

Meeting of the Sandy Springs City Council was held on September 5, 2023 Following Work Session, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:52 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. **Maurice Hoelting, 88 Long Island Place, Atlanta** – Apt. etc.
2. **Stephen Davis, Atlanta Apartment Association, 8601 Dunwoody Place, Sandy Springs** – Multifamily Housing Ordinance

Mr. Davis, Director of Government Affairs of the Atlanta Apartment Association, discussed resident safety goals shared between the Association and the City of Sandy Springs draft amendments to the Multifamily Housing Rental Ordinance. The Association desires to partner the City and requests additional time to review the ordinance with the Association's membership, and requests the opportunity to provide feedback to the City. Some of the items of concern impact the regulatory and financial burdens that are placed on the communities. Those cost will be passed to the residents, raising the cost of living in Sandy Springs. It is surprising to require the Certificate of Insurance to be shown to the City. Insurance has become hard to find across the Atlanta metro area.

Councilmember Andy Bauman asked what steps is the Atlanta Apartment Association taking to meet the mentioned shared goals? What percentage of the Sandy Springs communities are part of the Atlanta Apartment Association?

Atlanta Apartment Association Director of Government Affairs Davis said the Association regularly hosts regional round tables, and a common topic is safety. Individuals from different police departments around the area share best practices for securing those areas. The City of Atlanta established an apartment safety task force, and we are a member. We are always trying to engage with the communities. About 80% of the 98 apartments are members. Exact numbers can be provided to the City.

Councilmember Bauman said round tables are good, but have you established standards that organized groups that want to be a part of your organization need to maintain? There are challenges in some communities with conditions such as infestations. I do not completely agree with your thesis that the costs are passed on as there is a market-driven component. The industry

needs to do some introspection and reflection. Council takes this seriously and has been asked to do many things on housing affordability and it is difficult. For example, residents of District 6 living in older apartment complexes have experienced rent over the last 15 years has go from \$500 to about \$1,800. And, there is not much marginal improvement to those properties. You need to step up the game because this body is serious about stepping in. We need measurable improvement. Many people we represent do not vote but we still represent them. I am not satisfied with what I am hearing. I implore you to go back to your group and take seriously some of the dilapidated conditions and taxing on the city's policing and fire authorities. This is a two-way street, and this is something that is serious in our community. I will back my colleagues on stronger actions if we do not see measurable improvement.

Atlanta Apartment Association Director of Government Affairs Davis said we will welcome the opportunity to sit down with you and any of your colleagues and lay out the measurable goals and standards that we are looking for.

Councilmember Bauman stated we may want to meet onsite of some of the properties.

Atlanta Apartment Association Director of Government Affairs Davis replied if it is at a member apartment, it is easier.

Councilmember Jody Reichel said some of the ones we are concerned about may not be members. Can we have a list of apartments that are members?

Atlanta Apartment Association Director of Government Affairs Davis said yes. We will work with staff to identify the 98 and provide the information from that list.

3. **Rhonda Smith, 76 Long Island Place, Atlanta - South Greenway**

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 Jody Reichel**, seconded by **Councilmember Melissa Mular**, to approve the consent agenda. The motion carried by unanimous vote.

A. **2023-248 Meeting Minutes**

August 14, 2023 City Council Special Called Meeting
August 15, 2023 City Council Work Session
August 15, 2023 City Council Meeting
August 22, 2023 City Council Special Called Meeting

B. **2023-249 Request for Mayor and City Council Consideration to Accept a Temporary Driveway Easement on that Tract of Land Located at 6728 Brandon Mill Road (Tax ID# 17-0126-0001-045-7), Lying in Land Lot 126 of the 17th District, City of Sandy Springs, Fulton County, Georgia; TS-172 Brandon Mill Road Sidewalks – Lost Forrest Drive to**

Brandon Ridge Project

Resolution No. 2023-09-129

- C. **2023-250** Request for Mayor and City Council Consideration to Accept a Temporary Driveway Easement on that Tract of Land Located at 6778 Brandon Mill Road (Tax ID# 17-0087-0002-011-5), Lying in Land Lot 87 of the 17th District, City of Sandy Springs, Fulton County, Georgia; TS-172 Brandon Mill Road Sidewalks – Lost Forrest Drive to Brandon Ridge Project

Resolution No. 2023-09-130

- D. **2023-251** Request for Mayor and City Council Consideration of Request for Mayor and City Council Consideration of Agreement to Donate a Permanent Drainage Easement on Property Located at 2080 Spalding Drive in Land Lot 357 of the 6th District, City of Sandy Springs, Georgia (Tax ID# 06-0357-LL0205); Stormwater Project

Resolution No. 2023-09-131

- E. **2023-252** Request for Mayor and City Council Consideration of Acceptance of a Temporary Driveway Easement on Property Located at 255 Mt. Vernon Highway in Land Lot 89 of the 17th District, City of Sandy Springs (Tax ID# 17-0089-0007-016-7); TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Improvements Project

Resolution No. 2023-09-132

- F. **2023-253** Request for Mayor and City Council Consideration of Acceptance of a Temporary Driveway Easement on Property Located at 285 Mt. Vernon Highway in Land Lot 89 of the 17th District, City of Sandy Springs (Tax ID# 17-0089-0007-020-9); TS-191 Johnson Ferry Road/Mt. Vernon Highway at Roswell Road Improvements Project

Resolution No. 2023-09-133

- G. **2023-254** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on Property Located at 415 Johnson Ferry Road in Land Lot 71 of the 17th District, City of Sandy Springs (Tax ID #17-0071-0001-019-7); TS-191 Johnson Ferry/Mt. Vernon Highway at Roswell Road Intersection Improvements Project

Resolution No. 2023-09-134

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2023-255** ABL# 103219 - Approval of Alcoholic Beverage License Application for Beta Chapter Ramen LLC d/b/a Kyuramen – 6623 Roswell Rd, Ste G., Sandy Springs GA 30328

Applicant is James Yang for Consumption on the Premises Wine & Beer Beverages.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application Consumption on the Premises Wine & Beer Beverages for Beta Chapter Ramen LLC d/b/a Kyuramen – 6623 Roswell Rd, Ste G, Sandy Springs GA 30328.

This is a New Business for Consumption on the Premises Wine & Beer Beverages. The business is located at – 6623 Roswell Rd, Ste G., Sandy Springs GA 30328. Applicant submitted a completed application on June 27, 2023. Applicant has passed the background investigation.

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

Motion and vote. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melissa Mular**, to approve the application Consumption on the Premises Wine & Beer Beverages for Beta Chapter Ramen LLC d/b/a Kyuramen – 6623 Roswell Rd, Ste G, Sandy Springs GA 30328. The motion carried by unanimous vote.

- B. **2023-256** Request for Mayor and City Council Consideration to Approve Participation and Approve Entering a Memorandum of Understanding to Accomplish this Purpose to the FY 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Forrest Bohannon, Major, Sandy Springs Police Department, presented a recommendation to approve entering into a Memorandum of Understanding (MOU) with the City of Atlanta to apply for the FY 2023 Edward Byrnes Memorial Justice Assistance Grant (JAG) Program.

The U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) program provides funding necessary to support criminal justice initiatives, including providing additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice.

The U.S. Department of Justice is currently seeking applications for funding for the FY 2023 JAG Program to assist criminal justice efforts to prevent and reduce crime and violence and to improve the administration of the criminal justice system. The City of Sandy Springs (City) is eligible to receive a formula amount of \$17,029.

The City of Sandy Springs Police Department (SSPD) recommends these funds to be used to purchase an one (1) 18” Speed Alert Radar Message Sign with strobe to assist with patrol and to promote public trust between the community and the Department through non-enforcement interactions, and a Nikon Z 611

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digital camera, DJI RS 3 Mini camera stabilizer, iPhone 14 Pro Max 512g, and iSteady M6 smartphone stabilizer kit to create digital content for the website and social media channels to continue supporting the City's efforts to attract and retain an all-inclusive, diverse, expert, and accountable law enforcement workforce.

The City has been identified by the Bureau of Justice Assistance as a disparate jurisdiction and must submit a joint application to include all eligible applicants in the disparate grouping. To be eligible, the City is required to apply for the program along with Fulton County, the City of Atlanta, the City of College Park, the City of East Point, the City of Roswell, the City of South Fulton, and the City of Union City. The City of Atlanta is serving as the fiscal agent and will submit the application on behalf of all participating disparate municipalities. The City must enter into a memorandum of understanding that establishes the terms of the conditions of the grant and the obligations of the parties. Once awarded, the City of Atlanta will be responsible for distributing award funds to the other jurisdictions.

Jurisdiction	Government Type	Direct Allocation
Fulton County	County	\$10,818
Atlanta	Municipal	\$423,067
College Park	Municipal	\$24,317
East Point	Municipal	\$41,934
Roswell	Municipal	\$25,560
Sandy Springs	Municipal	\$17,029
South Fulton	Municipal	\$71,807
Union City	Municipal	\$22,879
Joint Allocation		\$637,411

The City of Sandy Springs is eligible to receive a formula amount of \$17,029. The award is based on the City's proportion of the three-year average number of violent crimes committed in the state of Georgia. The City does not anticipate the cost of the proposed items to exceed the awarded amounts and a match is not required for this grant program.

The City does not enter into an agreement with the City of Atlanta for the FY 2023 JAG Program. However, if this is the outcome, the City will forfeit the direct allocation of funds and perhaps endanger any future awards under this program.

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

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Tibby DeJulio**, to approve entering into a Memorandum of Understanding with the City of Atlanta to apply for the FY 2023 Edward Byrnes Memorial Justice Assistance Grant (JAG) Program.

Councilmember Paulson asked did the City already receive this grant?

Sandy Springs Police Major Bohannon said no. The City of Atlanta is handling the funding and the reporting, and we must complete the MOU.

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

Resolution No. 2023-09-135

- C. **2023-257** Request for Mayor and City Council Consideration of a Resolution to Approve a Metropolitan River Protection Act Certificate for River Corridor Review RC-23-02SS for Property Located at 6405 Riverside Dr.

Michele McIntosh-Ross, Planning & Zoning Manager, presented a recommendation to approve a Metropolitan River Protection Act Certificate for River Corridor Review RC-23-02SS for property located at 6405 Riverside Dr.

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 a pool, deck, and pavilion addition to existing single-family house. The site is located in Vulnerability Category "D," with a proposed impervious area of 15,791 square feet and Category "E" with a proposed impervious area of 1,789 square feet.

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

Motion and second. 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-23-02SS for property located at 6405 Riverside Dr.

Councilmember Mular said it appears a new flume is being added the design for stormwater runoff and one already exists. Will this flow on to Riverside Drive?

Mayor Rusty Paul said the ARC has the sole authority to review and control this.

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

Resolution No. 2023-09-136

IX. New Business

- A. **2023-258** Request for City Council Consideration of Appointments to the Sandy Springs Hospitality Board (Elizabeth Ann Delmas, Jason Sheetz, and Amanda Singer)

Rusty Paul, Mayor, City of Sandy Springs recommended the appointments of Elizabeth Ann Delmas, Jason Sheetz, and Amanda Singer to the Sandy Springs Hospitality Board.

Mayor Paul stated the City of Sandy Springs has some interesting organizations and one of them is the Hospitality Board with a quasi-governmental role. The board oversees the expenditure of approximately 32.14% of the hotel motel tax set aside by the Georgia General Assembly for promotion of Tourism and Hospitality in the state. Through the Hospitality Board, the portion of that money collected for Sandy

Springs is overseen by Jennifer Cruz and her team and they meet every other month. One of the original members of the Hospitality Board was Bruce Alderman when he owned The Brickery, one of the great restaurants in our history. Bruce served on this board for years and he has been a very valued member and his insight into the restaurant industry is unparalleled.

One of the challenges is this is a small board of about six or seven people and it is an early morning meeting. We have always obtained a quorum but sometimes by the skin of our teeth and it was recommended that we expand the Hospitality Board to include at least three more people. I am recommending three individuals.

Elizabeth Delmas will replace Bruce Alderman. She was called to my attention some time ago by **Kenneth DeSimone, Chief, Sandy Springs Police Department**. She has been in law enforcement most of her career. She is retired. She served with the Sandy Springs Police Department and wants to stay involved in the community. One of the advantages the city has is the perceived and actual safety of Sandy Springs hotels compared to competitive cities like Dunwoody, Brookhaven, and Buckhead in Atlanta, and other jurisdictions. This reflects on the great work of our first responders and police department to keep Sandy Springs safe. This is a very important selling point and to put somebody with law enforcement experience on the board cements those credentials in hotel and hospitality safety. She will be a great resource to our hoteliers because if we have a problem such as car break-ins, we have somebody in law enforcement on the board to further our competitive advantage.

Jason Sheetz grew up in Sandy Springs and is the co-owner of Under the Cork Tree and formerly of Hammocks.

Amanda Singer owns Just Love Coffee on Peachtree Dunwoody. I have received complaints about not having coffee shops in Sandy Springs besides Starbucks and she has brought that in.

I am asking Council to add these two individuals who have invested in this community with their businesses but also bring a lot of restaurant insight particularly with the new restaurants we hope to bring into the City. These two individuals will have a great impact on the Hospitality Board and particularly their insights into the kind of marketing that needs to be done to help bring people into our restaurants. If we want more restaurants in town, we must make the ones we have successful. Their success will be very valuable to the Hospitality Board and Jennifer and her staff and insights of target marketing will help bring people into the community and make the City's restaurants more successful.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Melody Kelley**, to approve the the appointments of Elizabeth Ann Delmas, Jason Sheetz, and Amanda Singer to the Sandy Springs Hospitality Board.

Councilmember Kelley said Division 2 of the Code, where the Hospitality Board is listed, is confusing. Does it need to be revised by the General Assembly?

Dan Lee, City Attorney, said no. We have not had a problem. This is policy decision Council must make. The Hospitality Board is an entity that is different than any other commission that you appoint. This is a not-for-profit corporation organized under the laws of Georgia. It is necessary to have this entity collect the 8% hotel motel tax. Of that 8%, a third goes to the Hospitality Board, a not-for-profit corporation entity your predecessors chose. The reason was because some local governments, not ours, had a tendency to out that in the general fund and not use it for tourism. This mechanism is intended to have a separate party to guarantee that at least a third of those funds will go toward the promotion of that industry. Another third comes to the City which must be uses toward that purpose. Sandy Springs uses

this toward the Performing Arts Center and the other third can be used as the General Fund sees fit.

Mayor Paul said I asked **City Attorney Lee** to weigh-in because it is different than any other entity we have in the City. It is outside the norm and when we built this building, a city manager, not the current one, felt that they did not belong in this building because they did not fit in with the other activities here. They spend about \$3,000,000 a year in marketing Sandy Springs. Jennifer has a great social media team and a salesperson who goes out to various conferences and meets with different tour groups, conventions and meetings to sell them on Sandy Springs. It is going to become even more important when we hopefully get the new hotel across the street as part of City Springs 2.0. They do a lot of good work, and it is a major benefit for us.

Councilmember Jody Reichel said people we are electing that do not have to be citizens or residents of Sandy Springs. This is a great way to get our citizens involved and I would like to see the residents of Sandy Springs sitting on some of these.

Eden Freeman, City Manager, said we will work with Raquel D. González, City Clerk to provide an update of the memberships.

Mayor Paul said other than this one board, which is different, every other member of the boards are residents of Sandy Springs. They must be under the charter.

Councilmember Melissa Mular said I support the appointment of Jason Sheetz. He opened a restaurant in the City of Woodstock and as we move forward with City Springs Phase II, it would be interesting to have his insight from working in two different municipalities and how that could help the City of Sandy Springs.

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

Resolution No. 2023-09-137

- B. **2023-259** Request for Mayor and City Council Consideration of an Ordinance to Amend Part I, Subpart B, Chapter 105, Article IV - Multifamily Rental Housing, of the City of Sandy Springs Code of Ordinances

Ginger Sottile, Director of Community Development recommended approval of the presented amendments to the Sandy Springs Code of Ordinances regarding Multifamily Rental Housing.

There are currently 98 apartment complexes in Sandy Springs with two new apartment complexes currently under construction. There are over 25,000 rental units currently in existence with approximately 1,300 structures combined. Of these structures, 47% do not have an automatic sprinkler system, 25% are partially sprinklered, and only 28% are fully sprinklered. This represents a large population of residents in Sandy Springs that are susceptible to fire. Furthermore, over half of the apartment complexes are over 30 years old, and several changes have been made to properties over the years. These changes include remodels that affect the architectural, structural, mechanical, electrical, and/or plumbing of the buildings that oftentimes are done without a permit and/or compromise certain life safety components of the building which increases the risks associated with fire and other types of damage.

The current Multifamily Rental Housing ("MRH") Ordinance is outdated and does not accurately reflect the actual inspection needs of the City to maintain safe multifamily dwellings for its residents. The

current ordinance is confusing to owners and property managers since the various MRH requirements are spread out across several different sections of the Sandy Springs, Georgia-Code of Ordinances. Currently, the building inspections are spread out over 5 years making it difficult for all parties to keep track of which buildings have already been inspected. Furthermore, due to the large number of aging apartments without sprinklers, there is a heightened risk of fire and potential loss of human life.

The proposed MRH ordinance was rewritten with simplicity in mind. All requirements were consolidated into one MRH ordinance making it easier for all parties to understand and for the City to enforce. Definitions were added to clearly identify the various items in the ordinance including who the various inspectors are, their respective roles and responsibilities, and their minimum qualifications. A chart was also added to graphically convey the inspection requirements, frequency, and responsible party.

Although most of the proposed MRH ordinance was written for clarity, there are a few notable changes that are based on historical fire trends that the Building Official and Fire Marshal feel are necessary for life safety. The most notable change is that 100% of the inspections will be completed annually, instead of being spread out over 5 years. Additionally, a separate inspection of the mechanical, electrical, and plumbing utility equipment will be required every 5 years to make sure that the equipment is properly maintained and operating within the manufacturer's specifications. Other administrative changes include training all owners and property managers on the new ordinance and requiring a Code Compliance Certificate, Property Manager Certification, and Certificate of Insurance to be submitted with the application for a new, or renewal, occupational tax certificate.

The trade inspector qualifications were updated today to match the state of Georgia licenses for these trades to be in sync with the state.

ORDINANCE NO. 2023-09-05

Trade Inspector(s) means any person inspecting the mechanical, electrical, and/or plumbing components of a *building* for safety and code compliance with the various adopted codes. Each of the *trade inspectors* shall have the following credentials:

1. **Mechanical Trade Inspector:** Licensed Conditioned Air Contractor in the State of Georgia
2. **Electrical Trade Inspector:** Licensed Electrical Contractor in the State of Georgia
3. **Plumbing Trade Inspector:** Licensed Plumber in the State of Georgia

Mayor Rusty Paul asked do the Mechanical, Electrical, and Plumbing Trade Inspectors need to be licensed in the specific areas in the state of Georgia to do inspections as of today?

Director of Community Development Sottile said that is correct.

Dan Lee, City Attorney, said the change reflects the definition of the three trades on the left to match what is already in the state code and what is found for all jurisdictions.

Motion and second. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Jody Reichel**, to approve the update to the Sandy Springs Code of Ordinances regarding Multifamily Rental Housing.

Councilmember Kelley asked why does the City have the Certificate of Insurance requirement?

Director of Community Development Sottile said it is for the protection of the occupants of the apartments themselves. If there was a catastrophic event and a loss of life, the families of those lost would be compensated. Also, if there was a loss of housing, it could be rebuilt for the occupants to move

back into.

City Attorney Lee said there is a requirement for insurance in many areas of regulation and the City enjoys that inspection by the insurance industry as it is helpful to staff to police these areas. Generally, if you get insurance, you can meet the code. This is another level of inspection for apartments.

Councilmember Kelley asked why does the City require additional training for inspectors?

Director of Community Development Sottile said this applies to third party inspectors. The City's inspectors are already familiar with the program. The training would be uniform so that everyone is consistent and looking for the same things and the correct things in the inspections.

Councilmember Kelley asked are the community sprinklers and hydrants inspected with the fire marshal?

Director of Community Development Sottile said yes.

Councilmember Kelley asked have there been discussions with the Georgia Apartment Association?

Director of Community Development Sottile said we had several meetings with them but we did not share the latest draft of the ordinance with the section on the insurance requirement. From the beginning, we discussed all the annual inspections for code and for the third party and provided updates through this process.

Councilmember Kelley asked what type of shelf life does a mechanical, electrical and plumbing system have?

Jonathan Livingston, Building Official, Community Development said it depends on the maintenance. For example, previous fires at apartment complexes were directly due to lack of maintenance. If the system is not maintained, it could start a fire. In old apartment complexes, the entire roof could burn quickly. This is why we are requiring inspections. It is the same type of inspections you do on your house such as a seasonal check to ensure the installation and maintenance meet manufacture specifications.

City Attorney Lee said the City does not have an electrical or structural engineer and the annual inspections are done by people who are trained for this overall inspection. These are the most complicated reviews in an apartment that our code enforcement staff are not capable of doing. The Building Department's requirement for the three trades to be inspected every five years is for a more technical review.

Councilmember Kelley asked how was 5 years decided?

Community Development Building Official Livingston said everything really should be maintained yearly. Staff consulted several HVAC and MEP larger firms in the area and asked them how often they recommend we do this, and it was between three to five years. We were sympathetic with time and additional expenses and decided five years is the maximum.

Councilmember Kelley asked is there a correlation with age and fire safety?

Keith Sanders, Chief, Sandy Springs Fire Department said we ensure inspections are done annually

on the main high frequency hazards by our Fire Marshal's Office. We also rely heavily on third party inspectors. To clarify, we do not inspect or test hydrants. A certified third-party professional will check and certify hydrants on an annual basis and, that is done in all the apartment complexes. They upload information about if it has been approved, repaired, or in service into a compliance engine and apartment complexes and commercial buildings also upload certification on inspection there.

Councilmember Kelley asked is fire safety information in the Week in Review?

Fire Chief Sanders said I am not aware there are inspections of apartment complexes but will check this.

Councilmember Kelley asked is this too much protocol for an apartment complex built in the last five years?

Director of Community Development Sottile said we are going from the older apartments, starting with the 20%, and making our way to the newest ones last so in five years.

Councilmember Kelley asked is this with the mechanical, electrical and plumbing? Will they all do 100%?

Director of Community Development Sottile said yes that is correct?

Councilmember Melissa Mular said consistency for industry standards was mentioned and is why third party inspectors need additional training. Are there industry standards the City would receive from an inspection?

Community Development Building Official Livingston said after this ordinance is approved, we plan on standardizing all our inspections depending on each apartment complex and what their needs are. We want to standardize reports to get and track the statistical data that will help us correlate and see trends on apartment complexes. The key to the success is being able to get good data. The goal is to standardize everything so that every third-party inspection is done the exact same way and is why we want to go through an approval process. Also, it is written in this ordinance, credentials must be submitted and verified every year.

Councilmember Mular said we require physical records be maintained on site in a three-ring binder due to record retention requests. Do they need to retain records for about five to seven years?

Community Development Building Official Livingston said any inspector with the City has the right to inspect anything at any given time. Code enforcement and the fire department do it all the time. It is beneficial for us to look at their records to see for example to determine if there was an inspection done prior to a fire. We are looking for accessible information.

Councilmember Mular asked is this our requirement and not like a federal or state requirement to retain for three to five years?

Community Development Building Official Livingston said there is a state statute of limitations that they must maintain. We need a document record for required annual inspections to ensure they were done and is what we are monitoring.

Councilmember Mular asked in addition to physical records, are they required to keep electronic files?

City Attorney Lee said this binder requirement is antiquated and not in the 21st century. This is generally an insurance requirement for your apartment complexes to insure the building.

Councilmember John Paulson stated I am a big fan of binders. An inspector can go into an apartment complex and see the physical records for a specific apartment as there may be electronic or other issues. A hard copy binder is simple. It also protects the apartment owners as well because they can show they have done the inspection.

Yvonne Shaw, Code Enforcement Manager, Community Development said speaking with the Fire Marshal's Office, it is also a matter of ownership and turnover with management. Information is not necessarily shared and is hard to contact people as their contact information changes. At a minimum, we ask that they at least have a binder or something that shows the inspection on site.

Councilmember Paulson asked what are the obligations for the required class? Is it all day for example?

Director of Community Development Sottile said we are having several from probably next month until the end of the year to get all 98 complexes and managers to take the course. It may be several hours to go through the ordinance, record-keeping, and to make sure that they have a full understanding of what our new requirements are. We want full compliance when we start in January.

Councilmember Paulson said some apartments owners did not see the full text of the ordinance until Friday. I request you meet with them. If they have an idea worth talking about, bring it back to Council. They are our partners in this.

City Attorney Lee said the City of Sandy Springs has never written a citation to an apartment complex where the violation was not directly affecting the life or safety of someone without a warning. For example, we recently prosecuted an apartment complex with 41 violations due to bypassing the breaker on new heating and air units. They were given 30 days to fix it with a 24-hour watch on people's homes but needed additional time. When the case came to court they were given 120 days and the issue was fixed. They had to pay a fine and the tickets were written. There is a convenience for compliance that I have not seen. Enforcement is an intricate part of every ordinance. They have an opportunity to fix the violation before it becomes a court citation.

Councilmember Tibby DeJulio asked are the people going in very year need to be licensed, certified and receive special education?

Community Development Building Official Livingston said the qualifications and certifications are in the first section and were keen and specific the definitions. For example, the certified building inspector and lists all the requirements in the ordinance.

Councilmember DeJulio said there was a good point made earlier that if apartment complexes are hiring the inspectors, the inspectors work for the person who is cutting the check? What protection does the City and the tenants have that this person is not working for the apartment complex but working for the City or the tenant when making this type of an inspection?

Community Development Building Official Livingston said legally City inspectors cannot walk into a private residence unless there is a problem. If the apartment complex hires them, they have the right to enter and is part of the contract. To protect us or the interested parties, we are requiring them to submit credentials to verify that they are who they are. If they are in violation of their certifications, they are also at risk of losing that certification by a governing jurisdiction.

Councilmember Reichel said our citizens deserve to live in safe homes and I am glad we are doing everything we can to make them safe. How does the City hold these apartment complexes accountable once they fail time after time? Do they keep getting fined or are steps taken to close some of these down?

City Attorney Lee said the people who are policing these apartments are here before you today and these proposed changes are the tools necessary to take this to the next level. We try to reach the owner directly, so they lose money. The management company is the front and often they will take the brunt as their selling point to the folks who do the work. This is a law of diminishing returns. With repeat offenders especially with fire code and structural problems that the building inspector finds present a safety problem, we are going to have to seek civil penalties in the Superior Court. City staff has done a good job of keeping any apartment in town from getting to that level but the presentation tonight is another tool to keep that from ever happening.

Councilmember Reichel said I want to understand how our new ordinances are going to get to the owners and to make sure that what we are enforcing is done. If not, what are the consequences for the apartment complex owners?

Fire Chief Sanders said prior to this ordinance, certified building inspectors were only inspecting 20% each year, now it is 100%. If certified building inspectors do not do an adequate inspection, they will be banned from the City. This is a perfect ordinance in reducing fire and life safety and will give us a more proficient annual inspection program for the entire 98 apartment complexes.

Councilmember Reichel asked are we willing to close some of these apartments if they are going to continue to violate some of these ordinances?

City Attorney Lee said an injunction is required to close them down. To get an injunction, your lawyer would have to come to you and get permission and I would submit to present a case that it was warranted and then we would have to take it to a superior court judge. That will be a policy decision for Council if we present a case.

Councilmember Andy Bauman said this is about providing a better quality and minimum standard of safety. I would like to see good understandable metrics so that the public that lives in these communities can understand what the impact of this is. It is important that we measure what we are doing, not just in how many fires we do not have but on whatever else we are trying to achieve.

Director of Community Development Sottile said data is hard for us to find and is in many places. We are working with staff to compile and clean all that information because some of it may not be as accurate. Standardizing the new data that comes in is going to be very important to help us have more accurate metrics as we move forward. We are hoping to have a vehicle in place to keep track of all this data when we start in January and can then accurately report out maybe quarterly.

Councilmember Bauman asked does the City still report crime statistics on communities?

Councilmember Paulson said we had an incident report map?

Eden Freeman, City Manager, said we still have it.

Councilmember Bauman said I also want to be mindful of the success stories because of the work that is done. For example, a community goes in and replaces 40 of the AC units, that information be known to

the tenants on demand. The challenge in this business structure is you have ownership and a management company, and, in many cases, they may not be part of the ownership. They are there to provide staffing, accounting, and maintenance. Hopefully we find a way, maybe legally to always require the name and a real contact person beyond a registered agent for the ownership of these properties. There must be a real stakeholder in understanding what our goal here is and it is the tenants and first responders because their lives are in jeopardy.

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

Ordinance No. 2023-09-17

- C. **2023-260** Request for Mayor and City Council Consideration to Approve Five Contract Awards for On-Call Traffic Engineering and Design Services for the City of Sandy Springs; To Authorize the City Manager to Enter into the Contracts and For Other Purposes

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to award contracts to provide for Traffic Engineering On-Call Services (the "Services") to the following firms: Atlas Technical Consultants, LLC; Gresham Smith; Jacobs Engineering Group, Inc.; KCI Technologies, Inc.; and Kimley-Horn and Associates, Inc.

The City issued a Request for Proposals ("RFP") 23-078, "On-Call Traffic Engineering Services," on June 14, 2023. Purchasing conducted a non-mandatory pre-proposal meeting online on June 22, 2022, and the procurement process closed on July 13, 2023. The City received proposals from eleven (11) firms.

The City is seeking Services to provide for:

- Traffic analysis, traffic studies, intersection control evaluations, and traffic safety and operational analysis, including roundabout feasibility studies; and
- Traffic engineering design, intersection design, and concept development; and
- Signal analysis, signal plans, signal phasing, and signal construction engineering inspection; and
- ITS analysis and design.

The purpose of these five (5) contract awards is to have several pre-approved consultants contracted to provide the Services, thus eliminating the need to submit each project through the proposal process which will accelerate project delivery. It is intended to award a contract to each of the five (5) firms for an initial one (1) year period, with up to four (4) optional renewal years. Each of the firms has provided a fee proposal with personnel rates by billing category as stated in each of the five (5) contracts.

Proposals were reviewed by the City's Purchasing Office for administrative and qualifications compliance, as well as by an evaluation committee consisting of the following five (5) members ("Evaluation Committee"):

- Brendan Fitzpatrick, Traffic Engineer
- Allen Johnson, TSPLOST Program Manager
- David Low, Senior Traffic Engineer
- Paris Waterman, Traffic Signal Operations Engineer
- Kristen Wescott, Traffic/Transportation Unit Manager

City Staff evaluated the Proposals with the following criteria:

- Project Understanding and Approach – 30%
- Project Team – 30%
- References – 40%

The Evaluation Committee recommends that the City award contracts to the five (5) highest scoring firms based on the anticipated future project needs.

Firm	Total Score (out of 100)
Gresham Smith	93.6
Kimley-Horn and Associates, Inc.	93
KCI Technologies, Inc.	92.9
Jacobs Engineering Group, Inc	92.6
Atlas Technical Consultants, LLC	92
Croy Engineering, LLC	90.6
Stantec Consulting Services	90.2
Lowe Engineers, LLC	85.8
Columbia Engineering and Services	85.2
NV5 Engineers and Consultants	85.1
WSP USA Inc	84.4

The Intersection and Operational Improvement Program, Traffic Management Program, TMC Fiber Program (under the Capital Projects Fund) and the TSPLOST Projects Fund have budgets to support projects for the contracted Services. Each project for these Services will have a separate scope and fee.

The City could elect to solicit individual proposals for each procurement opportunity in lieu of using pre-qualified firms for the Services.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Tibby DeJulio**, to award contracts to provide for Traffic Engineering On-Call Services (the “Services”) to the following firms: Atlas Technical Consultants, LLC; Gresham Smith; Jacobs Engineering Group, Inc.; KCI Technologies, Inc.; and Kimley-Horn and Associates, Inc.

Councilmember Paulson asked has the City worked with the five recommended firms before?

Public Works Director Martin said yes. These consultants have previously sought work the City.

Councilmember Paulson asked what is the dollar limit for the project before a bid is placed? How is it decided what the limit is for firms versus independent bidders?

Public Works Director Martin said qualifications were expressed in the criteria screening for consultants. We may have additional criteria for federal programs which may drive us to a separate procurement for those federal dollars. There may also be a specialized study among consultants.

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

Resolution No. 2023-09-138

- D. **2023-261** Request for Mayor and City Council Consideration of a Resolution to Approve a Contract Award to Lose Design for the Old Riverside Park Design and Construction Management Services Project and to Authorize the City Manager to Execute the Contract Documents.

Michael Perry, Director of Recreation and Parks, recommends approval of a contract award to Lose Design for design and construction management of the Old Riverside Park Project (Project No: P0019) (the "Project").

The purpose of the Project is to design, produce construction documents, coordinate required permitting, and provide construction management services for Old Riverside Park located at 6500 Old Riverside Drive. Lose Design, an approved on-call City design firm, was contracted in March 2022 to work with City Staff and the community to produce a Master Plan for the 23-acre park site. Virtual and in-person opportunities to provide feedback were offered to the community between June 6 and June 27, as well as September 27 through October 7. Community input was utilized to prepare a final concept plan that was presented to Mayor and City Council during the Work Session on December 6, 2022. The plan provides for public access, river observation, play experiences, green infrastructure, and nature trail use while maintaining the passive nature of the site.

Lose Design's Scope of Services for Old Riverside Park includes:

1. Final Design Development
2. Construction Documents
3. Permit Coordination
4. Bid Assistance
5. Contract Administration and Construction Management

Total fees for design services shall not exceed \$500,000. The estimated construction cost for Old Riverside Park is between \$4,500,000 to \$5,000,000. Partial funding is currently allocated within the City's Capital Fund. Should estimated construction costs exceed available funding, additional funding or phasing for the Project will be presented to Mayor and City Council at the appropriate juncture.

There are adequate funds available for the described design services in Capital Project P0019.

Motion and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Melody Kelley**, to approve a contract award to Lose Design for design and construction management of the Old Riverside Park Project (Project No: P0019) (the "Project").

Councilmember Bauman said I am excited to have this project going as it has been around since 2014 when I first served on this Council. It is an important park for District 6.

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

Resolution No. 2023-09-139

- E. **2023-262** Request for Mayor and City Council Consideration of a Resolution to Approve a Contract Award to Atkins North America for the Abernathy Greenway South Improvements Project and to Authorize the City Manager to Execute Same

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

award to Atkins North America for design, permitting and construction management of the Abernathy Greenway South Improvement Project (Project No. P0002) (the "Project").

Abernathy Greenway South is a 14-acre park spanning three (3) blocks. The widening of Abernathy Road caused dramatic changes to the drainage patterns that now exert additional pressure to the tributary on Marsh Creek that runs along the southern property edge. Existing drainage structures are overwhelmed with sedimentation and erosion. While there is little vegetation in the stream buffer, it is mostly composed of invasive plant species. The stream itself is impacted by high peak flows and siltation from large rain events occurring on Abernathy Road. Additionally, the resulting creek overflow washes away the aggregate pedestrian trail that runs the length the greenway.

The City retained Atkins North America in 2022 to evaluate existing conditions and develop an updated master plan of the entire Project site. The Plan includes several strategies to improve stream corridor health through bioretention (rain gardens) and streambank stabilization and in-stream structures. These improvements are a priority as they are necessary for proper functioning of the space as a public park. The Project focuses on the middle and eastern sections (Long Acre Drive to Wright Road and Wright Road to Roswell Road, at the Sandy Springs Village shopping center).

In March of 2023, Mayor and City Council approved an application for a 319(h) *Nonpoint Source Implementation Grant* for site improvements at the Abernathy Greenway South. Should the City be awarded this grant in the amount of \$400,000, these funds will be combined with approved City funding to support the implementation of the site improvement plan.

Atkins North America's Scope of Services for Abernathy Greenway South includes:

1. Final Design Development
2. Construction Documents
3. Permit Coordination
4. Bid Assistance
5. Contract Administration/Construction Management

Total fees for design services shall not exceed \$356,500. The estimated construction cost is \$3,500,000.

Construction funding sources include Capital Project P0002 and potentially the Georgia Environmental Protection Division 319(h) Grant. \$3.4 million in funding is available in Capital Project P0002.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember John Paulson**, to approve a contract award to Atkins North America for design, permitting and construction management of the Abernathy Greenway South Improvement Project (Project No. P0002) (the "Project").

Councilmember Mular asked when will the City know if the grant was awarded?

Director of Recreation and Parks Perry said it is currently recommended for state agency approval.

Kristin Byars Smith, Assistant City Manager, said when we last received the award, it took about 6 to 8 months before we could return to Council with the agreement. We may have a couple more months left before we know.

Councilmember Mular said a recommended ongoing maintenance plan is important. Is this included?

Director of Recreation and Parks Perry said yes and will be presented to Council soon. It will be part of the Green Infrastructure Program which has an element to authorize certified vendors to maintain some of the water quality infrastructures.

Councilmember Mular asked will this include maintenance to keep the stream flowing?

Director of Recreation and Parks Perry said yes.

Councilmember Mular asked is the City at risk with Corps of Engineering credits?

John Boudreau, Senior Project Director, Atkins North America, said they would attain the necessary permits for the scope of work impacting the stream. We envision a nationwide 13-permit requirement for stream restoration. Prior to the permitting process, we will pre-apply with the Corp to share the direction we are going and the next step is a preconstruction notification we will prepare to identify the impacts.

Councilmember Mular asked will there be increased cost and roadblock issues?

Atkins North America Senior Project Director Boudreau said a part of the nationwide 13-permit requirement is to address stream restoration and stabilization. We do not envision any impacts or delays.

Councilmember Mular asked is parking a part of this project?

Director of Recreation and Parks Perry said we considering about two to three spaces.

Atkins North America Senior Project Director Boudreau said the larger parking lot mentioned earlier is not part of this proposed design improvement.

Councilmember Mular asked can this be revisited later?

Director of Recreation and Parks Perry said yes.

Councilmember Melody Kelley asked does the \$3,400,000 in this project account include the \$1,300,000 we approved?

Director of Recreation and Parks Perry said yes. There was \$2,000,000 available from the previous cycle.

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

Resolution No. 2023-09-140

X. Reports

A. 2023-263 Mayor and Council Report

Mayor Rusty Paul stated I will be involved with the Georgia Municipal Association and Association of County Commissioners of Georgia to review legislative proposals. The centerpiece is trying to come up with some agreed upon reforms and the LOST negotiation process between cities and counties. I have been a part of the task force and meeting with a city mayor and three state county commissioners. They

have been amiable meetings and we have made some progress. Once everyone is in the room, over the next three days, we hope to make progress in minimizing the conflict and the destruction of relationships between counties and cities. There are about thirty Georgia counties with challenges in meeting LOST agreements. Everyone agrees the current system is not healthy and we will try to find a fix the cities and counties can agree to.

There are concerts on Sunday at Heritage Green. Encouraging everyone to come and enjoy as we wind down the summer in Sandy Springs. There is also the festival in September. The City has been without it for a few years but it is coming back. We will highlight this event in early fall.

Applications for the new Sandy Springs Leadership Academy are being accepted until September 15th.

Eden Freeman, City Manager said we are closing sooner as we are at 27 and the cap is 30.

Councilmember Kelley said regarding the discussion today, according to 2021 census data statistics, 50.5% of people in the City of Sandy Springs are renters. I support creating a front-facing platform that is transparent for the 50.5% of people affected by the decision made today and other decisions like it.

We should consider an asynchronous curriculum for the certification course and include a series of online modules. This could be a cost-savings instead of training apartment managers and third-party inspectors.

I would like a better understanding of the fees for apartment complexes. For example, the yearly amount the City is collecting for fines.

Councilmember Andy Bauman thanked **Kristin Byars Smith, Assistant City Manager**, and staff for the Crossroads Presentation. This was impressive. It was delivered bilingually and well received.

B. 2023-264 Staff Reports

Eden Freeman, City Manager, reported a closure on City Green for the last few weeks due to maintenance work on the cistern and installing a bypass system. The work is progressing ahead of schedule and barring bad weather, we anticipate reopening the Green and the sidewalks the week of September 18th which is about two weeks ahead of schedule. Veterans Park is also progressing and will be opened during our Veterans Day Ceremony on November 10th. Veterans Day is being celebrated on Friday this year and we will have the formal flag raising ceremony and the ribbon cutting to open the park for visitors.

We are working with Art Sandy Springs and look forward to having a discussion with Council and a decision for the art commission. This will probably be the last meeting in October, but Council will receive more information in the next couple of weeks.

The City has some upcoming events. Mutate at Five is returning this Friday beginning at 5 p.m. and there will not be Sundown Social since we have this festival. The mayor mentioned Concerts by the Springs on Sunday, September 10th. On Sunday, September 17th the City will have Guardians of the Jukebox who were rescheduled from an earlier date because of rain. Bluestone Arts and Music Festival is coming along well and begins on Friday September 29th at 4 p.m. and will run until 10 p.m. that night. There will be vendors, food trucks, and a kid zone.

I am really excited about the inaugural 5k9 on Saturday, September 30th at 8 a.m. where you can bring

your puppy and or adult dog and can plan to run the canine race. I do not know if there are any cats registered this year, but we can look into that if anyone is interested.

The City's last City Green Live of the season will be on Friday, October 13th. We are excited about the band and will have Samantha Fish and Jesse Dayton. Samantha was recently named the New Guitar Great to watch by Garden and Gunn.

Sparkle Sandy Springs and our inaugural ice rink is well underway. The ice rink will have a soft opening on November 17th and a full opening on November 24th. There will be timed entry for tickets, and you can either bring your own ice skates or you rent them. We are excited about having a new amenity here in City Springs as we kick off the holiday season.

XI. Executive Session

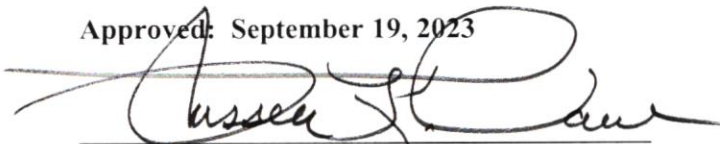
There was no Executive Session.

XII. Adjournment

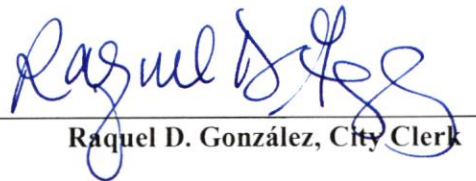
Motion and vote. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember John Paulson**, to adjourn the meeting. The motion carried by unanimous vote.

The meeting adjourned at 8:43 p.m.

Approved: September 19, 2023



Russell K. Paul, Mayor



Raquel D. González, City Clerk