

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

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:09 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. **Mary Ford, 5115 Timber Trail S NE, Sandy Springs** - Comment on Development Code Updates
2. **Rhonda Smith, 76 Long Island Place, Sandy Springs** - Development Code

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 (1) and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melissa Mular**, to approve the consent agenda.

Amendment to motion (1) and vote. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Andy Bauman**, to amend the Consent Agenda by removing agenda item 2023-320. The motion carried by unanimous vote.

Vote on the motion (1). The motion carried by unanimous vote.

A. 2023-319 Meeting Minutes

November 7, 2023 City Council Work Session
November 7, 2023 City Council Meeting

- B. 2023-320** Request for Mayor and City Council Consideration of a Resolution to Accept a Colonial Pipeline Company Encroachment Agreement with the Colonial Pipeline Company for property lying in Land Lots 23, 24, 30 and 31 in the 17th District, Fulton County,

Georgia

**** Removed from the Consent agenda and added to New Business as last item.**

- C. **2023-321** Request for Mayor and City Council Consideration of a Resolution to Accept a Governmental Encroachment Agreement for Easement with the Georgia Power Company for property lying in Land Lots 23, 24, 30 and 31 in the 17th District, Fulton County, Georgia

Resolution No. 2023-12-170

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2023-322** ABL #103981
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for Act 3 Productions, Inc. d/b/a Act 3 Productions/The Act 3 Playhouse – 6285-R Roswell Rd., Sandy Springs GA 30328

Applicant is Mary Sorrel for Consumption on the premises

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application Consumption on the premises for Act 3 Productions, Inc, d/b/a Act 3 Productions/The Act 3 Playhouse – 6285-R Roswell Rd., Sandy Springs GA 30328.

This is a New Application for Consumption on the premises. The business is located at 6285-R Roswell Rd., Sandy Springs GA 30328. Applicant submitted a completed application on September 11, 2023 and 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 for Act 3 Productions, Inc, d/b/a Act 3 Productions/The Act 3 Playhouse – 6285-R Roswell Rd., Sandy Springs GA 30328. The motion carried by unanimous vote.

- B. **2023-323** ABL # 103994
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for Concourse Athletic F and B LLC d/b/a Concourse Athletic Club – 8 Concourse Pkwy, Sandy Springs GA 30328

Applicant is Brian Nelson for Consumption on the Premises Wine, Malt, &

Distilled Spirits.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application for Change of Ownership - Consumption on the premises Wine, Malt, and Distilled Spirits for Concourse Athletic F and B LLC d/b/a Concourse Athletic Club – 8 Concourse Pkwy, Sandy Springs GA 30350.

This is a Change of Ownership for Consumption on the premises Wine, Malt, and Distilled Spirits. The business is located at – 8 Concourse Pkwy, Sandy Springs GA 30350. Applicant submitted a completed application on September 11, 2023 and 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 Tibby DeJulio**, seconded by **Councilmember Melody Kelley**, to approve the application for Change of Ownership - Consumption on the premises Wine, Malt, and Distilled Spirits for Concourse Athletic F and B LLC d/b/a Concourse Athletic Club – 8 Concourse Pkwy, Sandy Springs GA 30350. The motion carried by unanimous vote.

C. **2023-324** Request for Mayor and City Council Consideration of a Resolution to Approve the Crossroads Small Area Plan 2023 Update

Michele McIntosh-Ross, Planning & Zoning Manager, presented a recommendation to approve the Crossroads Small Area Plan 2023 Update.

The Crossroads area was studied as part of the Roswell Road Small Area Plan in 2017, a component of the City's Next Ten Comprehensive Plan 2017. The 2022 5-year Update of the Next Ten recommended updating the Small Area Plans and the Crossroads area was identified as an area to study and update within the Roswell Road Small Area Plan. In late 2022, the City retained the professional consulting services of RHI to oversee development of the Plan Update and RKG & Associates for the economic analysis, to assist the staff planning team and the community with identifying the appropriate projects, policies, and programs.

The Crossroads Small Area Plan Update kicked off in January 2023 with focus group meetings and a site visit to assess the area. Public engagement opportunities included two in-person public open houses, two online engagement activities, stakeholder discussions with commercial property owners, business owners, and residents in the area. Feedback was solicited in both English and Spanish. The feedback gathered from these events has informed the recommendations for the Crossroads Small Area Plan Update.

The Crossroads Small Area Plan Update provides an action plan with policies and programs that are meant to meet the vision and goals identified in the Plan to guide future development and growth for the Crossroads area. On November 13, 2023, the Planning Commission unanimously voted to recommend approval of the Crossroads Small Area Plan 2023 Update.

Mayor Rusty Paul opened the public hearing.

Support

1. **Melanie Couchman, 8890 Huntcliff Trace, Sandy Springs**
2. **Mazoud Zahedi, 5801 Roswell Road, # F, Sandy Springs**

Mayor Paul said there is nothing in this plan or in our land use that would prevent any landowner from seeking to rezone and modify a project. Can they propose anything they wish to be considered by this Council?

Kristin Byars Smith, Assistant City Manager said that is correct.

Mayor Paul addressed Mr. Zahedi and said anyone can bring forward their zoning or land use plans for Council to consider. This does not mean it will be approved, but we do not have to incorporate that into the plan.

3. Rhonda Smith, 76 Long Island Place, Sandy Springs

Mayor Rusty Paul closed the public hearing.

Motion (1) and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Jody Reichel**, to approve the Crossroads Small Area Plan 2023 Update.

Councilmember Bauman thanked everyone for their efforts in the Crossroads Small Area Plan. A lot of work has gone into this for a few years, and I appreciate the opening comments. We are doing this because Council directed it during the City's Next Ten 5-Year Update. This brings into focus the process and why we make plans and get all the stakeholders involved. It was an organized bilingual effort and there were dozens of meetings to participate in. It gets a lot of what people want but not everything. It is aspirational. To **Mayor Paul's** point, nothing in the crossroads plan changes anything, other than the City's vision. Do you agree this is the City's vision?

Assistant City Manager Byars Smith said yes. We are not actively rezoning any properties as part of this process.

Councilmember Bauman said for example, the properties on Lake Forest Drive could be maintained as single family homes in perpetuity. Likewise, the City designates the rehab and renovation area and results in the current status quo of those properties. If property owners want to come and redevelop there is nothing that would mandate rent control or rent restrictions. We need to be clear of what we are doing here. This process also goes back to redeveloping The Prado, and making sure we look at the entire area. There are controversial elements of it, but I do not know of anybody that opposes this process or thinks that the status quo of this area 30 years from now is a good idea. If there are opportunities for area improvements on what exists, we should not stand in the way of that, and this is the beginning of Council putting the conditions in place. I am strongly in favor of this plan.

Councilmember Melissa Mular asked if one section of the code is not approved, what happens to that item? Does it come back to Council at another meeting?

Mayor Rusty Paul said it depends on the vote of Council. If nothing happens and it is approved tonight, then it stands. If a section was vetoed, the whole code as presented would have to be vetoed and be brought back to Council.

Councilmember Melody Kelley asked was the education sector brought in when engaging stakeholders?

Planning & Zoning Manager McIntosh-Ross said we talked to several groups including, property owners, residents, Community Assistance Centers, and others, and there was some educational

component with folks from Lake Forest Elementary.

Councilmember Kelley asked was there some conversation with Fulton County Schools?

Planning & Zoning Manager McIntosh-Ross said not with any officials from Fulton County Schools, but folks from the Lake Forest Elementary.

Councilmember Kelley asked what was the insight around the proposed density and 10 stories?

Planning & Zoning Manager McIntosh-Ross said an economic analysis determined that would work.

Councilmember John Paulson said the need to identify rapid transit was discussed and we do not know where it is going to be, or the mechanics of doing it. Do we have a detailed area for that on this plan?

Planning & Zoning Manager McIntosh-Ross said on our map we showed the potential Bus Rapid Transit station to be on the Southeast corner of Roswell Road and I-285. Also, within our implementation matrix, we have a line item that shows to continue discussion with GDOT and MARTA about that.

Councilmember Tibby DeJulio asked is GDOT using the Southeast corner as a staging area?

Planning & Zoning Manager McIntosh-Ross said that is correct.

Councilmember DeJulio asked have discussions started with GDOT about turning it into a Bus Rapid Transit station?

Planning & Zoning Manager McIntosh-Ross said the plan shows it as a preferred location. There are several sites being discussed.

Councilmember DeJulio asked how did you decide on 10 stories?

Planning & Zoning Manager McIntosh-Ross said this number came from discussions with all the stakeholders and what the community determined was appropriate.

Councilmember DeJulio said when the City first started, that area was unlimited in height because at that time the City wanted to redevelop that area. Nobody moved on it and now we are discussing 10 or 12 stories. I am concerned that we would make property more valuable for somebody to sell, and we have seen that several times in the City. Has anyone wanted to put a 10-story property in this City? I was told by staff this will allow a developer to make a proposal to Council because it is in the plan. As **Mayor Paul** said, there is nothing to stop anybody from coming into the City with any type of a proposal. No matter how outrageous the number of stories, we must consider it. Why are we doing this now when we do not have any demand or proposals?

Planning & Zoning Manager McIntosh-Ross said when we talked with stakeholders, we engaged The Prado's ownership and they do have plans to utilize a residential building of 10 stories.

Councilmember DeJulio said I spoke with the attorney for The Prado and was told no when I asked if they had any plans to do anything. What we are doing is making this property more valuable for somebody and some real estate people may take advantage. We need to look at a concrete proposal.

Kristin Byars Smith, Assistant City Manager, said The Prado's property owner approached the City about two years ago with interest. The existing development code does not have a Shopfront Mixed-Use Zoning District, that would allow them to ask for that kind of height. Part of this process when we decided to pursue the Crossroads Small Area Plan was to look at The Prado and its impact on the entire area rather than that property itself. As part of this plan, we you wanted to vet all the different options and create a relevant height district that they could ask Council for that height they are looking for. Before that, they did not have a zoning district that was an option for them in the specific area to request that height.

Councilmember DeJulio asked can this Council change districts, height requirements, and zoning requirements?

Assistant City Manager Byars Smith said yes.

Councilmember DeJulio said if somebody were to make a proposal, this Council can decide based upon that rather than preempting it, because two years ago they came and nothing was done, unless they have paid their own people. They came to us with a concept, but concepts are not concrete proposals. I like the idea of that whole area being improved but I do not see why we are doing this now.

Assistant City Manager Byars Smith said they wanted to do something, but we told them to wait because the City did not have a relevant zoning district. We were doing this plan and needed to look at the entire area.

Councilmember DeJulio asked were they told to not apply or make a proposal to the City?

Assistant City Manager Byars Smith said there was no zoning district at the time, nor did we think there was desire of Council to create a new zoning district without looking at the area in its entirety.

Councilmember DeJulio asked was it presented to Council for consideration, not approval?

Assistant City Manager Byars Smith said yes. We received direction from Council to look at the entire area and create a plan.

Councilmember Mular asked is this plan change reflected in the Code adding SX-6/10?

Assistant City Manager Byars Smith said yes. The current draft includes an SX-6/10 District.

Councilmember Mular said in District 3, there are two Parcels at the corner of Abernathy Road and Roswell Road, which may be SX-3 now. On the other side of Councilmember Reichel's District 4, there is also an SX-3. If Council approves this plan and SX-6/10, could those property owners now petition for the maximum of 10 stories versus the current maximum of 6?

Assistant City Manager Byars Smith said yes, they can ask for a rezoning.

Councilmember Mular said there may be another SX-3 in District 6 at Powers Ferry Landing. Are there potential ramifications across the City where there is SX?

Assistant City Manager Byars Smith said yes. If there were a rezoning request, it would come to Council and go through the public process.

Councilmember Mular asked can guardrails of parcel size potentially be placed to not have little pieces of property where the City cannot handle traffic, make amendments, or the typography is an eyesore? Something similar was done in the NEX District.

Assistant City Manager Byars Smith said we created specific conditions within the NEX district because that was designed for several specific shopping centers. We have not anticipated that with this specific change, but Council could opt to remove that District proposed within the Code update, and we could return with other considerations.

Councilmember Bauman said the topic on the table is the Crossroads Vision Plan. Are we discussing the Development Code or the Crossroads Small Area Plan? Adopting this does not create a new zoning District within the SX. There were many important questions, and we will have a debate and a motion coming up later in the agenda. At this point, it is an aspirational master plan.

Councilmember Mular asked if this is approved, should Council approve what is in the development Code item to be in sync?

Mayor Rusty Paul said that is for every member of this body to determine based on input from staff.

Councilmember Paulson said this does not commit the City to anything other than ideas of protection preservation, and rehabilitation. This is an interesting concept plan with some good ideas. Some things are not tied together at this point, and we may find later that we do not agree on some of the aspect aspirations. Let us see what happens next.

Councilmember Reichel said I agree with **Councilmember Paulson** and there are still many steps that have to be taken in order to get a 10-story building in that location. Council met with the owners of The Prado a couple years ago and they do have plans to move forward soon.

Mayor Paul asked as professional Planners, would you design The Prado as it is today?

Assistant City Manager Byars Smith said no.

Mayor Paul asked what makes staff think adding density to that complex will make it better?

Planning & Zoning Manager McIntosh-Ross said the additional density would invoke some investment that could improve, the garages, parking, and traffic circulation.

Mayor Paul said we concede that there is a circulation and traffic management problem there. Why is adding additional density going to make it better?

Planning & Zoning Manager McIntosh-Ross said the plan with the additional density is restructuring all of that.

Mayor Paul asked are they going to tear down buildings, widen streets, and increase parking?

Planning & Zoning Manager McIntosh-Ross said yes.

Mayor Paul asked to add 10 stories would the site need to be torn down and re-constructed?

Planning & Zoning Manager McIntosh-Ross said yes.

Assistant City Manager Byars Smith said it not every single element of the site, but many of them. The plan proposes some major structural changes to the site, for instance a separation of two parking decks and a green space in the middle.

Mayor Paul asked has the owner agreed to those changes?

Assistant City Manager Byars Smith said staff had many discussions with the property owner and made some proposals. We have provided general guidance that if there is a rezoning request, significant investment in the site must be made and the site will need to be restructured for circulation and traffic management. They can make tweaks to what we have shown in the master plan and ask Council to approve through the rezoning process, and Council would anticipate that when you get into the details of the design of the site. We are at a high level in terms of looking at this from a master planning perspective, but this is what we are looking for as part of any rezoning application.

Mayor Paul asked does adding seven to 10 stories justify a major redevelopment of the site?

Assistant City Manager Byars Smith said yes.

Mayor Paul asked can staff recommend opposing that proposal?

Assistant City Manager Byars Smith said yes. That would not align with the Crossroads Small Area Plan if they did not make other major site investments.

Mayor Paul said I would like some commitments from the owner before we offer an enhanced look at that particular property. They must not plan to flip the property for at least 5 years, and they must agree in advance to the changes that staff feels are important, or I will veto it. Is this fair to Council?

Councilmember Paulson said we are comingling two aspects. These are good ideas in protecting the neighborhood and advancing green space. The devil is in the details which is the next step. Council may approve this concept but may need more specifics on the rest.

Mayor Paul said I am asking for them to commit to an agreement in advance and cannot imagine Council would object to having more clarity about what they plan to do with that site before we increase the density.

Councilmember Paulson said we are not increasing density. We are just saying these are some good ideas.

Mayor Paul said I want to ensure that we have the commitments to do what staff says needs to be done in advance.

Councilmember Bauman stated I am ready to move the question unless a councilmember wants to have amendments.

Mayor Paul said Council can move to table at any point. That takes precedence.

Amendment to motion (1). A motion was made by **Councilmember Tibby DeJulio**, to table the Crossroads Small Area Plan 2023 Update. The motion died for lack of a second.

Vote on the motion (1). The motion carried by unanimous vote.

Resolution No. 2023-12-171

- D. **2023-325** TA23-0003(a) - Request for Mayor and City Council Consideration of an Ordinance to Amend the Development Code Articles 1 (Introductory Provisions), 11 (Administration), and 12 (Definitions)

Ginger Sottile, Director of Community Development, presented a recommendation to amend the Development Code Articles 1 (Introductory Provisions), 11 (Administration), and 12 (Definitions).

The Next Ten Comprehensive Plan Policy E recommends a review of development management tools to implement the vision and goals of the Comprehensive Plan, Small Area Plans, and other planning documents. Both the 10 Key Actions for the Next Ten and Policy LU-E1 recommends comprehensive updates to the Sandy Springs Development Code. Furthermore, the Next Ten Community Work Program item LU-E1.1 recommends that staff conduct a comprehensive review of the Development Code in 2022 and 2023.

Over the last 13 months, city staff have worked toward execution of this comprehensive review of the city's Development Code. Staff, with the assistance of consultant Code Studio, have received input from a variety of stakeholders, including residents and neighborhood groups, business and property owners, contractors and developers, and the Planning Commission as well as overall policy guidance from the Mayor and City Council to help formulate a recommended 5-Year Development Code Update. The code review process consisted of three (3) distinct phases:

1. Phase I (Intake) - Hosted more than 25 stakeholder meetings covering a range of topics and facilitated discussion with Council at the 2023 Retreat; met with residents, business owners, Planning Commissioners, electric vehicle and gas station representatives, hotel and hospitality industry representatives, office and medical industry representatives, civic institutions, developers, residential home builders, automotive dealers, attorneys, and others.

2. Phase II (Draft) - Worked amongst relevant staff and the consultants' background and code expertise to clean up technical aspects of the existing Development Code, as well researching and proposing edits to the topics deemed by Council to be of particular priority to the City's vitality.

For the Mayor and City Council's September 19 Work Session, city staff and the consultants at Code Studio presented the initial Development Code Update draft after a thorough input process and direction from Council earlier in the year. City staff and Code Studio replicated the work session the following evening with the Planning Commission at their Special Called Work Session on September 20.

Mayor Rusty Paul opened the public hearing.

Support

1. **David Jaffer, 3538 Habersham at Northlake, Tucker**

Mayor Rusty Paul closed the public hearing.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Melody Kelley**, to amend the Development Code Articles 1 (Introductory Provisions), 11 (Administration), and 12 (Definitions).

Councilmember Kelley asked what were the state law changes that led to the changes the City made to determine whether it goes to Board of Appeals or Superior Court?

Dan Lee, City Attorney, said for many years the appeals process from quasi-judicial functions like the Board of Appeals have been complicated. It required two parties to the action, the City, and the Board of Appeals. It became complicated about who to serve and many times unsophisticated applicants or appellants would lose because the wrong person was served. Many places all over the state, Sandy Springs did not have that much of a problem with it because of the sophistication of the operation, but it required that a record be produced, until state law changed. Appeal boards at many cities did not produce a record and complicated the process more where Superior Court acted as an appellant rather than a trial court. This change in state law does makes it a review of first appearance, and here it would be less complicated to do it this way. The City's ordinance changes as proposed to mirror that state law change.

Councilmember Kelley asked would land disturbance permits, administrative use permits, and administrative variance appeals go to the Superior Court?

City Attorney Lee said under the City's Code, all variances come to the Board of Appeals. The nonvariant issues that previously went to the Board of Appeals will have to be appealed to Supreme Court.

Councilmember Jody Reichel said several gas stations and convenience stores I passed today were either not screened, maybe they have not come into compliance yet, or if they were, they might have broken boards you could see. How long do they have to get into compliance? What is the definition of the screening?

Director of Community Development Sottile said in the Code today, you must have screening that is complimentary to the aesthetics of the building. This is one criteria, the other is to be fully enclosed. With the current amortization schedule, they have seven years from the adoption of our previous Code version, which was August 2017. They have until August 2024 to come into compliance, and they do not have to come into compliance until then. We have notified them every year since we enacted that section of the code, to let them know that the clock is running and that these are the items they must take care of. There are standards in the Code that specify what the enclosure is supposed to do and what it looks like.

Councilmember Reichel stated they had over six years to do it and most of them have not done the minimal screening.

Director of Community Development Sottile said from our records, 7 out of 26 gas stations are 100% compliant with the amortization schedules.

Councilmember Jody Reichel asked if Code Enforcement visits the site, would they have until August to be compliant?

Director of Community Development Sottile said that is correct.

Councilmember Melissa Mular asked how does the City get them into compliance when time is up for amortization? Do they pay a fine or go to court for example?

Director of Community Development Sottile said when the seven years is up, Code Enforcement issues notices for non-compliance and we typically try to gain compliance that way. If we do not get compliance, then we can issue citations.

Councilmember Mular asked is the citation to appear in court?

Director of Community Development Sottile said there is a monetary fine. For example, if there are five items listed for non-compliance, or for the amortization, we can site them separately for those items. There is a \$1,000 maximum fine per citation.

Councilmember Mular asked has a business license been revoked?

Dan Lee, City Attorney said repeat offenders could possibly fall into that category, but the City has not had it happen.

Councilmember Mular asked can people file for extensions though given seven years?

Director of Community Development Sottile said the code does not allow for an extension, but often we work with a violator because the goal is compliance.

Mayor Rusty Paul said about seven years ago when we previously did the Code, we launched on a grand policy experiment. We said we do not want to see additional gas stations and convenience stores on Roswell Road. We hoped that an enterprising company would buy one and replace it, but we wanted to limit it, so we would have to buy one within half mile. We created a monopoly which never works out for the benefit of the consumer in the community. We have had a lot of input by many people about maintaining the half mile requirement that you have to buy one and replace it within half mile. That has not accomplished the policy goal that we originally set out to do. This is to improve the quality of these facilities on Roswell Road by creating competition, and reduce the cost of fuel by bringing people who are more competitive pricewise to force some of the existing gas stations and convenience stores to come in line with surrounding communities. If a public policy agenda and goal is not met in seven years, you need to seriously reconsider the policy. Having a cap at a half a mile has not worked, and if you remove that half mile cap, it is not increasing the number of convenience stores and automotive uses on Roswell Road. It is at least holding what we have and creating a better opportunity for somebody to buy one and replace in a better location somewhere else. We will get some cosmetic changes, but we are not getting what this Council voted to do seven years ago which was to put incentives for more operators to come in and replace some of the operators that were not performing, maintaining their businesses, and keeping things up. I am disappointed that we are not reviewing that proposal tonight unless Council makes a motion to change. When a policy does not achieve the desired policy objective, you need to reconsider the policy.

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

Ordinance No. 2023-12-20

- E. **2023-326** TA23-0003(b) - Request for Mayor and City Council Consideration of an Ordinance to Amend the Development Code Articles 2 through 5 (Protected

Neighborhoods, Urban Neighborhoods, Corridors & Nodes, and Perimeter Center)

Ginger Sottile, Director of Community Development, presented a recommendation to amend the Development Code Articles 2 through 5 (Protected Neighborhoods, Urban Neighborhoods, Corridors & Nodes, and Perimeter Center).

The Next Ten Comprehensive Plan Policy E recommends a review of development management tools to implement the vision and goals of the Comprehensive Plan, Small Area Plans, and other planning documents. Both the 10 Key Actions for the Next Ten and Policy LU-E1 recommends comprehensive updates to the Sandy Springs Development Code. Furthermore, the Next Ten Community Work Program item LU-E1.1 recommends that staff conduct a comprehensive review of the Development Code in 2022 and 2023.

Over the last 13 months, city staff have worked toward execution of this comprehensive review of the city's Development Code. Staff, with the assistance of consultant Code Studio, have received input from a variety of stakeholders, including residents and neighborhood groups, business and property owners, contractors and developers, and the Planning Commission as well as overall policy guidance from the Mayor and City Council to help formulate a recommended 5-Year Development Code Update. The code review process consisted of three (3) distinct phases:

1. **Phase I (Intake)** - Hosted more than 25 stakeholder meetings covering a range of topics and facilitated discussion with Council at the 2023 Retreat; met with residents, business owners, Planning Commissioners, electric vehicle and gas station representatives, hotel and hospitality industry representatives, office and medical industry representatives, civic institutions, developers, residential home builders, automotive dealers, attorneys, and others.

2. **Phase II (Draft)** - Worked amongst relevant staff and the consultants' background and code expertise to clean up technical aspects of the existing Development Code, as well researching and proposing edits to the topics deemed by Council to be of particular priority to the City's vitality.

For the Mayor and City Council's September 19 Work Session, city staff and the consultants at Code Studio presented the initial Development Code Update draft after a thorough input process and direction from Council earlier in the year. City staff and Code Studio replicated the work session the following evening with the Planning Commission at their Special Called Work Session on September 20.

3. **Phase III (Publication and Adoption)** – Staff published draft Development Code documents on the City's website, accepted public feedback, and finalized the draft, including:

- September 22: Online posting of the initial proposed draft to the dedicated Development Code Update webpage (spr.gs/development)
- September 26 – October 18: Online comment form input/submittal period (in addition to the traditional forms of available public comment submission)
- September 26: Public Open House hosted at City Hall
- November 11: Final draft Development Code published on Development Code Update webpage, including summary of key changes
- November 13: Special Called Planning Commission Public Hearing
- December 5: Mayor and City Council Public Hearing for consideration of adoption

The attached presentation and Planning and Zoning detailed Staff Report address the major modifications

proposed to the Development Code.

Mayor Rusty Paul opened the public hearing.

Support

1. Bill Gannon, 505 Taunton Way, Sandy Springs

Mayor Rusty Paul closed the public hearing.

Motion and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Andy Bauman**, to amend the Development Code Articles 2 through 5 (Protected Neighborhoods, Urban Neighborhoods, Corridors & Nodes, and Perimeter Center).

Councilmember Reichel asked what is the reason for reducing the minimum stories in the Perimeter district? Will this encourage people to develop garden style apartments in that area?

Director of Community Development Sottile said this was from several developers not wanting to build a 6-story building. They maybe wanted a 2-story restaurant, or a 3-story retail instead. It was to give them more flexibility, and it was consistent over the past seven years that we have seen them ask for a lower minimum height. They were limited to a certain square footage which may have been 20% could not be below 1 story, and many people wanted to have a destination restaurant.

Councilmember Bauman asked what section is this in?

Kristin Byars Smith, Assistant City Manager, said it is Article 5.

Councilmember Tibby DeJulio said many people south of I-285 have been opposed to eateries going to the ON District. Is it this article that permits this?

Director of Community Development Sottile said no.

Councilmember John Paulson asked are the bonus districts, Shopfront Mixed-Use, SX-3/6 and 610, applicable at The Prado, or in that area?

Director of Community Development Sottile said yes. It is currently zoned SX-3 and they would have the ability to ask for something greater than that.

Councilmember Paulson asked does the City want to include this Shopfront Mixed-Use at this stage? If we do, does that give the owners of crossroads development more power without a complete plan? For example, they can say you have already approved this 6/10 and I should be able to get in the crossroads area. Do we limit our ability to go back to them and say no you must complete the entire plan to get this? If we drop Shopfront Mixed Use SX-3/6-6/10, does that preclude an owner from coming forward and apply for that?

Kristin Byars Smith, Assistant City Manager, said they cannot apply for it because it does not exist. The creation of it allows them to come in and ask for it. The creation of the district itself does not

indicate that rezoning will be approved as this is a separate request considered on its own merits.

Councilmember Melissa Mular said in District 3, an owner that is SX-3 can ask for the rezoning to the SX-6 maximum. If they wanted to go to this, assuming it is approved, to get to ten, they must get the bonus credits, and you would look at the plan to make sure that it fit.

Assistant City Manager Byars Smith said that is correct. When there is a rezoning request, the bonus structure is granted by different things and is a percentage of the site that is then eligible for certain kinds of height based on all the amenities that they provide. This is how the bonus table is structured. They would need Council approval to go to the 3-6 District for instance, and then they would go through the bonus criteria to determine what percentage of the site they would be eligible for. Historically, when a rezoning request has come in, you have limited percentage of the site where height could be, and you might tie a rezoning request to a maximum of 30% of the total site area where the buildings can reach 10 stories for example. Council can further limit those items through conditions of zoning as well.

Councilmember Mular asked how many rezonings have occurred to go for a higher height?

Assistant City Manager Byars Smith said I am not certain this can be quantified but many of the rezoning requests are for additional height. For instance, Jamestown is an example of adding additional height and there was a limit to a total percentage of the site that could have that additional height.

Councilmember Bauman said I suggest the inclusion of a category would spur the redevelopment as opposed to give them the power. I think it is giving us the power in the sense that the outcome we want is the redevelopment and we create the conditions that they must move on. This is solely within Council's discretion and there are many places in this amendment, or in these code sections where this kind of range exists. For example, in the Perimeter area, somebody that is currently zone PX-3 would be limited to 3 stories, but because they are in the PX District, they could apply for a PX-35, and they would have to ask for staff's recommendation and have a community meeting to try to generate enough points to get to 35 stories. We have a range, and the fact of the category does not create the presumption of the grant. We have that all throughout the code. This amendment creates additional height in the City Center area and when those come up, we are going to want to talk about congestion here. There is plenty of congestion and parking constraints here. More density in the City Center District is going to require more parking. There are a lot of things that we are going to have to consider. I want to remind people that we are creating the opportunity and not changing any uses.

If in the SX District, can you do multifamily?

Director of Community Development Sottile said yes.

Councilmember Bauman said where the SX exist, they already under existing zoning can do apartments.

Director of Community Development Sottile said correct.

Councilmember Bauman asked can they apply for 6 if they are not already at 6 stories?

Director of Community Development Sottile said yes.

Councilmember Bauman said we have no control over the number of units and no control over the type of parking other than the review process.

Director of Community Development Sottile said correct. They must comply with the code.

Councilmember Bauman said as it relates to all these projects that could be affected by this, it is not a use issue, it is merely a height issue, and it would be subject to all the constraints embedded in the code and a process of community meetings, Planning Commission, staff review, traffic studies, environmental impact statements, and if they are big enough, maybe a DRI. Is this correct?

Director of Community Development Sottile said perhaps yes.

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

Resolution No. 2023-12-21

F. **2023-327** TA23-0003(c) - Request for Mayor and City Council Consideration of an Ordinance to Amend to the Development Code Article 6 (Rules for All Districts)

Ginger Sottile, Director of Community Development, presented a recommendation to amend the Development Code Article 6 (Rules for All Districts).

The Next Ten Comprehensive Plan Policy E recommends a review of development management tools to implement the vision and goals of the Comprehensive Plan, Small Area Plans, and other planning documents. Both the 10 Key Actions for the Next Ten and Policy LU-E1 recommends comprehensive updates to the Sandy Springs Development Code. Furthermore, the Next Ten Community Work Program item LU-E1.1 recommends that staff conduct a comprehensive review of the Development Code in 2022 and 2023.

Over the last 13 months, city staff have worked toward execution of this comprehensive review of the city's Development Code. Staff, with the assistance of consultant Code Studio, have received input from a variety of stakeholders, including residents and neighborhood groups, business and property owners, contractors and developers, and the Planning Commission as well as overall policy guidance from the Mayor and City Council to help formulate a recommended 5-Year Development Code Update. The code review process consisted of three (3) distinct phases:

1. **Phase I (Intake)** - Hosted more than 25 stakeholder meetings covering a range of topics and facilitated discussion with Council at the 2023 Retreat; met with residents, business owners, Planning Commissioners, electric vehicle and gas station representatives, hotel and hospitality industry representatives, office and medical industry representatives, civic institutions, developers, residential home builders, automotive dealers, attorneys, and others.

2. **Phase II (Draft)** - Worked amongst relevant staff and the consultants' background and code expertise to clean up technical aspects of the existing Development Code, as well researching and proposing edits to the topics deemed by Council to be of particular priority to the City's vitality.

For the Mayor and City Council's September 19 Work Session, city staff and the consultants at Code Studio presented the initial Development Code Update draft after a thorough input process and direction from Council earlier in the year. City staff and Code Studio replicated the work session the following evening with the Planning Commission at their Special Called Work Session on September 20.

3. **Phase III (Publication and Adoption)** – Staff published draft Development Code documents on the City’s website, accepted public feedback, and finalized the draft, including:

2. September 22: Online posting of the initial proposed draft to the dedicated Development Code Update webpage (spr.gs/development)
3. September 26 – October 18: Online comment form input/submittal period (in addition to the traditional forms of available public comment submission)
4. September 26: Public Open House hosted at City Hall
5. November 11: Final draft Development Code published on Development Code Update webpage, including summary of key changes
6. November 13: Special Called Planning Commission Public Hearing
7. December 5: Mayor and City Council Public Hearing for consideration of adoption

The attached presentation and Planning and Zoning detailed Staff Report address the major modifications proposed to the Development Code.

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 Jody Reichel**, to amend the Development Code Article 6 (Rules for All Districts).

Councilmember Paulson said there is some confusion among people, including me, of the Building Code. How can we clarify what building code is applicable to the City of Sandy Springs?

Community Development Sottile said it may be the 2018 International Building Code (IBC) and there was an amendment in 2020. Additional information can be provided.

Councilmember Paulson asked how can the City make it clear what the building code is when completing an application?

Kristin Byars Smith, Assistant City Manager, said section 105-19 of the Code declares the City will enforce the latest addition of the state minimum standard codes as adopted and amended by the State Department of Community Affairs. The City follows the state.

Councilmember Paulson asked has the state only gone through 2018?

Community Development Sottile said yes.

Councilmember Andy Bauman said the two biggest categories are single unit development and workforce housing where there are incentives for a lot of points. This is the point system and there is nothing precluding adding categories as we discover categories.

Community Development Sottile said correct. We must amend the Code to include it.

Councilmember Tibby DeJulio asked will the City get rid of concrete and steel for construction materials solely regulated by the IBC and return to other products such as wood or laminate?

Community Development Sottile said correct. We are removing that restriction from our Code, and it is strictly what the 2018 Building Code allows for.

Councilmember DeJulio said I thought the changes to the material requirements under the building codes were much newer than 2018. Someone brought samples in a briefing of the newer building materials. Is that part of the 2018 IBC or later?

Community Development Sottile said we can use those today?

Councilmember DeJulio asked are we eliminating the concrete and steel requirement?

Community Development Sottile said yes.

Councilmember Paulson asked does the Code allow for engineered wood materials?

Community Development Sottile said yes. We had conversations with our building official and we have discussed using these other new materials today and they would be acceptable.

Assistant City Manager Byars Smith said the state minimums is the 2018 Code, but they amended that 2020, 2022, and 2024 and within those amendments that was addressed.

Mayor Rusty Paul said the Department of Community Health (DCH) updates the Building Code on a regular basis based on the IBC and the organization that sets the Code. The City is going by the 2018 IBC as amended by the Department of Community Affairs. They do amendments on a regular basis based on changes to the IBC. It is not a total overhaul of the building codes, but every so many years they update them based on new technologies and findings.

Councilmember DeJulio said I want to ensure it says the City is doing away with the concrete and steel requirement.

Mayor Rusty Paul said as it is omitted, and we substitute this, means it is no longer relevant.

Assistant City Manager Byars Smith said section 6.6.3 is the section we are removing.

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

Ordinance No. 2023-12-22

G. **2023-328** TA23-0003(d) - Request for Mayor and City Council Consideration of an Ordinance to Amend the Development Code Article 7 (Use Provisions)

Ginger Sottile, Director of Community Development, presented a recommendation to amend the Development Code Article 7 (Use Provisions).

The Next Ten Comprehensive Plan Policy E recommends a review of development management tools to implement the vision and goals of the Comprehensive Plan, Small Area Plans, and other planning documents. Both the 10 Key Actions for the Next Ten and Policy LU-E1 recommends comprehensive updates to the Sandy Springs Development Code. Furthermore, the Next Ten Community Work Program item LU-E1.1 recommends that staff conduct a comprehensive review of the Development Code in 2022 and 2023.

Over the last 13 months, city staff have worked toward execution of this comprehensive review of the

city's Development Code. Staff, with the assistance of consultant Code Studio, have received input from a variety of stakeholders, including residents and neighborhood groups, business and property owners, contractors and developers, and the Planning Commission as well as overall policy guidance from the Mayor and City Council to help formulate a recommended 5-Year Development Code Update. The code review process consisted of three (3) distinct phases:

1. **Phase I (Intake)** - Hosted more than 25 stakeholder meetings covering a range of topics and facilitated discussion with Council at the 2023 Retreat; met with residents, business owners, Planning Commissioners, electric vehicle and gas station representatives, hotel and hospitality industry representatives, office and medical industry representatives, civic institutions, developers, residential home builders, automotive dealers, attorneys, and others.

2. **Phase II (Draft)** - Worked amongst relevant staff and the consultants' background and code expertise to clean up technical aspects of the existing Development Code, as well researching and proposing edits to the topics deemed by Council to be of particular priority to the City's vitality.

For the Mayor and City Council's September 19 Work Session, city staff and the consultants at Code Studio presented the initial Development Code Update draft after a thorough input process and direction from Council earlier in the year. City staff and Code Studio replicated the work session the following evening with the Planning Commission at their Special Called Work Session on September 20.

3. **Phase III (Publication and Adoption)** – Staff published draft Development Code documents on the City's website, accepted public feedback, and finalized the draft, including:

1. September 22: Online posting of the initial proposed draft to the dedicated Development Code Update webpage (spr.gs/development)
2. September 26 – October 18: Online comment form input/submittal period (in addition to the traditional forms of available public comment submission)
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6. December 5: Mayor and City Council Public Hearing for consideration of adoption

The attached presentation and Planning and Zoning detailed Staff Report address the major modifications proposed to the Development Code.

A SHORT RECESS WAS TAKEN

Mayor Rusty Paul opened the public hearing.

Support

1. **David Jaffer, 3538 Habersham at Northlake, Tucker**
2. **Anamaria Meanes, 303 Peachtree Street, Suite 5300, Atlanta**
3. **Rhonda Smith, 76 Long Island Place, Sandy Springs**

4. **Trisha Thompson, 145 River Drive, Atlanta**

Opposition

1. **Jane Kelley, 4590 Windsor Park Place, Sandy Springs**
2. **Allen Bell, 200 Galleria Parkway, Suite 900, Atlanta**
3. **John Priede, 200 Galleria Parkway, Suite 900, Atlanta**
4. **Parks Huff, 376 Powder Springs St. Suite 100, Marietta**
5. **Susan Maziar, 5350 Timber Trail, Sandy Springs**
6. **Karen Meinzen McErney, 4604 Meadow Valley Drive, Atlanta**

Mayor Rusty Paul closed the public hearing.

Motion (1) and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember John Paulson**, to defer Agenda Item No. 2023-328 until the December 19, 2023 City Council meeting, and it be brought back without the fuel part {relocation of the existing fuel}, so that can be looked at as a separate amendment at a later time.

Councilmember Reichel said we do not have a consensus on what to do with the gas stations, and I would like the opportunity to consider other options. It is difficult to separate the amendments. Instead of making an amendment to remove the half mile restriction, allow it to go through the process again and be brought back to Council with staff recommendations.

Councilmember Paulson said the two things driving my support are the concerns about this half mile restriction, and that the City has only 6 out of 26 gas stations in compliance after six and a half years. This is disturbing to me. I wonder if the original plan was a good idea, or not. I support reviewing this further with Council. Second, the Planning Commission made some recommendations regarding Office Neighborhood zoning and may have suggested that eateries are subject to review by public meetings and staff. Was this the recommendation?

Director of Community Development Sottile said it was not specified. The motion asked for a community meeting prior to a new restaurant, and perhaps with specific operating hours.

Councilmember Paulson said that is the Planning Commission's recommendation, not staff. If Council approves this, staff recommendations will not be a part of it, and those are interesting points. I support a two-week delay to allow for review.

Councilmember Tibby DeJulio asked is it possible for Council to separate the motions to understand each piece better, rather than trying to understand a whole thing?

Mayor Rusty Paul said **Councilmember Reichel's** motion facilitates that by allowing Council to consider options if that is what the desire of Council is. It is whatever the will of Council is and four votes are needed.

Councilmember Andy Bauman said I appreciate the division of the items tonight. I am unpersuaded by the gas station lobby and my decision would not be sympathetic to their plight. Ordinarily I would give the courtesy of a deferral to a Council colleague, but because I see the deferral related the gas station

issue, I balance that versus the consideration to the citizens and staff that have been engaged in the process. I am not going to be prepared to weigh in on this at the regularly scheduled meeting on December 19th and would rather see the amortization period weighing. This is a very significant policy issue that needs more than two weeks to review. Many good points were made, and I do not want to solve that on December 19th. It is not fair to everybody involved and I am opposed to a deferral.

Councilmember Reichel said I am only deferring the gas stations part to later, not two weeks, but I want Council to vote on the rest at the December 19th meeting. Is this possible?

Dan Lee, City Attorney, said agenda item 2023-328 is presented to Council as a whole. Unless amended by adding or taking something out, the action taken would affect the whole resolution, which includes each item described by **Director of Community Development Sottile**.

Kristin Byars Smith, Assistant City Manager, said there are a couple of options. One is for Council to review the fuel station distance requirement section 7.5.15 D.2K. This evening Council could consider this agenda item with the package as proposed, and direct staff to further begin a process to specifically talk about the distance requirement, as a separate text amendment. That would then go back through the full process which includes talking with the community, vetting it through Planning Commission, and bringing that to Council as a standalone item to allow time and capacity to consider.

Mayor Rusty Paul said if I am correct, **Councilmember Reichel's** intent is for Council to remove the half mile restriction, or leave it in. That is the posture today. She is intending to see if there is another way to, solve some of these problems besides a distance requirement. Has staff considered any other options besides the distance requirement?

Assistant City Manager Byars Smith said there are other changes proposed within the text amendment that Council is considering this evening, including potential added fuel pumps for existing stations in exchange for enhancements to those stations. These were the alternatives that we were considering for trying to get existing stations to upgrade.

Mayor Paul said I understand there are other elements, and I am focused on the half mile requirement. Did staff consider any other options to regulate the proliferation of convenience stores and gas stations, other than whether to totally remove the half mile, and you could buy somewhere else, or hold on to the half mile? Are there other ways to be able to achieve the goal, other than the two options that have been proposed?

Assistant City Manager Byars Smith said staff has not fully vetted alternatives to those two. We presented the removal of the distance requirement as part of our community feedback, and based on that, we removed that from consideration. We have not considered alternatives to present today.

Mayor Paul said I want to make sure that Council understands the posture and the impact of voting either way on this.

Councilmember Melissa Mular said a lot of time was invested in this process and it took many months to get to this point. Shame on us if we do not listen to and consider what our community said, and to have to defer this. We can all do better. The next time this happens, whether for or against, I ask that you come on in the beginning so that we can get this out and have conversations. Shame on us for how we have managed this process. If people have asked for what they need to be compliant, and we have not given that to them, then I do not know how you know what to comply. Shame on the people for taking so long to get it done. If you know you have four things to do and you have seven years, please do it. We should

vote on this tonight. I do not support deferring it because I think we have already spent enough time and energy and I cannot imagine what the difference another two weeks or two months is going to make to this amount of opposition.

Councilmember Melody Kelley said I am also opposed. I understand both sides of the question of gas stations, but I am viewing this as the representative of District 2, of the North End. This does not serve the needs of my district and the vision of my district. For the most part, this Council tends to work in a way that supports the entire City, but I represent the North End and things tend to backfire in that area. I will not support the sort of deregulation that would put the fragile commercial corridor I represent at further risk. From a process perspective, I am not sure why we would defer these items over the question of gas stations when we are not going to answer the question of gas stations. This is strange to me. I would like to vote on these items, up or down, tonight.

Amendment to the motion (1) and second. An amendment to the motion was made by **Councilmember Jody Reichel**, accepted by **Councilmember John Paulson**, to approve Agenda Item No. 2023-328, an Ordinance to Amend the Development Code Article 7 (Use Provisions), but with the direction to Staff look at other options for Section 7.5.15.D.2K that can be brought to City Council in the future.

Withdrawal of Motion (1) and second. **Councilmember Jody Reichel** withdrew the motion (1). **Councilmember John Paulson** withdrew his second to the motion (1).

Unanimous Consent. There was unanimous consensus amongst the Mayor and City Council that the Staff is instructed to return to the City Council at a future time with options for Section 7.5.15.D.2.K.

Motion (2) and second. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Andy Bauman**, to adopt Agenda Item No. 2023-328, TA-0003(d), an Ordinance to Amend the Development Code Article 7 (Use Provisions).

Amendment to the motion (2) and vote. An amendment to the motion was made by **Councilmember Tibby DeJulio**, second by **Councilmember Andy Bauman**, to remove Section 7.5.14 Neighborhood Eatery in Office Neighborhood. The motion passed unanimously.

Vote on the motion (2). The motion passed unanimously.

Ordinance No. 2023-12-23

- H. **2023-329** TA23-0003 (e) - Request for Mayor and City Council Consideration of an Ordinance to Amend the Development Code Articles 8 through 10 (Site Development, Environmental Protection, Streets & Improvements)

Ginger Sottile, Director of Community Development, presented a recommendation to amend the Development Code Articles 8 through 10 (Site Development, Environmental Protection, Streets & Improvements).

The Next Ten Comprehensive Plan Policy E recommends a review of development management tools to implement the vision and goals of the Comprehensive Plan, Small Area Plans, and other planning documents. Both the 10 Key Actions for the Next Ten and Policy LU-E1 recommends comprehensive

updates to the Sandy Springs Development Code. Furthermore, the Next Ten Community Work Program item LU-E1.1 recommends that staff conduct a comprehensive review of the Development Code in 2022 and 2023.

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The presentation and Planning and Zoning detailed Staff Report address the major modifications proposed to the Development Code.

Mayor Rusty Paul opened the public hearing.

Support

1. **Karen Meinzen McEnerny, 4604 Meadow Valley Drive, Sandy Springs**

Mayor Rusty Paul closed the public hearing.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to amend the Development Code Articles 8 through 10 (Site Development, Environmental Protection, Streets & Improvements) as recommended by Planning Commission.

Councilmember Reichel asked if the Community Director is on an extended vacation for six months, can someone be designated for the role?

Eden Freeman, City Manager, said there would be an Interim Director if the Community Development Director is out of the office for an extended period, and duties would convey to that individual. The Interim Director would not have to be specified because there would be one functioning in that capacity.

Mayor Rusty Paul said the Interim Director would be functioning with the full powers and authority of the director and there is no difference.

Councilmember Andy Bauman stated I am concerned about good governance here. I am sympathetic to the position's time. If you entrust staff to do a job, the position will decide whether they need to go or not, but you have staff. I am fine with the director approving it and making a determination, because I trust the City but I would prefer not to. I will defer to the wishes of the City Manager and the Community Development Director to tell me what the most efficient way to do that is and I will go along with that recommendation. I am fine that your office would approve this, and that you determine the best way and the best information to get it.

Mayor Rusty Paul asked how often is this going to happen?

Director of Community Development Sottile said it may be a handful of times in a year.

Councilmember Melody Kelley asked what is the intent with the change in section 8.2.1c?

Kristin Byars Smith, Assistant City Manager, said this is the addition of the existing building use, or if site is renovated, or reduced in gross floor area or improved site area where costs are greater than 25%. This changes the renovations aspect.

Director of Community Development Sottile said it adds clarity to situations when certain upgrades are made to a site, and relative to the improvements they have to make to the parking area.

Councilmember Kelley asked are murals part of section 8.4.4?

Assistant City Manager Byars Smith said murals was moved to section 7.8.15. It is also now listed as a use within our use table. We added more clarity around murals and where and how they are permitted in Article 7.

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

Ordinance No. 2023-12-24

- I. **2023-330** TA23-0004 - Request for Mayor and City Council Consideration of an Ordinance to Amend the Development Code Technical Manual to include the Enhanced Community Benefits List

Ginger Sottile, Director of Community Development, presented a recommendation to amend the Development Code Technical Manual to include the Enhanced Community Benefits List.

As a part of the 5-Year Development Code Update, staff proposed an overhaul of the existing bonus section of the code, Div. 6.7. Previously titled "Bonus Height," staff's proposed amendment to the section renames it "Enhanced Community Benefits Matrix." Along with the Matrix, staff proposes the subject "Enhanced Community Benefits List" for bonus height applicants to consider.

The Enhanced Community Benefit Matrix illustrates the connection between credits earned and the percentage of a site where a bonus height is granted, based on community enhancements offered by an applicant. TA23-0004 provides the list of qualifying benefits that may be offered via the "Enhanced Community Benefits List" and seeks to home the list appropriately with other guidelines and specifications found in the Technical Manual to help guide development in a detailed fashion.

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 Andy Bauman**, to amend the Development Code Technical Manual to include the Enhanced Community Benefits List.

Councilmember Melody Kelley asked is it customary or possible to have an evaluation plan on how successful this list and the matrix are, as we embark on those negotiations?

Director of Community Development Sottile said we will try to gain a balance but we cannot spend the developer's dollars for them, but we can try to guide them as we move forward.

Councilmember Kelley stated we should keep a close eye. We may need to increase some points or the worth.

Kristin Byars Smith, Assistant City Manager, said we anticipate this will be a living document since this is our first go at it, and we will be able to come back and make changes to this regularly, as we see how it is being applied. If people are not using certain points that we would like them to maybe we need to adjust. We anticipate reviewing this regularly.

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

Ordinance No. 2023-12-25

IX. New Business

- A. **2023-331** Request for Mayor and City Council to Approve a Resolution Authorizing The City Manager To Execute Contracts With Atelier 7 Architects LLC, Crescent View Engineering, LLC, Blount Construction Company And Complete Demolition Services As It Relates To The Abernathy Arts Center Improvements Project

Dave Wells, Director of Facilities/Capital Construction and Building Operations, and Tony Pope, Architect, Atelier 7 Architects LLC presented a recommendation to approve contracts between the City of Sandy Springs (the "City") and Atelier 7 Architects LLC ("Atelier 7"), Crescent View Engineering, LLC, Blount Construction Company and Complete Demolition Services to provide for the design,

construction services and site repairs for the Abernathy Arts Center Improvements Project (Project No. F2206) (the “Project”) and to authorize the City Manager to negotiate and execute the contracts.

The Abernathy Arts Center, located at 254 Johnson Ferry Road, was gifted to the City by Fulton County in 2021. The property consists of one (1) parcel, totaling approximately 3.59 acres and is currently developed with four (4) buildings;

1. A 4,722 sq. ft. 1930’s single story, former residential structure on a partial basement; and
2. A 1930’s garage with a studio above; and
3. A 5,010 sq. ft. 2001 single-story steel framed Annex Building; and
4. A small kiln building.

The site also contains tennis courts, a small playground area, sidewalks and two parking lots.

Staff previously contracted Menefee Architecture (“Menefee”) to assess the existing facilities. They found the 1930 Stone Arts Building and the Stone Garage both to have structural issues with the foundation walls, joists and beams, and settlement cracks. Both facilities have outdated electrical, mechanical, and plumbing components, traces of asbestos and lead paint throughout the building, in addition to neither building being complaint with Americans With Disabilities Standards for Accessible Design (ADA compliant).

In January 2022, Council approved allocating \$1,000,000.00 for the Abernathy Arts Center Improvements Project (Project No. F2206), and there is currently \$933,326.42 remaining. Staff recommends utilizing these funds to contract with the vendors below, to provide the site improvements in amounts not to exceed as follows;

Design and Order Temporary Modular Arts Studio (Atelier 7 Architects LLC)	\$287,784.17
Civil Prep for Modular Arts Studio (Crescent View Engineering, LLC)	\$50,000.00
Clean out Detention Pond (Blount Construction)	\$45,000.00
Demolition of Deteriorating 1930 Stone Buildings (Complete Demolition Services)	\$98,860.00
Repair Damaged Sidewalks and Stairs and Strip Parking (Blount Construction)	\$25,000.00
Contract and Architect to design a Master Site Plan for future use of the Site (TBD)	\$75,000.00
Total	\$581,644.17

The total proposed for the repairs detailed above is \$581,644.17. There are adequate funds in the Abernathy Arts Center Improvement Project budget to fund the repairs.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember John Paulson**, to approve contracts between the City of Sandy Springs (the “City”) and Atelier 7Architects LLC (“Atelier 7”), Crescent View Engineering, LLC, Blount Construction Company and Complete Demolition Services to provide for the design, construction services and site repairs for the Abernathy Arts Center Improvements Project (Project No. F2206) (the “Project”) and to authorize the City Manager to negotiate and execute the contracts.

Councilmember Mular said the City will start a master plan in June but there is no set timeframe. What is the expected completion time?

Eden Freeman, City Manager, said we anticipate having the proposed facility for about five years. This period gives us time to conduct the Master Site Plan process and receive public feedback on the desired future use and have additional conversations with Council on how to fund it. This will take a few years to put aside money to do an additional use or completely change the use with something that is bigger on

that site.

Councilmember Paulson said there are trees intertwined in those buildings. Is tree removal a part of the demolition services?

Director of Facilities/Capital Construction and Building Operations Wells said yes, this is part of the demolition services and we will be cautious of what trees are removed from that site.

Councilmember Tibby DeJulio asked what is the life expectancy of the modular buildings?

Atelier 7 Architects LLC Architect Pope said 50 years.

Councilmember Melody Kelley said it concerns me that we are considering six contracts and one resolution. In the future, my preference is for this to be separated and not be comprehensive.

Dan Lee, City Attorney, said looking at the numbers, most of the contracts, besides the first one, are within the spending capacity of the City Manager. For the sake of transparency, in acknowledgement to the public, staff has put them all on the agenda for Council, but they could have been passed by the City Manager.

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

Resolution No. 2023-12-172

- B. **2023-332** Request for Mayor and City Council Consideration to Authorize Contract Award to Lumin8 Transportation Technologies, LLC to Construct the Peachtree Dunwoody Road – Windsor Parkway Fiber Connection Project and to Authorize the City Manager to Execute the Contract

W. Wesley Waters, P.E., CIP Unit Manager, presented a recommendation to approve a contract award to Lumin8 Transportation Technologies, LLC (“Lumin8”), to provide construction services for the Peachtree Dunwoody Road- Windsor Parkway (Glenridge Connector to Roswell Road) Fiber Connection Project, (Project No. T0069) (“Project”), and requests authorization for the City Manager to execute a contract with Lumin8.

This CIP-funded project adds an Intelligent Transportation System (“ITS”) Fiber network from the City’s existing fiber network on Roswell Road (SR 9) east on Windsor Parkway to Peachtree Dunwoody Road and north on Peachtree Dunwoody Road to the Glenridge Connector. This connecting fiber system adds redundancy to the traffic system and allows the Traffic Management Center to better monitor the traffic signals within this portion of the City.

The Project was originally advertised for bids on July 7, 2023 with no bids received. That solicitation was cancelled. City Staff reached out to vendors to make them aware that the Project was going to be rebid and revised the scope of services to provide additional clarity.

On September 9, 2023, the City issued an Invitation to Bid (“ITB”) 24-014 seeking bids from qualified contractors to perform construction services for the Project. A pre-bid conference was held on September 9, 2023. The following two (2) bids were received by the October 17, 2023, deadline:

Company	Bid
Engineer's Estimate	\$400,888.50
Lumin8 Transportation Technologies, LLC	\$245,679.10
Reedwick LLC	\$424,282.95

The construction duration is two hundred and seventy (270) calendar days.

Upon review of the responses, Staff recommends that award be made to the lowest, most responsible and responsive bid of Lumin8, in the amount of \$245,679.10.

The construction budget for the Project is \$440,000.00. There are adequate funds available in the T-0069 budget to award the contract.

Motion and second. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember Jody Reichel**, to approve a contract award to Lumin8 Transportation Technologies, LLC ("Lumin8"), to provide construction services for the Peachtree Dunwoody Road- Windsor Parkway (Glenridge Connector to Roswell Road) Fiber Connection Project, (Project No. T0069) ("Project"), and requests authorization for the City Manager to execute a contract with Lumin8.

Councilmember DeJulio asked will this connect the intersection with the other at Windsor Parkway? Is this the last of the intersections that are not networked in?

CIP Unit Manager Waters said yes. I am not familiar with the entire system. Our Traffic and Transportation Unit looked at a master plan and funding became available for this connection, and it was given to us to execute the construction. We can provide more information on the system, but there are other parts of the fiber network that will come after this to expand it further.

Councilmember Melody Kelley asked will more funds be coming out from the T-0069 account for this project?

CIP Unit Manager Waters said no. This should be the last work coming out of the account. The intersection at Peachtree Dunwoody and Windsor Parkway was from the T-0069 account and it has been completed with no further work anticipated.

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

Resolution No. 2023-12-173

- C. **2023-333** Request for Mayor and City Council Consideration to Approve Contract Award to Kimley-Horn & Associates, Inc. for Design Services as it Relates to the Lake Forrest Drive at Allen Road Intersection Improvement Project and to Authorize the City Manager to Execute the Contract

W. Wesley Waters, P.E., CIP Unit Manager, presented a recommendation to approve a contract award to Kimley-Horn and Associates, Inc. ("Kimley-Horn") for the Lake Forrest Drive at Allen Road Intersection Improvement Project (Project No. T-2405) (the "Project").

The purpose of the Project is to implement intersection improvements that enhance operations and improve safety at Lake Forrest Drive at Allen Road (the "Intersection"). A traffic study and conceptual design for the Intersection were completed by Kimley-Horn in May 2023. The recommendation from the conceptual design is to convert the existing all way stop intersection to a single lane mini-roundabout. The work associated with the roundabout conversion includes significant grading, signing and marking, retaining walls, and drainage modifications. A Public Information Open House was held on September 21, 2023.

Kimley Horn previously completed a traffic analysis and a conceptual design for the Intersection in 2021 as a part of the Mount Vernon Highway and Long Island Drive Intersection Traffic Study (Project No. T-7247).

On August 22, 2023, the City requested a quote from Kimley-Horn for the full design of the Project utilizing the On-Call Signal Design Contract. A proposal by Kimley-Horn in the amount of \$265,491.00 was received on September 14, 2023. This is in line with City Staff's estimate of \$250,000.00 for these services.

Below are the included tasks and cost breakdown from the proposal.

Project Scope	Proposed Fee
Task 1 – Project Management	\$ 24,940.00
Task 2 – Concept Validation	\$ 44,041.00
Task 3 – Preliminary Design and Right of Way Plans	\$ 91,810.00
Task 4 – Final Plans	\$ 47,830.00
Task 5 - Bid and Construction Support	\$ 16,790.00
Task 6 – Wall Foundation Investigation (Optional)	\$ 30,080.00
<u>Task 7 – Miscellaneous Services (as directed)</u>	<u>\$ 10,000.00</u>
TOTAL:	\$ 265,491.00

Upon review of the proposal, City Staff recommends that contract award be made to Kimley-Horn in the amount of \$265,491.00 due to a demonstrated understanding of the scope along with familiarity and past performance on the Project.

There are adequate funds in the budget for Project T-2405 to execute a Contract for this work.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Jody Reichel**, to approve a contract award to Kimley-Horn and Associates, Inc. ("Kimley-Horn") for the Lake Forrest Drive at Allen Road Intersection Improvement Project (Project No. T-2405) (the "Project").

Councilmember Melody Kelley asked is the City not bidding this out because of familiarity with past performance?

CIP Unit Manager Waters said that is a portion, but mainly we have an on call contract with the vendor, and that contract was out for qualifications and solicited to the public.

Councilmember Reichel said a bus in my neighborhood had a hard time getting around a mini roundabout. Will it be wide enough for a bus to get around Lake Forest Elementary?

CIP Unit Manager Waters said we will address this with the designer. There are a couple of considerations for better access. One is a more modern geometry of a mini roundabout. The other is a design in the middle to provide room for larger vehicles to make it through.

Councilmember Tibby DeJulio asked what is a wall foundation investigation?

CIP Unit Manager Waters said it is to check the soil conditions where a wall will be placed. In this case, Allen Road goes into Lake Forest to make the area flatter. There needs to be a wall on the park and home side on Allen Road and must undergo investigation to make sure the soil can hold up the foundation area.

Councilmember Andy Bauman asked what is the plan for the Northwood intersection? Will there be a stop sign? If so, when will this happen?

CIP Unit Manager Waters said there was a plan to cut back the vegetation as a first step, and that has been done. More information will be provided to you.

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

Resolution No. 2023-12-174

- D. **2023-334** Request for Mayor and City Council Consideration to Approve a Contract Award to Kimley-Horn and Associates, Inc. for Design Services as it Relates to the Peachtree Dunwoody Bike/Pedestrian Trail Last Mile Connectivity Project, and to Authorize the City Manager to Execute the Contract

Allen Johnson, TSPLOST Program Manager, presented a recommendation to approve a contract award to Kimley-Horn and Associates, Inc. for Design Services as it relates to the Peachtree Dunwoody Bike/Pedestrian Trail Last Mile Connectivity Project, and to authorize the City Manager to execute the contract.

The goal of the Project is to improve bicycle and pedestrian facilities between Hammond Drive and Mt. Vernon Highway. The Project consists of the design, right-of-way acquisition, utility coordination and construction of a twelve (12) foot wide bicycle/pedestrian side path with a six (6) foot wide landscape buffer and a minimum of one (1) foot back of path buffer on the west side of Peachtree Dunwoody Road from Hammond Drive to Mt. Vernon Highway. This will tie to the Peachtree Dunwoody Lake Hearn Connectivity Improvements Project (Project No. T-2208), as well as to the Mt. Vernon Highway Corridor Improvements Project (Project No. TS-192).

To advance the Project, the City issued its Request for Proposals ("RFP") 24-020 on September 20, 2023, to select a qualified consultant to provide design services for the Project. A pre-proposal meeting was held October 3, 2023. Due to the expected duration of the Project and multiple unknowns, the design services were separated into five (5) tasks, identified as follows:

Tasks 1 and 2: Survey and Concept Design Services: In the initial phase of the Project, relevant data is collected to include field survey work and studies, and conceptual plans are prepared for the City's review.

Task 3: Design Development, Utility Coordination and Right of Way Acquisition: The preliminary design begins once the preferred concept is selected. This phase includes activities initial utility coordination, right-of-way acquisition, and constructability reviews. In addition, the plan development for permitting begins.

Task 4: Final Design Services: This is the final stage of plan development to include special provision/specification preparation, plan permitting, final cost estimating, and bidding for construction.

Task 5: Public Involvement: During this phase, consultant shall provide presentation materials as needed and attend one (1) public meeting.

Task 6: Post Design Services: During this phase, once the Project has been let to a contractor, the designer (consultant) will perform product submittal reviews and answer requests for information, as well as redesign any unexpected issue that results in a change order.

The due date for submissions was October 27, 2023. In response to the RFP, the following seven (7) consultants submitted proposals. ("Proposals"):

1. Kimley-Horn and Associates, Inc.
2. Lowe Engineers, LLC
3. Moffat & Nichol
4. TransSystems Corporation
5. NV5
6. KCI
7. Atlas Technical Consultants, LLC

Proposals were evaluated by a committee of three (3) Staff members ("Evaluation Committee"):

- Allen Johnson, TSPLOST Manager
- Wesley Waters, CIP Unit Manager
- Bebe Lee, CIP Project Manager

TECHNICAL PROPOSAL CRITERIA	DESCRIPTION	POINTS
Project Manager and Key Team Leaders proposed to manage this Project	The credentials and experience of the person(s) assigned to our relationship and management team. Provide professional qualifications and description of experience for principal Project staff. The Project Manager's resume must be included. (At this stage, firms are being asked for information on lead staff only, but may list qualifications and experience on more than one lead individual who are being proposed for services to the City.	20
Prime Consultant Experience	Provide information on the firm's experience with clients of similar type, size, function, and complexity. Describe no more than five (5) projects, in order of most relevant to least relevant, which	20

	demonstrate the firm's capabilities to perform services for the City. For each account, the following information should be provided: A. Client name, locations and dates during which services were performed. B. Clear description of overall project and services performed by your firm. C. Description of QA/QC program for projects for projects referenced	
Resources	Identify and discuss the primary office that will be responsible for handling the specific project and the number and types of staff within the office, as well as how this office could benefit the Project and promote efficiency. Narrative on Additional Resource Areas and Ability – Respondents are allowed one page to provide information regarding additional resource areas identified as important to the Project, to discuss how the key areas will integrate and work together on the Project, and to discuss any information that is pertinent to these areas. Respondents may discuss the advantages of the team and the abilities of the team members which will enable the Project to meet the proposed schedule.	20
Technical Approach Schedule	Consultants are required to describe the procedures and methods that the firm will use to achieve success in the Project. Describe your firm's general design understanding with respect to, all aspects of sidewalk design as well as, but not limited to storm water design, retaining wall, design to include foundation investigation, utility adjustments, and specialized expertise as needed. Consideration will also need to be given for base data coordination, utility coordination, and landscape architecture. Include a schedule for timely completion of the Scope of Work. Information should be provided on the amount of time for each task.	30
Fee Proposal	A Fee Proposal shall demonstrate competitive and innovative pricing sheet that incorporates all direct and indirect cost associated with the project. The Fee Proposal shall be provided in Bonfire.	10
Total Points		100

The Evaluation Committee reached the following consensus scores:

RESPONDENT	CONSENSUS RESPONSE SCORE	RANKING
Kimley-Horn and Associates, Inc.	88.2	1
Lowe Engineers, LLC	87.3	2
Moffat & Nichol	85.3	3
TransSystems Corporation	84.5	4
NV5	82.4	5
KCI	81.1	6
Atlas Technical Consultants, LLC	75.3	7

Upon review of responses received, the Evaluation Committee believes that the Response submitted by Kimley-Horn is in the best interest of the City and recommends contract award to Kimley-Horn for Project design services in the amount of \$453,745.00.

The estimated fee provided by Kimley-Horn is \$453,745.00 and is consistent with City Staff estimates. Adequate funds have been budgeted and allocated to fund this planned design. The Fulton Perimeter Center Improvement District ("PCID") will be responsible for 50% of the Project and the City will be responsible for the remaining 50%. The City has an agreement for this Project with PCID.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Tibby DeJulio**, to approve a contract award to Kimley-Horn and Associates, Inc. for Design Services as it relates to the Peachtree Dunwoody Bike/Pedestrian Trail Last Mile Connectivity Project, and to authorize the City Manager to execute the contract.

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

Resolution No. 2023-12-175

- E. **2023-335** Request for Mayor and City Council Consideration to Authorize a Georgia Power Company Utility Relocation Agreement for Utility Relocation as it Relates to the Spalding Drive at Pitts Road Intersection Improvement Project and Authorizing the City Manager to Execute the Agreement

Allen Johnson, TSPLOST Program Manager, presented a recommendation to authorize a Georgia Power Company Utility Relocation Agreement for utility relocation as it relates to the Spalding Drive at Pitts Road Intersection Improvement Project and authorizing the City Manager to execute the agreement.

The Spalding Drive at Pitts Road Intersection Improvement Project is a TSPLOST designed project and led by the City of Sandy Springs (the "City"). Per the approved design for the Project, the City is relocating four (4) guy anchors supporting the Georgia Power utility pole in front of 1240 Spalding Drive. These guy anchors are currently on private property and will be relocated on private property. GPC has presented the attached Agreement and cost to provide this relocation.

Relocation of aerial utilities for the Project has been planned and budgeted since the Project concept design. GPC will serve as the lead utility in this Project. Because the four (4) guy anchors are on private property, and GPC has an existing agreement with the property owner, these relocations are not covered by the Franchise Agreement in place for utility work in the right-of-way due to road projects. In accordance with the Franchise Agreements between GPC and the City, the City will cover 6.41% of the estimated cost of relocation.

The current estimated cost for the Project provided by GPC is \$151,983.00. The City's cost of this estimated cost is 6.41% or \$9,741.00. Adequate TSPLOST funds are available in the Project budget to cover the \$9,741.00.

Motion and vote. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to authorize a Georgia Power Company Utility Relocation Agreement for utility relocation as it relates to the Spalding Drive at Pitts Road Intersection Improvement Project and authorizing the City Manager to execute the agreement. The motion carried by unanimous vote.

Resolution No. 2023-12-176

- F. **2023-336** Request for Mayor and City Council Consideration to Approve a Contract Award to Vertical Earth, Inc. for Construction Services for the Roswell Road at Dalrymple Road Intersection Improvements Project, and to Authorize the City Manager to Execute the Contract

Christine Schultz, TSPLOST Project Manager, presented a recommendation to approve a contract award to Vertical Earth, Inc. for construction services for the Roswell Road at Dalrymple Road Intersection Improvements Project, and to authorize the City Manager to execute the contract.

This TSPLOST funded project improves the intersection of Roswell Road and Dalrymple Road. The work will widen Dalrymple Road on the west leg of the intersection by installing retaining walls to provide an additional northbound left turn lane, install approximately 572 LF of sidewalk, and improve the drainage system along the south side of Dalrymple Road. Associated work includes replacing traffic signal infrastructure at the intersection of Roswell Road and Dalrymple Road.

On September 20, 2023, the City issued an Invitation to Bid (“ITB”) 24-021 seeking bids from qualified contractors to perform construction services for the Project. A pre-bid meeting was held on October 5, 2023. The following four (4) bids were received by the October 25, 2023, deadline:

Company	Amount
Engineer’s Estimate	\$1,500,000
Vertical Earth	\$2,032,522.29
Wilson Construction	\$2,110,562.30
JHC Corporation	\$3,181,756
Precision 2000	\$3,477,799.90

Upon review of the responses, City staff recommends that award be made to the lowest, responsible and responsive bid from Vertical Earth, in the amount of \$2,032,522.29.

The construction budget for the Project is \$2,670,000.00. There are adequate funds available in the TS-108 budget to award the contract.

Motion and second. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Jody Reichel**, to approve a contract award to Vertical Earth, Inc. for construction services for the Roswell Road at Dalrymple Road Intersection Improvements Project, and to authorize the City Manager to execute the contract.

Councilmember Reichel asked does City have all right-of-way for this project?

Dan Lee, City Attorney said no.

Councilmember Reichel asked will this project be complete by summer once started?

City Attorney Lee said the City has title to all property necessary to do the project. We have not yet negotiated the price of the Chevron gas station, but the City has possession of the property.

TSPLOST Project Manager Schultz said construction duration is nine months, and we want to begin as soon as January or February.

Councilmember Reichel asked will the roads be closed for a period?

TSPLOST Project Manager Schultz said there will be intermittent lane closures during the day, but traffic will be maintained in the area.

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

Resolution No. 2023-12-177

- G. **2023-337** Request for Mayor and City Council Consideration of a Resolution to Award a Contract to Emory Clinic for a Medical Director for the City of Sandy Springs Fire Department and City of Sandy Springs Police Department and Authorizing the City Manager to Execute Documents to Effectuate Same

Keith Sanders, Fire Chief, presented a recommendation to award a contract to Emory Clinic for a Medical Director for the City of Sandy Springs Fire Department and City of Sandy Springs Police Department and authorizing the City Manager to execute documents to effectuate same.

The proposed contract between the City of Sandy Springs (SSPD) and the Emory Clinic is designed to increase the medical training and medical support for the Sandy Springs Police Department.

With this contract, SSPD will have access to a board-certified Emory ER physician that is available for medical support for high risk operations, enhanced medical training, and medical consultation for injured or ill officers.

Motion and second. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember John Paulson**, to award a contract to Emory Clinic for a Medical Director for the City of Sandy Springs Fire Department and City of Sandy Springs Police Department and authorizing the City Manager to execute documents to effectuate same.

Councilmember DeJulio said the City had medical staff from Emory years ago. Did we have this position before?

Fire Chief Sanders said we still do. There is a doctor over the EMS portion of the Fire Department. Paramedics and EMT operate under that umbrella which gives them authorization to use their skills. We do not have a physician specific to the SWAT team that can train and deploy with them in high-risk operations. This separate contract allows for this opportunity.

Councilmember Melody Kelley said the memo says \$18,000 per year. Is this contract negotiated every year?

Fire Chief Sanders said we do not have a recurring contract, but additional information can be provided.

Councilmember Kelley asked is the City not to exceed \$18,000?

Fire Chief Sanders said correct. There is also a stipend for the physician that is beyond this and covers gas for instance. The \$18,000 is exclusively for the time the doctors spends with the team.

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

Resolution No. 2023-12-178

2023-320 Request for Mayor and City Council Consideration of a Resolution to Accept a Colonial Pipeline Company Encroachment Agreement with the Colonial Pipeline Company for property lying in Land Lots 23, 24, 30 and 31 in the 17th District, Fulton County, Georgia

**** Removed from Consent Agenda****

Kristin Byars Smith, Assistant City Manager, presented a recommendation to accept a Colonial Pipeline Company Encroachment Agreement with the Colonial Pipeline Company for property lying in Land Lots 23, 24, 30 and 31 in the 17th District, Fulton County, Georgia.

The Colonial Pipeline Company Encroachment Agreement is for construction of future Trail Segment 2E. Staff is preparing for the project and the City applied for the Georgia Outdoor Stewardship Program (GOSP) grant for this segment.

Motion and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Tibby DeJulio**, to Accept a Colonial Pipeline Company Encroachment Agreement with the Colonial Pipeline Company for property lying in Land Lots 23, 24, 30 and 31 in the 17th District, Fulton County, Georgia.

Councilmember Melody Kelley asked for more information about items 25 and 27 of the contract.

Assistant City Manager Byars Smith said not all items will apply to our specific project. For example, item 25 which is standard. Larger utility companies have a standard and the City works with them throughout the process. This matches the agreement for Segment 2A and will be in the same capacity as the existing Trail Segment.

Councilmember Kelley asked do they reserve the right to open, cut, or excavate across the proposed road?

Assistant City Manager Byars Smith said in this case there is no proposed road. Should they need access to the Trail Segment the City put there, the City will work with them to gain access as with any utility agreement.

Councilmember Kelley asked if Colonial disrupts the trail, will the City be responsible for fixing it?

Assistant City Manager Byars Smith said correct. This is standard for any utility agreement where the City is on their easement.

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

Resolution No. 2023-12-169

X. Reports

A. 2022-338 Mayor and Council Report

Mayor Rusty Paul reported his seventh grandchild, Jackson Paul Roberts, was born on Tuesday, December 5th at 3:45 am. Our family is delighted.

The Metropolitan Atlanta Mayor's Meeting was this week, and I am Vice Chairman. Most of the mayors in Atlanta attended and much time was spent discussing the challenges of housing. There were some great reports by the Atlanta Regional Commission (ARC) Analyst talking about this, and I would like him to make that same presentation in the City of Sandy Springs. The housing challenges with affordability and access is a national problem.

The Sparkle Parade was phenomenal. There were many kids and families there and people raved about all the festivities. Thank you everyone for your efforts including our first responders for providing security.

We had an event last night, continuing some of the meetings for the community. There were some protestors, but everything was peaceful. As usual, our first responders did a wonderful job. .

Rose Lubin, a young metro Atlanta woman and member of the Israeli Defense Force, was unfortunately killed by terrorist while on duty in Jerusalem. She grew up in Dunwoody and had a lot of family Sandy Springs. There will be a memorial service tomorrow in Dunwoody at the Marcus Jewish Community Center of Atlanta in Dunwoody. I will represent the City of Sandy Springs and honor a local soldier who gave the full measure of sacrifice doing what she really cared about.

B. 2022-339 Staff Reports

1. September 2023 Unaudited Financials

Toni Carlisle, Chief Financial Officer, reviewed the September 2023 unaudited financials. The City is at 25.00% of the year. Revenues are at 10.04% and expenditures are at 15.74% of the budget. The packet provides a trend of interest earned from GA Fund 1 and Truist for FY23 thru Sep FY24. We are three months into the fiscal year and revenues are as expected. We have received a small amount for property taxes with the largest portion received in November. We will begin receiving franchise fees in October's reporting as these are quarterly remittances. As of this report date, expenditures are light, as expected, in the first quarter of the FY.

XI. Executive Session

There was no Executive Session.

XII. Adjournment

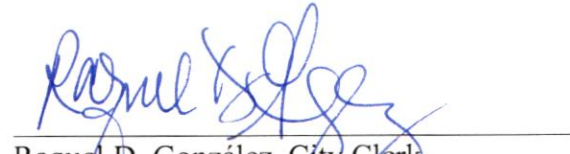
Motion and vote. A motion was made by **Councilmember Tibby DeJulio**, seconded by

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

The meeting adjourned at 9:55 p.m.

Approved: December 19, 2023



Russell K. Paul, Mayor

Raquel D. González, City Clerk