

Meeting of the Sandy Springs City Council was held on June 6, 2023 Following Work Session, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:34 p.m.

II. Roll Call and General Announcements

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

III. Pledge of Allegiance

Mayor Rusty Paul led the Pledge of Allegiance.

IV. Public Comment

1. **Tracy Grimm, 6105 Blue Stone Rd 303, Atlanta** – General Comments
2. **Ali Tavakol, 369 Johnson Ferry Road, Sandy Springs** – Opposition to ITEM F. 2023-173
3. **Jack Misiura, 137 Angus Trail, Atlanta** – Trail Plan
4. **Bert Harrison, 127 Brookview Circle** – Welcome to Sandy Springs Sign on Bridge over I-285
(Public comment card was received but no spoken comment)

V. Approval of Meeting Agenda

Motion and vote. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember Jody Reichel**, 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. 2023-154 Meeting Minutes

May 2, 2023 City Council Special Called Meeting - FY 2024 Budget Workshop 1
May 16, 2023 City Council Special Called Meeting - FY 2024 Budget Workshop 2
May 16, 2023 City Council Work Session
May 16, 2023 City Council Meeting
May 23, 2023 City Council Special Called Meeting - FY 2024 Budget Presentation
May 30, 2023 City Council Special Called Meeting

- B. **2023-155** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Donate a Permanent Drainage Easement and a Temporary Construction Easement on Property Located at 1075 Crest Valley Drive, NW in Land Lot 176 of the 17th District, City of Sandy Springs, Georgia (Tax ID# 17-0176-LL1027)

Resolution No. 2023-06-77

- C. **2023-156** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Donate a Permanent Drainage Easement on Property Located at 1025 Crest Valley Drive in Land Lot 176 of the 17th District, City of Sandy Springs, Georgia (Tax ID# 17-0076-LL0904)

Resolution No. 2023-06-78

- D. **2023-157** Request for Mayor and City Council Consideration of Acceptance of an Agreement to a Temporary Construction Easement on Property Located at 790 Tanglewood Trail in Land Lot 163 of the 17th District, City of Sandy Springs (Tax ID# 17-0163-0001-016-2); Stormwater Project

Resolution No. 2023-06-79

- E. **2023-158** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Donate a Permanent Drainage Easement and a Temporary Construction Easement on Property Located at 340 Glencourtney Drive in Land Lot 75 of the 17th District, City of Sandy Springs, Georgia (Tax ID# 17-0075-0002-020-0)

Resolution No. 2023-06-80

- F. **2023-159** Request for Mayor and City Council Consideration of Acceptance of Agreement to Purchase Permanent Drainage Easement and Temporary Construction Easement on Property Located at 7236 Thornhill Lane in Land Lot 75 of the 17th District, City of Sandy Springs, Georgia (Tax ID# 17-0075-0002-021-8)

Resolution No. 2023-06-81

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2023-160** First Public Hearing on the FY 2024 Budget and Discussion

Eden Freeman, City Manager, presented the first public hearing on the FY 2024 Budget and Discussion. The proposed FY 2024 Budget was developed based on the priorities adopted by City Council in February 2023. The FY 2024 Budget provides for the same millage rate of 4.731 mills as last year and maintains adequate reserves in the fund balance to ensure sound fiscal integrity of the City of Sandy Springs. The budget process included an assessment to determine the quality of services delivered and projected operational needs. The proposed budgets for all operating, capital, and special revenue funds total \$1,042,441,406.

Under the City's adopted financial policies, the City's fund balance is maintained at or above \$29.6 million, or 25% of budget revenues.

The FY 2024 Budget was developed with the following objectives:

- Continue to enhance Public Safety Capabilities.
- Continue to be the local government employer of choice through competitive pay and benefits for all employees.
- Ensure fiscal stability.
- Address capital needs that exist citywide by investing in transportation, parks, and facilities.
- Continue to leverage the flexibility of the public private partnership model by scaling resources to meet projected demand for services.

The focus of the FY2024 Budget is to provide excellent services to our citizens and business customers and to continue to allocate significant resource dedicated to improving infrastructure and the City's quality of life.

FY 2024 Summary of All Funds

Fund Name	FY 23 Adopted	FY 24 Proposed
General Fund (page 1)	\$ 130,619,972	\$ 141,204,831
Confiscated Assets Fund (page 29)	184,500	150,000
Emergency 911 Fund (page 30)	3,000,000	4,000,000
Tree Fund (page 31)	559,099	808,669
Impact Fee Fund (page 32)	1,275,000	75,000
Community Development Block Grant Fund (page 33)	1,756,541	3,510,563
Hotel/Motel Tax Fund (page 34)	3,500,000	4,600,000
Excise Tax on Rental Motor Vehicle Fund (page 35)	75,000	80,000
TSPLOST I (2016) Fund (page 36-37)	102,851,298	101,491,298 *
TSPLOST II (2021) Fund (page 38-39)	114,680,913	120,105,913 *
Capital Projects Fund (page 40-41)	84,564,505	74,256,000 *
Fleet Fund (page 45)	4,029,680	2,362,043
Public Facilities Authority Fund (page 46)	542,560,874	578,957,632 *
Performing Arts Center Fund (page 47-49)	7,297,147	8,214,647
Stormwater Management Fund (page 50)	2,240,100	2,171,560 *
Development Authority Fund (page 51)	182,700	453,250
Total All Funds	\$ 999,377,329	\$ 1,042,441,406

* Multi-year Funds

Mayor Rusty Paul opened the public hearing.

Opposition

1. Tochie Blad, 7320 Hunters Branch Drive, Sandy Springs

Mayor Rusty Paul closed the public hearing.

- B. **2023-161** ABL #100648
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for Grazie Hospitality LLC d/b/a Baraonda Ristorante – 6075 Roswell Rd, Ste 200, Sandy Springs GA 30328. Applicant is Costanzo Astarita for Package Wine & Malt Beverages, Consumption on the premises Wine, Malt & Distilled Spirits.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application Package Wine & Malt Beverages, Consumption on the premises Wine, Malt & Distilled Spirits for Grazie Hospitality LLC d/b/a Baraonda Ristorante–6075 Roswell Rd, Ste 200, Sandy Springs GA 30328.

Applicant submitted a New Application for Package Wine & Malt Beverages, Consumption on the premises Wine, Malt & Distilled Spirits on April 05, 2023. Applicant has passed the background investigation.

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 application Package Wine & Malt Beverages, Consumption on the premises Wine, Malt & Distilled Spirits for Grazie Hospitality LLC d/b/a Baraonda Ristorante –6075 Roswell Rd, Ste 200, Sandy Springs GA 30328. The motion carried by unanimous vote.

- C. **2023-162** ABL# 101429
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for RWL LLC d/b/a Roswell Food Mart – 4968 Roswell Rd, Sandy Springs, GA 30342. Applicant is Nazim Jiwani for Package Wine & Malt Beverages.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application Package Wine & Malt Beverages for RWL LLC d/b/a Roswell Food Mart–4968 Roswell Rd, Sandy Springs GA 30342.

Applicant submitted a Change of application for Package Wine & Malt Beverages application on April 05, 2023. Applicant has passed the background investigation.

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

Motion and vote. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Jody Reichel**, to approve the application Package Wine & Malt Beverages for RWL LLC d/b/a Roswell Food Mart – 4968 Roswell Rd, Sandy Springs GA 30342. The motion carried by unanimous vote.

- D. **2023-164** ABL# 96454
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for SRSK2 Business LLC d/b/a Savi Provisions –

1160 Johnson Ferry Rd, Sandy Springs GA 30342. Applicant is Devang Patel for Package Wine & Malt Beverages, Consumption on the premises Wine & Malt Beverages.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application Package Wine & Malt Beverages, Consumption on the premises Wine & Malt Beverages for SRSK2 Business LLC d/b/a Savi Provisions –1160 Johnson Ferry Rd, Sandy Springs GA 30342.

This is a New Application for Package Wine & Malt Beverages, Consumption on the premises Wine & Malt Beverages. Applicant submitted a completed application on April 13, 2023. Applicant has passed the background investigation.

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

Motion and vote. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember Jody Reichel**, to approve the application Package Wine & Malt Beverages, Consumption on the premises Wine & Malt Beverages for SRSK2 Business LLC d/b/a Savi Provisions–1160 Johnson Ferry Rd, Sandy Springs GA 30342. The motion carried by unanimous vote.

E. **2023-165** ABL# 10097

Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for Baram 2 Corporation d/b/a Erawan Organic Thai – 7537 Roswell Rd, Sandy Springs GA 30350. Applicant is Khrongjai Thawbunta for Consumption on the premises Wine, Malt, and Distilled Spirits.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application for Change of Ownership - Consumption on the premises Wine, Malt, and Distilled Spirits for Baram 2 Corporation d/b/a Erawan Organic Thai–7537 Roswell Rd. Sandy Springs GA 30350.

This is a Change of Ownership for Consumption on the premises Wine, Malt, and Distilled Spirits. Applicant submitted a completed application on March 20, 2023. Applicant has passed the background investigation.

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

Motion and vote. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melody Kelley**, to approve the application for Change of Ownership - Consumption on the premises Wine, Malt, and Distilled Spirits for Baram 2 Corporation d/b/a Erawan Organic Thai–7537 Roswell Rd. Sandy Springs GA 30350. The motion carried by unanimous vote.

F. **2023-166** ABL# 102587

Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for Parth Ventures LLC d/b/a Barrel Town – 6300 Powers Ferry Rd, Sandy Springs GA 30339. Applicant is Parth V Patel for Package Wine, Malt & Distilled Spirits.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application Package Wine, Malt & Distilled Spirits for Parth Ventures LLC d/b/a Barrel Town–6300 Powers Ferry Rd, Sandy Springs GA 30339.

This is a New Application for Package Wine, Malt & Distilled Spirits. Applicant submitted a completed application on May 9, 2023. Applicant has passed the background investigation.

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

Motion and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Tibby DeJulio**, to approve the application Package Wine, Malt & Distilled Spirits for Parth Ventures LLC d/b/a Barrel Town – 6300 Powers Ferry Rd, Sandy Springs GA 30339.

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

G. **2023-167** CA23-0001

Request for Mayor and City Council Consideration of a Character Area Map Amendment from Conservation/Parks to City Springs at 6110 Bluestone Road, 135 Hilderbrand Drive, and 51 Sandy Springs Place

Michele McIntosh-Ross, Planning & Zoning Manager, presented a request for Character Area Map amendment from Conservation/Parks to City Springs at 6110 Bluestone Road, 135 Hilderbrand Drive, and 51 Sandy Springs Place.

Three (3) City-owned properties, including the Heritage Building site on Blue Stone Road, a small house around the corner, the temporary fleet maintenance facility on Hilderbrand Drive, and an overflow parking lot at the southeast corner of Sandy Springs Circle and Sandy Springs Place are the subject of this Character Area Map Amendment request. The subject properties are each designated Conservation Area/Park Character Area which is not congruent with the existing developed and physical characteristics on each site or with the historical, preceding zoning designations (Office and Institutional (O-I)). Staff believes that this amendment would correct an error.

The proposed Map Amendment only affects the properties elucidated throughout the application and does not include the properties comprising the Heritage Park, Heritage History Museum, and Entertainment Lawn. The proposed Character Map Amendment would further the vision of the Next Ten Comprehensive Plan, especially as envisioned within the City Springs district.

The proposal would help ensure that the guidance for governing the development of the subject lots is harmonious with the character of the existing area, as each lot abuts the City Springs Character Area. The current character of the lots are a mix of civic and commercial uses. The proposed Character Area (City Springs) calls for mixed use, including residential, retail, office, hotel, civic, and green space, which are in line with the existing uses.

Mayor Rusty Paul opened the public hearing.

Support

1. Bruce Morris, 6105 Blue Stone Road, Unit 221, Sandy Springs
2. Michael Smith, 6105 Blue Stone Road, Unit 302, Sandy Springs

Opposition

1. Alan Panzer, 5 Braemore Drive, Atlanta

Mayor Rusty Paul closed the public hearing.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Jody Reichel**, to approve the Character Area Map amendment from Conservation/Parks to City Springs at 6110 Bluestone Road, 135 Hilderbrand Drive, and 51 Sandy Springs Place.

Councilmember Mular thanked everyone for their public comments. Looking forward to engaging with throughout the process.

Councilmember John Paulson stated it is best to engage sooner than later. This proposal does not include the Spring itself which is to the west of the property. This is the beginning of significant additional conversations and will have community input.

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

Ordinance No. 2023-06-13

IX. New Business

- A. **2023-168** Request for Mayor and City Council Consideration of Approval to Declare as Surplus Certain Property Owned by the City and Directing Disposal of the Same

Toni Carlisle, Chief Financial Officer, presented a recommendation for approval to declare as surplus certain property owned by the City and directing disposal of the same.

When the Code of Ordinances of the City of Sandy Springs were established, it allowed that the under the supervision of the City Manager, the City Purchasing Agent should arrange and negotiate for the sale or otherwise disposal of all surplus equipment and supplies or real estate of the City or any using agency (Section 2-334. Purchasing Agent). Sandy Springs Purchasing Policy requires all Departments to report all surplus or obsolete goods to the Purchasing Agent; and that they be declared Surplus by Mayor and City Council.

The Surplus consists of goods from the following Departments as listed in Exhibit A:

Police Department
Fleet Division
Fire Department

Upon review of the goods listed in Exhibit A, staff recommends that they be declared Surplus and for the Purchasing Agent under the supervision of the City Manager to dispose of surplus property in a manner as is determined to be the most advantageous method of disposing the goods, including transfer; donation; recycle; trade-in; and/or sale.

All equipment is used and is sold as is with no warranty expressed or implied. The goods listed for Surplus in Exhibit A represent a limited dollar value for the City.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Melody Kelley**, to approve and declare as surplus certain property owned by the City and directing disposal of the same.

Councilmember Paulson asked where can these surpluses be bought?

Toni Carlisle, Chief Financial Officer, said items can be purchased on GovDeals.

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

Resolution No. 2023-06-82

- B. **2023-169** Request for Mayor and City Council Consideration to Authorize an Amendment to the City of Sandy Springs FY2023 Budget to Transfer Unobligated Funds from Project TS100 to Project TS111

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve the Budget Amendment for the Spalding Drive at Pitts Road Intersection Project (Project No. TS111) (the "Project") within the City of Sandy Springs, Fulton County, Georgia.

The Spalding Drive at Pitts Road Intersection Project began in the Fall 2017 as part of the TSPLOST Traffic Efficiency Program.

This TSPLOST funded program includes an improvement of the intersection of Spalding Drive and Pitts Road. This will include widening both Spalding Drive and Pitts Road for designated turning lanes, new traffic signal infrastructure, restriping, paving, drainage improvements, sidewalks, and ADA improvements on the sidewalks and pedestrian crossings.

The City has received bids from construction contractors to build the remaining aspects of the Project and is ready to proceed to work scope for the Project. Because of an increased scope of work during design, construction cost escalations (both labor and material) since the original scoping of this project, and utility relocation costs, the total project will require a project budget increase of \$1,500,000.00 to fully fund the TS111 project.

Budget Amendment Request

Total Requested Amount: \$1,500,000.00

- The current project has a budget of \$2,818,179.00.
- Below is the breakdown of costs already encumbered within the Project and the projected estimates for the work not yet completed:

Phase	Budget
Design	\$275,610.00 (Encumbered)
Right of Way	\$608,200.00 (Encumbered)
Utility	\$50,000.00 (Estimate)
Geotechnical Inspection	\$40,000.00 (Estimate)

Construction	\$3,214,057.00 (Estimate)
Total	\$4,187,867.00

- Geotechnical inspection and material testing was not included in the original budget for the intersection improvement. This is estimated to be \$40,000.00.
- Utility relocation costs were not anticipated for this project. An estimated \$50,000.00 for utility relocations is now projected.
- The original construction budget for this project did not take into consideration the inflated valuation of the dollar in 2023, and increased rates. Construction bids have routinely come back 30% higher than anticipated in the current economic climate. This accounts for \$1,279,688 in additional construction costs than were anticipated in 2017.
- A Contingency of \$130,312 will account for any additional fees or unforeseen increases due to rising construction costs or field conditions.

The amount of \$1,500,000.00 is proposed to be transferred from unobligated funds in TS100 (Tier 1 – Uncommitted) to TS111 Spalding Drive at Pitts Road Intersection Project. The new budget for TS111 will be \$4,318,179.00.

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 second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Tibby DeJulio**, to approve the the Budget Amendment for the Spalding Drive at Pitts Road Intersection Project (Project No. TS111) (the “Project”) within the City of Sandy Springs, Fulton County, Georgia.

Councilmember Paulson said the City has considered this project for a long time. Are we actually doing this?

Public Works Director Martin said yes. The sooner the better.

Councilmember Melody Kelley asked how much funds are available in the TS-100 budget?

Public Works Director Martin said with the transfer, there will be an estimated balance of \$900,000.

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

Resolution No. 2023-06-83

- C. **2023-170** Request for Mayor and City Council Consideration to Approve Contract Award to Vertical Earth, Inc. to Construct the Spalding Drive at Pitts Road Intersection Project, TS111, and to Authorize the City Manager to Execute a Contract

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve contract award to Vertical Earth, Inc. to construct the Spalding Drive at Pitts Road Intersection Project, TS111, and to authorize the City Manager to execute a contract.

This TSPLOST funded project includes an improvement of the intersection of Spalding Drive and Pitts

Road. This will include widening both Spalding Drive and Pitts Road to improve traffic operations at the intersection, and associated shoulder improvements. Proposed improvements included in the Project are:

1. Roadbed/asphalt
2. Sidewalk/Curb and gutter
3. Storm drainage system, including 594 LF of parallel 42” storm pipe
4. Retaining wall and ornamental fencing
5. Driveway reconstructions
6. Signal infrastructure, signing and marking

On March 29, 2023, the City issued an Invitation to Bid (“ITB”) seeking quotes from qualified contractors to perform construction services for the Project. The following three (3) responses were received by the May 1, 2023, deadline:

Company	Amount
Engineer’s Estimate	\$3,002,000.00
Vertical Earth	\$3,214,056.84
Baldwin Paving	\$4,004,104.89
Ohmshiv Construction	\$4,358,907.70

The construction budget is \$3,452,569.00.

Upon review of the responses, City staff recommends that award be made to the lowest, most responsible and responsive quote from Vertical Earth, in the amount of \$3,214,056.84.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to approve contract award to Vertical Earth, Inc. to construct the Spalding Drive at Pitts Road Intersection Project, TS111, and to authorize the City Manager to execute a contract.

Councilmember Paulson said the project is estimated to be complete in a year. Did the estimated time for construction include 6 months for road closure?

Public Works Director Martin said it was estimated with the understanding the bridge would be closed at the time. There is significant amount of utility coordination and will be a challenge to install underground detention in the roadway.

Councilmember Paulson stated it is a complicated project with underground utilities. I want to ensure we can take advantage if we had not before.

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

Resolution No. 2023-06-84

- D. **2023-171** Request for Mayor and City Council Consideration of Approval of Award of Contract for Hammond Park Gymnastics Center Operations Contract to Jump Start Gym, LLC as it Relates to Request for Proposal No. 23-070

Michael Perry, Director of Recreation and Parks, presented a recommendation to approve the award

for Hammond Park Gymnastic Center Operations to Jump Start Gym, LLC, as it relates to Request for Proposal No. 23-070 (RFP 23-070).

The City issued RFP 23-070 For Hammond Park Gymnastic Center Operations on March 23, 2023, seeking proposals from experienced, qualified gymnastic facility operators capable of providing well-rounded, year-round gymnastics operations at the City's Hammond Park Gymnastic Center. Bid proposals were due on April 26, 2023. City Staff received and determined one (1) contractor to be qualified to perform the services. The proposal was submitted by Jump Start Gym, LLC.

The procurement was conducted using the Performance Price Trade-off process as described in the RFP. This process evaluates the proposal based on the three (3) performance criteria: a) Capabilities and Approaches; b) Performance Confidence; and c) Cost/Price proposal. Staff committees evaluated Jump Start Gym, LLC to the above criteria with scores of Acceptable to their Capabilities and Approach and Substantial to their Performance Confidence score. Based on the assessment of the proposal described herein, staff recommends that the proposal submitted by Jump Start Gym, LLC represented the best value for the City of Sandy Springs' Hammond Park Gymnastic Center Operations.

The proposed fee schedule is detailed in Jump Start Gym, LLC's Cost/Price Proposal and states a monthly rent of \$5,000.00 payable to the City as well as monthly utility reimbursement to the City.

Motion and second. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember Andy Bauman**, to approve the award for Hammond Park Gymnastic Center Operations to Jump Start Gym, LLC, as it relates to Request for Proposal No. 23-070 (RFP 23-070).

Councilmember DeJulio asked has the City done a thorough financial analysis considering the previous problems with contractor to ensure bills are paid?

Director of Recreation and Parks Perry said we have a high level of confidence. A part of this process included a review of financial statements, and this vendor has 12 years of experience in the community and twice as many participants, compared with the previous.

Councilmember DeJulio said this is a fixed amount plus utility reimbursement. Are utilities separate for Hammond Park and the gymnasium?

Director of Recreation and Parks Perry said it is only for the gymnastics facility. During the RFP process, we gave them the amount over the last year of approximately \$4500 per month for the gym only. This included about \$1000 per month in water for the entire park. We will ensure the vendor is treated fairly and not charge for what is not their responsibly. Some work is done but we have more work to do.

Councilmember DeJulio asked when is this contract effective?

Director of Recreation and Parks Perry said August 1st. One year with four renewable options that will renew automatically.

Councilmember Bauman asked has there been an assessment of the facility that meets the standard required for programming?

Director of Recreation and Parks Perry said yes. We have worked with the facilities weekly to

address the issues and will continue to do so diligently.

Councilmember Bauman asked is that our obligation under the agreement?

Director of Recreation and Parks Perry said yes. It is our facility and we will own it.

Councilmember Bauman said there are several ways to participate in sports and recreation programing. As a youth, I participated through public schools in organized athletics. Another way was through the park and recreation system which includes sports such as baseball, flag football, and basketball. Everyone was welcome to participate. What is the accessibility for the City of Sandy Springs underserved community who cannot pay full market rates but would like to participate?

Director of Recreation and Parks Perry said this was discussed with the potential vendor. Approximately 20% of participants need financial assistance but it is not free. We work with participants and families so that no one is turned away.

Councilmember Bauman said we should define the metrics to measure and fairly evaluate success here. We need to ensure we are achieving the recreation mission. We are outsourcing and receiving a commercial rate. This is a tricky conflict. Will want to know in 6 months how we are doing.

Director of Recreation and Parks Perry said we will review this information monthly with the vendor.

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

Resolution No. 2023-06-85

- E. **2023-172** Request for Mayor and City Council Consideration of Approval of Award of Contract for Sandy Springs Tennis Center Operations Contract to Groslimond Tennis Services as it Relates to Request for Proposal No. 23-063

Michael Perry, Director of Recreation and Parks, presented a recommendation to approve the award for Sandy Springs Tennis Center Operations Contract to Groslimond Tennis Service, as it relates to Request for Proposal No. 23-063 (RFP 23-063).

The City issued RFP 23-063 For Sandy Springs Tennis Center Operations on March 8, 2023, seeking proposals from experienced, qualified gymnastic facility operators capable of providing well-rounded, year-round tennis/racket sports operations at the Sandy Springs Tennis Center. Bid proposals were due on April 5, 2023. City Staff received five (5) proposals:

- Agape Tennis Academy
- Groslimond Tennis Services
- Impact Activities
- Premier Tennis Club
- Universal Tennis Management

The proposals were examined for compliance with the solicitation submittal instructions and Impact Activities was found to be non-responsive. Compliance issues with the submittal were documented and the offeror notified.

The procurement was conducted using the Performance Price Trade-off process as described in the RFP.

This process evaluates the proposal based on three (3) performance criteria: a) Capabilities and Approaches; b) Performance Confidence; and c) Cost/Price proposal. Staff committees evaluated each offeror's proposal to the above criteria. Based on the assessment of the proposals described herein, staff recommends that the proposal submitted by Groslimond Tennis Services represented the best value for the City of Sandy Springs' Tennis Center Operations.

The contract fee schedule is detailed in Groslimond Tennis Services' Best and Final Cost/Price Proposal. The contract includes a yearly rent (through monthly payments) of \$150,000 for years one (1) through year five (5). The yearly rent increases to \$190,000 for years six (6) through year ten (10). The contract includes monthly utility cost reimbursement to the City.

Motion and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melody Kelley**, to approve the award for Sandy Springs Tennis Center Operations Contract to Groslimond Tennis Service, as it relates to Request for Proposal No. 23-063 (RFP 23-063)

Councilmember Reichel stated her excitement that \$1,716,000 is going to schools for free lessons and that approximately \$1,000,000 is going towards facilities for much needed renovations and capital improvements.

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

Resolution No. 2023-06-86

- F. **2023-173** Request for Mayor and City Council to Approve the Appropriation of Certain Property Rights and Interests Located at 369 Johnson Ferry Road (Tax Parcel #: 17-0071-0001-008-0) through the Use of Eminent Domain As It Relates to the Johnson Ferry Road/Mount Vernon Highway Improvement Project (Project No. TS-191)

Dan Lee, City Attorney, presented a recommendation to approve the use of eminent domain to acquire the property rights and interest located at 369 Johnson Ferry Road, Sandy Springs (Fulton County), Georgia, 30328 to construct certain right of way improvements which will improve vehicular and pedestrian mobility, as well as reduce roadway congestion.

This property is a part of the Johnson Ferry Road/Mount Vernon Highway Intersection Improvements Project (TS-191) (hereafter, the "Project"). In order to construct the Project, fee simple rights are required over, under, and through the property located at 369 Johnson Ferry Road within the City of Sandy Springs (Fulton County).

The property in question is a single-family home located on a 0.3064-acre lot. It is located on the southwest corner of Johnson Ferry Road and Harleston Road, in a predominantly residential area. The subject property includes 714.21 sq. ft. of fee simple and 414.23sq. ft. of temporary construction easement.

The City believes that just and adequate compensation for the subject property is \$21,100.00 and is itemized below;

Fee Simple	714.21 square feet	\$16.00/ square foot	\$11,427.00
Temporary	414.23 square feet	\$16.00/ square foot	\$ 1,988.00

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Construction Easement	
Cost to Cure/Incurable	\$ 7,268.00
Damages*	
Site Improvements*	\$ 374.00

City Staff has been unable to secure the acquisition of the property, even though the City has offered just and adequate compensation for the property to the owners, Jobin Tavakol & Zahra Nadershahi, however, 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 second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Jody Reichel**, to approve the use of eminent domain to acquire the property rights and interest located at 369 Johnson Ferry Road, Sandy Springs (Fulton County), Georgia, 30328 to construct certain right of way improvements which will improve vehicular and pedestrian mobility, as well as reduce roadway congestion.

Councilmember Mular asked did the City's original estimate include the disruption to the septic tank?

City Attorney Lee said it did not and still does not. The engineers, contractors, and appraisers have not indicated the septic tank would be impacted. We asked the property owner to check what it costs to connect to Fulton County soil. Hopefully we can get to a conclusive decision.

Mayor Rusty Paul asked is the City asking for 714 square feet?

City Attorney Lee said 714.21 square feet. This is one of several properties along the stretch near the current road and the proximity will be even closer. It is more impactful than just the amount that is being taken. We have expressed concern in the past about some of our appraisals not giving credibility to the change in the proximity to the roadway, which is a recognized diminution in the value of the property.

Mayor Paul asked are negotiations still possible even with eminent domain?

City Attorney Lee said yes. We believe that there is some ground to be covered especially if we come to a decision involving the sewer system that everybody can agree to.

Mayor Paul asked is the importance of eminent domain to transfer the title to City and the project is not on hold?

City Attorney Lee said yes.

Councilmember John Paulson asked can the septic versus sewer discussion be resolved in the next thirty days? Or do we make decisions as it unfolds?

City Attorney Lee said the issue is if the City should delay the project. We are asking Council to authorize eminent domain, so the project is not delayed. We have acquired all the properties along the way and there are very few left to acquire. With your approval, the use of imminent domain will be your declaration that the project will go forward. Even with eminent domain, the discussion on pricing will not be affected.

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

Resolution No. 2023-06-87

- G. **2023-174** Request for Mayor and City Council Consideration to Authorize the City Manager to Negotiate a Letter of Intent with a Master Developer for City Springs Phase II

Eden Freeman, City Manager, presented a recommendation to authorize the City Manager to negotiate a Letter of Intent with a Master Developer for City Springs Phase II.

We are presenting a Source Evaluation Memorandum with a recommendation for a preferred development partner for the development of city-owned parcels adjacent to City Springs within the City Springs District.

On December 20th 2022, Mayor and City Council adopted the City Springs Master Plan which was an update to our original 2012 City Center Master Plan. The City then issued a Request for Qualifications (RFQ) as the first phase of a two-phase process to solicit and select a master developer. The first phase of the Solicitation Phase I was issued on November 16, 2022 with responses due on December 13, 2022.

Responses to both phases of the solicitation were evaluated by individuals who were selected by me, the City Manager using the criteria set forth in Section 4 of the RFQ and Section 4 of the Request for Proposal (RFP).

The members of the Evaluation Committee were:

- Eden Freeman, City Manager, City of Sandy Springs
- Chris Burnett, SouthState Bank
- Dan Lee, City Attorney, City of Sandy Springs
- Richard Rubenstein, Vice Chairman, Savills Inc.
- Kristin Smith, Assistant City Manager, City of Sandy Springs

In addition, we had a group of advisors who assisted the Evaluation Committee with specific expertise in areas that were critical to the success of the Project:

- Rusty Paul, Mayor, City of Sandy Springs
- Toni Carlisle, Chief Financial Officer, City of Sandy Springs
- Haddow & Company, Real Estate consultants
- Forrest Hibbard, Parking Consultant

The City received responses from the following five (5) firms:

1. The Atlantic Companies
2. Mid City Real Estate Partners with ASD|SKY
3. Mill Creek Residential Trust with Westbridge
4. Regent partners with Morris and Fellows
5. RocaPoint Partners and the Georgetown Company

The evaluation committee members evaluated each response and all five were moved forward at the recommendation of the committee and Council's approval in a January 18, 2023 Special Called

Meeting to participate in Phase II of the RFP process. The RFP was issued on January 24, 2023, and proposals were due April 28, 2023. Section 4 of the RFP identified a series of specific criteria that the City would base our evaluation of the proposals that were received:

- Does the proposed development align with the goals, visions, and intent described in the City Springs Master Plan?
- The city desired proposals that included owner-occupied housing, as dictated by market demand
- Does the Offeror propose owner-occupied units? What percentage of proposed residential units are owner occupied?
- Does the Offeror propose a true mix of uses on the Sites?
- Does the Offeror include a proposal for a boutique hotel? If not, have they allocated appropriate space for a future hotel including allocation for needed parking?
- How quickly could the Offeror complete the development?
- Is the Offeror capable of following through with the financial and other obligations related to this project?
- Is the Offeror capable of leasing spaces to boutiques, local restaurants, and retail to enhance the City Springs District as a unique destination?
- Do the Master Developer and Project team members have the institutional depth to ensure project completion of construction and success should the team members of the team exit the project?
- Is the City being offered a market-based value for the land, given the unique nature of the project?

On April 28th, 2023, proposals were received from the following three (3) project teams:

- a. MidCity Real Estate Partners with ASD|SKY and Atlantic Residential
- b. Regent Partners and Morris and Fellows
- c. RocaPoint Partners and the Georgetown Company

The evaluation committee began its review of proposals the week of May 1st, 2023. In conjunction with this evaluation, the Phase II Offerors were invited, by letters dated May 10th, to meet individually with the Evaluation Committee for the purpose of presenting their team and their proposed approach. The letter included specific items to be addressed by each Offeror during the evaluation committee meeting. A subsequent letter was sent on May 12th requesting that the Offerors be prepared to provide additional information that was included in those letters in their interviews. On May 16th the Evaluation Committee conducted a formal interview with Regent Partners and Morrison and Fellows. On May 17th the Evaluation Committee conducted a formal interview with MidCity and their partners. On May 22nd the Evaluation Committee conducted a formal interview with RocaPoint. On May 22nd the Evaluation Committee sent a follow-up letter to all Phase II Offerors requesting

additional information.

The Evaluation Committee then completed the evaluation and formed a consensus regarding the proposal it believed represents the best interest of the City. The Evaluation Committee has determined that the proposal presented by Regent Partners and Morris and Fellows is in the best interest of the City and, subject to final review and reference checks, made a tentative decision to recommend award.

The following summarizes the major factors that were the basis of the selection:

- The proposed development aligns with the goals the vision and the intent described in the City Springs Master Plan. The proposed development would further the vision to make City Springs a vibrant walkable district for Sandy Springs residents and visitors, offering an array of food and beverage options, unique shopping, fine arts and entertainment, outdoor spaces, and housing.
- The proposed development includes options for owner occupied housing
- The proposed development includes a true mix of uses.
- Both Regent Partners and Morris and Fellows have a strong track record of creating dynamic mixed-use projects and recent public-private partnership development experience. For example, Eastern Wharf, Savannah, GA, and Alpharetta City Center.
- Regent Partners and Morris and Fellows bring a unique approach to the retail components of the project. Morris and Fellows have served as the key retail partner on several successful mixed-use projects, including Alpharetta City Center and Woodstock Downtown with unique and local retailers and would directly oversee the retail components of the project.
- Regent Partners and Morris and Fellows have explored specific options for a boutique hotel as a component of the Project.
- The proposed development schedule provided by Regent Partners and Morris and Fellows anticipates completion at the end of calendar year 2026.
- While all proposals attempted to assign a value for the land, the value for the land will be determined once the final development program is approved by Council. This development program is subject to future negotiation.

Regent Partners provided the City with Current financial statements for its management company as required. Our real estate advisor Haddow & Company reviewed the financial proposals and found for the Public Component the Proposal envisioned the City incurring development costs for certain infrastructure which could include items such as parking spaces, green space, and public streets.

The Private Component included evaluation approach and associated incentive requests that was a function of density, scale, and use. Greater density equated to more value attributed to the private development. Increased amounts of residential development were directly correlated to an incremental increase in land value. Hotel and office components of the development were requests of the City's RFP although both uses are difficult to finance given the current economic conditions. However, these uses would enhance the vibrancy of City Springs and the ultimate value of the private development will be a function of the negotiation.

Subject to further program refinement and negotiations, the Regent Partners and Morris and Fellows Proposal was deemed to be an acceptable financial approach to begin negotiations. While the proposed incentive request and public components of the development are larger than what the City would have anticipated providing, both are subject to negotiations. The City and the Preferred Development Partner will work collaboratively over the next 90 to 120 days to conceive a mutually acceptable development plan and financial terms.

Subsequent to making a tentative decision on a recommendation for award, the Evaluation Committee requested three (3) references from Regent Partners and Morris and Fellows. All references were contacted and were highly complementary of both firms and their working relationships with each municipality.

For the reasons described above, the Evaluation Committee unanimously recommends that:

- Regent Partners and Morris and Fellows be selected as the City's proposed City Springs Phase II Preferred Development Partner
- City Council authorized the City Manager to develop and enter into a letter of intent with Regent Partners and Morris and Fellows to finalize the project and negotiate any concessions for the Project.
- City Council authorize the City Manager to enter into negotiations with Regent Partners and Morris and Fellows for a development agreement related to the private components of the Project.
- City Council authorize the City Manager to enter into negotiations with an entity to provide program management services for any public components of the project, if applicable.
- City Council authorize the City Manager to begin a public engagement process with Regent Partners and Morris and Fellows.

While the Evaluation Committee unanimously recommends Regent Partners and Morris and Fellows as the Preferred Development Partner, the City retains the right to re-engage the two other qualified firms for additional discussions should negotiations with Regent Partners and Morris and Fellows not result in a finalized development agreement.

City Council can review the Source Evaluation Memo for additional information and may choose to approve the resolution. Due to confidentiality of this core real estate transaction, all three submitted proposals will be published after Council takes action by voting in a public setting and authorizes the release of this information.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to authorize the City Manager to negotiate a Letter of Intent with a Master Developer for City Springs Phase II.

Councilmember Paulson stated this is not the end, it is the beginning of this development and there is more to come. There is a lot to be discussed here and the three proposals are not fixed in stone. The idea was to pick someone that would be consistent with the development we envision. Let us move to the next step of this process.

Councilmember Andy Bauman said materials were not published on Friday for Council to have an opportunity to review and offer feedback. Why is this process different?

Dan Lee, City Attorney, said Mayor and Council via staff, took advantage of the City's procurement processes to decide on a qualified vendor to do what is in the best interest of the citizens of Sandy Springs with their property. This is what Council is voting on now. What remains is the conclusion of the negotiation for the sale of city-owned property which must be kept confidential for the benefit of the deal that the citizens of Sandy Springs need. Due to transparency, Mayor and Council require that the City Manager and staff prepare the exposure of the designs that were proposed, but not the negotiation or financial discussions, until a deal is struck.

Councilmember Bauman thanked City Manager Freeman and staff for their efforts. Are the conceptual designs included in all three proposals that will be published?

City Manager Freeman said yes.

Councilmember Bauman said we must be cautious with the proposals to be published. That is a representation of this body to the citizens of Sandy Springs. People will see these concepts or renderings for the first time, but discussions are still needed.

Mayor Rusty Paul said as an adviser reviewing the proposals, none of the three were exactly what we were looking for. We wanted to work with a proposer who shared our vision. There is a lot of information in all these proposals and the City is requested to do certain things in the negotiations which this Council may not want to do. We are reviewing their concepts and vision for the space but most importantly we are looking at the work they have previously done and how we believe that would fit into our environment. We are also reviewing the financial ability to do this, but above all the kind of partner we think they will be as we work together to get to where we should go. We have a lot of work to do because none of the three proposals fit what we want and what we believe is important. The proposers were guessing based on the RFP because there was no opportunity to have a discussion and bring their ideas to us in our procurement process, but we offered an addendum in the document. Now there is an opportunity to have a detailed discussion. During the negotiations, we are a distance apart with some ideas. This is the reason we want to retain the opportunity to go back and talk to another partner if we are not able to bridge some gaps. If we cannot find a deal that works in the best interest of everybody in this community and have the kind of downtown environment we aspire to have, then we will find another partner. This is a first step, but it is monumental. We have a timeline to complete and other partners to have some conversations with, for example the Georgia Commission on the Holocaust (GCH) which is a major driving factor. If we are going to have the Georgia Holocaust, Visit Sandy Springs, and the police precinct on one parcel, but three or four other parcels are going to have a different contractor and developer, what are the conflicts that are going to result that will cause people who live in the neighborhood having two sets of projects going on simultaneously? Council has wisely recommended that we do this as one whole project. We have got several significant bridges to build and gaps to fill before we get to a final agreement on what

is going to go across the street.

Councilmember Tibby DeJulio said there is public concern and a desire to have input on this. What are the plans for the public input process so that the City of Sandy Springs community can be involved in the decision making?

City Manager Freeman said we will be having conversations with our Preferred Development Partners. At a minimum, a series of online surveys is anticipated for opinions to be shared as well as public information open houses. This model was successfully used in prior years. The hearing input was done during the City Springs Master Plan Update and will be used as a building block, but there will be significant opportunity for feedback.

Councilmember DeJulio asked when will we start that process?

City Manager Freeman said maybe in the next two to three weeks. No conversations yet with the Preferred Development Partner to come up with a schedule.

Mayor Paul stated we cannot have any conversations until after voting.

Councilmember DeJulio stated we cannot have conversations because everything to this point is confidential under Georgia law.

Councilmember Bauman stated there is a lot of information online from public input on the City Springs Master Plan Update.

Mayor Paul said there is a lot of detailed paperwork that is being transferred to the website now from thick binders. This is different than we have built this facility. Other than the GCH offices, the Anne Frank Exhibit, and the Visit Sandy Springs offices in the police precinct, there are no publicly owned or managed aspects to that project across the street, unlike all around us is city-owned property. One reason why we are doing it this way is it gives the City more control than if a private developer came in and bought the property and decided to do what they wanted to do with theirs. This is a process that Council has wisely undertaken to buy parcels of land where the City controls the development to the fullest extent possible and get more of what the community wants. No project is going to give us everything we want but we do have a bit more opportunity. The negotiations with the developer will give us more control than it would be if a developer came in and just bought land and came in for zoning for example to do what they want to do. Council's control of the environment in the downtown area has taken this process to procure land and help manage the development so that the community has more input and a lot more conversation. In the end, it will be a private development with a lot of input from Council and staff.

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

Resolution No. 2023-06-88

X. Reports

A. 2023-175 Mayor and Council Report

Mayor Rusty Paul reported many are aware of the Citizens Police Academy where citizens get to work and learn much more about our Police. There is also the Fire Corps which is similar. Council is providing some input on doing the same for the City of Sandy Springs as an organization and operating the Sandy Springs Leadership Academy where people can learn more about what goes on in this building and how the various departments work together. There will be a leadership component. We are working on the curriculum and anticipating a fall start date if Council approves. It is very important that we are transparent and people know what goes on in these buildings. We are taking the model used by the police and fire department and applying it to the City's governmental operations and other aspects of the community. It is a very positive thing to help educate our community about the City and the community at large.

Councilmember Tibby DeJulio said he is aware there were microburst in the southern part of the City and trees had damaged homes. Do we have any information on what happened?

Eden Freeman, City Manager said there were several power outages in the High Point area. We had our signal crews out installing and getting generators activated so that the signals can continue to operate. Currently we do not have any reports of any injuries. We do have reports of some damage on private property. There are also some power lines down, one of the most recent ones was a tree down on Windsor Parkway near High Point Road and Georgia Power is on site repairing those power lines. We heard it was a confirmed microburst. There were 70 mile per hour winds reported at Peachtree DeKalb Airport.

Craig Chandler, Police Deputy Chief said no injuries were reported and should be cleared up in the next couple hours.

Councilmember Andy Bauman thanked staff for their efforts in citizen response on the North Side Drive Riverview Oak Powers Ferry Project. This is a big project that was started on the southern end of the City of Sandy Springs.

I am correcting one of the public speakers tonight. We did not take a budget action. We approved the GMP for the new police headquarters and the municipal court complex and we already budgeted for and planned for this many years ago.

This is the 79th anniversary of D-Day and my mother's birthday.

Councilmember Melissa Mular encouraged everyone to come out this Thursday and enjoy the Food That Rocks Festival.

Mayor Paul said this year's concert series has been unbelievable and there has been a lot of attendance. Encouraging everyone to come out and enjoy the activities.

B. 2023-176 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 real estate and litigation discussions. The motion carried by unanimous vote.

Passed Yes 6, No 0, Abstained 0

Yeas: John Paulson, Melody Kelley, Melissa Mular, Jody Reichel, Tibby DeJulio, Andrew Bauman
Nays: None

The Executive Session began at 8:32 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

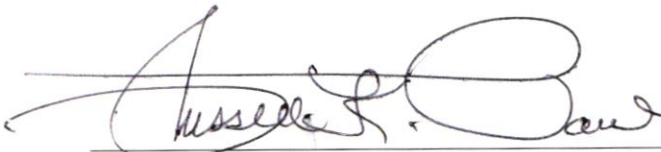
The Executive Session ended at 9:36 p.m.

XII. Adjournment

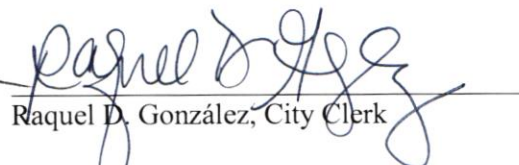
Motion and vote. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember John Paulson**, to adjourn the meeting. The motion carried by unanimous vote.

The meeting adjourned at 9:36 p.m.

Approved: June 20, 2023



Russell K. Paul, Mayor



Raquel D. González, City Clerk