-086** 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 339 Johnson Ferry Road in Land Lot 71 of the 17th District, City of Sandy Springs (Tax ID #17-0071-0001-028-8); TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Intersections Improvements Project

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to accept an agreement to purchase fee-simple right-of-way and temporary construction easement on property located at 339 Johnson Ferry Road in Land Lot 71 of the 17th District, City of Sandy Springs (Tax ID #17-0071-0001-028-8); TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Intersections Improvements Project.

Staff recommends that the Mayor and City Council accept an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on that tract of land lying and located in Land Lot 71 of the 17th District, Fulton County, Georgia. The property is owned by Hall Benefits Law, LLC, and is located at 339 Johnson Ferry Road, Sandy Springs, Georgia. The acquisition of 2,651.70 square feet of Fee Simple Right of Way and 4,015.02 square feet of Temporary Construction Easement on the subject property is necessary in order to construct the TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Intersections Improvements Project. The City's appraised fair market value offer was \$283,100.00. City Staff and the property owner came to an amicable agreement in the amount of \$303,000.00. The property owner just recently purchased the property and the sales price justified the minimal increase in the settlement. This settlement agreement is considered reasonable and will allow the City to acquire the required property rights in an expeditious manner and avoid potential Eminent Domain actions. Therefore, Staff recommends Council acceptance and approval of the agreement. Sufficient funds for this acquisition are available in the Project Budget for the TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Intersections Improvements Project. The acquisition reflects the minimum amount of right-of-way required in order to deliver the desired project.

Motion and vote. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Melody Kelley**, to approve an agreement to purchase fee-simple right-of-way and temporary construction easement on property located at 339 Johnson Ferry Road in Land Lot 71 of the 17th District, City of Sandy Springs (Tax ID #17-0071-0001-028-8); TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Intersections Improvements Project. The motion carried by unanimous vote.

Resolution No. 2023-03-41

- E. **2023-052** Request for Mayor and City Council Consideration to Accept an Agreement to Donate Real Estate on Property Located at 6785 Brandon Mill Road NE in Land Lot 87 of the 17th District, City of Sandy Springs (Tax ID# 17-0087-0006-015-2); TS-172 Brandon Mill Road Sidewalks – Lost Forest Drive to Brandon Ridge Project

Mayor Rusty Paul stated the City Council previously voted to remove this item from Consent on the February 21, 2023 regular meeting agenda. It is on the action calendar today.

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to accept an agreement to donate real estate on that tract of land lying and located in Land Lot 87 of the 17th District, Fulton County, Georgia. The property is owned by Lyle William Newkirk and Kena Hawkins Newkirk and is located at 6785 Brandon Mill Road NE in Sandy Springs, Georgia.

The acquisition of a 214.93 square feet of temporary construction easement on the subject property is necessary in order to construct the TS-172 Brandon Mill Road Sidewalks Project – Lost Forest Drive to Brandon Ridge Drive. The Property Owner agreed to donate the required temporary construction easement in exchange for a Cost to Cure payment in the amount of \$250.00 to be used to help restore the easement area once the project is complete. The amount of \$250.00 is to be paid to the property owners once this Agreement is accepted and approved. Sufficient funds exist within the TS-172 Project Budget. The acquisition reflects the minimum amount of right-of-way required in order to deliver the desired project.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Melody Kelley**, to approve an agreement to donate real estate on property located at 6785 Brandon Mill Road NE in Land Lot 87 of the 17th District, City of Sandy Springs (Tax ID# 17-0087-0006-015-2); TS-172 Brandon Mill Road Sidewalks – Lost Forest Drive to Brandon Ridge Project.

Councilmember Melody Kelley asked why are we hearing this specific item today?

Public Works Director Martin replied the item was pulled from the previous Consent Agenda because it was determined the agreement was improperly executed. A proper agreement could not be completed in time for the February 21st, 2023 meeting and is being brought before Council this evening.

Vote on the motion. The motion carried by unanimous vote

Resolution No. 2023-03-42

X. Reports

A. 2023-087 Mayor and Council Report

Mayor Rusty Paul reported the Georgia General Assembly is still in session with three days remaining. Tomorrow is Committee Day. Lots of legislation is still pending. Some affecting the City of Sandy Springs including bills on deannexation and investment standards for local government to allow foreign investments. This appears to be a nuance and does not change much. The truck weights bill is alive. This means the City could have very heavy trucks going up and down Roswell Road, Hammond Drive, Abernathy, and Mount Vernon since they are not allowed on I-285 or SR 400 under federal rules. If the state legislature approves an increase in truck weights to 88,000 pounds per axle, then the City of Sandy Springs could have some large trucks with a lot of heavy weight moving through city streets. We have been working with the Georgia Municipal Association, Georgia Department of Transportation, and

Associated County Commissioners of Georgia, to try and defeat the bill. It passed the house very narrowly, but it is still alive and moving. There are several bills that still have an impact. Sadly, unless we find a vehicle, the antisemitism bill was maimed by the Senate Judiciary Committee and was tragic. The author of the amendment did not intend to do what he did but the damage was done. We are trying to see what can be done to resurrect a very important piece of legislation for this community. We will know by next Wednesday what has been done and try to provide a final report.

The budget for the Senate may have come out today at 5:00 PM. Originally it was going to come out at 8:00 PM but it was moved up and have not had a chance to see what they did. We had several items in the state budget of concern and discussed with the Appropriations Committee of the Senate yesterday to talk about a few of those and we may not get everything but hopefully we will get some of the things we asked for.

The facility has been heavily used in the last few weeks. I spoke at the Nordic Business Exchange, which was here. We had Geek Week here for three days. They are efficient and it was a great group of people to have here.

Councilmember Andy Bauman asked did you receive an award related to theater and acting over the weekend?

Mayor Paul replied yes. The Sandy Springs Theater Company presented me with an award for worst performance by a mayor in a theatrical production promotion video. It was a very nice tribute about the relationship we have with that organization, their productions in the City of Sandy Springs, and the cooperation they find beneficial and heartwarming. It is really an award for all of you.

This weekend was very busy with Spamalot, Irish Festival, and the opening of Sandy Springs Youth Sports. The City bar was filled with people watching the Ireland versus England rugby match.

Councilmember Bauman said he attending the Northside Youth Organization (NYO) opening. There are many south-end city residents over there. It was a big turn. Recently, though short notice, he, **Councilmember Melody Kelley** and **Councilmember John Paulson** met with 6 or 7 Sandy Springs Youth Sports board members at the Three Dollar Café. It is great to hear they have returned to pre-COVID levels of participation, particularly cheerleading and softball. We talked about possibly adding a girls flag football program which is popular in the schools. They invested in the park with some signage done. We talked about scholarships and how maybe more can be done. There may be 20 in the program now. Looking forward to a robust discussion in the upcoming budget period about how we can continue to support, not just that park, but the programming over at Hammond and Allen Road, which at times is bursting at the seam.

I spoke with **Andre Dickens, City of Atlanta Mayor**, at another event last week. He shared the issues with the training facility they are constructing. Various law enforcement including **Kenneth DeSimone, City of Sandy Springs Police Chief**, were there to deal with unacceptable disturbances. Mayor Dickens thanked the City of Sandy Springs for their efforts. It is great to see this relationship and the City of Sandy Springs represented.

Chief DeSimone, we talked about backlog issues a bit and hopeful for a different answer. Can you provide an update?

Chief DeSimone said this is about the backlog of homicides that we have made arrests on. There are currently 10 to 12 Sandy Springs homicide cases that have not been prosecuted by Fulton County, dating back to 2016.

Councilmember Bauman asked are they moving towards that and is there any way to know if these

cases gets docketed?

Chief DeSimone replied not really. There is a 2016 homicide that has been indicted, but not prosecuted. This is still indicted but has not gone to trial. Some are in jail and some not. They have been apprehended but the ones who are not in jail are out. Previously spoke about a homicide at the apartment complex at Northridge at Georgia 400 where police were on scene and heard the gunshots. The suspect was caught on scene and shot at someone with an AK-47 type rifle 30 times, hitting nine. He confessed to having the murder weapon and served 30 days in jail and was released. He was basically told do not call us we will call you, and that is over three years ago. We have no idea where he is and nobody is looking for him because he has no set court date.

Councilmember Bauman recalled having some conversations about this last summer. There may be something this body can do to leverage our impact in Fulton County using political or monetary resources for instance to make a measurable difference.

Chief DeSimone said this is a Fulton County issue. The Fulton County district attorney must prosecute these cases. The City of Sandy Springs cannot do it. It is not a city, state, or federal issue. It is strictly a county issue.

Councilmember Bauman said we speak for our community. Here to support what can be done as a body to move that. We talk about the growth of crime, whether it is gun violence, pickpocket, or car break-ins, but it does not improve if that backlog does not get rectified.

Chief DeSimone said there is no deterrent at all.

Councilmember Paulson asked what does the Fulton County District Attorney's Office say when you ask what is happening with these cases?

Chief DeSimone said we are told most of the blame falls on former Fulton County District Attorney Paul Howard who ran that office into the ground. Will not comment but there are thousands of cases behind.

Councilmember John Paulson said Morgan Falls Overlook Park looks fantastic. All the infields on the lower level have all been done with AstroTurf and the shade structures are in. Council is ecstatic about the cooperation. Their head count is up though not at capacity yet. There is only so much they can do, otherwise the field is packed from dawn to dusk. Gone to that ballpark since the 90s and the best have seen it. Thank you to staff for your efforts.

Mayor Paul remarked there was lots of positive feedback about the City of Sandy Springs park staff and the condition of the fields.

B. **2023-088** Staff Reports

1. January 2023 Unaudited Financials

Toni Carlisle, Chief Financial Officer, presented the review for the January 2023 unaudited financials as follows. The City is at 58.33% of the fiscal year. Revenues are at 79% (PAGE 6) and expenditures are at 49.60% (PAGE 26) of the budget. The major receipts which increased revenues from December to January are:

- \$1,000,000 received in property taxes
- \$3,000,000 in L.O.S.T
- The category, total taxes increased by \$6,700,00 from December

The expenditures for each department continue to trend as expected. We are starting to see subscription activities renewed and travel increasing as we approach the end of this fiscal year. This concludes the financial review for January 2023.

The collateralization information from Becker O'Shaughnessy, the City of Sandy Springs Banker with Truist summarizes O.C.G.A 45-8-12 which requires banks to collateralize the deposits of public bodies. One report shows that Truist is collateralized by \$5,800,000,000 dollars and anything over \$250,000 in our accounts with Truist is collateralized. We have \$111,000,000 that Truist has collateralized so that we do not lose any of our funds.

Mayor Rusty Paul asked 110% is the percentage of collateralization they must maintain against that?

Chief Financial Officer Carlisle replied that is correct.

Councilmember Andy Bauman said this is a vacuum. Everybody knows about the problem with Silicon Valley Bank and Signature Bank and the mess that presented itself about two weeks ago. Our constituents know that over the weekend we were in touch with staff asking questions about our investment management policy regarding deposits because it is confusing. Everybody knows about the \$250,000 deposit insurance coverage. You reported that our \$110,000,000 or \$114,000,000 sits in accounts that are above \$250,000 because we have many accounts at Truist. I appreciate the information that there is the obligation of effectively securing our money with these pools. I understand we are part of the pool and 110% of whatever their deposits are must be collateralized. If your value is \$1,000,000, they must have security pledge of a \$1,100,000 or more to secure it.

Eden Freeman, City Manager said it is net of the FDIC \$250,000.

Councilmember Andy Bauman said that's correct, but if there is \$1,000,000 of uninsured money then there needs to be 110%. The tricky part is this was a massive dislocation in the market for various reasons. The community needs to know we are better off than your average \$10,000,000 or \$100,000,000 depositor because of our public status and the collateral. I do not know if California or New York for instance had similar rules or if there were any municipalities that had depositors. We would never have had about a depositor in Silicon Valley Bank but we have regional banks in Georgia and this is where we have it. I want to make sure we are an aware consumer. Do we have theoretical risk? Knowing that we have most of our money sitting in accounts that depend on the collateral pool, do we have any modifications or cause for review of our investment management policy that this body adopts? Is there any cause for review of now known circumstances and the actual conditions of our investing as it relates to where it is held collateral and direct pool?

XI. Executive Session

Motion and vote. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Tibby DeJulio**, to recess from regular order and enter executive session for the purposes of real estate and litigation discussion. 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 7:12 p.m.

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

Passed Yes 6, No 0, Abstained 0

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

Nays: None

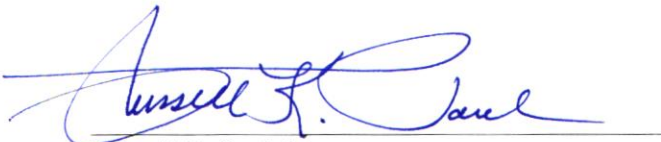
The Executive Session ended at 8:15 p.m.

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 8:16 p.m.

Approved: April 4, 2023



Russell K. Paul, Mayor



Raquel D. González, City Clerk