

Meeting of the Sandy Springs City Council was held on October 17, 2023 Following PFA, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:08 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

Members Absent: Councilmember Andrew Bauman

III. Pledge of Allegiance

Mayor Rusty Paul led the Pledge of Allegiance.

IV. Public Comment

1. **Mary Ford, 5115 Timber Trail S NE, Sandy Springs** - Comment re: Dev Code Changes
2. **Karen Meizen McEnerny, 4604 Meadow Valley Drive, Sandy Springs** - Development Code Section 7.31.02 NU and Article 6; Cottage Court Changes
3. **Bill Cleveland, 6441 Wright Road, Sandy Springs** - Trees
4. **Suzanne Maziar, 5350 Timber Trail, Sandy Springs** - Development Code Update

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. **2023-286** Meeting Minutes
October 3, 2023 City Council Work Session
October 3, 2023 City Council Meeting
- B. **2023-287** Request for Mayor and City Council Consideration of the Adoption of the City of Sandy Springs 2024 City Council Holiday Schedule

Resolution No. 2023-10-151

- C. **2023-288** Request for Mayor and City Council Consideration of the Adoption of the City of Sandy Springs 2024 City Council Meeting Schedule

Resolution No. 2023-10-152

- D. **2023-289** Request for Mayor and City Council Consideration of a Resolution to Adopt the City of Sandy Springs 2024 Planning and Zoning Schedules

Resolution No. 2023-10-153

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2023-290** ABL 103341
Request for Mayor and City Council Consideration of an Alcoholic Beverage License Application for WBP Sandy Springs DBA/ Perrine's Tasting Room, 5920 Roswell Road Suite B108-B Sandy Springs, GA 30328
Applicant is Perrine Marie-Claude Prieur Gallardo for Wine, Consumption on the Premises, and BYOB.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application for New Business - Wine, Consumption on the Premises, and (BYOB) for WBP Sandy Springs DBA/ Perrine's Tasting Room, 5920 Roswell Road Suite B108-B Sandy Springs, GA 30328.

This is a New Business for Wine, Consumption on the Premises, and BYOB. The business is located at – 5920 Roswell Road Suite B108-B Sandy Springs, GA 30328. Applicant submitted a completed application on July 15, 2023 and passed the background investigation.

Motion and vote. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Melody Kelley**, to approve the application for New Business - Wine, Consumption on the Premises, and (BYOB) for WBP Sandy Springs DBA/ Perrine's Tasting Room, 5920 Roswell Road Suite B108-B Sandy Springs, GA 30328. The motion carried by unanimous vote.

- B. **2023-291** ABL 103346
Request for Mayor and City Council Consideration of an Alcoholic Beverage License Application for WBP Sandy Springs DBA/ Perrine's Wine, 5920 Roswell Road Suite B108-A Sandy Springs, GA 30328
Applicant is Perrine Marie-Claude Prieur Gallardo Retail/Package and Wine Tasting

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application for New Business - Wine, Consumption on the Premises, and (BYOB) for WBP Sandy Springs DBA/ Perrine's Tasting Room, 5920 Roswell Road Suite B108-A Sandy Springs, GA 30328.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Melody Kelley**, to approve the application for New Business - Wine, Consumption on the Premises, and (BYOB) for WBP Sandy Springs DBA/ Perrine's Tasting Room, 5920 Roswell Road Suite B108-B Sandy Springs, GA 30328.

Perrine Marie-Claude Prieur Gallardo, Owner, Perrine's Wine Shop, said we should be opening at the end of the month.

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

IX. New Business

- A. **2023-292** Request for Mayor and City Council Consideration of Reappointments to the Sandy Spring Development Authority - Toshia Battle and Sunny Park

Rusty Paul, Mayor, presented a recommendation to approve the reappointment of Toshia Battle and Sunny Park to the Sandy Spring Development Authority.

Generally, people are appointed for no more, or less than two terms. Toshia Battle and Sunny Park are finishing up their first terms, and have been great members of the Sandy Springs Development Authority. This Council should consider approving their reappointments.

Motion and vote. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Tibby DeJulio**, to approve the reappointment of Toshia Battle and Sunny Park to the Sandy Spring Development Authority. The motion carried by unanimous vote.

Resolution No. 2023-10-154

- B. **2023-293** Request for Mayor and City Council Consideration of Appointments to the Sandy Springs Board of Ethics - Joshua Heller, Bill Murray, and Eric Tillery

Rusty Paul, Mayor, presented a recommendation to approve the appointment of Joshua Heller, Bill Murray, and Eric Tillery to the Sandy Springs Board of Ethics.

A person can only serve two terms on the Ethics Commission. Gary Alexander, Kim Gay, and Jeremy Becker have served for a long time and have done a great job. This board meets quarterly. The City has not had a single case before the Ethics Committee in the last ten years. Board members need to engage in the City's government and have studied ethics. I am proud to appoint these three appointments.

Motion and vote. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Melody Kelley**, to approve the appointment of Joshua Heller, Bill Murray, and Eric Tillery to the Sandy Springs Board of Ethics. The motion carried by unanimous vote.

Resolution No. 2023-10-155

- C. **2023-294** Request for Mayor and City Council Consideration of Approval to Declare as Surplus Certain Property Owned by the City and Directing Disposal of the Same

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

The City's Public Works and Information Technology departments have property outside of the service date, and no longer of value to the City. The list provides all equipment for consideration of categorizing as surplus. The purchasing policy and code of ordinance directs the purchasing team to dispose of these items under the supervision of the city manager, in the most advantageous manner. With Council approval, the purchasing team will make items available for sale, donation, or disposal.

Motion and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melissa Mular**, to declare as surplus certain property owned by the City and directing disposal of the same.

Councilmember Tibby DeJulio asked what kind of property is it?

Chief Financial Officer Carlisle said these are outdated traffic cameras for Public Works, and phones and computers for IT.

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

Resolution No. 2023-10-156

- D. **2023-295** Request for Mayor and City Council Consideration to Authorize the City Manager to Execute Change Order 1 to Amend the Existing Contract with Atkins North America, Inc. as it Relates to the Roberts Drive Sidepath Scoping Study Project

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to authorize the City Manager to execute a Change Order amending the existing Contract with Atkins North America, Inc. ("Atkins") to provide additional scoping design services as it relates to the Roberts Drive Sidepath Scoping Study Project (Project No.: S2131-1) (the "Project").

Atkins was awarded a contract in the amount of \$141,436.15 to conduct a scoping study for the proposed sidepath, particularly the sidepath alignment. Factors to be considered included topography, right-of-way, drainage, environmental impacts, safety, utilities, and cost. Two alternatives were to be prepared by the Consultant.

After reviewing the initial two alternative alignments and proposed project phasing limits, City Staff recommends that additional alignments be considered to better address the needs of pedestrians, cyclists, the City, and the Island Ford Unit of the Chattahoochee River National Recreation Area. The additional alternative alignment would limit disturbance to the Park but would require additional mid-block crossing analysis and revisions of cost estimates. Additionally, City Staff recommends acquisition of perspective renderings, which were not included in the original scope of work.

Additional Scope	Proposed Fee
Sidepath Alignment Alternative and Changes	\$25,000.00
3D Graphics and Renderings	\$15,000.00
Update Cost Estimate and Report	\$16,000.00
Additional Project Coordination	\$4,500.00

Meeting of the City of Sandy Springs City Council
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
October 17, 2023 Following PFA
Page 5 of 11

Additional Expense	\$450.00
Total	\$60,950.00

The total proposed fee for this current Change Order is \$60,950.00. The original contract fee was \$141,436.15. This Change Order will bring the amended total Contract value to \$202,386.15. There are sufficient funds in Project S2131-1 to award Change Order One.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Melody Kelley**, to authorize the City Manager to execute a Change Order amending the existing Contract with Atkins North America, Inc. ("Atkins") to provide additional scoping design services as it relates to the Roberts Drive Sidepath Scoping Study Project (Project No.: S2131-1) (the "Project").

Councilmember Kelley asked are these changes initiated by the City of Sandy Springs?

Public Works Director Martin said yes. It was originally awarded at \$141,436.15, but did not require Council approval. This must come before Council since it is above the City Manager's statutory approval.

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

Resolution No. 2023-10-157

E. **2023-296** Request for Mayor and City Council Consideration of an Amendment to the FY2024 Budget to Fund the Utility Relocation Costs Associated with the Johnson Ferry Road and Mount Vernon Highway Improvement Project (TS-191)

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to authorize the Budget Amendment for CC006 to fund the utility relocation costs associated with the Johnson Ferry Road and Mount Vernon Highway Improvement Project (TS191).

The utility coordination phase has been determined as an opportunity to highlight the planned Veterans Park, which will encompass the Roswell Road Triangle at the intersection of Johnson Ferry Road and Mt Vernon Highway to the Sandy Springs Library. To optimize the aesthetics of the Veterans Park and to supplement the aerial-to-underground improvements already implemented for the City Springs development, the City of Sandy Springs has coordinated with all aerial utilities for the development of an "aerial-to-underground" plan. In order for all of the poles to be removed, all utilities that are aerial need to be relocated underground.

Originally, CC006 was budgeted to include the electrical work associated with the TSPLOST project. However, it made the most sense to include all the utility work associated with the TSPLOST project under project CC006 to help with control. Additionally, moving the cost of utilities to project CC006 will free up funding under the TSPLOST 2016 program for the actual construction of the TS191 project.

Budget Amendment Request

Total Requested Amount: \$440,000.

- Below are the estimated remaining costs associated with aerial-to-underground utility relocation for the Johnson Ferry Road and Mount Vernon Highway improvement project:
 1. AT&T aerial-to-underground relocation: \$200,000 (estimated)

2. Comcast aerial-to-underground relocation: \$240,000

The amount proposed to be transferred from Capital Contingency (CC9999) to Project CC006 is \$440,000. There is adequate funding available in Capital Contingency to fund the utility relocations associated with aerial-to-underground utilities.

Motion and second. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember Jody Reichel**, to authorize the Budget Amendment for CC006 to fund the utility relocation costs associated with the Johnson Ferry Road and Mount Vernon Highway Improvement Project (TS191).

Councilmember Reichel asked will the wires going down Mount Vernon Highway be buried underground?

Public Works Director Martin said yes. Especially the wires seen on poles on Mount Vernon Highway, plus the wires that span from tower to tower on the Roswell Road frontage, and further to the east.

Councilmember Melody Kelley asked is the Capital Contingency account a T-SPLOST account?

Public Works Director Martin said no. It is built from savings of other capital projects.

Councilmember Kelley asked does this represent an increase in cost?

Public Works Director Martin said it is finding a different funding source for the utilities, as with the T-SPLOST project now out for bids.

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

Ordinance No. 2023-10-18

- F. **2023-297** Request for Mayor and City Council Consideration to Approve an Agreement with Comcast Cable Communications for Aerial-to-Underground Utility Relocation as it Relates to the Johnson Ferry Road and Mount Vernon Highway Intersection Improvements Project and Authorizing the City Manager to Execute the Same

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve the Agreement with Comcast Cable Communications ("Comcast") for aerial-to-underground utility relocation as it relates to the Johnson Ferry Road and Mount Vernon Highway Intersection Improvements Project (Project No. TS191) (the "Project").

On September 4, 2018, the City Council for the City of Sandy Springs (the "City") voted to move forward with the Compressed Grid design for this project. The Project is currently in Right-of-Way Acquisition, Utility Relocation and Construction Bidding phases.

The utility coordination phase has been determined as an opportunity to highlight the design planned for Veterans Park, which will encompass the Roswell Road Triangle, at the intersection of Johnson Ferry Road and Mount Vernon Highway to the Sandy Springs Library. To optimize the desired aesthetics for Veterans Park, and to supplement the aerial-to-underground improvements already implemented for the City Springs development, the City has coordinated with Comcast for the development of an "aerial-to-

underground” plan for preexisting telecommunication lines. In order for all of the poles to be removed, all utilities that are aerial need to be relocated underground, including Comcast.

The Aerial-to-Underground Utility Relocation effort for Comcast consists of implementing the preliminary engineering design. Comcast will follow the trench plan established by Georgia Power. The aerial-to-underground plan for the distribution poles and lines is essential to both executing the TSPLOST-funded transportation project, TS191, and in creating Veterans Park. Once Georgia Power completes the construction of the trench, Comcast will relocate their overhead infrastructure underground bringing the distribution poles one step closer to being removed.

The cost of the Aerial-to-Underground Utility Relocation effort is \$239,998.00. There is adequate funding in Project CC006 to fund the utility relocations.

Council may choose not to approve the Agreement with Comcast and, the City could redesign the Project to leave the utility poles above ground in the area surrounding the future sight of Veterans Park.

Motion and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Tibby DeJulio**, to approve the Agreement with Comcast Cable Communications (“Comcast”) for aerial-to-underground utility relocation as it relates to the Johnson Ferry Road and Mount Vernon Highway Intersection Improvements Project (Project No. TS191) (the “Project”).

Councilmember Melody Kelley asked is the Capital Contingency account part of the budget set annually?

Public Works Director Martin said yes. There is an additional overhead referred to as Capital Contingency should circumstances require funds be allocated to other items, not allocated out of Capital.

Toni Carlisle, Chief Financial Officer, said the approved \$440,000 comes out of the Capital Contingency Fund.

Eden Freeman, City Manager, said also, cost savings from other appropriated CIP projects roll into the Capital Contingency Fund and carries forward from year to year.

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

Resolution No. 2023-10-158

- G. **2023-298** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Fee Simple Right of Way, Permanent Drainage Easement and Temporary Construction Easement on Property Located at 325 Hammond Drive in Land Lot 70 of the 17th District, City of Sandy Springs (Tax ID# 17-0070-LL063-8)

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve an Agreement to Purchase Fee Simple Right of Way, Permanent Drainage Easement and Temporary Construction Easement on that tract of land lying and located in Land Lot 70 of the 17th District, Fulton County, Georgia. The property is owned by Turnbull Associates, LLLP, and is located at 325 Hammond Drive, Sandy Springs, Georgia.

The acquisition of 1,130.03 square feet of Fee Simple Right of Way, 857.37 square feet of Permanent

Drainage Easement, and 1,912.30 square feet of Temporary Construction Easement on the subject property is necessary in order to construct the T-0058-1 Boylston Drive at Hammond Drive Intersection Improvements/Streetscape Project.

The City's Appraised Fair Market Value offer was \$161,900.00. After amicable negotiations, Staff has reached a settlement in the amount of \$169,700.00 with the property owners. Included in the City's offer was mitigation compensation, also known as a "Cost to Cure", in the amount of \$74,193.00. This is due to the project's negative impact on the parking lot and ornamental landscaping frontage along the parcel's impacted roadway frontages. The property owner countered the City's offer while seeking an additional \$7,800.00 in Cost to Cure compensation. The settlement has been reviewed and deemed reasonable.

Sufficient funds are available in Project T-0058-1 Boylston Drive at Hammond Drive Intersection Improvements/Streetscape Project for this acquisition. The acquisition reflects the minimum amount of right-of-way required in order to deliver the desired project.

Motion and vote. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Melody Kelley**, to approve an Agreement to Purchase Fee Simple Right of Way, Permanent Drainage Easement and Temporary Construction Easement on that tract of land lying and located in Land Lot 70 of the 17th District, Fulton County, Georgia. The property is owned by Turnbull Associates, LLLP, and is located at 325 Hammond Drive, Sandy Springs, Georgia. The motion carried by unanimous vote.

Resolution No. 2023-10-159

H. **2023-299** Request for Mayor and City Council Consideration to Approve a Contract Award to SCA Construction to Construct the 5185-5200 Falcon Chase Lane Pond Rehabilitation Project

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve a contract award to SCA Construction ("SCA") for the construction of a stormwater drainage improvement project as it relates to the Falcon Chase Lane Pond and Pipe Rehabilitation Project (the "Project").

In 2021, the City of Sandy Springs (the "City") engaged an engineering firm to develop plans for the removal of accumulated sediment and pipe rehabilitation of the stormwater pond located at 5185 Falcons Chase Lane and 5200 Falcon Chase Lane. The Project aims to restore diminished capacity inside the detention pond and rehabilitate the existing infrastructure studied and to bring the drainage system up to City standards. The Project scope consists of:

- Remove and haul off 470 cubic yards of accumulated sediment.
- Repair existing inlet flume.
- Install 12" pipe and headwall.
- Improve existing outlet control structure.
- Install overflow weir trash rack.
- Rehabilitate outlet pipe using Spincast method and spot repair with injection grouting.
- Install new chain-link fence and gate.

On August 9, 2023, the City issued an Invitation to Bid ("ITB") 24-010 seeking bids from qualified contractors to perform construction services for the Project. Purchasing conducted a non-mandatory pre-proposal meeting on August 17, 2023. The following three (3) responses were received by the September

18, 2023, deadline:

Company	Amount
Projected Estimate for the Project	\$382,379.80
SCA Construction	\$375,851.88
Blount Construction Company	\$431,907.78
Vertical Earth, Inc.	\$606,825.63

Upon review of the responses, Staff recommends that award be made to the responsible and responsive bid of SCA Construction in the amount of \$375,851.88. The construction budget for the Project is \$400,000.00. There are adequate funds available in the Stormwater Capital Maintenance and Improvements Account budget to award this contract.

Motion and vote. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Jody Reichel**, to approve a contract award to SCA Construction ("SCA") for the construction of a stormwater drainage improvement project as it relates to the Falcon Chase Lane Pond and Pipe Rehabilitation Project (the "Project"). The motion carried by unanimous vote.

Resolution No. 2023-10-160

X. Reports

A. 2023-300 Mayor and Council Report

Mayor Rusty Paul said the rally on Tuesday in support of Israel was the largest event the City ever had on this campus, and there were probably 4,000 people. In addition, almost 7,000 people streamed it which includes New York, New Orleans, and Israel. Thank you everyone for your efforts and for the law enforcement agencies who helped make it safe for people to want to come here. I am glad the City of Sandy Springs was able to host it.

I will be leaving tomorrow for three days in Washington, D.C. to attend a Bloomberg Philanthropies Mayors Conference. We will review how municipalities are using Artificial Intelligence. This is a cutting-edge tool many people are looking at, and I am excited to be part of that conversation, and share ideas the City of Sandy Springs can utilize.

The City had the last Concert on the Green and people had a magnificent time, though there was inclement weather.

The Fiddler on the Roof is still happening at the Performing Arts Center, and I had an opportunity to hear two of the actors at Temple Sinai talk about how they used their personal life experiences to prepare for the role. The whole cast is phenomenal.

The City will be dedicating the new Veterans Park across the street on November 10th to celebrate Veterans Day, and we look forward to the opening. Thank you everyone for your efforts, including contractor Reeves Young, in trying to meet the deadline.

Lastly, the United States Conference of Mayors (USCM) met in Buckhead, and I attended. **Andre Dickens, Mayor, City of Atlanta** hosted a Public-Private Partnership (P3) Committee to see how communities can do a better job of using P3, and there was a lot of focus on the infrastructure. The City

of Sandy Springs was recognized by a USCM senior staff member, and across the country for our P3 expertise. It was an enlightening two-day meeting with Mayors from mostly the southeast, but other parts of the country as well. There are exciting things going on with P3 and the City of Sandy Springs is always interested, and it is an opportunity for us get back to our roots.

Councilmember Reichel thanked everyone for their efforts with the Solidarity Rally to show support for the State of Israel, and grieve the hundreds of lives lost. I have been in touch with several synagogues recently and people felt safe to be a part of the event. **Councilmember Andy Bauman** is not present tonight, and wishes that I expressed the same sentiments on his behalf.

Mayor Paul said it was a savage attack in Israel. The rally was a great event, and people were emotional when they saw what the City of Sandy Springs did for the country.

B. 2023-301 Staff Reports

1. August 2023 Unaudited Financials

Toni Carlisle, Chief Financial Officer, presented the review for the August 2023 unaudited financials.

The City is at at 16.67% of the new fiscal year. Revenues are at 5.21% and expenditures are at 43.22% of the budget. The packet provides a trend of interest earned for GA Fund 1 and Truist for FY23 and FY24. The City is two months into the fiscal year, and revenues are as expected. Property taxes will begin to trickle in this month (October) with the largest portion received in November. As of this report date, departments are managing the expenditures as budgeted.

Councilmember Melody Kelley asked what is the project number for the Roberts Drive Sidepath Project?

Eden Freeman, City Manager, said 2321 is Powers Ferry Sidepath and Roberts Drive Sidepath is S-2221, but we will doublecheck these numbers.

Mayor Paul said we must keep watch on state revenues, particularly those generated by consumer sales, as they are trending downward. We must stay within our means, and be prepared to make some adjustments mid-year.

XI. Executive Session

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

Passed Yes 5, No 0, Abstained 0

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

Nays: None

The Executive Session began at 7:04 p.m.

Councilmember Jody Reichel left Executive Session at 7:28 p.m. prior to voting to return to regular order.

Motion and vote. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Tibby DeJulio**, to adjourn the executive session and return to regular order. The motion carried by unanimous vote.

Passed Yes 4, No 0, Abstained 0

Yeas: John Paulson, Melody Kelley, Melissa Mular, Tibby DeJulio

Nays: None

The Executive Session ended at 7:29 p.m.

XII. Adjournment

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

The meeting adjourned at 7:29 p.m.

Approved: November 7, 2023



Russell K. Paul, Mayor

Raquel D. González, City Clerk