

The Regular Meeting of the Sandy Springs City Council was held on Tuesday, January 2, 2018, at 6:26 p.m., Mayor Rusty Paul presiding.

CALL TO ORDER

Mayor Rusty Paul called the meeting to order at 6:26 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Rusty Paul present.

Councilmembers: Council Member John Paulson, Council Member Steve Soteres, Council Member Jody Reichel, Council Member Tibby DeJulio, and Council Member Andy Bauman were present. Council Member Chris Burnett was absent.

PUBLIC COMMENT

There were no public comments.

APPROVAL OF MEETING AGENDA

1. **18-001** Add or remove items from agenda

Motion and Vote: Council Member DeJulio moved to approve the Meeting Agenda for the January 2, 2018 City Council meeting. Council Member Bauman seconded the motion. The motion carried unanimously.

CONSENT AGENDA

2. **18-002** Meeting Minutes

1. December 19, 2017 Work Session
2. December 19, 2017 Regular Meeting
(Michael Casey, City Clerk)

Motion and Vote: Council Member Bauman moved to approve the Consent Agenda for January 2, 2018 City Council meeting. Council Member Paulson seconded the motion. The motion carried unanimously.

PUBLIC HEARINGS

City Clerk Michael Casey read the rules for the Public Hearings segment of the meeting.

Alcoholic Beverage License

3. **18-003** Approval of Alcoholic Beverage License Application for Merritt Hospitality, LLC DBA Westin Atlanta Perimeter North, 7 Concourse Parkway NE, Sandy Springs, GA 30328. Applicant is Gary Mendell for Consumption Wine & Malt Beverages, and Distilled Spirits

Finance Director Karen Ellis stated this item is a change of ownership for consumption on the premises of wine, malt beverages, and distilled spirits for Merritt Hospitality, LLC DBA Westin Atlanta Perimeter North, located at 7 Concourse Parkway NE. The applicant has met all of the requirements and staff recommends approval.

Mayor Rusty Paul called for public comments in support of or opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Vote: Council Member Bauman moved to approve Agenda Item No. 18-003, Alcoholic Beverage License Application for Merritt Hospitality, LLC DBA Westin Atlanta Perimeter North, 7 Concourse Parkway NE, for consumption of Wine & Malt Beverages, and Distilled Spirits. Council Member DeJulio seconded the motion. The motion carried unanimously.

4. **18-004** Approval of Alcoholic Beverage License Application for BHG Properties, LLC, DBA The Springs Cinema & Taphouse 5920 Roswell Rd Ste C-103 Sandy Springs, GA 30328. Applicant is Brandt Hood Gully for Consumption Wine, Malt Beverages, & Distilled Spirits

Finance Director Karen Ellis stated this item is a change of ownership for consumption of wine, malt beverages, and distilled spirits for BHG Properties, LLC, DBA The Springs Cinema & Taphouse, located at 5920 Roswell Rd Ste C-103. The applicant has met all of the requirements and staff recommends approval.

Council Member Andy Bauman stated this location is the previous LeFont Theatre.

Mayor Rusty Paul called for public comments in support of or opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Vote: Council Member Bauman moved to approve Agenda Item No. 18-004, Alcoholic Beverage License Application for BHG Properties, LLC, DBA The Springs Cinema & Taphouse 5920 Roswell Rd Ste C-103, for consumption Wine, Malt Beverages, & Distilled Spirits. Council Member Soteres seconded the motion. The motion carried unanimously.

5. **18-005** Approval of Alcoholic Beverage License Application for Fastrac Petro LLC DBA Chevron Food Mart 8295 Roswell Rd Sandy Springs, GA 30350. Applicant is Suleman Waliany for Package Wine & Malt Beverages

Finance Director Karen Ellis stated this item is a change of ownership for package, wine, and malt beverage for Fastrac Petro LLC DBA Chevron Food Mart located at 8295 Roswell Road. The applicant has met all of the requirements and staff recommends approval.

Mayor Rusty Paul called for public comments in support of or opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Vote: Council Member Paulson moved to approve Agenda Item No. 18-005, Alcoholic Beverage License Application for Fastrac Petro LLC DBA Chevron Food Mart at 8295 Roswell Rd for

Package Wine & Malt Beverages. Council Member Reichel seconded the motion. The motion carried unanimously.

6. **18-006** Approval of Alcoholic Beverage License Application for Sipping Plant, LLC DBA The Sipping Plant 6450 Roswell Rd Ste C Sandy Springs, GA 30328. Applicant is Abraham Gray for Consumption BYOB Wine and Malt Beverages

Finance Director Karen Ellis stated this item is a new application for consumption BYOB wine and malt beverage for Sipping Plant, LLC DBA The Sipping Plant located at 6450 Roswell Rd Ste C. The applicant has met all of the requirements and staff recommends approval.

Mayor Rusty Paul called for public comments in support of or opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Second: Council Member Paulson moved to approve Agenda Item No 18-006, Alcoholic Beverage License Application for Sipping Plant, LLC DBA The Sipping Plant at 6450 Roswell Rd Ste. C, for consumption BYOB Wine and Malt Beverages. Council Member Soteres seconded the motion.

Council Member John Paulson asked where the business is located.

Mayor Paul responded between Abernathy and Chaseland.

Vote on the Motion: The motion carried unanimously.

7. **18-007** Approval of Alcoholic Beverage License Application for H & S Groceries LLC DBA Carniceria Los Pinos, 6342 Roswell Road, Sandy Springs, GA 30328. Applicant is Vikram Bollineni for Retail/Package Wine and Malt Beverages

Finance Director Karen Ellis stated item is a change of ownership for package, wine, and malt beverage for H & S Groceries LLC DBA Carniceria Los Pinos located at 6342 Roswell Road. The applicant has met all the requirements and staff recommends approval.

Mayor Rusty Paul called for public comments in support of or opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Vote: Council Member Soteres moved to approve Agenda Item No. 18-007, Alcoholic Beverage License Application for H & S Groceries LLC DBA Carniceria Los Pinos, 6342 Roswell Road, for retail/package Wine and Malt Beverages. Council Member DeJulio seconded the motion. The motion carried unanimously.

8. **18-008** Approval of Alcoholic Beverage License Application for Heidi LM Café Inc. DBA La Madeleine, 1165 Perimeter Center W. Suite 330, Sandy Springs, GA 30338. Applicant is Ramzi Hakim for Consumption Wine and Malt Beverages

Finance Director Karen Ellis stated this item is a change of ownership for consumption of wine and malt beverages for Heidi LM Café Inc. DBA La Madeleine located at 1165 Perimeter Center W. Suite 330. The applicant has met all of the requirements and staff recommends approval.

Mayor Rusty Paul called for public comments in support of or opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Vote: Council Member Reichel moved to approve Agenda Item No. 18-008, Alcoholic Beverage License Application for Heidi LM Café Inc. DBA La Madeleine, 1165 Perimeter Center W. Suite

330, for consumption of Wine and Malt Beverages. Council Member DeJulio seconded the motion. The motion carried unanimously.

9. **18-009** Approval of Alcoholic Beverage License Application for DBSS Investment, LLC, DBA Battle & Brew 5920 Roswell Rd Ste A-120 Sandy Springs, GA 30328. Applicant is Soel Tran for Consumption Wine, Malt Beverages, & Distilled Spirits

Finance Director Karen Ellis stated this item is a change of ownership for DBSS Investment, LLC, DBA Battle & Brew located at 5920 Roswell Rd Ste A-120 for consumption of wine, malt beverages and distilled spirits. The applicant has met all the requirements and staff recommends approval.

Mayor Rusty Paul called for public comments in support of or opposition to the application. There were no public comments. Mayor Paul closed the public hearing.

Motion and Vote: Council Member DeJulio moved to approve Agenda Item No. 18-009, Alcoholic Beverage License Application for DBSS Investment, LLC, DBA Battle & Brew 5920 Roswell Rd Ste A-120, for consumption of Wine, Malt Beverages, & Distilled Spirits. Council Member Soteres seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

10. **18-010** Amendments to the Sandy Springs Code to provide additional regulation of short-term rentals

Assistant City Manager Jim Tolbert stated this item would be treated similar to a Work Session item where no vote will be taken. He gave the Short-term Rentals PowerPoint presentation.

Mayor Rusty Paul stated he is already receiving complaints from his neighbors stating that other neighbors are allowing people to rent their houses and they do not know whom the renters are.

Council Member Tibby DeJulio stated the presentation indicated the host would have to be in the house when the room is rented out. The presentation also talked about multiple units. He cannot host multiple houses, because he cannot live in multiple houses. That information is conflicting.

Assistant City Manager Tolbert stated an Airbnb could have multiple units they represented, but the units would have to be individually owned. The City's current code requires a home to be eligible for a homestead exemption in order to be able to operate a rental such as this. The concern the City has is that Airbnb does not give the City a check for the taxes for ten rental properties and identify where each of the properties are.

Council Member DeJulio asked about compliance. The City's alarm ordinance says registration is now the alarm company's responsibility. He asked if there is a way the City can mandate that Airbnb cannot permit someone on their website unless they have a business license registered with the City.

Assistant City Manager Tolbert stated staff found that would be difficult. These types of businesses are using an internet platform on which property owners advertise.

Council Member DeJulio asked if the renter pays the company, instead of paying the homeowner.

Assistant City Manager Tolbert responded yes. Staff can look into that. His concern is that the State is going the opposite way in taking away the authority of the City to deal with these businesses. The bill does not say the businesses cannot be regulated. It would take away all of the City's authority to know where all of the rentals are located within the City.

Council Member Jody Reichel asked about the rental requirement of being owner occupied. She knows when she has rented before that there was an option to rent a room or a whole house. Some property owners leave town for a month or a couple weeks and would like to rent out their house. She asked if the proposed change would eliminate the possibility of someone being able to rent his or her whole house.

Assistant City Manager Tolbert stated it is allowed, if the property owner qualifies for a homestead exemption and it is their primary residence and home. For example, if the Masters Tournament was held in Atlanta and they wanted to leave town and rent their house, they would be allowed to do that. Under this change, someone would not be able to purchase an investment property and rent it as a short-term rental. The home can be rented out, but it has to be for longer than thirty days.

Mayor Paul stated if someone is away for a week or a month and rents out their home, they do not have to physically be there during that time. The goal of the policy is to make sure that these units are owner occupied homes.

Council Member Andy Bauman asked if a date would be set when this item will be heard again.

Mayor Paul stated right now Council is providing staff with feedback and it will be placed on a future agenda based on the feedback.

Council Member Bauman requested this item be placed as a public hearing item. This is a huge issue for San Diego due to the nature of that community being an ocean community with a lot of tourism. San Diego still has not adopted an ordinance and there is a great demand to adopt some sort of regulation to provide clarity to their residents. He asked if the short-term rentals would be subject to the hotel/motel tax.

Assistant City Manager Tolbert answered yes.

Council Member Bauman asked if there would be a request or requirement that a property owner advertise or provide notification through some sort of posting that they would be operating a short-term rental.

Assistant City Manager Tolbert stated that is not in the City's current code, but it could be added.

Council Member Bauman stated the issues are the arrivals and departures of the renters. It has caused concern when homes in the City have been used in the filming of movies, but having someone new coming and going every few nights may also be a concern. The more transparent we make the policy, the better things will be. He would like the City to consider a notification process, particularly in the classes of zoning that are effectively protected neighborhoods.

Council Member John Paulson stated the City has a company that keeps track of how many businesses are operating in the City to make sure they have their business license. He assumes the company is still doing this for the City. He asked if they would be involved in this part of the process as well.

City Manager John McDonough stated that company did an audit of business licenses for the City. It is currently ongoing.

Council Member Paulson stated obviously these businesses are required to have a business license. The City will be able to have a good idea of where these organizations are located.

Assistant City Manager Tolbert stated the City is trying to create rules for this and protect single-family homeowners who live nearby.

Mayor Paul stated if someone wants to rent their home out for a week while they are on vacation, he does not see anything wrong with that. The challenge comes when this is advertised on a platform where multiple numbers of people can rent over extended periods of time. This is a situation where you are advertising your home for regular usage. The Airbnb, VRBO, and other platforms are regular usage for this particular home. The concern is multiple ongoing uses, not just the occasional one or two days while someone is away on vacation.

There was a consensus of Council to move this item forward to a future City Council meeting.

11. 18-011 Appointments to the Recreation and Parks Master Plan Advisory Committee (Ken Dishman, Scott Busch, George Northrop, Cheryl Barlow, Molly Welsh and Mark Durbin)

Mayor Rusty Paul stated the City is about to revise its Recreation and Parks Master Plan. One thing the City regularly does when looking at policy is to engage our citizens in the process. He asked Mr. Dishman to chair this new group. This will be a group of citizens with specific talents. Mr. Busch manages Steel Canyon, George Northrop has been on the Heritage Sandy Springs Board, and Cheryl Barlow on the board for Friends of Lost Corners. Molly Welsh is a landscape professional and Mark Durbin is a logistics expert. For those reasons, these individuals are being recommended for this board. He requested that Council approve the appointments to this board.

Motion and Second: Council Member DeJulio moved to approve Agenda Item No. 18-011, Appointments to the Recreation and Parks Master Plan Advisory Committee, composed of Ken Dishman, Scott Busch, George Northrop, Cheryl Barlow, Molly Welsh and Mark Durbin. Council Member Paulson seconded the motion.

Council Member John Paulson asked if this is a new committee.

Mayor Paul stated this is a new committee. There will be a review of the Master Plan for the Recreation and Parks Department and the facilities. The board will be looking at those things with staff and making recommendations, while ensuring we have full community engagement and participation.

Vote on the Motion: The motion carried unanimously.

12. 18-012 Clarification of the Malt Beverage Tasting License Ordinance, Chapter 6, Sect 6-115(a)

City Attorney Dan Lee stated under the City's current ordinance, a tasting license is allowed if the business has a malt beverage license or if there is a wine license, but it is not allowed with those two licenses and a spirits or liquor license. This change to the ordinance will clarify that a business can have a tasting license for malt beverages and wine even if you have a liquor license.

Motion and Second: Council Member Bauman moved to approve Agenda Item No. 18-012, Clarification of the Malt Beverage Tasting License Ordinance, Chapter 6, Sect 6-115(a). Council Member Reichel seconded the motion.

Council Member Andy Bauman stated this was the item presented by Council Member Sterling at the final meeting in 2017. He thanked Mr. Sterling for his work on this item.

Vote on the Motion: The motion carried unanimously.

- 13. 18-013** A Resolution to Approve a Mutual Aid and Assistance Agreement by and between the City of Sandy Springs, Georgia, and the City of Atlanta, GA; to Authorize Execution of the Same; and for other Purposes

Police Chief Ken DeSimone stated this item is a recommendation to adopt a mutual aid and assistance agreement between Sandy Springs and City of Atlanta. This complies with the Georgia Mutual Aid Act O.C.G.A. 36-69. After Christmas, he was contacted by the Assistant Police Chief for the Atlanta Police Department, Rodney Bryant, asking for Sandy Springs Police assistance at the college football Championship on January 8. He thanked Staff Attorney Kathy Williams for assisting with this agreement. This agreement will not only apply for this game, but for every police function. In 2017, Sandy Springs requested Atlanta's assistance utilizing their helicopter twice to look for missing people, and help from their bomb squad. The Sandy Springs Fire Department already has a mutual aid agreement with Atlanta that covers hazmat, trench rescue, and the foam truck. Staff recommends Council approve this agreement.

Motion and Second: Council Paulson moved to approve Agenda Item No. 18-013, A Resolution to Approve a Mutual Aid and Assistance Agreement by and between the City of Sandy Springs, Georgia, and the City of Atlanta, GA; to Authorize Execution of the Same; and for other Purposes. Council Member Soteres seconded the motion.

Council Member John Paulson stated this has been done informally up until now, but this agreement is making the practice formal.

Police Chief DeSimone stated in emergencies this is done quite often, but this is for a planned event. We want to make sure we are doing things according to Georgia law.

City Attorney Dan Lee thanked Staff Attorney Williams and Police Chief DeSimone. This request was made to other cities in North Fulton and he does not know of another that will be able to fulfill the request. The request was made to the Police Department for the singular mission of working during the Championship game. Staff Attorney Williams and Police Chief DeSimone were able to turn this into an agreement that will be much more helpful to the people of Sandy Springs.

Mayor Rusty Paul stated one of the great things about the municipalization of our region is the ability to put these things together in ways that make sense and help all of our communities. The citizens in the region are better served when we are able to do things such as this.

Council Member Tibby DeJulio asked if the assistance given would be on-duty police officers or off-duty police officers. He does not want to see the City use all of its on-duty officers and create a shortage here in the City.

Police Chief DeSimone stated it would be about six to eight police officers with certain tactical experience.

Police Chief DeSimone stated in 2017 there were no murders in Sandy Springs. Before the City incorporated in 2005, there were about 16-18 murders in Sandy Springs.

Mayor Paul stated survivability from cardiac arrests has improved dramatically since the City's incorporation. Public safety is our top priority. We have two good leaders and two great teams overseeing those operations and he thanked them.

Vote on the Motion: The motion carried unanimously.

- 14. 18-017** Election of a Councilmember to be Mayor Pro Tempore

Mayor Rusty Paul stated the only role that Council has with no input from anyone else is the election of Mayor Pro Tem. This is an important position, because when the Mayor is absent, the Mayor Pro Tem presides. This is also an opportunity to provide a true leadership role among Council. Council Member DeJulio has served that position extremely well for twelve years.

Council Member Tibby DeJulio stated on December 1, 2005, Mayor Paul nominated him to the position of Mayor Pro Tem. He has served that position for a little over twelve years. He thinks it is time to turn this position over to someone else who can do an excellent job in this position.

Motion and Second: Council Member DeJulio moved to nominate and approve the nomination of John Paulson as Mayor Pro Tempore. Council Member Bauman seconded the motion.

Council Member Andy Bauman stated that he was the new person on Council four years ago. Having sat next to Council Member DeJulio on the dais and with their districts being next to each other, Member DeJulio has been invaluable to him. Member DeJulio assisted with showing him the procedures and with responding to constituents. He thanked Council Member DeJulio for his service as Mayor Pro Tem.

Council Member Bauman stated he does not know another Council Member that attends more City events, ribbon cuttings, Chamber of Commerce events, or swearing in ceremonies than Council Member Paulson. Beyond the ceremonial duties, Council Member Paulson has done a tremendous amount of work. There have been situations over the last four years when Council Member Paulson would get feedback from Council in anticipation of an agenda item and work to develop some consensus.

Mayor Paul stated he has known Council Member DeJulio for many years. They were both on the Citizens for Sandy Springs Committee for Sandy Springs. Council Member DeJulio is always reminding us why the City initially incorporated. He has been honored to serve with Council Member DeJulio and his leadership is not tied to a title. He is looking forward to working with Council Member Paulson.

Vote on the Motion: The motion carried unanimously.

Council Member Paulson thanked the Council for the nomination. He looks forward to serving in this capacity and will do the best that he can.

REPORTS

Mayor and Council Reports

Council Member Andy Bauman stated there has been some recent good news in Mayor Paul's family that was posted on Facebook.

Mayor Rusty Paul stated the video of his daughter Emily's engagement received almost 2,000 views.

15. 18-014 Staff Reports

City Manager John McDonough recognized City staff for all of the work done on the 2017 Year in Review.

1. November 2017 Financial Report – Karen Ellis, Finance Director

Finance Director Karen Ellis stated in the agenda package for this evening are the November financials. The financials represent about 42% of the year. Revenues are at about 27 ½%. The business occupational taxes, property taxes, and electric franchise will be caught up around February or March. The expenditures are at 30%, which is below budget as well.

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION

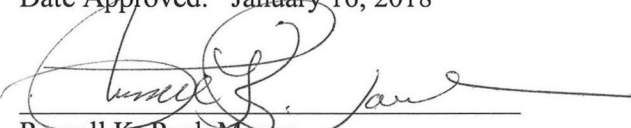
16. 18-015 There was no Executive Session held.

ADJOURNMENT

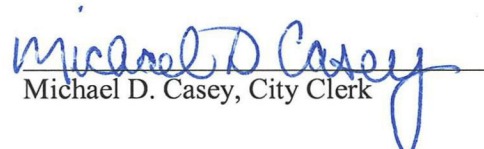
17. 18-016 Adjournment

Motion and Vote: Council Member DeJulio moved to adjourn the meeting. Council Member Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:25 p.m.

Date Approved: January 16, 2018



Russell K. Paul, Mayor



Michael D. Casey, City Clerk