

Meeting of the Sandy Springs City Council was held on April 4, 2023 Following Work Session, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 7:01 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

There were no public comments.

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. **2023-091** Meeting Minutes
March 21, 2023 City Council Meeting
- B. **2023-092** 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 1235 Spalding Drive in Land Lot 378 of the 6th District, City of Sandy Springs (Tax ID #06-0378- LL-004-4); TS-111 Pitts Road at Spalding Drive Intersection Improvements Project

Resolution No. 2023-04-43

VII. Presentations

There were no presentations.

VIII. Public Hearing

There were no public hearings.

IX. New Business

- A. **2023-093** Request for Mayor and City Council Consideration to Approve an Equipment Loan Agreement with the U.S. Environmental Protection Agency for Air Quality Sensors

Catherine Mercier-Baggett, Sustainability Manager, presented a recommendation to approve an equipment loan agreement with the U.S. Environmental Protection Agency for air quality sensors.

The Region IV Environmental Protection Agency ("EPA") office is developing an air sensor loan program for local governments and nonprofit organizations. The City of Sandy Springs was selected as a pilot partner. The goal of the City's participation is to study the correlation between ambient air quality and surrounding canopy coverage. The results may be used to develop a data baseline and target tree plantings in areas with lower air quality. The City will receive five air sensors, free of charge, for a period of twelve months. The sensors will relay real-time ambient air quality data and will be displayed on a publicly available website. The sensors are small devices about the size of a residential security camera. They detect airborne particulate matter that can adversely impact human health. They will be deployed in locations across the City one month at a time, with a preference for City-owned properties such as parks and fire stations. The Urban Forest Coordinator will be responsible for securing agreements for the location, installation, and maintenance of the sensors.

Motion and second. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Melissa Mular**, to approve an equipment loan agreement with the U.S. Environmental Protection Agency for air quality sensors.

Councilmember Kelley asked are we developing a baseline with the data?

Sustainability Manager Mercier-Baggett said that is correct.

Councilmember Kelley asked how much are the sensors?

Sustainability Manager Mercier-Baggett said they are quite affordable and may be around \$300.

Councilmember Kelley asked do the sensors also work for indoor quality?

Sustainability Manager Mercier-Baggett replied yes, it is the same model. Our Urban Forest Coordinator is the expert behind this.

Councilmember Kelley asked what is our liability with the agreement?

Sustainability Manager Mercier-Baggett replied if they get damaged and are unusable, we will have to reimburse the \$300 value for each one.

Councilmember Kelley asked does Fulton County monitor air quality to some degree?

Sustainability Manager Mercier-Baggett replied there are different organizations that do but are not all looking at the same parameters. Ours is for a specific matter. It has other capabilities and there are also different networks. Fulton County has one, but it is not the same as what we are talking about here.

Councilmember John Paulson asked what happens after one year?

Sustainability Manager Mercier-Baggett replied from our baseline we can decide if we want to purchase our own and continue the study, test other areas, or if it is inconclusive, we decide to do nothing.

Councilmember Tibby DeJulio asked are we just finding out what the quality of our air is? What are we trying to achieve by putting the sensors in?

Sustainability Manager Mercier-Baggett said there is no data available about the air quality. There are models and some points taken in time, but we do not have a strong baseline and is what we are trying to establish. We are also hoping to measure the correlation between the proximity of tree canopy and air quality, but that is almost a secondary goal. Once we have one year of data, we are going to be better equipped to decide on what to do with that data.

Councilmember DeJulio asked what do we do with the data? Do we plant more trees? Or do we put air cleaning machinery out? What are we trying to accomplish in the long term?

Sustainability Manager Mercier-Baggett said we are interested in seeing the value of adding trees in areas where we have low air quality. There may be other policies that could be developed. Not very familiar with air quality and what the City can do but we believe it is good data to have.

Councilmember DeJulio asked are we considering putting any restrictions to our residents about what they can and cannot do because of the air quality?

Sustainability Manager Mercier-Baggett replied no.

Councilmember Andy Bauman asked is it true one of our adopted priorities is environmental sustainability and, the work plan states a goal of being mindful, at the very minimum, of sustainability in all the City's actions? Would you say this work is designed to be consistent with that stated goal?

Sustainability Manager Mercier-Baggett replied yes. There are several goals this is tied to.

Councilmember Kelley asked can we compare the baseline data to current EPA standards?

Sustainability Manager Mercier-Baggett replied yes.

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

Resolution No. 2023-04-44

B. 2023-094 Request for Mayor and City Council Consideration to Adopt the Community Forest Master Plan

Catherine Mercier-Baggett, Sustainability Manager, presented a recommendation to adopt the Community Forest Master Plan.

The Community Forest Master Plan ("CFMP") is a combination of two documents: the Canopy Study conducted in 2021 and the Community Trees Master Plan prepared by a consultant. The adoption of a CFMP contributes 5 points toward the Green Communities certification. Following a presentation to Mayor and City Council in February 2023, staff hosted a stakeholder meeting on March 3, 2023. The intent and contents of the Community Forest Master Plan were clarified. In response to the stakeholder meeting, staff included several points of clarification at the beginning of the Community Forest Master Plan.

Motion and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Melody Kelley**, to adopt the Community Forest Master Plan.

Councilmember Bauman asked where are we in planting new trees? Can you project what is going to be planted this year? Are we going to hear more about this during budget?

Sustainability Manager Mercier-Baggett replied there is a yearly contract to plant 200 trees and, we are meeting our goal for all the trees on public property. This year we are focused on floodplain properties and are adding the canopy tree back into the floodplain to help with ecological services. We are also continuing to provide trees for all our transportation projects. Next year is going to be big for tree plantings because we have many big public works projects.

Councilmember Bauman said it would be interesting to look at net new trees. For example, if a transportation project removes a tree at a certain standard, for instance a certain band, or whatever the criteria, we make sure that is net new. Can we track that?

Sustainability Manager Mercier-Baggett said we have two arborists who are reviewing permits and is something we can do.

Councilmember Bauman said he is looking forward to a more robust discussion. There is a lot of money in the tree fund. We need a continued discussion about mechanisms for both public and private land, and partnerships, particularly for those trees that make the biggest difference in communities. Hopefully in the coming months going into budget, we up that number. Glad to hear it is going to be a net number.

Councilmember John Paulson asked are we redoing the canopy study this year? Had issues with the last one that showed a reduction in tree canopy over a large part of the city and want to see the 2023 survey. One of the recommendations was to spend \$194,000 over a period and the first thing suggested was we cut down 304 trees. If this is approved, are we spending \$194,000 and cutting down 304 trees? It is a strange recommendation to first cut down trees.

Sustainability Manager Mercier-Baggett said the trees being cut are not healthy and are dead, dying, or hazardous. This plan was done in 2015 and is an internal document we have been using. We did take out most of the trees that are near the public because there is a safety concern. We have budgeted for the past two consecutive years \$50,000 for tree maintenance and that is what we are using. We are chipping away at this task and not exactly following that budget. We wanted to get an idea. We are doing as much as we can each year.

Mayor Rusty Paul said he has been trying to plant trees in his stream buffer but cannot keep the deer from eating them. They destroyed about a \$1000 worth of trees planted in the last two years and had to replace one tree three times. Frustrating to restore. When we try and add to the canopy, our forest creatures are taking some of it out. We must figure out how we manage that.

Councilmember Tibby DeJulio asked does the City do anything for the trees that are dead and dying on private property? Behind my home is a 7-acre Georgia Power property purchased 30 to 40 years ago. There are many large dead trees which can be seen above the other trees. Also, on Glenridge Drive there are some trees which have many lower branches that are dead. Some trees need to come down, but all need to be pruned. Some trees may be in the right-of-way. Does the City do anything with property owners to encourage or require them to trim these trees?

Sustainability Manager Mercier-Baggett said our right-of-way manager oversees that contract. Do not know the exact process to get any limbs that appear dangerous to be cut but, pointed out an issue on Heard's Ferry Road and it was immediately corrected.

Mayor Paul said we do not want to take out all the dead trees because they make great homes for woodpeckers. In my backyard are probably five or six woodpecker families that have been there for the last five years. If you care about wildlife, you need to leave some dead trees up to provide homes for creatures that need them and, if they are not a threat to life or property, sometimes it is better just leave them.

Councilmember Jody Reichel said she noticed the bushes in front of the fountains were removed and the fountains look great. Did we replant the bushes?

Eden Freeman, City Manager, said we are working through that now. We are starting to see some of the shrubs, and everything brought back in. It is taking multiple weeks to do that and, it will be a smaller species that will not grow as tall as what was there.

Councilmember Melissa Mular said the cost for the first year of the plan over 5 years is \$150,000 and goes down in years two, three, and four, and comes back up to about \$50,000. In managing 20 to 30 acres of urban forest and my community, the middle year number seems low. Also, are we going to see the \$150,000 item in the budget? What will be coming forward in the budget process?

Sustainability Manager Mercier-Baggett said there is money requested for tree maintenance and she does not have the exact number. We are not following exactly what is there because some of the work has already been done.

City Manager Freeman said it is too soon to tell as we just started departmental budget meetings. We will provide an update on May 2nd.

Councilmember Mular said with this next canopy study, we can only impact what is on public property. Is there a way to identify critical swaths of canopy in the private sector and we reach those residents to do something they are not?

Sustainability Manager Mercier-Baggett replied yes. That is not going to be part of the tree canopy study, but it will be part of our Environmental Stewardship Strategy where we are going to look at conservation, because there are more dimensions than just having trees. You want healthy trees, a high biodiversity and there are many other factors that make a forest healthy. We will absolutely do this in our

Environmental Stewardship Strategy.

Councilmember Bauman asked is the canopy study for all land, not just public land?

Sustainability Manager Mercier-Baggett replied that is correct.

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

Resolution No. 2023-04-45

- C. **2023-095** Request for Mayor and City Council Consideration to Amend the Project Budget for TS106 Northside Drive at Riverview Road/Old Powers Ferry Road Roundabout Project

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to amend the project budget for TS106 Northside Drive at Riverview Road/Old Powers Ferry Road Roundabout Project.

The Northside Drive at Riverview Road/Old Powers Ferry Road roundabout project began in the Fall 2017 as part of the TSPLOST Traffic Efficiency Program. This TSPLOST funded project includes an improvement of the intersection of Northside Drive and Old Powers Ferry Road/Riverview Road (TS106). This will include realigning the 4 legs of the intersection to accommodate a roundabout, stabilizing two (2) rock slopes with soil nail walls, restriping, paving, drainage improvements, and ADA improvements on the sidewalks and pedestrian crossings. The City has received bids from construction contractors to build this project and is ready to proceed with the work scoped for the roundabout project. Because of increased construction costs, both labor and material, since the original scoping of this project, the total project will require a project budget increase of \$1,500,000 to fully fund the TS106 project.

Budget Amendment Request

1. Total Requested Amount: \$1,500,000.

The current project has a budget of \$2,902,748. Below is the breakdown of costs already encumbered within the project and the projected estimates for the work not yet completed.

	Roundabout
Design & Construction Inspection	\$481,000 (Encumbered)
Right of Way	\$500,000 (Encumbered)
Utility	\$30,000 (Estimate)
Geotechnical Inspection	\$20,000 (Estimate)
Construction	\$2,998,004 (Estimate)
Total	\$4,029,004

- Due to the complexity of building this intersection improvement in a confined residential area with significant rock and wall construction, Staff determined that it would be beneficial to have the Consultant, HNTB, participate in construction inspection with subject matter experts. This cost increased the consultant fee **\$57,993**.

- Geotechnical inspection and material testing was not included in the original budget for the intersection improvement. This is estimated to be **\$20,000**.
- The original construction budget for this project did not take into consideration the valuation of the dollar in 2023, and increased construction labor and material rates. Construction bids have routinely come back 30% higher than anticipated in the current economic climate. This accounts for **\$1.1 million** in additional construction costs than were anticipated in 2017.
- A Contingency of **\$376,744** will account for any additional fees or unforeseen increases due to rising construction costs or field conditions.

The amount of \$1,500,000 is proposed to be transferred from unobligated funds in TS100 Tier 1 – Uncommitted to TS106 Northside Drive at Riverview Road/Old Powers Ferry Road Roundabout Project. The new budget for TS106 will be \$4,402,748. The City could not approve the Budget Amendment at this time and request additional quotes from qualified contractors. However, it may incur additional time delays with no assurance of lower pricing.

Motion and vote. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Jody Reichel**, to amend the project budget for TS106 Northside Drive at Riverview Road/Old Powers Ferry Road Roundabout Project. The motion carried by unanimous vote.

- D. **2023-096** Request for Mayor and City Council Consideration to Approve a Contract Award to Vertical Earth, Inc. for Construction Services for the Northside Drive at Riverview Road/Old Powers Ferry Road Roundabout Project, TS106, and to Authorize the City Manager to Execute the Contract

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve a contract award to Vertical Earth, Inc. for construction services for the Northside Drive at Riverview Road/Old Powers Ferry Road Roundabout Project, TS106, and to authorize the city manager to execute the contract.

This TSPLOST funded project includes an improvement of the intersection of Northside Drive and Old Powers Ferry Road/Riverview Road (TS106). This will include realigning the four legs of the intersection to accommodate a roundabout, stabilizing two (2) rock slopes with soil nail walls, restriping, paving, drainage improvements, and ADA improvements on the sidewalks and pedestrian crossings. The Project was originally advertised for bids in July 2022. Only one (1) bid was received, significantly over budget and estimates. That solicitation was cancelled. City staff and the design consultant then further evaluated the constructability and staging of the project in the interest of reducing project complexity and potential cost. Staff determined that the best course of action was to then rebid the project, requesting two (2) bids from prospective bidders, a base bid and an alternate bid. The base bid contract duration is three hundred and forty (340) calendar days. Northside Drive must stay under traffic throughout the construction duration and the Riverside Drive and Old Powers Ferry Road legs of the intersection would be closed except for local traffic. The alternate bid contract duration is two hundred and thirty (230) calendar days. The alternate allows for closures of Old Powers Ferry Road and Riverview Road throughout the construction duration and allows a closure of Northside Drive between May 30, 2023 and August 5, 2023 with detours in place.

On February 8, 2023, the City issued an Invitation to Bid (“ITB”) seeking quotes for a base bid and bid alternate from qualified contractors to perform construction services for the Project. The following four (4) responses were received by the March 14, 2023, deadline:

Company	Base (340 calendar days)	Alternate (230 calendar days)
Engineers Estimate	\$3,195,683.82	\$2,928,238.05
Vertical Earth	\$3,158,933.66	\$2,998,003.67
Baldwin Paving	\$4,119,678.07	\$3,751,955.72
Ohmshiv Construction	\$4,738,653	\$4,680,453
Wilson Construction Management	\$6,269,332	\$6,217,082

The construction budget is \$2,940,000.

Upon review of the responses, staff recommends that award be made to the lowest, most responsible and responsive quote of Vertical Earth, in the amount of \$2,998,003.67 for their alternative bid.

Motion and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Jody Reichel**, to approve a contract award to Vertical Earth, Inc. for construction services for the Northside Drive at Riverview Road/Old Powers Ferry Road Roundabout Project, TS106, and to authorize the city manager to execute the contract.

Councilmember Bauman said this is a significant infrastructure project. After joining the Sandy Springs City Council in 2014, it was one of the first community meetings a part of to deal with the complexity. There are two exits, and this is the northern. It is a misaligned road with heavy traffic going up and down Northside Drive. Been through a lot of different configurations and when the first T-SPLOST came, this project rose on the list. Is this a tier-one project? Is this fully funded from T-SPLOST funds?

Public Works Director Martin said that is correct and it is in the intersection bucket.

Councilmember Bauman said this project has been around for a long time. Why is there a large increase in cost?

Public Works Director Martin said it is mostly due to market conditions. A year ago, the estimated cost was higher. With contingency in place, we thought it would be better to open the bids and understand what it really costs to make that transaction. We now know the impacts of the market and of trying to encourage some competition on the project.

Councilmember Bauman thanked **Public Works Director Martin** and staff for their efforts. This is a complex project and there could be impacts. A lot of traffic rerouting, some more obvious than others in a busy area with I-285. Encouraging a robust communication plan with some of my suggested potential FAQ's. Concerned about the awkward intersection of Dupree Drive and Old Powers Ferry Road where this a one-way stop. We need to monitor this. Can be a very confusing intersection for individuals heading south and north. Looking for a future opportunity to discuss a GDOT compliant aesthetic, particularly as we review options for the apron.

Public Works Director Martin replied the roundabout is landscaped outside of the travel ring around it.

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

Resolution No. 2023-04-46

E. **2023-097** Request for Mayor and City Council Consideration to Approve the Purchase of Environmental in Lieu of Fee Mitigation Credits from the Georgia Alabama Land Trust for the S2121/T0060 SR400 Multiuse Path Extension

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve the purchase of Environmental in Lieu of Fee Mitigation Credits from the Georgia Alabama Land Trust for the S2121/T0060 SR400 Multiuse Path Extension.

The S2121/T0060 Multiuse Path Extension has received federal funding and is subject to federal requirements. As part of these requirements, the project must receive Environmental Clearance through the Georgia Department of Transportation. The Environmental Clearance includes an evaluation of proposed impacts to Waters of the US (WOTUS). The project will be impacting Nancy Creek, which is considered a WOTUS. As such, the project must meet Section 404 of the Clean Water Act (CWA) permitting requirements. Part of the Section 404 Permit requires the purchase of compensatory Environmental Mitigation Credits when more than 100 linear feet of stream is impacted. The extent of the impacts necessitates the purchase of Credits, which can be purchased from approved mitigation banks in the service area. In Lieu Fee (ILF) credits can also be purchased if no other credits area available.

The required credits have been unavailable for purchase statewide until recently. There are now ILF Credits available for purchase from the Georgia Alabama Land Trust. The project requires a total of 179.25 Stream Mitigation Credits and the estimated cost will be \$322,650.00. A breakdown of the estimated credit type and cost is shown below:

Credit Type	Required	Cost per Credit	Total
Non-Perennial	75.75	\$1,800.00	\$136,350.00
Perennial (Greater than 3 square miles)	103.5	\$1,800.00	\$186,300.00
Totals	179.25		\$322,650.00

In October 2022, the City requested and received an additional \$400,000 (\$320,000 Federal/\$80,000 Local) in additional funding from the Atlanta Regional Commission (ARC) to cover the cost of the Mitigation purchase. Based on the current price of \$322,650.00 and the 80/20 funding split, the City's portion of the mitigation cost will be \$64,530 (20%).

Motion and second. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember Melody Kelley**, to approve the purchase of Environmental in Lieu of Fee Mitigation Credits from the Georgia Alabama Land Trust for the S2121/T0060 SR400 Multiuse Path Extension.

Councilmember DeJulio asked what is this about?

Public Works Director Martin replied we must go into the stream buffer itself and stage construction. We will bring cranes and do temporary bypasses of the creek while we construct this bridge. We will disturb the creek bottom. Once the bridge is built, we will pull all the temporary measures out, and armor the creek bottom for aid and restoration of the creek channel. We are buying the mitigation credits for the disturbance of the creek bottom and for remedy within the creek bank.

Councilmember DeJulio asked are the credits like a permit and we are paying \$300,000 to get permission to build this bridge?

Public Works Director Martin replied that is correct.

Mayor Rusty Paul said the \$300,000 is the total amount of credits. The City's portion is about 20% of this.

Public Works Director Martin said Atlanta Regional Commission (ARC) recognizes with federal rules, federal requirements accompany the project. They have provided the 80% that goes along with this.

Councilmember John Paulson asked who gets the money? We are spending \$322,000 to allow us to improve this stream.

Public Works Director Martin said someone placed their land with a value into a conservation trust and will not allow development to happen there without an agreement. The money goes to those that pay into that trust to sell those rights. They are selling development rights elsewhere so that we can develop here in the City of Sandy Springs.

Councilmember Andy Bauman asked is it like cutting a tree here but planting a tree elsewhere?

City Attorney, Dan Lee replied it is except the Environmental Protection Agency (EPA) has established a measurement of creek area usage. The created EPA formula allowed for entrepreneurs and individuals with good hearts wanting to preserve and reestablish natural creek beds. They especially went through the southeast and found areas the Army Corps would accept they reclaimed the normal creek bed. They got a measurement from EPA and the Army Corp for how many credits that area would be. For instance, a farmer had 360 acres with a creek going through it and Army Corp gave about 1700 credit values to it. The person who established it, took about \$200,000 worth of work, paid him \$200,000, and today those credits are worth about \$8,000,000. The same people that measured that and gave the credit value will look at what we are going to do and, give a credit value of whatever the market value is at the time.

Councilmember Bauman as is this like a funding mechanism?

City Attorney Lee said it is like a tree balance. It is supposed to bring back the creek if we take away some creek.

Allen Johnson, Public Works TSPLOST Program Manager said a Corps of Engineers requires these credits because it is a water of the United States. To receive a nationwide credit from a Core of Engineers, we must show we are able to purchase the mitigation credits and then we can get the core permit which allows us to receive the environmental clearance to build the project.

Councilmember John Paulson said this still does not quite make sense. Can we at least buy Georgia credits, not Alabama credits?

Public Works TSPLOST Program Manager Johnson said we tried but there were no credits available. The credits are supposed to be within the floodplain like the Chattahoochee. When we went to get the credits, there were not available. One credit finally became available in March. As soon as we found out we could get credits, we reserved them. This is the closest we can get for credits. We tried to get Georgia first, but this is still in the flood plain down in the Alabama side.

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

Resolution No. 2023-04-47

- F. **2023-098** Request for Mayor and City Council Consideration to Approve the Appropriation of Certain Property Rights and Interests Located at 325 Mount Vernon Highway (Tax Parcel # 17-0071-0001-039-5) through the Use of Eminent Domain for the Johnson Ferry Road/Mount Vernon Highway Intersection Improvements Project (Project No.: TS-191)

Dan Lee, City Attorney, presented a recommendation to approve the appropriation of certain property rights and interests located at 325 Mount Vernon Highway (Tax Parcel # 17-0071-0001-039-5) through the use of eminent domain for the Johnson Ferry Road/Mount Vernon Highway Intersection Improvements Project (Project No.: TS-191).

This property is part of the Johnson Ferry Road/Mount Vernon Highway Intersection Improvements Project (hereafter, the "Project")(TS-191). In order to construct the Project, fee simple rights are required over, under, and through the property located at 325 Mount Vernon Highway within the City of Sandy Springs. The property in question is a vacant building, previously used as a bank, located on a 1.4185 acre lot. It is located on Mount Vernon Highway, as it intersects Johnson Ferry Road and Boylston Drive in a mixed retail/residential area. The subject property includes 13,874.40 sq. ft of fee simple and 0.00 sq. ft. of temporary construction easement.

The City has determined that the just and adequate compensation for the Property (Tax Parcel # 17-0089-0007-039-9) is \$659,034.00. This includes the following:

Fee simple	13,874.40 sq. ft.	\$47.50/sq. ft.	\$659,034.00
Temporary Construction Easement	0.00 sq. ft.	\$47.50/sq. ft.	\$ 0.00
Site Improvements*			\$ 0.00

The City staff were unable to secure the acquisition of the property, even though the City had offered just an adequate compensation for the property. Negotiations to purchase the property appear to have reached an impasse. The City's failure to obtain title to this property would result in the City having to modify the proposed Project, which would increase the cost of the Project.

Motion and vote. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember John Paulson**, to approve the appropriation of certain property rights and interests located at 325 Mount Vernon Highway (Tax Parcel # 17-0071-0001-039-5) through the use of eminent domain for the Johnson Ferry Road/Mount Vernon Highway Intersection Improvements Project (Project No.: TS-191). The motion carried by unanimous vote.

Resolution No. 2023-04-48

- G. **2023-099** Request for Mayor and City Council Consideration to Approve the Appropriation of Certain Property Rights and Interests Located at 280 Hilderbrand Drive (Tax Parcel No 17-0089-0007-039-9) through the Use of Eminent Domain for the Johnson Ferry Road/Mount Vernon Highway Intersection Improvements Project (Project No.: TS-191)

Dan Lee, City Attorney, presented a recommendation to approve the appropriation of certain property

Meeting of the City of Sandy Springs City Council – SUMMARY MINUTES
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
April 4, 2023 Following the Work Session
Page 12 of 17

rights and interests located at 280 Hilderbrand Drive (Tax Parcel No 17-0089-0007-039-9) through the use of eminent domain for the Johnson Ferry Road/Mount Vernon Highway Intersection Improvements Project (Project No.: TS-191).

This property is part of Johnson Ferry Road/Mount Vernon Highway Intersection Improvements Project (hereafter, the "Project"). In order to construct the Project, fee simple rights are required over, under, and through the property located at 280 Hilderbrand Drive within the City of Sandy Springs. The property is a two-story office/retail building (originally constructed in or around the 1960's/1970's), located on a 1.8596 acre lot. It is located on northwest corner of Hilderbrand Drive and Boylston Drive in a mixed retail/residential area. The subject property includes 2,597.90 sq. ft of fee simple, 32.11 sq. ft. of permanent slope easement, and 1,941.6 sq. ft. of temporary construction easement.

The City has determined that the just and adequate compensation for the Property (Tax Parcel # 17-0089-0007-039-9) is \$156,766.00. It includes the following:

Fee simple	2,597.90 sq. ft.	\$58.00/sq. ft.	\$150,678.00
Permanent Slope Easement	32.11 sq. ft.	\$58.00/sq. ft.	\$ 931.00
Site Improvements*			\$ 5,156.00

The City staff were unable to secure the acquisition of the property, even though the City had offered just and adequate compensation for the property. Negotiations to purchase the property appear to have reached an impasse. The City's failure to obtain title to this property would result in the City having to modify the proposed Project, which would increase the cost of the Project.

Motion and vote. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Melody Kelley**, to approve the appropriation of certain property rights and interests located at 280 Hilderbrand Drive (Tax Parcel No 17-0089-0007-039-9) through the use of eminent domain for the Johnson Ferry Road/Mount Vernon Highway Intersection Improvements Project (Project No.: TS-191). The motion carried by unanimous vote.

Resolution No. 2023-04-49

- H. **2023-100** Request for Mayor and City Council Consideration to Approve the Appropriation of Certain Property Rights and Interests Located at 295 Mount Vernon Highway (Tax Parcel #17-0089-0007-040-7) through the Use of Eminent Domain for the Johnson Ferry Road and Mount Vernon Highway Improvement Project (Project No.: TS-191)

Dan Lee, City Attorney, presented a recommendation to approve the appropriation of certain property rights and interests located at 295 Mount Vernon Highway (Tax Parcel #17-0089-0007-040-7) through the use of eminent domain for the Johnson Ferry Road and Mount Vernon Highway Improvement Project (Project No.: TS-191).

This property is part of the Johnson Ferry Road and Mount Vernon Highway Improvement Project (hereafter, the "Project"). In order to construct the Project, fee simple rights are required over, under, and through the property located at 295 Mount Vernon Highway NE, within the City of Sandy Springs. This property is part of the Johnson Ferry Road and Mount Vernon Highway Improvement Project (hereafter, the "Project"). In order to construct the Project, fee simple rights are required over, under, and through the

Meeting of the City of Sandy Springs City Council – SUMMARY MINUTES
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
April 4, 2023 Following the Work Session
Page 13 of 17

property located at 295 Mount Vernon Highway NE, within the City of Sandy Springs.

The City has determined that the just and adequate compensation for the Property (Tax Parcel # 17-0089-0007-040-7) is \$145,321.00. It includes the following:

Fee simple	2,287.02 sq. ft.	\$ 60.00/sq. ft.	\$137,221.00
Temporary Construction Easement	7.11 sq. ft.	\$ 0.00/sq. ft.	\$ 0.00
Site Improvements*			\$ 8,009.00

The City's failure to obtain title to this property would result in the City having to modify the proposed Project, which would increase the cost of the Project.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember John Paulson**, to approve the appropriation of certain property rights and interests located at 295 Mount Vernon Highway (Tax Parcel #17-0089-0007-040-7) through the use of eminent domain for the Johnson Ferry Road and Mount Vernon Highway Improvement Project (Project No.: TS-191).

Councilmember Paulson thanked staff for not taking anymore square footage than what is required and getting this as minimally invasive as possible. We have talked about this for a couple years. The City saved a lot of money by doing this.

Dan Lee, City Attorney said we were able to avoid two of the properties Council authorized eminent domain due to a design change. We received a lot of grief from the property owners because we were not going to take the property. That is a two-edged sword.

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

Resolution No. 2023-04-50

- I. **2023-101** Request for Mayor and City Council Consideration of to Approve a Purchase and Sale Agreement for Property Interests and Rights Located at 348 Mount Vernon Highway {Tax Parcel No(s). 17-0071-0004-004-6 & 17-0071-0004-005-3} for the Johnson Ferry Road and Mount Vernon Highway Improvement Project (Project No.: TS191)

Dan Lee, City Attorney, presented a recommendation to approve a purchase and sale agreement for property interests and rights located at 348 Mount Vernon Highway {Tax Parcel No(s). 17-0071-0004-004-6 & 17-0071-0004-005-3} for the Johnson Ferry Road and Mount Vernon Highway Improvement Project (Project No.: TS191).

This property is part of the Johnson Ferry Road and Mount Vernon Highway Improvement Project (hereafter, the "Project"). In order to construct the Project, fee simple rights are required over, under, and through the property located at 348 Mount Vernon Highway, within the City of Sandy Springs. City Staff has negotiated a purchase price of \$185,000.00 with The Link Counseling Center, Inc. ("Owners") to acquire the property. The property in question is comprised of two contiguous tax parcels under the same ownership, use and which share driveway(s) and parking; and therefore, are considered a single economic unit. The Property is a two-building counseling center, located on a 1.363 acre lot. It is located

Meeting of the City of Sandy Springs City Council – SUMMARY MINUTES
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
April 4, 2023 Following the Work Session
Page 14 of 17

on northwest corner of Mount Vernon Highway and Hunting Creek Road in a mixed family/residential area. The subject property includes 2,744.89 sq. ft of fee simple and 1,656.42 sq. ft. of temporary construction easement.

The City's failure to obtain title to this property would result in the City having to modify the proposed Project, which would increase the cost of the Project.

Motion and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melissa Mular**, to approve a purchase and sale agreement for property interests and rights located at 348 Mount Vernon Highway {Tax Parcel No(s). 17-0071-0004-004-6 & 17-0071-0004-005-3} for the Johnson Ferry Road and Mount Vernon Highway Improvement Project (Project No.: TS191).

Councilmember Reichel asked when we do the eminent domain were the seven that were closed, was it close to asking price we originally offered? Is the Link Counseling Center for sidewalks?

Dan Lee, City Attorney, said it is for road improvement widening and the sidewalk. Regarding pricing, sometimes the other side has a legitimate issue and often it is the cost of litigation that changes the amount of the appraisal and the final settlement.

Councilmember Tibby DeJulio asked what is the cost per square footage for this?

City Attorney Lee said he does not have this information today, but it is about \$47.

Councilmember Andy Bauman asked with eminent domain is it true we are not buying but taking and, a court decides what the price is, unless we settle?

City Attorney Lee said that is correct.

Councilmember Andy Bauman said he is glad we are not doing eminent domain on this one. The Link Center provides a valuable service to the community. As a result of this, are we saving some parking spaces? That was one of the issues here going back several years.

City Attorney Lee said the issue there had to do with what they called a contemplation garden and we have moved away from it.

Councilmember Andy Bauman said regardless he is glad we worked this out with them.

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

Resolution No. 2023-04-51

X. Reports

A. 2023-102 Mayor and Council Report

Mayor Rusty Paul reported the Georgia General Assembly has left until January of next year. There has been a significant assault on local control there in the last several years. It culminated this year, and some

of our media noticed. Those who profess the government closest to the people is the best, sometimes lose sight of that when they have an issue, they want to get fixed. We had a lot of legislation there. Some of it got through while others did not, but more than normal got through.

On the last day there were many different things happening and must wait a bit longer to get an updated report but have some of the highlights. One was the deannexation bill that on the periphery of a community, a group of people or a single property owner can request to be the deannexed from the city, but cannot create an island. If the city determines the health and safety of the overall community is threatened, they can deny a deannexation, or if their general revenue or government obligation bonds is threatened the request can be denied. It is not a threat to the City of Sandy Springs. The only area would be between Atlanta and Sandy Springs because the others are in different counties. There would be a real challenge to try and deannex. An island cannot be created and there would have to be an agreement for any deannexation for the existing jurisdiction. You cannot go back out into the county but would have to go into another city, at least in our situation, and it makes it very problematic. There can be no more than 10 parcels but there is no limit on the number of 10 parcel applications that can be requested. This is not a threat.

One of the biggest controversies was whether they were going to increase the amount of weight that trucks can have on our streets. It was driven by the agriculture and timber industry, but some folks also got aggregate and concrete trucks added to that list. During the negotiations of the bill, the concrete trucks and aggregates were removed. There was a limit of 150 miles from the point of origin and the 13 county Metro Atlanta areas were excluded and there is no real impact on us from truck weights.

The other issue was what we would call a Christmas tree bill where there all kinds of different things on one bill. We are still going through that trying to figure out what is in there.

Also, if you have a parcel that is at least an acre, we cannot deny you the ability to drill a well. You can drill for just about anything you want. There is also one thing from the land use point of view and did not change zoning requirements but, the bill that limits building moratoria to 180 days would be effective July 1.

The legislature approved the redistricting of the district Sandy Springs, and you are aware what was there.

The legislature decided to give Council a raise and they gave me a small one, but a nice increase for Council compared to what other councils in this area are receiving. We cannot raise our salary during a term, but the Georgia General Assembly can, and they did. Never been a big fan of pay raises but since others around us were getting raised to a certain level, talked with the legislature, and did not feel that it would be right to keep this Council from being paid in a similar manner. The mayor got a \$2000 raise and Council maybe received \$900. If the governor signs that, it will go into effect.

Will keep going through the legislation for more findings.

Councilmember John Paulson reported he attended a High Intensity Drug Trafficking Areas (HIDTA) program last Wednesday evening at Temple Emanu-El. This was a joint session hosted by both the Sandy Springs Police Department and Dan Salter, Director of the Atlantic-Carolinas HIDTA program. There were 50 or 60 people there but should have been 500. This seminar was primarily about the abuse of fentanyl and the deaths increasingly happening across the country. The Cities of Sandy Springs and Atlanta are not immune. There are about 117,000 deaths a year attributed to fentanyl usage overdoses. It is very sobering. One topic the speakers discussed were communities that have actively put together

awareness programs to let their community know that the use of illegal drugs has widely varying amounts of fentanyl in it. This is uncontrolled manufacturing and if the wrong pill was made by the wrong person at the wrong time, you are dead. You are playing Russian roulette if you are taking these illegal drugs. The more we communicate this, there is less potential for increase in the City of Sandy Springs compared with other areas. To put this into perspective, picture a commercial airliner crashing every day of the year with 300 people on board. That is the number of people dying in this country from fentanyl overdoses. It is serious. With mayor and Council support, we can put together an awareness program titled, Not in Our City, and do some outreach to the community, whether the churches or hopefully schools. We can also hold a couple sessions throughout the year and individuals from HIDTA group could come and educate everybody about how dangerous this is. Would like the City of Sandy Springs to attack this and figure out how to do an awareness program. It is very important and concerning so few people got to hear the session. Let us put something together and let everybody in this community know that this is just too dangerous to play with.

Eden freeman, City Manager, said it would be excellent to include the Sandy Springs Fire Department because they are often the ones being called to administer Narcan if we get that call soon enough. We will work on an awareness plan and get something out to you.

Mayor Paul said anyone using drugs bought on the street is taking their lives in their hands. This is because almost all the drugs, whether pot, cocaine, or anything bought online or from somebody on the street, has some level of fentanyl in them. You may get a concentrated dose because of the mixing. As **Councilmember Paulson** said, you are playing Russian roulette with those drugs and taking your life in your hands when you buy from your local drug dealer. We were briefed in the past where we averaged about an overdose a week just in City of Sandy Springs alone. It is a huge problem.

Councilmember Andy Bauman said Saturday is the 14th year of the opening of the Sandy Springs Farmers Market. Sadly, we lose Movies by Moonlight, the longest running continuing event we have got going. Proud to start 14 years ago but grateful for the way the City has picked this up. Thank you staff for your efforts in trying to innovate tough environment for markets. Looking forward to seeing people on Saturday and hopefully the weather will cooperate.

Mayor Paul said we are not losing Movies by Moonlight, the City is taking it over. That serves an important part of our community, and we want to make sure it continues.

B. 2023-103 Staff Reports

There were no staff reports.

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 litigation, real estate, and personnel 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 8:13 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 8:55 p.m.

XII. Adjournment

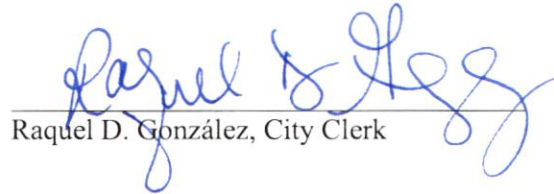
Motion and vote. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember John Paulson**, to adjourn the meeting. The motion carried by unanimous vote.

The meeting adjourned at 8:55 p.m.

Approved: April 18, 2023



Russell K. Paul, Mayor



Raquel D. González, City Clerk