

Meeting of the Sandy Springs City Council was held on January 2, 2024 at 6:00 p.m., Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:00 p.m.

II. Roll Call and General Announcements

Members Present: Mayor Rusty Paul, Councilmember Melody Kelley, Councilmember Melissa Mular, Councilmember Jody Reichel, Councilmember Tibby DeJulio, Councilmember Andrew Bauman

Members Absent: Councilmember John Paulson

III. Pledge of Allegiance

Mayor Rusty Paul led the Pledge of Allegiance.

IV. Public Comment

There were no public comments.

V. Approval of Meeting Agenda

Motion and vote. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember Jody Reichel**, to approve the meeting agenda. The motion carried by unanimous vote.

VI. Consent Agenda

- A. **2024-001** Meeting Minutes
 December 19, 2023 City Council Meeting

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

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2024-002** ABL#103916- Approval of Alcoholic Beverage License Application for M2 Convenience Store LLC for d/b/a Texaco Food Mart / 8779 Dunwoody PL, Sandy Springs GA 30350

Applicant is Karim Bhalwani for Package Wine & Malt.

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application Retail/Package Wine & Malt for M2 Convenience Store LLC d/b/a Texaco Food Mart /8779 Dunwoody PL, Sandy Springs GA 30350.

This is a New Application for Package Wine & Malt. The business is located at – 8779 Dunwoody PL, Sandy Springs GA 30350. Applicant submitted a completed application on September 14, 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 Melody Kelley**, seconded by **Councilmember Jody Reichel**, to approve the application Retail/Package Wine & Malt for M2 Convenience Store LLC d/b/a Texaco Food Mart at 8779 Dunwoody PL, Sandy Springs GA 30350. The motion carried by unanimous vote.

IX. New Business

- A. **2024-003** Request for Mayor and City Council Consideration to Approve Contract Award to Gresham Smith for the Development of the City of Sandy Springs Safety Action Plan as it Relates to the Safe Roads and Streets for All Project and to Authorize the City Manager to Execute the Contract

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to request for Mayor and City Council consideration to approve contract award to Gresham Smith for the development of the City of Sandy Springs' Safety Action Plan as it relates to the Safe Roads and Streets for All Project and to authorize the City Manager to execute the contract.

The United States Department of Transportation ("USDOT") awarded a grant to the City to develop a Safety Action Plan through the SS4A Program. The federal share of the grant is \$360,000.00. The City has an obligated match of \$90,000.00. The study should take about fifteen (15) months to complete.

An objective of the program is to set a goal toward zero roadway fatalities. The thinking is that even one fatal or serious injury crash is not acceptable. The City, and hundreds of local governments throughout the United States, are performing similar Safety Action Plans to undertake comprehensive crash evaluations and to target strategies and projects to reduce crashes that lead to serious injuries or fatalities.

There will be extensive stakeholder and public outreach, especially to communities that may be underserved, including areas of persistent poverty.

Project Objectives

In addition to fulfilling the USDOT and the Federal Highway Administration's ("FHWA") requirements for a SS4A Safety Action Plan, the City intends for this Project to provide the foundation for expansion of the City's ongoing safety program. Objectives include:

- Develop a crash dataset and identify high crash locations and high crash cost locations for 2018 through 2022;
- Identify locations with several high crash locations and/or systemic needs for future safety

- projects;
- Identify the high injury network of fatal and serious injury crashes;
- Establish a safety framework and goals to achieve a reduction in fatal and injury crashes across all populations;
- Identify underserved communities through data analyses;
- Identify and enact strategies and projects to achieve safety targets; and
- Develop a Safety Action Plan to include implementation program and metrics to report safety progress.

The City issued a Request for Proposals (“RFP”) on October 18, 2023 and closed the RFP on November 20, 2023. The City hosted a non-mandatory pre-proposal meeting on November 1, 2023.

Eight (8) proposals were received from:

- AECOM Technical Services, Inc.
- BCC Engineering, LLC d/b/a Heath & Lineback Engineers, Inc.
- Croy Engineering, LLC
- Gresham Smith
- Jacobs Engineering Group Inc.
- Kimley Horn & Associates, Inc.
- NV5 Engineers and Consultants, Inc.
- Stantec Inc.

The City Evaluation Committee was comprised of:

- Kristen Wescott, Traffic and Transportation Unit Manager
- David Low, Senior Traffic and Transportation Engineer
- Caitlin Shankle, Senior Traffic Transportation Planner
- Brendan Fitzpatrick, Traffic Engineer
- Catherine Mercier-Baggett, Sustainability Manager

Proposals were scored using the following evaluation criteria:

Project Understanding and Approach	30%
Schedule and Work Plan	10%
Project Manager and Project Team	25%
Relevant Experience	30%
Cost	5%
Total	100%

After evaluating all received proposals, four (4) firms with the highest scores were interviewed. The Evaluation Committee considered the proposals and the interviews and scored the firms as follows out of a possible 100 points:

Gresham Smith	94.1
Kimley Horn & Associates, Inc.	92.7
Stantec Inc.	90.4
Jacobs Engineering Group Inc.	90.2

The Evaluation Committee determined that Gresham Smith submitted the most responsive and

responsible proposal to accomplish the Project and recommends Gresham Smith to perform the Safety Action Plan at a cost of \$335,295.00.

There are adequate funds in the Capital Improvement Program Project (Project No. T-2406) to award contract for the Project.

Motion and second. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember Andy Bauman**, to approve contract award to Gresham Smith for the development of the City of Sandy Springs' Safety Action Plan as it relates to the Safe Roads and Streets for All Project and to authorize the City Manager to execute the contract.

Councilmember Melody Kelley asked how is this plan different from the Roswell Road Access Management Plan and North End Roadway Safety Analysis?

Public Works Director Martin said this provides an overall comprehensive safety action plan and will serve as a baseline.

Kristen Wescott, Public Works Transportation Unit Manager, said those studies were detailed into a specific geography. We looked at access management in the Roswell Road Plan. The North End and Medical District safety studies were generated years ago after by staff after an initial review of 2017 data. Currently we are going to enhance our traffic safety database to compare year against year. This comprehensive plan is taking a different approach to how we look at safety and recognizing that people make mistakes. We look for trends and apply them broadly and target solutions for those areas to reduce high injury and fatal crashes. We are looking at all public roads in the City of Sandy Springs and in the state system. The City's first responders get involved in crashes on I-285 and SR-400 and we will be collaborating with the Department of Transportation to discuss what is happening there to minimize injuries and fatalities.

Councilmember Kelley asked was data for the Roswell Road Access Management Study pulled from the 2017 data?

Public Works Transportation Unit Manager Wescott said we had five years of prior year data that we used to start the project.

Councilmember Kelley asked will we sense if any of the City's newer transportation interventions is working, for example medians done in the past couple years?

Public Works Transportation Unit Manager Wescott said this will show. For example, the median put near Grogans Ferry and Pitts Road was a hot-spot on previous transportation evaluations and gives us an opportunity to look at year versus year data and see a trend. It is important to gather a broader data set as there were over 26,000 crashes which significant in the City of Sandy Springs.

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

Resolution No. 2024-01-001

- B. **2024-004** Request for Mayor and City Council Consideration to Approve Amendment Number 1 to the Intergovernmental Agreement between the City of Sandy Springs and as it Relates to the PATH400 Multiuse Trail Extension Project and for the Mayor to Execute the Amendment T0060-S2121, PI 0015023

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve Amendment Number 1 to the Intergovernmental Agreement between the City of Sandy Springs and as it relates to the PATH400 Multiuse Trail Extension Project and for the Mayor to execute the Amendment T0060-S2121, PI 0015023.

The City of Sandy Springs entered into an IGA with the City of Atlanta in May 2019 to share the preliminary engineering ("PE") costs for the SR 400 Multiuse Trail Extension. On January 19, 2023, Heath & Lineback, Inc. ("Heath & Lineback") submitted a change order request for additional funds (Task Order 4) to complete the remaining final design project tasks that were either identified as additional scope of work or additional effort beyond previous assumptions. Design support during the bid, award, and construction phase of the Project were also included. Task Order 4 was approved by Sandy Springs Mayor and City Council on June 20, 2023.

Amendment Number 1 to the IGA outlines the additional cost sharing for the Project with Atlanta for the work included in Task Order 4, including PE. Amendment Number 1 to the IGA was approved by the City of Atlanta's City Council on November 20, 2023 and the City of Atlanta has agreed to participate in the costs for PE within the City of Atlanta portion of the multi-use trail with an estimate not to exceed \$17,457.28. After completion of the PE, the City of Atlanta will take on the responsibility for constructing their portion of the trail.

City of Atlanta Total (From Exhibit A of IGA): \$87,286.38

Federal Share: \$68,829.10 (to be reimbursed by GDOT per Project Framework Agreement)

Local Match: \$17,457.28 (to be reimbursed by COA per IGA)

Amendment Number 1 of the IGA authorizes the City of Atlanta to reimburse the City of Sandy Springs for Preliminary Engineering services in the amount not to exceed \$17,457.28.

Motion and vote. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Tibby DeJulio**, to approve Amendment Number 1 to the Intergovernmental Agreement between the City of Sandy Springs and as it relates to the PATH400 Multiuse Trail Extension Project and for the Mayor to execute the Amendment T0060-S2121, PI 0015023. The motion carried by unanimous vote.

Resolution No. 2024-01-002

- C. **2024-005** Request for Mayor and City Council Consideration to Approve an Intergovernmental Agreement between the City of Sandy Springs and the City of Atlanta for the Construction of the PATH400 Multiuse Trail Extension Project and for the Mayor to Execute the Agreement, T0060-S2121, PI 0015023

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve an Intergovernmental Agreement between the City of Sandy Springs and the City of Atlanta for the construction of the PATH400 Multiuse Trail Extension Project and for the Mayor to execute the agreement, T0060-S2121, PI 0015023.

The Path 400 Multiuse Trail Extension Project is currently in the final design phase and construction of the path is scheduled to begin in 2024. The Project limits extend from Loridans Drive, within the city limits of Atlanta, through the city limits of Sandy Springs to south of Johnson Ferry Road. Atlanta will be hiring their own contractor to construct the portion of the Project located within the Atlanta city limits

and Sandy Springs will hire a separate contractor to construct the portion of the project located within the city limits of Sandy Springs, however, the city limit line lands in the middle of a bridge structure, which must be constructed by a single contractor. The entire bridge structure will be included in the Sandy Springs contractor's scope and the cost of the entire bridge structure is included in the Sandy Springs' portion of the construction cost estimate.

The current estimated cost for the portion of the bridge located within the Atlanta city limits is \$1,965,147.50. The City has received federal funds through the Georgia Department of Transportation ("GDOT") for this construction work and this amount is subject to the local match requirement of twenty percent (20%).

Project Total: \$1,965,147.50

Federal Share: \$1,572,118.00 (to be reimbursed by GDOT per PFA)

Local Match: \$393,029.50 (to be reimbursed by COA per IGA)

Atlanta has approved an IGA (attached hereto) that will provide reimbursement to Sandy Springs, in an amount not to exceed \$400,000.00 for the construction of the bridge.

The IGA for construction authorizes the City of Atlanta to reimburse the City of Sandy Springs for construction, in an amount not to exceed \$400,000.00.

Motion and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Jody Reichel**, to approve an Intergovernmental Agreement between the City of Sandy Springs and the City of Atlanta for the construction of the PATH400 Multiuse Trail Extension Project and for the Mayor to execute the agreement, T0060-S2121, PI 0015023.

Councilmember Reichel asked why is the bridge so expensive?

Public Works Director Martin said this is fairly significant within this path system.

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

Resolution No. 2024-01-003

- D. **2024-006** Request for Mayor and City Council Consideration to Approve a Memorandum of Agreement between the Georgia Department of Transportation and the City of Sandy Springs for the Innovative Interchange Scoping Study of I-285/SR 9-(PI No. 0019792)

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve a Memorandum of Agreement between the Georgia Department of Transportation and the City of Sandy Springs for the Innovative Interchange Scoping Study of I-285/SR 9-(PI No. 0019792).

On November 16, 2021, City Council approved to advance a grant application to the Atlanta Regional Commission (the "ARC") for an Innovative Interchange Scoping Study of I-285 at SR 9/Roswell Road under the Transportation Improvement Program ("TIP") solicitation. At the time of the application, GDOT provided a letter of support for the study, as well as commitment of additional funding to undertake the Project. Council approved the grant application request with a commitment of up to \$150,000.00 of local funds for the study. The City appropriated funds for the study under Capital Improvement Project Number T2209.

The ARC announced the award of the project on October 25, 2022 under project FN-351 for a total project cost of \$750,000.00. Since the initial grant award announcement, the study has been assigned a GDOT project identification number (PI 0019792), and the study funding project total has increased to \$1,250,000.00.

Historically, the long-range Regional (Metropolitan) Transportation Plan contained a standalone project for an interchange modification/reconstruction of I-285 at SR 9-Roswell Road (FN-AR-203, PI 0000247). The Project had been an element of the Revive285 program, but as the Transform 285/400 and top end MMIP projects advanced, the Roswell Road interchange Project was omitted from consideration in these projects.

The current project proposes to undertake a long-range scoping study of the I-285/SR 9-Roswell Road to identify future improvements for unaddressed operation and safety needs and accommodate future regional plans for Bus Rapid Transit (BRT) and managed lanes. GDOT will lead the study in its Office of Program Delivery.

Sufficient funds have been budgeted under T2209 to satisfy the local match in the MOA.

Motion and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Melissa Mular**, to approve a Memorandum of Agreement between the Georgia Department of Transportation and the City of Sandy Springs for the Innovative Interchange Scoping Study of I-285/SR 9-(PI No. 0019792).

Councilmember Bauman asked is the City paying \$150,000 of this cost and the other party is GDOT?

Public Works Director Martin said yes.

Councilmember Bauman asked will there be an opportunity for Council specifically to weigh in and the public at some point?

Public Works Director Martin said yes. As part of this long-term scoping study there will be aggressive public outreach of some form.

Councilmember Bauman said the City's \$150,000 commitment is small but a big impact to our citizens in the southern part of the City. I want to be sure that we are not funding something that will be objectionable to us, and we are getting improvements.

Public Works Director Martin said the SS4A planning study will also highlight that particular interchange is one of the higher crash locations in the City and needs to be addressed structurally.

Councilmember Bauman said Mayor Rusty Paul is knowledgeable about this and the Bus Rapid Transit aspect. I want us to be ahead of the curb on this.

Mayor Rusty Paul said it is likely federal dollars everyone is spending as money is coming from the ARC. The federal government has a robust requirement for public interaction for these kinds of studies and this is going to be driven by GDOT more than the City.

Councilmember Bauman stated without doubt, it will be our citizens who utilize this.

Mayor Paul said I am pointing out we are at the end of the food chain and not the front.

Public Works Director Martin said the track record on this project has been good so far. Staff suggested this project get renewed emphasis and revitalized, and GDOT staff supported that.

Councilmember Bauman said we have done a good job in anticipating what projects might be coming and taking some measures. We will do the same here.

Councilmember Mular asked is there a timeline associated with this project?

Public Works Director Martin said the contract award will be within the next two months for this long-term scoping study, and then about a two-year duration on the study itself. Within that window there will be public engagement and more associated with this project.

Councilmember Mular asked will this be added to the Week in Review report?

Public Works Director Martin said this study has not received a location but we can put one.

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

Resolution No. 2024-01-004

- E. **2024-007** Request for Mayor and City Council to Accept a Right of Entry Agreement between the City of Sandy Springs, Sandy Springs Regency, LLC and the Georgia Power Company as it Relates to the Johnson Ferry Road/Mount Vernon Highway Improvements Project and the Authorize the Mayor to Execute the Agreement

Dan Lee, City Attorney, presented a recommendation to approve a Right of Entry Agreement between the City of Sandy Springs, Sandy Springs Regency, LLC and the Georgia Power Company as it relates to the Johnson Ferry Road/Mount Vernon Highway Improvements Project and to authorize the Mayor to execute the agreement.

This property is part of the Johnson Ferry Road/Mount Vernon Highway Improvement Project (Project No. TS-191). In order to construct the Project, fee simple rights are required over, under, and through the property owned by Sandy Springs Regency, LLC ("Regency") and located at 6225 Roswell Road, Sandy Springs, GA 30328, and more particularly described as land lying and being in Land Lot(s) 71 and 89 of the 17th District of Fulton County, Georgia, (Tax Parcel No. 170089LL096)(hereafter, the "Property").

The property in question is a multi-tenant retail shopping center located on a 9.457-acre lot. It is located on the northeast corner of Roswell Road and Johnson Ferry Road, in a mixed retail/residential area. The subject property includes 2,482.66 sq. ft. (0.057 acres, more or less) of fee simple right-of-way and 4,614.66 sq. ft.(0.106 acres, more or less) of permanent easement.

There would be no direct costs associated with entering the attached Agreement in order to stay concurrent with Project timeline.

Motion and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melissa Mular**, to approve a Right of Entry Agreement between the City of Sandy Springs, Sandy Springs Regency, LLC and the Georgia Power Company as it relates to the Johnson Ferry Road/Mount Vernon Highway Improvements Project and to authorize the Mayor to execute the agreement.

Councilmember Reichel asked do you feel comfortable negotiating the cost with them and coming to a good agreement?

City Attorney Lee said the City is in a good position given the deficiencies along Roswell Road by the developer. The City does not have an alternative and this is an intricate part of the project. If we cannot reach an agreement, I recommend the City use eminent domain and take the properties needed then negotiate with Georgia Power on utility uses for the area. The rest of the problem that Regency has in the development of the property north on Roswell Road would be left to those devices to figure out what it would cost them, to complete what they are twelve years behind in doing.

Mayor Rusty Paul asked does the cost for Regency to cure their failure exceed what the City may have to pay?

City Attorney Lee said in this case it makes it difficult when construction of this area is used as currency for the purchase of the other area. Staff feels comfortable that synergies of the City doing the work on the Johnson Ferry side and using the work that the City would contract for on the Roswell Road portion would be much cheaper than what we would have to pay in a condemnation of the Johnson Ferry property. The cost of the Roswell Road Project would be a unit price contract. Somebody will bid on units of construction, for example moving dirt or putting concrete, the quantities would be calculated and that is the price they would pay. Subtracted from that would be the cost of the utility easement and fee simple property needed on Johnson Ferry. The indications are that the Roswell Road work would be at least twice what is owed on Johnson Ferry.

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

Resolution No. 2024-01-005

X. Reports

A. 2024-008 Mayor and Council Report

Mayor Rusty Paul reported the Georgia General Assembly returns Monday for a 40-day session. Lunch with the Sandy Springs delegation is this coming week. The Georgia Municipal Association Legislative staff will also be in attendance to discuss some of the major issues facing cities.

There will be a seminar tomorrow for all newly elected mayors in the Metro Atlanta area. Along with the mayors of Union City and College Park, I am honored to also have been asked to tutor them.

The mayors of the North Metro Area are getting briefed this week on the status of the Roswell Road I-285 transit study. We have been meeting quarterly to review with MARTA and the other players in that process, preparing for ultimately the BRT system along the northern part of I-285. I will provide updates on what is going on there.

B. 2024-009 Staff Reports

Eden Freeman, City Manager, introduced new Assistant City Manager Chris Owens. He is joining the City after being a Consulting Engineer in private practice for several years. He also served on the

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Alpharetta City Council and has a breadth of knowledge of all things related to infrastructure, facilities, and engineering, and especially our area.

Also, **Kristin Byars Smith, Assistant City Manager**, welcomed her new baby girl on December 29th. We are excited to have a new member of the family here.

The ice rink is a huge success, and we will provide data to Council.

Preliminary results from the Performing Art Center's New Year's Eve symphony performance and concession sales show the City made a profit.

XI. Executive Session

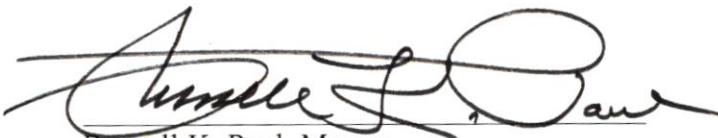
There was no executive session.

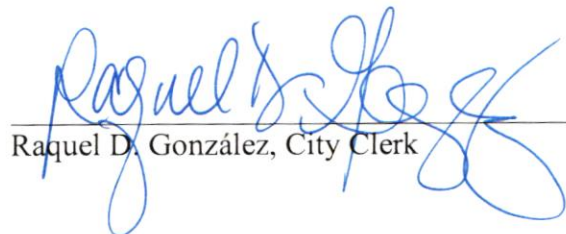
XII. Adjournment

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

The meeting adjourned at 6:40 p.m.

Approved: January 16, 2024


Russell K. Paul, Mayor


Raquel D. González, City Clerk