

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, September 4, 2018, at 6:00 p.m., Mayor Rusty Paul presiding.

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

INVOCATION

Rabbi Brad Levenberg, Temple Sinai, offered the invocation.

STAFF DISCUSSION ITEMS

Public Works

1. 18-306 Johnson Ferry Road at Mt. Vernon Highway (Project TS191)

TSPLOST Program Manager Allen Johnson gave the Johnson Ferry Road at Mt. Vernon Highway PowerPoint presentation.

Mayor Rusty Paul stated he knows there are people in the audience who have an interest in this project. He reassured everyone this is not the end result of the project. We are halfway through the decision making process. There will be plenty more opportunities to speak as the City receives the designs. At this point, Council will be authorizing staff to take these concepts and begin looking at the feasibility from a final design perspective. There is still a lot of conversation to be had with the community over the next several months as the design concepts are developed.

Council Member John Paulson stated he was at the meeting last Thursday and there was a lot of discussion regarding this project. One of the issues is the difference between the two concepts of 1.6 acres of greenspace. In order to create the 1.6 acres of greenspace, the full grid requires 2.4 acres, while the compressed grid requires .8 acres. To accommodate the full grid requires commercial properties to be acquired by the City. The compressed grid has a twelve foot walkway with trees on both sides. He likes the compressed grid, because the \$5 to \$10 million cost for 1.6 acres of greenspace seems like a lot of money to spend.

Council Member Jody Reichel asked if it would be possible to move forward on part of the plan and continue to look at the two different grid scenarios. There is a big difference between \$5 million and \$10 million. She asked that staff come back to Council with something that is more concrete, before Council decides which grid to move forward with.

TSPLOST Program Manager Johnson answered that staff could move forward on part of the plan. The north east/west road could stay in the same location. The library to the east on both sections of road could be completed as well.

Mayor Paul asked if it is possible that we design this to where the eastern and the northern sections are completed. The law requires the City to complete the project within seven years and it has to begin within five years. This is a very extensive design for right-of-way. The construction schedule pushes it to the seven year mark from November of 2016. He asked if Council makes a partial decision tonight, can the City meet the deadlines under State law.

TSPLOST Program Manager Johnson replied he believes so.

Council Member Tibby DeJulio stated if we are going to do this project, we should do it right. He thinks the full grid is aesthetically much more pleasing than the partial grid. If we do the partial grid, four to five

years from now we would wonder why we did not do the whole thing. In Sandy Springs, we have always had a practice that we try to do things right. City Springs is the foremost example of doing things right. He is in favor of the full grid plan and also likes the idea that while Council tries to decide on the plan, staff starts working on it. He suggests moving forward with the design work from the library east. The design work will take eighteen to twenty-four months. All of the studies and traffic engineers have assured the City that we need to get this project done now. The project east of the library should be constructed and we can continue to receive input from the citizens. The input he has received has all been in favor of the full grid. He has not received any input preferring the half or compressed grid. Council should just approve the plan east of the library.

Mayor Paul stated we can also construct the north side.

Council Member DeJulio stated he agrees with constructing the north side as well.

Mayor Paul asked if there is any objection to allowing staff to go ahead and take the basic concepts of both versions, and any others, to begin the construction design process.

Council Member Andy Bauman stated he does not object to that. He shares Council Member Paulson's concern about the cost of the project. If this project can be vetted further, it should be done. None of the Council members take eminent domain lightly. While there may be property transactions needed, the City should do the minimal amount necessary to achieve the goals of this project. There is a difference between this property and the Abernathy Greenway. That greenspace is along the sidewalk and along a road, rather than up the middle of a property. He is happy to see the multi-modal path. While serving as a member of Council for the last several years, there are two things he commonly hears. One is why doesn't Council do something about traffic. The other thing that people ask, when a traffic project is under development, is why the project is being done. There are also views that the City should not construct anything on this property. This project has been looked at by Council for many years. This was something at the top of the list of what the citizens voted for. Completing a project here makes sense, not just for operational reasons, but also for safety reasons. He supports this project and the compromise, as well as minimizing the impacts from eminent domain and to the citizens whose homes will be impacted. The connector road has not been discussed. He hopes staff will explore all possible options. There is a strong sentiment from the Mayor and Council that if Mrs. Spruill's property is needed, something similar to the Abernathy Road agreement can be done. He thinks the City has been very sensitive to the needs of the community. This is a difficult project. He does not support using \$10 million. That money can be used in much better ways throughout the City. He welcomes public comments from citizens, which will be received at the beginning of the Regular Council meeting.

Mayor Paul suggested delaying approval of proceeding with the design of the southern portion for a certain time limit.

City Manager John McDonough stated there is not another meeting until October, so Council and staff have a whole month to continue discussions.

Mayor Paul stated Council Member Burnett could not be in attendance this evening, but he did submit a statement that he would like read into the record. The statement reads, "I'm sorry that I will not be at tonight's Council meeting to discuss the T-011 project. I understand and am sympathetic to the concerns that Johnson Ferry and Mount Vernon residents feel for this road project and regret the angst and emotion it has created for them. We must mitigate the impact on our residents as much as possible while delivering a project that addresses the traffic and safety challenges in these corridors. It is also important to me to invest our TSPLOST funds over as many impactful projects as possible. Hence, I am supportive of the compressed grid with the connecting street subject to the following: 1) If an agreement is reached with Mrs. Spruill, we must allow her to remain in her own home as long as she and the family would like. 2) If a connecting street is built in the future, then the City must work with the impacted homeowners on the installation of landscape berms and buffers and additional tree plantings and foliage to provide as much

screening as possible. If this road project disrupts the playground at Mount Vernon school, the City should assure the playground is restored in another area of the property. There is street front parking on Mount Vernon just west of Roswell Road. Would it be feasible to have street front parking on Mount Vernon from Roswell Road east to Boylston? This would provide parking for triangle park and walking paths and help reduce traffic speeds in this corridor. These spaces could provide parking for customers using the buildings currently on Mount Vernon, potentially allowing the City to save money by not having to purchase all of these commercial properties.” Council Member Burnett would like for the City to evaluate the feasibility of this idea. Subject to these conditions, he is supportive of moving forward with the compressed grid project.

There was a consensus of Council to move forward with the design, as stated, east of the library and on the north side of the triangular area. Staff will continue to have conversations about the compressed versus the full grid plan and hopefully arrive at a conclusion by the October meeting.

2. 18-307 Northside Drive at Riverview – Old Powers Ferry Intersection Improvement (Project TS106)

TSPLOST Project Manager Joe Gillis gave the Northside Drive at Riverview – Old Powers Ferry Intersection Improvement PowerPoint presentation.

Council Member Andy Bauman stated the PIOH that was held was reasonably well attended and since that time this project has evolved. Not having to do a structural wall saved the City from having to make some tough decisions with this project. That would have really created a canyon effect coming up that hill. This project was challenging on a lot of levels with the terrain, two roads that are not aligned, site distance, and the speeds that occur in this area. Through the conversations we want to make sure we are looking at safe pedestrian crossings and connectivity down to the river and shops. He knows there will not be a sidewalk out of this project. There is no sidewalk on Riverview. There could potentially be one installed coming up Northside on Mount Vernon that could provide access for hundreds of homes down to the river. We should avoid unintended consequences from issues at Old Powers Ferry. This is a road parallel to Mount Vernon that receives a lot of traffic from trucks driving to I-285 when they could use Mount Vernon and other roads. We need to see what the impacts are at this intersection and at an already really dysfunctional intersection on the other side of Old Powers Ferry. This sounds like a good project. There are people that have different views.

TSPLOST Project Manager Gillis stated staff is prepared to look into the issues the City has brought forth.

Council Member John Paulson stated the Lake Forrest facing treatment was a mesh with anchors in place. This presentation has a more detailed facing treatment in place. He would like to discuss this with staff.

TSPLOST Project Manager Gillis stated there is a soil nail that is off to the right of this map about fifteen feet. The soil nail is what the geotechnical consultants stated is needed to make this wall stable without having it vertical. This will allow vegetation to grow over the edge.

There was a consensus of Council for staff to proceed with the design phase of this project.

City Management

3. 18-308 Consideration of the Proposed 2019 City Council Meeting Schedule

City Clerk Michael Casey stated included with the agenda materials are the proposed City Council meeting dates for 2019. The list of dates is based on holding the Work Session and Regular City Council meetings on the first and third Tuesdays of every month with three exceptions. The first exception is the first Tuesday of 2019, January 1st, which is the New Year’s Day holiday. The second proposed exception is the first Tuesday in July, July 2nd, to allow for a summer break. The first Tuesday in October, October 1st, is the second night of Rosh Hashanah. Three of the proposed meetings dates are adjacent to holidays.

The February 19th Council date is immediately following Presidents Day, the September 3rd date follows Labor Day and October 15th follows Columbus Day. With Council's input and consensus, he plans to bring this item back for approval on the consent agenda of the October 2nd City Council meeting.

Mayor Rusty Paul stated this proposes a few less meetings than the City usually has. He asked if there may be any issues with this schedule.

City Manager John McDonough stated the biggest issue revolves around the zoning schedule. The proposed City Council meeting schedule will support the zoning schedule.

There was a consensus of Council to move this item forward to the October 2nd City Council Regular meeting.

4. 18-309 Tree Fund Discussion

Assistant to the City Manager Kristin Byars Smith gave the Tree Fund PowerPoint presentation.

Council Member Andy Bauman asked if she is referring to trees infested with kudzu and ivy.

Assistant to the City Manager Byars Smith responded yes.

Council Member Bauman stated canopy preservation should always be a goal.

Mayor Rusty Paul stated he likes the phrase tree management strategy. Trees are living things and one of the challenges is that we focus more on the total number of trees in the forest and not the general health of the forest. There is nothing more dangerous than a tree falling on a house, car, or a person. We do not do enough in managing and advising residents regarding trees. The focus has been on how many trees we have and not on what the best thing is for the overall health of the trees. We should help people understand the management of the lifecycle of the trees.

Assistant to the City Manager Byars Smith continued with the presentation.

Council Member Tibby DeJulio stated this is a discussion about installing fifteen gallon trees. These size trees take special equipment to install. He asked if the \$250 fee per tree includes the cost of planting the trees.

Assistant to the City Manager Byars Smith stated quite often Trees Atlanta will plant thirty gallon trees for right-of-way trees. The \$250 per tree includes Trees Atlanta managing the program and planting the tree. They will also perform the tree pruning within the first two years, if needed.

Council Member John Paulson asked who determines what type of tree the homeowner can have planted in their yard.

Assistant to the City Manager Byars Smith stated City staff will work with Trees Atlanta to identify a set of trees that we are comfortable including in the program. These will be shade trees, to enhance the tree canopy. Staff will potentially chose a selection of native trees.

Council Member Paulson asked if this program is being well used.

Assistant to the City Manager Byars Smith stated from her understanding, the program is well used in Atlanta. We have a staff member who lives in Atlanta that used the program and people love it.

Council Member Andy Bauman stated this is a great program that has been discussed for a long time. This is another public/private partnership that accomplishes many goals. The program will not accomplish

every goal. He agrees with the Mayor that the health of the canopy and maintenance of the canopy is critical. We are not doing any budget changes, except for the Northridge 400 gateway trees, which he agrees are needed. We also need to be looking at when tree planting is done, as not all locations are created equal. We need to understand where we are losing canopy and try to replace it in those locations. There are areas where the environmental landscape should be preserved along with the entire ecosystem. He hopes that when planning next year's budget council will look closely not just at the gateway aesthetic locations, but where the trees should be located to help the stream banks.

There was a consensus of Council to move this item forward for a budget amendment and formal approval.

City Attorney

5. 18-310 Water Reliability in Sandy Springs

City Attorney Dan Lee gave the Water Reliability in Sandy Springs PowerPoint presentation.

Mayor Rusty Paul asked about the City of Atlanta taking \$57 million annually out of the enterprise fund and using it for other purposes. Through a PILOT and franchise fee Atlanta has another \$100 million. He asked what that expenditure entails.

City Attorney Lee stated the \$100 million dollars is a moving target. One of the documents that staff requested from Atlanta was any indebtedness of the Watershed Management fund. Staff was not given any documents evidencing that. The notion that such a debt is owed comes from their bond indebtedness. This is declared and validated in the Superior Court of Fulton County that the debt is owed and requires a \$10 million annual repayment back to the Watershed fund. The forensic auditor who is working with Hartman Consultants will tell you that the money is not being paid back. The \$57 million is an annual payment from the Watershed fund to the General fund.

Mayor Paul asked if that amount is included in the \$100 million.

City Attorney Lee responded no.

Council Member Tibby DeJulio stated it was mentioned this payment has been occurring for about fifteen years. Fifteen years times \$57 million is about \$600 to \$700 million that the City of Atlanta has used out of the Watershed fund.

City Attorney Lee stated the \$41 million number comes from the water rate study furnished to the City by Atlanta and it is dated 2003.

Mayor Paul stated the City of Atlanta is paying taxes when they do not have to pay taxes on the PILOT.

City Attorney Lee stated that is correct. The Service Delivery Act requires cities within the County to cooperate and determine what services will be provided to help prevent redundancies. The Act was amended a couple of years ago with the help of his predecessor, City Attorney Wendell Willard. The Act was to give the City authority to act on behalf of the rate payers in Sandy Springs to challenge these actions and the rates that Atlanta is charging. The Act requires that if the City makes a demand on Atlanta to correct these errors and they do not, the City must first avail itself of an alternative dispute resolution, such as arbitration. Staff's recommendation to Council is that we seek for the errors to be corrected with the help of our consultant. Mayor Paul, City Manager McDonough, and the Assistant City Manager offered to the Mayor of Atlanta that we would furnish them the results of the study and appraisal. The City will give Atlanta the correct rate structure as determined by these consultants. If that is not met, then the City will move forward with the alternative dispute resolution to correct the errors.

Mayor Paul stated Council Members DeJulio and Paulson probably remember some of the history of this. He believes Council Member DeJulio may have been a party to a lawsuit, after Sandy Springs became a City, to begin the process of correcting some of these errors. The City of Atlanta was under a consent decree from the U.S. District Court about the sewer system and that hearing went to Judge Thrash. The Judge enjoined the citizens from pursuing that, because the City said the loss of revenue would impact their ability to meet the Judge's consent decree. That decree was overturned by the 11th Circuit Court. This has now freed the City to pursue the suit that Council Member DeJulio and Mayor Galambos instituted. The courts have given us the opportunity to begin this. He and the Assistant City Manager requested a meeting with Mayor Bottoms to start a conversation. The City would like to resolve these issues amicably. As we begin to work on the details, it is clear what we have suspected for a long time, which is the citizens of Sandy Springs are paying exorbitant water rates. Our primary goal is to get access to and control of the water system. This is a service the City should provide for its own citizens. He also met with City Council Member Felicia Moore and the Chair of the utilities committee. We will continue the dialogue and work out something that brings fairness to the rate payers in Sandy Springs. His big concern is we went through an extended period of time having difficulties getting fire hydrants repaired. At one time we had 137 fire hydrants that were inoperable, and that is unacceptable. It is intolerable when there is that type of public safety threat. The increase in the number of leaks reported on an annual basis has increased on average about 20% over the last few years. That means the system is deteriorating underground. Without knowing the condition of the underground pipes, if there is a catastrophic failure of the system, there could be large sections of the community without water for possibly days, weeks, months, or an indeterminate period of time. One of the things we have discovered is that the City of Atlanta has not reinvested any of the money they are collecting into upgrades and improvements of the water system in our community. These are all issues brought up to the City of Atlanta's Mayor and the Council President. His hope and goal is to continue the conversations and work out an amicable solution. He told Mayor Bottoms and President Moore that Sandy Springs would be more than willing to continue to buy water from the City of Atlanta, as long as it is at a fair price. It is very important that we gain control of this system and make sure we have the water reliability that our citizens expect. The City Attorney is recommending a two track approach that includes continuing conversations with Atlanta and continuing to press forward with the mediation. The mediation is the first step in the dispute resolution process.

Council Member John Paulson stated the money that Council Member DeJulio referenced from the watershed fund was given to the City of Atlanta and the funds should have been used towards the watersheds and maintenance of the whole water system.

City Attorney Lee responded that is correct. On average, the revenues to the Atlanta Watershed from Sandy Springs is around \$35 million a year. City staff asked for documents showing improvements since 2005 for the water operations in Sandy Springs. City staff has not received a single document. After pressing Atlanta for the third time, City staff received a 2013 water improvement plan that was prepared and used in at least three different bond issuances. This plan called for \$45 million improvements in the City. City Public Works staff has indicated that none of those improvements have been completed in Sandy Springs.

City Council Member Andy Bauman stated Sandy Springs citizens are paying more than their share for a water bill. That money is going into the City of Atlanta's general fund and is not being spent on maintaining and repairing the water system. The water rates should be determined by the expenses.

City Attorney Lee stated utilities operated by municipalities in Georgia are not regulated by the Public Service Commission. The law places upon them certain regulations and parameters including actions you can and cannot take. Because you are selling water, you are not allowed to make money on it. In the State of Georgia, you are required to charge what you spend on the cost for the water. Allowances are given for peak need, growth, improvements, depreciation, recapture, and etcetera. All of these items create a formula that shows a line of expenses. The rates are 25% over and above Atlanta's expenses. From 2010-2014, the rates increased 50% in Sandy Springs. According to Atlanta, there is not a rate study upon which these increases were based, as required by law.

Mayor Paul stated he assumes the City of Atlanta will probably dispute our findings. It would be helpful if Atlanta would produce the documents to prove we are wrong.

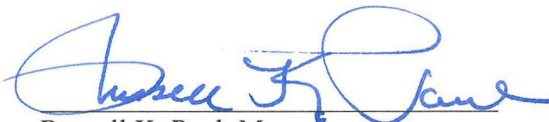
City Attorney Lee stated the forum that he is requesting the Mayor and Council attend requires those documents as proof. Sandy Springs does a great job of fully disclosing how it operates, especially with open records requests. In our attempts to gain the documents from Atlanta, we not only requested the documents, we also told them what they are for.

Council Member Paulson stated that in January Council made water reliability one of the City's priorities. Everything he has heard this evening reinforces that this issue needs to be solved for our citizens.

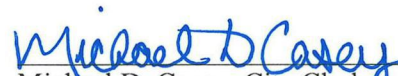
There was a consensus of Council to proceed with the recommendations from the City Attorney.

There being no further discussion, the meeting adjourned at 7:10 p.m.

Date Approved: October 2, 2018



Russell K. Paul, Mayor



Michael D. Casey, City Clerk