

Meeting of the City of Sandy Springs City Council

Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference

July 18, 2023 6:00 PM

Page 1 of 27

Meeting of the Sandy Springs City Council was held on July 18, 2023 6:00 PM, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:00 p.m.

II. Roll Call and General Announcements

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

III. Pledge of Allegiance

Mayor Rusty Paul led the Pledge of Allegiance.

IV. Public Comment

1. **David Couchman, 8890 Huntcliff Trace, Sandy Springs** – Change to Consent Agenda
2. **Jan Stephens, 9075 Huntcliff Trace, Sandy Springs** – Regarding 8475 Roswell Rd Fleet Station/variance and otherwise
3. **Tim Dwyer, 9965 Huntcliff Chase, Sandy Springs** – New Fleet Maintenance Facility
4. **Carolyn Dwyer, 9965 Huntcliff Chase, Sandy Springs** – Fleet Maintenance Facility
5. **Melanie Couchman, 8890 Huntcliff Trace, Sandy Springs** – Variance for Concertina Wire
6. **Craig Gilchrist, 9661 Huntcliff Trace, Sandy Springs** – Item 2023-204 on Consent Agenda
7. **James McGee, 8175 Landing South, Sandy Springs** – I strongly oppose the use of this lot for a maintenance and fuel facility and find the idea of concertina wire use to not be in keeping with the concept of the Roswell Rd corridor as a boulevard
8. **Katherine Schuessler, 9985 Huntcliff Trace, Sandy Springs** – Fleet Maintenance Facility Location
9. **Ann Walsh, 8900 Huntcliff Trace, Sandy Springs** – Razor Wire
10. **Stefan Sanchez, 9380 Huntcliff Trace, Sandy Springs** – 2023-204 Variance for Concertina
11. **Ronda Smith, 76 Long Island Place, Sandy Springs** – Agenda Item 2023-204 Concertina Wire

V. Approval of Meeting Agenda

Motion and vote. A motion was made by **Councilmember Tibby DeJulio**, seconded by

Councilmember John Paulson, to approve the meeting agenda. The motion carried by unanimous vote.

VI. Consent Agenda

Motion and vote. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Melissa Mular**, to amend the agenda by removing item 2023-204 from the Consent Agenda. **Mayor Rusty Paul** stated the item will be placed under the Regular Agenda at the foot of New Business. The motion carried by unanimous vote.

- A. **2023-199** Meeting Minutes
June 20, 2023 City Council Work Session
June 20, 2023 City Council Meeting
- B. **2023-200** Request for Mayor and City Council Consideration to Accept a Permanent Drainage Easement on Property Located at 325 Balboa Court in Land Lot 39 of the 17th District, City of Sandy Springs, Georgia (Tax ID# 17-0039-0002-028-8)

Resolution No. 2023-07-103

- C. **2023-201** Request for Mayor and City Council Consideration to Accept a Permanent Drainage Easement on Property Located at 330 Balboa Court in Land Lot 39 of the 17th District, City of Sandy Springs, Georgia (Tax ID# 17-0039-0002-029-6)

Resolution No. 2023-07-104

- D. **2023-202** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Donate Real Estate on that Certain Tract of Land Located at 6765 Brandon Mill Road, NE (Tax ID# 17-0087-0006-004-6), Land Lot 87 of the 17th District, City of Sandy Springs, Fulton County, Georgia; TS-172 Brandon Mill Road Sidewalks Project – Lost Forest Drive to Brandon Ridge Drive

Resolution No. 2023-07-105

- E. **2023-203** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Donate Real Estate on that Certain Tract of Land Located at 10 Brandon Ridge Drive, (Tax ID# 17-0126-0004-015-7), Land Lot 126 of the 17th District, City of Sandy Springs, Fulton County, Georgia; TS-172 Brandon Mill Road Sidewalks Project – Lost Forest Drive to Brandon Ridge Drive

Resolution No. 2023-07-106

- F. **2023-204** Request for Mayor and City Council Consideration of a Variance from Section 8.2.10–

Applicability; Fences and Walls of the Development Code to Allow the Use of Concertina Wire for Construction of the Fleet Maintenance Facility

Council voted to move to the last item under New Business

- G. **2023-205** Request for Mayor and City Council Consideration to approve a Variance from City Development Code Section 8.2.2. Parking Lot Landscaping, 8.2.7. District Boundary Buffer Wall and 8.2.10. to Allow Alternative Fence Height and Materials, Associated with the Development of the Municipal Complex.

Resolution No. 2023-07-116

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2023-206** Request for Mayor and City Council Consideration of a Resolution to Approve a Metropolitan River Protection Act Certificate for River Corridor Review RC-23-01SS for Property Located at 6390 Black Water Trail

Michele McIntosh-Ross, Planning & Zoning Manager, presented a recommendation to approve a Metropolitan River Protection Act Certificate for River Corridor Review RC-23-01SS for property located at 6390 Black Water Trail.

Properties within 2,000 feet of the Chattahoochee River are subject to the Chattahoochee River Corridor Protection Act. The regulations call for review and approval by the Atlanta Regional Commission (ARC), public hearing and approval by the local governing authority, and issuance of a Metro River Certificate. The review focuses on whether the project is consistent with the Chattahoochee Corridor Plan, which limits clearing and impervious surface within the corridor.

The property owner proposes the construction of a pool. The site is located in Vulnerability Category "B" with a proposed impervious area of 7,116 square feet and Vulnerability Category "D" with a proposed impervious area of 73 square feet.

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 a Metropolitan River Protection Act Certificate for River Corridor Review RC-23-01SS for property located at 6390 Black Water Trail. The motion carried by unanimous vote.

Resolution No. 2023-07-107

- B. **2023-207** ABL No. 102652
Request for Mayor and City Council Consideration of Approval of Alcoholic

Beverage License Application for Concourse Acquisitions and Development LLC
d/b/a Concourse Athletic Club – 8 Concourse Pkwy, Sandy Springs GA 30350.

Applicant is Brian Nelson 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 Concourse Acquisitions and Development LLC d/b/a Concourse Athletic Club – 8 Concourse Pkwy, Sandy Springs GA 30350.

This is a Change of Ownership for Consumption on the premises Wine, Malt, and Distilled Spirits. The business is located at – 8 Concourse Pkwy, Sandy Springs GA 30350. Applicant submitted a completed application on May 10, 2023. Applicant has passed the background investigation. The financial impact is \$6,700 in revenue.

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 he application for Change of Ownership - Consumption on the premises Wine, Malt, and Distilled Spirits for Concourse Acquisitions and Development LLC d/b/a Concourse Athletic Club – 8 Concourse Pkwy, Sandy Springs GA 30350. The motion carried by unanimous vote.

C. **2023-208** ABL No. 96226
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for Yalda AR LLC d/b/a Yalda 6500 Aria Blvd, Unit 500, Atlanta, GA 30328.

Applicant is Ashkan Famili for Consumption on the premises Wine, Malt, and Distilled Spirits.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application for New Business - Consumption on the premises Wine, Malt, and Distilled Spirits for Yalda AR LLC d/b/a Yalda 6500 Aria Blvd, Unit 500, Atlanta, GA 30328.

This is a New Business for Consumption on the premises Wine, Malt, and Distilled Spirits. The business is located at 6500 Aria Blvd, Unit 500, Atlanta, GA 30328. Applicant submitted a completed application on July 7, 2022. Applicant has passed the background investigation. The financial impact is \$4,325.00 in revenue.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Melody Kelley**, to approve item 2023-208 the application for New Business - Consumption on the premises Wine, Malt, and Distilled Spirits for Yalda AR LLC d/b/a Yalda 6500 Aria Blvd, Unit 500, Atlanta, GA 30328.

Mayor Rusty Paul stated Council cannot approve this application as the address is in the City of Atlanta.

Raquel Gonzalez, City Clerk, noted the address on the agenda is the same as the it is the application packet .

Mayor Rusty Paul stated Council may wish to defer this. Does any councilmember want to make a motion?

Motion and second. A substitute motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember John Paulson**, to defer item 2023-208 the application for New Business - Consumption on the premises Wine, Malt, and Distilled Spirits for Yalda AR LLC d/b/a Yalda 6500 Aria Blvd, Unit 500, Atlanta, GA 30328 because the applicant has an Atlanta address.

Councilmember DeJulio stated Council has insisted that applicants for permits acknowledge they are in Sandy Springs. If they do not acknowledge that, they should not do business in the City of Sandy Springs.

Councilmember Andy Bauman asked what date should this defer to? Will the applicant need to start the process again or can they correct the application and return to Council?

Dan Lee, City Attorney said a deferral means Council will need to take further action, not the applicant. If Council denies, the applicant can redo. If the actions Council takes on the deferred date has a contingency, I recommend stating what that contingency is.

Mayor Paul said he used the incorrect term and asked **Councilmember DeJulio** to amend his motion by changing defer to table.

Councilmember DeJulio said I will do that.

Councilmember Jody Reichel asked does this affect the applicant's ability to serve alcohol between now and when approved by Council?

City Attorney Lee said the applicant will not need to do anything unless Council gives direction of what they should do.

Councilmember Bauman said if Council does not act and tables the item, it should be declared if staff needs to do something.

Mayor Paul stated the correct city needs to be on the application and there will be no problems when that is done.

Councilmember Bauman asked can the applicant make the correction without an additional cost?

Mayor Paul said yes. Council does not need to automatically approve any licenses. I understand Council's concerns as the applicant has put a lot of time and effort to get to this point. On behalf of the City of Sandy Springs, it is important the approved documentation is for the City of Sandy Springs and not another jurisdiction.

Motion and vote. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember John Paulson**, to amend the substitute motion and table item 2023-208 the application for New Business - Consumption on the premises Wine, Malt, and Distilled Spirits for Yalda AR LLC d/b/a Yalda 6500 Aria Blvd, Unit 500, Atlanta, GA 30328 to the August 11th Council Meeting. The

motion carried by unanimous vote.

IX. New Business

- A. **2023-209** Request for Mayor and City Council Consideration of a Resolution to Approve Temporary Sculpture Installation as a Component of the ArtSS in the Open Sculpture Competition

Cheri Morris, Art Sandy Springs, presented a recommendation to approve the recommended finalists of the ArtSS Sculpture Competition for a year-long display on the Art Walk at City Springs.

In 2018, the City began funding the Annual ArtSS Walk, Art Sandy Springs' annual Arts in the Open sculpture competition. Each year, nine sculpture finalists are selected from hundreds of entries from around the country. The works are displayed on the City Green at City Springs, creating an annually changing sculpture art gallery in the park. At the conclusion of each exhibit, selected works from the finalists are purchased and placed in permanent locations by the City.

More than 70 pieces were reviewed by City staff who looked for safety, durability and appropriateness. Art Sandy Springs then formally screened the balance and sent them for review by a panel of art expert judges. The recommended nine final pieces are: *UpCycle* by Joni Younkings-Herzog (\$4,600); *Change in Direction* by Adam Walls (\$5,000); *Candy 4 Sandy* by Mark Larkin (\$12,500); *Flowing Arches* by Matt Moyer (\$7,200); *The Reader* by Jeff Whipple (\$9,200); *Nesting* by Richard Herzog (\$12,500); *Luminaria* by Stephen Landis (\$3,000); *Digital Age* by John Cheng and Wendy Zhang (\$18,000); and *Caprice* by Charles Pilkey (\$2,000).

The alternate pieces for pre-approval if one cannot be delivered are: *The Listeners* by Carl Billingsley (\$6,000); *Family* by Robert Clements (\$3,000); *Dalband Satellite Flower* by Richard Herzog (\$17,000); and *Magnify* by Kirk Seese (\$7,500).

Each of the nine artists represented will receive a \$1,500 stipend to cover costs of delivery and display, which can be put toward the purchase of selected pieces for permanent location. Overall cost for nine stipends: \$13,500. This expense is included in the FY24 budget.

Mayor Rusty Paul stated the price for each piece is the value to the artist and the City only pays a stipend. What is the process for how the City of Springs gets the opportunity to hold the pieces for a year?

Art Sandy Springs Chair Morris said we start with a national call for entries and this is posted on specialty websites and portals that are monitored by artists. We also call individuals we know and ask them to enter. We receive between 100 to 150 entries every year and decide which pieces make the cut and, City staff evaluates those for safety and appropriateness. Art Sandy Springs further screens to arrive at the top 40. From there, there are a group of house jurors who score the pieces. We take the top scorers, not necessarily the top nine, because sometimes an artist enters two pieces that are very similar which could both get great scores but they would not work in the exhibit. A great exhibit will have a mix of color, form, materials, and shape with sophisticated and playful pieces to curate a gallery show. Each artist is paid a \$1,500 stipend to deliver the pieces to City Green for a year. The \$1,500 can also be counted against the cost if it is one of the pieces, we recommend that the City buys. It is quite a process, and we spend about 7 months a year to get to this point.

Mayor Paul stated this an important reminder for how we got here tonight.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Tibby DeJulio**, to approve the recommended finalists of the ArtSS Sculpture Competition for a year-long display on the Art Walk at City Springs.

Councilmember John Paulson thanked **Art Sandy Springs Chair Morris** and staff for their efforts. Are the current pieces on City Green returned to the artists? Are we purchasing one or two?

Art Sandy Springs Chair Morris said the City agreed to buy one called Inspire which looks like angel wings. The pieces are transported to locations within the City and we are partnering with **Michael Perry, Director of Recreation and Parks**, to place them on the new trail. We also approached Sandy Springs Conservancy and they are purchasing Single Rider as gift to the City for the trail. Additionally, our board is close to purchasing the Moon Man Moves piece which may be placed in Hammond Park.

Councilmember John Paulson stated it is good to hear these will remain in the future.

Councilmember Tibby DeJulio thanked **Art Sandy Springs Chair Morris** for her presentation. It seems like we have a lot of pieces. Do we have about 30 sculptures currently in the City?

Art Sandy Springs Chair Morris said this information is on our website. The City purchased about 17 and, Art Sandy Springs has given about 14 to the City.

Mayor Paul said the community been very generous about buying some of these for the City of Sandy Springs. A new one was just placed a few months ago by the generosity of our citizens. We are delighted that people are willing to support this program.

Art Sandy Springs Chair Morris said we received a lot of relatively inexpensive nice pieces this year and, it is easier to approach somebody and ask them to help buy a \$3,000 or \$2,000 piece than to get a donor for a \$15,000 or \$20,000 piece. We have criteria we use to score a good piece of art which includes it being innovative, thought provoking and different in some way, how well it is technically made, and the value for the dollar.

Councilmember Jody Reichel said I love seeing the art spread out throughout Sandy Springs. So many beautiful pieces. Are these available for purchase on the website if someone want to buy it for their yard for example?

Art Sandy Springs Chair Morris said they are on the website during the exhibit. We do not have a section of the website where they can be purchased. We make phones calls to purchase, for example when we approached Sandy Springs Conservancy to buy Single Rider by Jim Collins and, they were generous to buy it. There are not many days between when the City decides to buy and we switch exhibits.

Councilmember Reichel asked are Joni and Richard Herzog husband and wife?

Art Sandy Springs Chair Morris said yes.

Mayor Paul said I would love to put a piece at my home, but I do not have a suitable location.

Art Sandy Springs Chair Morris said there is one piece we would love to be placed at the fire station but is not in the budget. Hopefully the budget will be approved for this.

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

Resolution No. 2023-07-108

- B. **2023-210** Request for Mayor and City Council Consideration of a Resolution to Approve the First Amendment to Agreement for Services between Art Sandy Springs, Inc. and the City of Sandy Springs

Michael Perry, Director of Recreation and Parks, presented a recommendation to approve the First Amendment to the Agreement for Services (the "Agreement") between The City of Sandy Springs (the "City") and Art Sandy Springs Inc. ("ArtSS") which will provide art consultation and programming of the Abernathy Art Center (the "Center").

On July 30, 2019, the City finalized the Agreement with ArtSS to provide consulting services related to "Arts" procurement within City facilities. ArtSS has been instrumental in providing valuable expertise to all matters relating to Arts in the City. Subsequently, the City executed an Interim Agreement with ArtSS in 2022, which provided for temporary programming of the Center. The Interim Agreement covered a period from September 1, 2022 through July 31, 2023, with language that the Agreement could be extended should both parties mutually agree.

ArtSS has partnered with the City to reopen the Center and re-start the popular art programming that had been a staple at this former Fulton County facility. ArtSS has used this initial period to rebuild the Center's identity and trust within the community and the Center has served more than five hundred (500) participants. Summer Art Camp is underway and will serve more than one hundred fifty (150) children over the six (6) week camp season. City Staff is requesting this First Amendment to the Agreement for a term of one (1) year, with four (4) optional renewal periods, to work with ArtSS to offer public art programs and classes as the City completes the long-term redevelopment plan for the site.

Payment to ArtSS for the initial term of the agreement matches the Fiscal Year 2024 Budget allocation of \$50,000. In the event the Agreement is successfully renewed for subsequent one-year terms following the date of this agreement, the City shall pay ArtSS the sum of Sixty Thousand Dollars (\$60,000) in year two, plus an annual escalator of three percent (3%) or the Consumer Product Index, whichever is less, for each renewal period beyond the third year. City appropriations would support a part-time ArtSS employee to coordinate the marketing, program planning, hiring of contracted instructors as well as art supplies and equipment, etc.

The FY2024 budget for the City includes an allocation of \$50,000 to ArtSS to offset a portion of the Center's operating costs. City appropriations would support a part-time ArtSS employee to coordinate the marketing, program planning, hiring of contracted instructors as well as art supplies and equipment, etc.

Motion and vote. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Melody Kelley**, to approve the First Amendment to the Agreement for Services (the "Agreement") between The City of Sandy Springs (the "City") and Art Sandy Springs Inc. ("ArtSS") which will provide art consultation and programming of the Abernathy Art Center (the "Center"). The motion carried by unanimous vote.

Resolution No. 2023-07-109

- C. **2023-211** Request for Mayor and City Council Consideration of Approval of a Grant Agreement with the Governor's Office of Planning and Budget on behalf of the State of Georgia for the Violent Crime Reduction Team As Part of the American Rescue Plan Act Public Safety and Community Violence Reduction Grant Program

Kenneth DeSimone, Chief, Sandy Springs Police Department, presented a recommendation to approve a grant award and execute the grant agreement with the Governor's Office of Planning and Budget for the Violent Crime Reduction Team (VCRT), as part of the American Rescue Plan Act Public Safety and Community Violence Reduction Grant Program (Grant Program).

The Governor's Office of Planning and Budget (OPB) appropriated approximately \$100,000,000 to be awarded for violent crime reduction programs, law enforcement staffing, equipment and technology, and community violence intervention programs that address the increase of violent gun crime and community violence or the decrease in law enforcement staffing as a result of the COVID-19 pandemic.

The City of Sandy Springs submitted a Law Enforcement Staffing application and Equipment and Technology application in November 2022. In June 2023, the Office of Planning and Budget awarded the City \$752,514.40 for the equipment and technology required for the development of the VCRT and \$869,675.40 for necessary staffing.

The total funding awarded for equipping and staffing the VCRT is \$1,622,189.80, which includes a 10% contingency budget line specifically designated by OPB for approved cost overruns. \$752,514.40 of the total amount is dedicated to expenses for equipment and technology, with the remaining \$869,675.40 for staffing.

The Department finalized the required Budget Detail Worksheets and determined the City requires \$751,976 for the equipment and technology needed to properly implement the VCRT and \$864,263 for staffing. The awarded funds will be used for the following expenses:

- (1) Civilian Criminal Intelligence Analyst
- (2) Civilian Crime Scene Investigators
- Establishing a cellular pan-tilt-zoom (PTZ) camera network that can be deployed in areas of the City that have been experiencing higher crime. The proposed funding covers 35 PTZ cameras, cellular service, installation, maintenance, and license fees associated with each camera. Utilizing a cellular camera network only requires access to a power source, allowing for a versatile deployment
- A server dedicated to the PTZ network. This server will be able to federate with the City's current system and will be configured and setup for the VCRT cameras.
- Implementation of 20 Flock License Plate readers.
- Implementation of Accurant Virtual Crime Center (AVCC), a secure online dashboard allowing multiple agencies to share crime data, jail booking data, pattern analysis, crime mapping, and predictive analytics and reporting
- Two charge and shield evidence cabinets
- Two digital forensic workstations and one digital evidence storage server
- CSI training and forensic software user licenses
- Standard new hire equipment, including uniforms, laptops, and cellphones

Although there is no local match required for the Grant Program, there will be ongoing financial

considerations associated with sustaining the program once the grant project period concludes. If the City were to continue with the program as its currently structured, the continuing yearly cost would be approximately \$127,655.80 for equipment and \$325,000 for the additional positions. Once the Department evaluates the success of the project, it will be determined how to maintain and expand the use of equipment and additional staffing to continue responding to violent gun crime in the community. There is no requirement to retain the positions, technology, or equipment after the grant period ends in October 2026.

Motion and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Jody Reichel**, to approve the grant agreement with the Governor's Office of Planning and Budget for the Violent Crime Reduction Team (VCRT), as part of the American Rescue Plan Act Public Safety and Community Violence Reduction Grant Program (Grant Program).

Councilmember Melody Kelley asked what are the ongoing costs for capital expenditures such as equipment?

Police Chief DeSimone said this information is covered and described in the grant and we plan to keep the equipment for as long as it is serviceable.

Councilmember John Paulson asked how will success of this program be measured?

Police Chief DeSimone said metrics are sometimes difficult with crime prevention and criminal investigations and, it depends on the set-up. The work **Micha Patrick, Director, Sandy Springs Police Department Intelligence and Technology Division** and her team do behind the scenes for our detectives and officers is instrumental in solving crime. If it were not for the Criminal Intelligence Unit, the series of armed robberies in the last week probably would not have been solved. Two arrests were made on Sunday, and we are looking for a third subject. The cameras, license plate readers, intelligence software, analysts and detectives who work in that unit are truly a force multiplier.

Councilmember Bauman said excited the City of Sandy Springs is on the Governor's Office of Planning and Budget list along with other cities and I am happy to support this. Is this grant 100% funded for equipment capital expenditures and staffing?

Police Chief DeSimone said yes. **Intelligence and Technology Division Director Patrick** has been with the City of Sandy Springs since 2011 and she and her team have done phenomenal work behind the scenes. It is not only police officers and detectives but also crime analysts. One analyst is worth two to three detectives.

Mayor Rusty Paul said there is no way to measure how many crimes are not prevented because of the technology and the work that your department does. All we can do is track those that occur and how many we solve and the solve rate is high.

Police Chief DeSimone said yes. The homicide solve rate is currently 100%.

Mayor Rusty Paul stated if we could only get them prosecuted.

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

Resolution No. 2023-07-110

- D. **2023-212** Request for Mayor and City Council Consideration of an Intergovernmental Agreement for the Housing of Prison Inmates with the Pickens County Sheriff's Office

Kenneth DeSimone, Chief, Sandy Springs Police Department, presented a recommendation to approve an intergovernmental agreement for the housing of prison inmates with the Pickens County Sheriff's Office.

The City of Sandy Springs does not have its own jail facility for the holding of people sentenced to jail terms by the Sandy Springs Municipal Court. Because of this, the City has maintained an intergovernmental agreement (IGA) with other law enforcement agencies over the years that are able to provide housing for prison inmates. The City has held an IGA with the Pickens County Sheriff's Office for the holding of prison inmates since 2015.

The Pickens County Sheriff's Office can provide housing for prison inmates at a lower cost than other options located closer to the City of Sandy Springs. The Pickens County Sheriff's Office has worked well with the Sandy Springs Police and Municipal Court since 2015 to ensure proper inmate care and administration. Due to the Pickens County Sheriff's Office being a significant distance away, it is not the best choice for processing arrestees from the City, but it does provide an appropriate jail location for those people that are under sentence.

The Pickens County Sheriff's Office has requested a price increase from \$45 per head per day to \$55 per head per day. This increase is to offset the impact of higher costs to run and maintain a detention facility as well as increased costs associated with staffing a detention facility. While this cost is higher than before, it is still the lowest-cost detention facility available to the City of Sandy Springs. SSPD believes that we can balance the use of the two jail facilities we are currently using to manage our budgeted dollars for inmate housing FY2024.

The Fulton County Sheriff's Office currently provides municipal jail services out of the Alpharetta Jail Annex. This cost is currently \$60 per head per day plus the City of Sandy Springs would be required to participate in paying a portion of the monthly operating and maintenance expenses of the Alpharetta Jail Annex to the City of Alpharetta. This is not a preferred choice for the Sandy Springs Police or Municipal Court due to numerous historical coordination and performance issues. Should the Mayor and Council choose not to approve, please provide additional guidance to staff.

Motion and vote. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to approve an intergovernmental agreement for the housing of prison inmates with the Pickens County Sheriff's Office. The motion carried by unanimous vote.

Resolution No. 2023-07-111

- E. **2023-213** Request for Mayor and City Council Consideration of an Intergovernmental Agreement for the Housing of Prison Inmates with the City of Smyrna

Kenneth DeSimone, Chief, Sandy Springs Police Department, presented a recommendation to approve an intergovernmental agreement for the housing of prison inmates with the City of Smyrna.

The City of Sandy Springs does not have its own jail facility for holding arrested or under-sentenced

persons. Because of this, the City has maintained an intergovernmental agreement (IGA) with other law enforcement agencies over the years that were able to provide housing for prison inmates for the Police Department and Court Services. The City of Smyrna Police Department runs its own jail and has been the primary provider of this service to the Sandy Springs Police and Municipal Court Services since 2018.

The City of Smyrna and its Police Department have offered to continue inmate housing for the City of Sandy Springs Police and Court Services under a new IGA that does include an increased cost. The increase in cost is associated with a general increase in the cost of providing jail services as well as the impact of costs associated with hiring and retaining qualified jail staff. These are similar issues that all detention and law enforcement agencies are experiencing throughout the country. Many municipal police agencies have closed their jails over the last ten years due to costs and liability.

Currently, we are paying \$50 per person per day for the Smyrna Jail to hold prisoners. This may be a person recently arrested on a city ordinance/traffic violation pending bond or a person currently serving a sentence issued by the Sandy Springs Municipal Court. Smyrna is requiring a 40% price increase to \$70 per head per day to cover their increased costs due to staffing and general costs to run and maintain a prison facility. If we continue to use the Smyrna Jail as our primary arrest and detention facility, there will be an estimated \$194,100 increase in the overall cost for this next budget year. However, we have held an IGA with the Pickens County Sheriff's office for holding under-sentenced persons. While this facility is too far away for processing arrested persons, it has been used for holding long-term (more than 30 days) under-sentenced persons for several years. By using Smyrna Jail for arrests and short-term detention (less than 5 days) and using the Pickens County Jail for the remainder of those under sentence, we can balance the overall increase in costs.

The Fulton County Sheriff's Office currently provides municipal jail services out of the Alpharetta Jail Annex. This cost is currently at \$60 per head per day plus Sandy Springs would be required to participate in paying a portion of the monthly operating and maintenance expenses of the Alpharetta Jail Annex to the City of Alpharetta. This is not a preferred choice for the Sandy Springs Police or City Court due to numerous historical coordination and performance issues. The only other option would be to release any person arrested on a City Ordinance charge or traffic violation on a citation. Should the Mayor and Council choose not to approve, staff requests additional guidance from Council.

Motion and vote. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Melody Kelley**, to approve an intergovernmental agreement for the housing of prison inmates with the City of Smyrna. The motion carried by unanimous vote.

Resolution No. 2023-07-112

- F. **2023-214** Request for Mayor and City Council Consideration to Approve an Updated Memorandum of Understanding by and between the Sandy Springs Police Department and the Metropolitan Atlanta Rapid Transit Authority Police Department for Provision of Law Enforcement Services within the City of Sandy Springs

Kenneth DeSimone, Chief, Sandy Springs Police Department, presented a recommendation to approve the updated Memorandum of Understanding ("MOU") between the Sandy Springs Police Department ("SSPD") and the Metropolitan Atlanta Rapid Transit Authority Police Department ("MARTA PD"), to allow the MOU to reflect the current Chief of Police for MARTA.

The original, and current, MOU between SSPD and MARTA PD, was executed in October 2013, and provides a standard for cooperation between both Departments as it relates to incident reports, processing of arrests and court appearances for officers, among other services.

MARTA wishes to update the MOU in order to reflect their current Chief of Police, as well as to add language for their respective Special Weapons and Tactics (SWAT) and Special Operations Response Team (SORT) branches.

The MOU executed in October 2013, and the updated and pending MOU, are contextually the same, with the exception of the above SWAT/SORT language.

Motion and vote. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melissa Mular**, to approve the updated Memorandum of Understanding ("MOU") between the Sandy Springs Police Department ("SSPD") and the Metropolitan Atlanta Rapid Transit Authority Police Department ("MARTA PD"), to allow the MOU to reflect the current Chief of Police for MARTA. The motion carried by unanimous vote.

Resolution No. 2023-07-113

- G. **2023-215** 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 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 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:

- Fleet

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 Melody Kelley**, seconded by **Councilmember Jody Reichel**, to declare as surplus certain property owned by the City and directing disposal of the same.

Councilmember John Paulson asked are two cars going to the City of Pine Lake?

Mayor Rusty Paul said yes.

Councilmember Paulson asked where are they located?

Mayor Rusty Paul said they are a small city in Dekalb County, created about 100 years ago and located between Stone Mountain and Memorial Drive on Rockbridge Road.

Councilmember Kelley asked if surplus items are sold instead of donated, how would it be accounted for?

Chief Financial Officer Carlisle said any funds received would be in Miscellaneous Income.

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

Resolution No. 2023-07-114

- F. **2023-204** Request for Mayor and City Council Consideration of a Variance from Section 8.2.10– Applicability; Fences and Walls of the Development Code to Allow the Use of Concertina Wire for Construction of the Fleet Maintenance Facility

Dave Wells, Director of Facilities/Capital Construction and Building Operations introduced **Yara Bond, Lead Architect/Studio Director, Jericho Design Group** and **Larry Latimer, Low Voltage and Security Engineer, Next Level Engineering and Construction Services** to assist with responding to questions.

The property is intended to be enclosed by a security fence. The fence facing Roswell Rd will be a traditional ornamental picket fence with brick columns every 24' on center at maximum. The remaining secured area which includes the rear and sides of the property, as shown by the blue dashed line on the attached diagram, will be enclosed by a 6' chain link fence topped with concertina wire as a security measure per Crime Prevention through Environmental Design (CPTED) to prevent intruders from readily climbing the fence and gaining entrance to the secured area. As we strive to provide a safe and secure environment for the City of Sandy Springs staff and its operations.

The current ordinance (Development Code Div.8.2.10- Fences and Walls) Design Standards; (a) Materials a. General Provisions (iii) Barbed wire, razor wire and concertina wire are prohibited.

Staff is requesting a variance to allow the concertina wire component to assure secure effectiveness.

Important points of consideration include:

- As currently designed, the fence is 6' tall and is approximately 30' back from the curb of Roswell Road.
- Concertina wire is not planned to be included along the entirety of the ornamental fence that will front Roswell Road.
- Concertina wire is planned to be on the top of the fence on the southern property line, adjacent to Caliber Collision, and ending at the southwest corner of the fence (as indicated by the blue dashed line in the diagram).

- There will be significant landscaping installed along the Roswell Road frontage, including 10' tall trees at the corner where the concertina wire will be attached. Please see the attached landscape plan with distances annotated.

The proposed Fleet Maintenance Facility will be located at 8475 Roswell Road and will consist of a pre-engineered metal building which will include office space and vehicle service bays. The site will also include a fueling station, parking, an outdoor picnic area and an above-ground stormwater management facility and utility infrastructure.

Motion and Vote. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Tibby DeJulio**, to approve a variance from Section 8.2.10– Applicability; Fences and Walls of the Development Code to allow the use of concertina wire for construction of the Fleet Maintenance Facility.

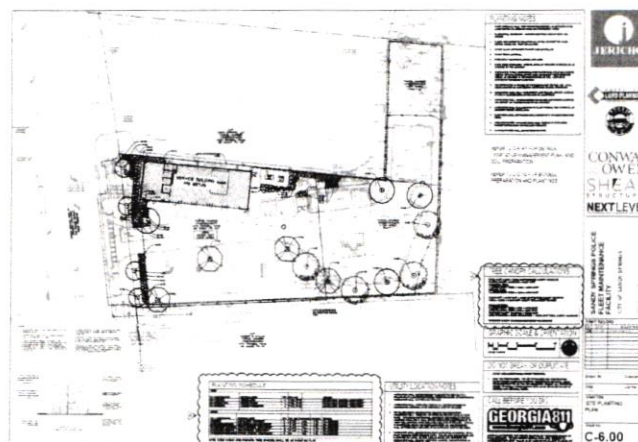
Councilmember John Paulson said the daily traffic count is 15 to 20,000 vehicles passing by. Are there about 40 to 50 vehicles per day going into this area?

Dave Wells, Director of Facilities/Capital Construction and Building Operations said yes. That is within a 24-hour period and police will fuel their vehicles there.

Councilmember Paulson said this is one of the questions people asked due to traffic jam concerns, but it is not in the 100's.

Director of Facilities/Capital Construction and Building Operations Wells said the 40 vehicles per day average was pulled from WEX, the City's gas card provider.

Councilmember Paulson said people envision the concertina wire along Roswell Road to be like those on prison walls. There is no concertina wire along the northern border until you reach behind the corner of the building and, it is not visible from Roswell Road. How far back is the southern corner from the highway?



Director of Facilities/Capital Construction and Building Operations Wells said it is about 40 feet from the corner of that lot to the Caliber Collision Center building.

Councilmember Paulson asked will the concertina wire start where the blue and red lines meet?

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

Councilmember Paulson said there will be other sites with razor wire. Will the post office behind there have that?

Director of Facilities/Capital Construction and Building Operations Wells said yes. It is barbed wire.

Councilmember Paulson said I thought this would be on the police headquarters property. What other sites did you consider?

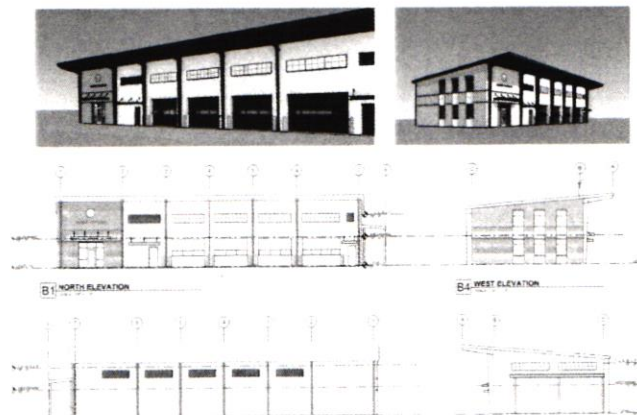
Director of Facilities/Capital Construction and Building Operations Wells said we originally started putting it on the back end of the police headquarters.

Councilmember Paulson asked is this where the fire station is going?

Director of Facilities/Capital Construction and Building Operations Wells said there are a couple challenges. There is a fire station there. There is public parking with 40 spots, an overflow parking for courts, a middle park lot and, an indoor firearms training center where the fleet facility would have been. We were trying to design a site with the fleet facility, the shooting range and, the fire station but parking became a premium there. We are partnering with local agencies and looked around the City and considered the Trowbridge site.

Councilmember Paulson asked is this where we keep the road equipment and the salt spreaders?

Director of Facilities/Capital Construction and Building Operations Wells said this is the City warehouse and where Public Works houses there salt spreaders, salt deposits, and stock for any kind of project they may have. Traffic also uses the warehouse. There is an undeveloped part and is where the salt deposits are currently. To develop this site, an underground detention and a very substantial retaining wall on the back is needed and the cost is not effective. There was a property on the north end that has been abandoned and for some time we tried to surplus it but, received no bids.



Councilmember Paulson said there are comments that this will be an ugly metal prefab building. How can this look better from the street? I saw a color rendering that looked better.

Director of Facilities/Capital Construction and Building Operations Wells said there is no rendering

currently available that shows it aesthetically better from the street. This includes the shrubs and ornamental fencing along the front. The only part of the building you will see from the road is the top windows.

Mayor Rusty Paul said it looks stoic. This is not your intent, but this rendering basically shows the massing of the building. What will the building look like?

Jericho Design Group Lead Architect/Studio Director Bond said to improve the aesthetics of the building, we made the side of the building facing Roswell Road brick and you will not see metal panels. Also, what you do not see is we are carrying a brick base for the building with the metal panels above and we are carrying the brick to the entrance around the corner. The City's logo will also be moved to face Roswell Road.

Councilmember Paulson said the biggest concern people have is this would look pedestrian. It looks better with brick.

Jericho Design Group Lead Architect/Studio Director Bond said it is brick with aesthetic fencing in the front, not security fencing. Pilasters will match the finish that is on the building.

Councilmember Paulson said this property on the south side where the building is, that is about 40 feet and is the only fence that could possibly be seen by anybody on Roswell Road. The rest of it is buried behind it.

Jericho Design Group Lead Architect/Studio Director Bond said that is correct. We also will have large trees in those areas and landscaping will also soften the aesthetic.

Mayor Paul asked why is the wiring on top needed?

Next Level Engineering and Construction Services Low Voltage and Security Engineer Latimer stated this is a police facility and has the same security concerns as the police headquarters. Since this is a police facility there will be police assets in the yard and there are plans for a fuel island in the same vicinity. Unfortunately, this is a targeted environment, and the security component is essential to protect both the police and staff who work there. The vehicles are assets that belong to the City. We are fighting aesthetic with the need to protect the facility and protect the individuals that are within. We believe the least expensive and the best application you can provide while addressing concerns is to build a combination of a 6 to 8 foot high fence with the razor wire to slow someone down attempting to gain access to this police facility. We want this facility to be visible from the street and Roswell Road is a great place for this to get a lot of unintended surveillance from the public.

Mayor Paul stated this is a visible place on Roswell Road. **Kenneth DeSimone, Chief, Sandy Springs Police Department**, is there any deterrent effect by having police cars frequent that area and being parked there?

Police Chief DeSimone said a police car is a deterrent for some people, but it is a target for others who do not like law enforcement. A few years ago, someone tried to torch a Sandy Springs police vehicle at the officer's residence located inside the City of Sandy Springs. Two weekends ago, the City of Atlanta was attacked by a domestic terrorist group who tried to firebomb a police facility and they were successful in destroying some police equipment. If it had not been for a motorcycle officer going back to the facility because of weather, there would have been maybe 40 police vehicles destroyed and an entire precinct. Most police departments in America are understaffed and the Defund the Police Movement has

hurt criminal investigations' response times to 9-1-1 and affects the amount of time it takes for a police officer to respond to an emergency call. The is the world we are living in now.

Councilmember Jody Reichel said many complaints are with the concertina wire. Can this be put on the sides so you cannot potentially see it from Roswell Road and put the wire and other fencing in the back?

Director of Facilities/Capital Construction and Building Operations Wells said this is a good option and Council can vote on.

Councilmember Andy Bauman asked can Council decide on the cost without compromising security?

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

Councilmember Melody Kelley asked how much surplus is there related to this project?

Director of Facilities/Capital Construction and Building Operations Wells said it is about \$260,000.

Eden Freeman, City Manager, said this is more of a contingency because there were items we already cut out of the budget but, there is some money there and we will have to be vigilant in all of our other areas to make sure we do not have change orders.

Director of Facilities/Capital Construction and Building Operations Wells said if there are savings in the project, we can go back and put the canopy and the fuel pumps there.

Councilmember Kelley asked were pumps taken out of the site some time ago?

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

Mayor Paul said there used to be a couple leaky gas tanks that were leaking into the soil, and we had to clean it up.

Councilmember Kelley asked were the bricks always a part of the design?

Director of Facilities/Capital Construction and Building Operations Wells said yes. It was in the designer's consideration.

Councilmember Kelley said it is very important that I see all the design elements.

Director of Facilities/Capital Construction and Building Operations Wells said Jericho Design Group is working on a rendering and can provide.

Councilmember Kelley asked what height is the building as compared to the adjacent parcels?

Jericho Design Group Lead Architect/Studio Director Bond said we have a clearance we are working on off the back side of the building because of a single slope. There is a mezzanine level and we are holding clearances at that back side. The back side may be about 20 feet.

Councilmember Kelley asked what is the function of the facility?

Director of Facilities/Capital Construction and Building Operations Wells said a lot of what Fleet

does is take all the special police equipment off police vehicles which includes light bars, replacing windshield wipers and fluid, adding fuel and more and, with new vehicles decals must be put on for example. It is like special outfitting of the vehicle. It is not maintenance because we currently contract with Magic Mike's, an automotive mechanic in Cobb County.

Mayor Paul stated it is also putting in specialized equipment and technology. Does the City receive the vehicles in a certain condition, and they are outfitted with police equipment and add-ons?

Director of Facilities/Capital Construction and Building Operations Wells said that is correct. With GPS locators, a company will install it.

Councilmember Kelley asked how often is the GPS equipment, for example, switched out?

Kenneth DeSimone, Chief, Sandy Springs Police Department, said almost every day except Saturday and Sunday. With police radios, it is not only the installation but also the updates of the software inside. There are constantly cars in the garage every day.

Councilmember Kelley asked where is the City doing this now?

Chief DeSimone said at the garage.

Councilmember Kelley asked the fleet maintenance service provided is not like replacing something we are outsourcing?

Chief DeSimone said no. We are not replacing transmissions, engine work or anything heavy. It is minor things like windshield wiper fluid, windshield wiper blades, and the equipment inside the vehicles that you would not go to an automotive repair shop such as cages, striping, antennas, and radio updates.

Councilmember Kelley asked why does the building look like a car repair place? Is the design flexible?

Director of Facilities/Capital Construction and Building Operations Wells said there are four bays for vehicle outfitting in conditioned areas.

Councilmember Kelley asked is there any flexibility in the aesthetic?

Jericho Design Group Lead Architect/Studio Director Bond said we are improving the finishes on the building, and we are also adding water table break around the entire building with the metal panels above.

Councilmember Kelley said **Councilmember Reichel** had a great idea about incorporating a better-looking fence where people can see it. I am not comfortable until I see the design elements of the building in comparison to other buildings around it. It is just too important and from the public comment there are many unanswered questions. I appreciate the work that has been put in.

Councilmember Tibby DeJulio said **Director of Facilities/Capital Construction and Building Operations Wells** mentioned the contiguous properties all had their own fencing with barbed wire. What are the contiguous properties on the site plan?

Director of Facilities/Capital Construction and Building Operations Wells said the property to the south is Caliber Collision and they have barbed wire around their fence.

Councilmember DeJulio asked does their fence go towards the City's fence?

Director of Facilities/Capital Construction and Building Operations Wells said there is a fence, but it is difficult to see as it is covered in bushes, vines, and kudzu.

Councilmember DeJulio asked will their fence be removed and replaced with ours?

Director of Facilities/Capital Construction and Building Operations Wells said we will have to take that down along with the overgrown shrubs.

Councilmember DeJulio asked does it currently have barbed wire?

Director of Facilities/Capital Construction and Building Operations Wells said the south portion does.

Councilmember Bauman asked is this a shared fence?

Director of Facilities/Capital Construction and Building Operations Wells said currently they have a fence up and so will the City.

Councilmember DeJulio said there will be two fences. Does one currently have barbed wire?

Director of Facilities/Capital Construction and Building Operations Wells said the fence on their property line joins with our property and is difficult to tell because of much overgrowth in top of the fence.

Councilmember DeJulio asked what about the rear of the property?

Director of Facilities/Capital Construction and Building Operations Wells said we are purchasing the two properties behind there. On the back end of that property is the Postal Service and they have barbed wire all the way around their property line.

Councilmember DeJulio asked what about the north side?

Director of Facilities/Capital Construction and Building Operations Wells said that was canvassed today and there is some chain-link fencing and a couple businesses that do not have a fence.

Councilmember DeJulio are we adding fencing to the fencing already there?

Director of Facilities/Capital Construction and Building Operations Wells said we are adding a security fence to the City's site.

Councilmember DeJulio said we are adding security fencing where there is already fencing. It is not an open space and we are all of a sudden putting in fencing and barbed wire.

Director of Facilities/Capital Construction and Building Operations Wells said every parcel has fencing around it.

Councilmember DeJulio said every parcel has fencing and most of what you see already has barbed

wire or a type of security feature.

Director of Facilities/Capital Construction and Building Operations Wells said the two larger parcels on the back end are completely barbed-wired and it is the post office and the collision center.

Councilmember Bauman asked would a variance be required for the fence in the rendering?

Dan Lee, City Attorney, said the material would not need a variance if it were a developer. I am not sure about the height.

Director of Facilities/Capital Construction and Building Operations Wells said 8 feet.

Councilmember Bauman said we are understandably going off on a lot of tangents. What I hear people saying is they do not want this use there. We have been talking about this for a long time and it is not new. My recollection is we talked a lot about design as it faces Roswell Road. From a process standpoint, I do not like that we have decided to bring this before Council and there is an argument that we do not have to. The normal procedure is to give notice that there will be a public hearing. If Council goes forward, I would vote no and to defer it to a public hearing. I would vote no on the variance because I want to go with what is being shown in the rendering. This is what the City is doing and can control in terms of aesthetic. If we can deliver the same safety and security for our police force and equipment, I am all for it. We may have a situation where we must use that wire and I am not precluding that everywhere all the time. We have a solution in front of us. It is not before us right now whether we are doing this project in the location or not but as **Councilmember Kelley** said, we can do more with the design. I am open to adding brick to the building if it is visible, but this is a function we have decided for that location and that is not the discussion we are having tonight. We are discussing the variance for the fencing, and I oppose the variance for the fencing on both procedural grounds and the substantive use of it and whatever procedure we need to take to allocate dollars to do this fence all the way around in lieu of the razor wire on.

Councilmember Mular said in recognition of the comments by the Huntcliff residents, in the past the City has worked with different neighborhoods on different projects. We are not compelled to, but we should reach out to the neighborhood associations going forward. It may not change the ultimate outcome but at least people will be informed may have input.

Councilmember Reichel said the ornamental fencing should be used. Not sure it is necessary in the back. What is behind there?

Director of Facilities/Capital Construction and Building Operations Wells said there is a secured lot for the post office.

Councilmember Reichel asked does the back need a variance to do the wiring? That is expensive.

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

Councilmember Reichel said that is expensive and a lot of fence that no one will see.

Mayor Paul said the plan of the fleet facility is to tear that down before the end of the year. Depending on how long we delay this, and the police have no place for this, it could have a real impact on this project across the street. Keep in mind there is a domino effect, but it is your decision if we take this building out.

Director of Facilities/Capital Construction and Building Operations Wells said the reason we are here is because we applied for the Land Disturbance Permit (LDP) as we need the variances. We need the LDP approved because our metal building is coming in September, and we need to do site work to prepare for the building. Our timetable is tight to get the building erected.

Mayor Paul said this has an implication for what we have been planning across the street and there is a domino effect that you need to be aware of as you make these decisions.

Councilmember Bauman asked can we defer the variance decision to the first meeting in August?

Mayor Paul said **Director of Facilities/Capital Construction and Building Operations Wells** will need to answer because there is a building that is going to be arriving with no place to put it.

Fencing – Side and Back of the Property
Alternate Option
Estimated Cost – \$217,920



City Manager Freeman said the ornamental option is more expensive, but staff has reviewed, and it does not require a variance. Community Development staff would be able to move forward tomorrow with issuing the LDP. There will not be concertina wire or chain link on this site on the back but, this expensive option. If Council defers, we must come back for a mix of the two and the delay happens.

Councilmember Bauman asked can they get the LDP with this plan? We could give some authority to go with this plan but not have the wire but, leave the variance on the schedule and if we were to decide, they could amend their application for the back.

Director of Facilities/Capital Construction and Building Operations Wells said the Community Development Director is fine with us receiving the LDP without the fence.

Councilmember Bauman said I am trying to preserve the process but am open about the back and the visibility. As mentioned, I am not opposed to the razor wire.

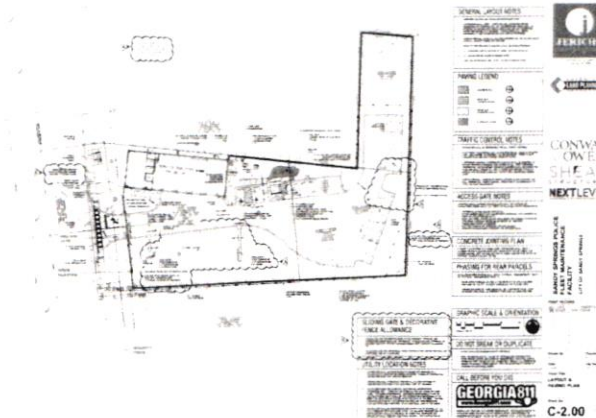
Councilmember Paulson said I am open to amending my motion to include the ornamental wire along the south wall from Roswell Road down to the collision building because this is the only visible area. The fencing behind it that nobody sees can still be the concertina wire with the cable. This gives you an architectural fence along the front that looks nice, preserves the security, and we do not have to needlessly spend the extra money on a beautiful ornamental wire fence that no one is going to see.

Mayor Paul said this is the motion **Councilmember Reichel** wanted to make. **Councilmember DeJulio**, do you accept this amendment?

Councilmember DeJulio said yes.

Councilmember Bauman asked where are we giving the variance?

Site Plan – 908 Linear Feet of Security Fencing



City Manager Freeman said the concertina wire would be applied from the portion at the west corner of the Caliber Collision Building to the terminating point of our parcel, back at the post office, then up to the north at the end of our parcel and, loop back around and end at the corner of the building. There would be approximately 40 feet of the ornamental fencing that would be applied on the southwest portion of the parcel.

Councilmember Bauman said Council only needs to vote on a variance tonight because that is what is before us and defining the outer boundaries of that variance. Do you agree **Dan Lee, City Attorney**?

City Attorney Lee said the posture of this discussion is Council voted on this three times to build this facility and implement the design you have authorized staff to do. It has come to the part of the rendering where the security fence is outside of what is normally in the development code. The ordinance that brings this before you is not in the development code. This is management seeking to carry out your previous votes to build this facility with the design that they have received, and they are bringing it as the management of the property to the representatives of the owners of the property, to say do you want to step outside of the development code for the purpose of putting razor wire up. The amendment is that the south of this property would be the ornamental fence and the variance would be the rest of it around the back and on the north side.

Mayor Paul stated that is the posture.

Councilmember Kelley asked can information be provided on egress and the ability to make a left turn there?

Director of Facilities/Capital Construction and Building Operations Wells said we are currently doing a traffic study on that entrance.

Mayor Paul called for a question on the amended motion.

Motion and vote. A substitute motion was made by **Councilmember Paulson**, seconded by

Councilmember DeJulio, to authorize a variance for concertina wire around the perimeter but, on the south side at a point to be determined by visual inspection, that will not allow that wire to be seen from Roswell Road and, from that point forward to Roswell Road, the ornamental security fencing that was shown in the illustration will constitute that portion of the fence. The motion carried 5-1. **Councilmember Kelly** voting in opposition.

Passed Yes 5, No 1, Abstained 0

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

Nays: Melody Kelley

Resolution No. 2023-07-115

X. Reports

A. 2023-216 Mayor and Council Report

Mayor Rusty Paul reported a letter was received from **Daniel Lee Gwynn** in Columbus, Georgia commending **Patrick Coletta, Lieutenant/Fire Inspector III, Sandy Springs Fire Department** and **David Dunn, Fire Inspector/Fire Investigator, Sandy Springs Fire Department** for their performance in the investigation of a fire which occurred at Avia at North Springs Apartments on May 27th. This gentleman who is a fire professional himself was duly impressed by the performance of our Fire Marshals Office.

There was another serious fire a few weeks ago at an apartment complex in District 3 and a wonderful email was received from a lady who lives in one of the units nearby commending both fire and police for their response and the ability to contain the fire very quickly and minimize the amount of damage that could have occurred. She was duly impressed by the performance of our first responders in that instance.

I am a little concerned about the number of apartment fires lately in the City. It seems that we have had an outbreak of apartment fires, including multi-family.

Mayor Paul asked **Keith Sanders, Chief, Sandy Springs Fire Department**, to comment.

Fire Chief Sanders said with previous apartment fires, each one has been human error. In one case under investigation, we have reason to believe a grill was involved. We have no facts yet but, that is a problem that we have had on several apartment fires. We work with communities, code enforcement, and do inspections but, unfortunately it does occur especially during the summertime. The other challenge is people are not having the proper repairs done in their units, town homes, and condos which may cause problems with the wiring for example. There are other factors and 90% of the fires are caused by human error. One of the biggest challenges with apartment complexes are older buildings. Council has done a tremendous job in approving any type of measure to try to prevent fires but unfortunately, the City has some communities with continued catastrophic fires. On the Fourth of July in District 5, previously discharged fireworks were put in a plastic trash can and the side of the house caught on fire. Before disposing discharged fireworks, the material should be wet. We also received a letter from that Community commending us for our response on the scene and containing an advanced fire.

Mayor Paul said it is a source of concern. I had a conversation with **Dan Lee, City Attorney** today about more cooperation from our apartment managers on the policing and enforcement of requirements

we already have. This includes not grilling on the patio as this is a violation of our ordinances. I encourage you to partner with our Communications Department to provide education.

Fire Chief Sanders said we did but had some challenges with the community.

Mayor Paul praised Fire Chief Sanders and staff for their efforts. The City has not had a loss of life but apartment fires are a distinct concern because we have had to rescue people.

Fire Chief Sanders said with one case, our crews were training nearby and saw the building on fire and rescued someone who was wheelchair-bound. Fortunately, they and one of our trucks were there.

Mayor Paul said it is very disappointing we are not getting cooperation from some of our apartment managers because the potential for loss of life and severe injury is great, particularly in multifamily. We may need to consider some things to do to give us more leverage in being able to have those conversations.

Councilmember Melissa Mular said with Autumn Chase there will probably be changes to the insurance due to the fire. The fire in my community was not because of a grill as it must be several feet from any building, otherwise we could lose our insurance.

Fire Chief Sanders stated it is wonderful that community has brick firewalls. **Mayor Paul** you mentioned **Lieutenant/Fire Inspector III Coletta** and **Fire Inspector/Fire Investigator Dunn**. They spend every working day in the City's apartment complexes and because of their enforcement efforts, we have a significant reduction in what could be. We have some challenges with the insurance company, for example with the adequacy of intermittent paint application on a building but, are working this out with the insurance adjuster.

Councilmember Jody Reichel asked did people stop you from putting flyers about safety on their doors? This makes no sense.

Fire Chief Sanders said yes. People did not want this done on their property. It is private property and we do not have the option to stay.

Mayor Paul asked are there any other reports?

Councilmember Paulson said weeks ago the City had a uncontrolled sewage spill into the river that closed it along a significant part of the City of Sandy Springs. We may be in our third or fourth week into this. It is not our responsibility, but it has an impact on us. What is the status of the safety of the river?

Fire Chief Sanders said as of this week it is still closed.

Mayor Paul said **Councilmember Melody Kelley** can explain better and I am not a chemist. Certain bacteria got into the system killing the good bacteria that was breaking down the waste. The county which operates the facility was not aware and they released treated waste into the river when it is supposed to be neutralized. It was not untreated raw sewage but, it was inadequately treated, and it still had about the same impact. The challenge was we got cleared from the county but not Park Service. When Park Service works with the Chattahoochee River Keepers to do E. coli checks in the river and, it is at the standard level, they will reopen it. This is what we know so far.

Councilmember John Paulson said when the river is cleared, we need to communicate this to everyone

in the City of Sandy Springs.

Eden Freeman, City Manager, said according to the National Park Service website, it is still closed from Powers Allen to the Chattahoochee Nature Center.

B. **2023-217** Staff Reports

1. **2023-218** May 2023 Unaudited Financials

Toni Carlisle, Chief Financial Officer, answered **Councilmember Melody Kelley's** question about the account for when the City sell property. We have an account called Sale of Assets and it is part of the General Fund.

Chief Financial Officer Carlisle, reviewed the May 2023 unaudited financials.

The City is at 91.67%% of the fiscal year. Revenues are at 111.99% and expenditures are at 85.98% of the budget.

Revenues having achieved the FY23 budget since presenting the April financials are Motor Vehicle & MV TAVT, Solid Waste, Local Option Sales Tax, Municipal Court Fees, and Other Misc. Fees.

We are continuing to monitor the departmental expenses as we near the close of the books for accuracy and proper budget alignment.

XI. Executive Session

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

Passed Yes 6, No 0, Abstained 0

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

Nays: None

The Executive Session began at 8:24 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

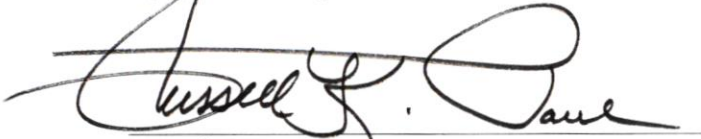
The Executive Session ended at 8:57 p.m.

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 8:57 p.m.

Approved: August 1, 2023

A handwritten signature in black ink, appearing to read "Russell K. Paul", written over a horizontal line.

Russell K. Paul, Mayor

A handwritten signature in blue ink, appearing to read "Raquel D. González", written over a horizontal line.

Raquel D. González, City Clerk