

Meeting of the City of Sandy Springs City Council – SUMMARY MINUTES
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
March 5, 2024 Following Work Session
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Meeting of the Sandy Springs City Council was held on March 5, 2024 Following Work Session, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:27 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

There were no public comments.

V. Approval of Meeting Agenda

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

VI. Consent Agenda

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

- A. **2024-048** Meeting Minutes
February 20, 2024 City Council Meeting

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2024-049** ABL #103491
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for Genki Prado LLC d/b/a Genki Noodle and Sushi at 5600 Roswell Rd, Ste H100, Sandy Springs, GA 30342. The applicant is Hannah Le Sy for Consumption on The Premises Wine, Malt & Distilled Spirits

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application Consumption on The Premises Wine, Malt & Distilled Spirits for Genki Prado LLC for d/b/a Genki Noodle and Sushi / 5600 Roswell Rd Ste H100 Sandy Springs GA 30342.

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This is a Change of Ownership for Consumption on The Premises Wine, Malt & Distilled Spirits. The business is located at – 5600 Roswell Rd Ste H100 Sandy Springs GA 30342 and the applicant is Hannah Le Sy. Applicant submitted a completed application on January 09, 2024 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 Andy Bauman**, seconded by **Councilmember Tibby DeJulio**, to approve the application Consumption on The Premises Wine, Malt & Distilled Spirits for Genki Prado LLC for d/b/a Genki Noodle and Sushi / 5600 Roswell Rd Ste H100 Sandy Springs GA 30342. The motion carried by unanimous vote.

- B. **2024-050** ABL# 104910
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for AMAN2015 LLC d/b/a Northridge Bottle Shop at 8333 Roswell Rd, Sandy Springs, GA 30350. The applicant is Amisha Patel for Retail/Package Wine, Malt & Distilled Spirits

Toni Carlisle, Chief Financial Officer, presented a recommendation to approve the application Retail/Package Wine, Malt & Distilled Spirits for AMAN2015 LLC for d/b/a Northridge Bottle Shop / 8333 Roswell Rd Sandy Springs GA 30350.

This is a Change of Ownership for Retail/Package Wine, Malt & Distilled Spirits. The business is located at – 8333 Roswell Rd Sandy Springs GA 30350 and the applicant is Amisha Patel. Applicant submitted a completed application on December 19th, 2024 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 John Paulson**, seconded by **Councilmember Melody Kelley**, to approve the application Retail/Package Wine, Malt & Distilled Spirits for AMAN2015 LLC for d/b/a Northridge Bottle Shop / 8333 Roswell Rd Sandy Springs GA 30350. The motion carried by unanimous vote.

- C. **2024-051** ABL # 237754
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for Anja Bar and Lounge LLC d/b/a Anja Bar and Lounge at 8290 Roswell Rd., Ste 500B, Sandy Springs, GA 30350. The applicant is Joshua Jones for Consumption on the Premises Wine, Malt, and 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 Anja Bar and Lounge d/b/a Anja Bar and Lounge – 8290 Roswell Rd., Ste 500B, Sandy Springs GA 30350.

This is a New Application for Consumption on the premises Wine, Malt, and Distilled Spirits. The business is located at 8290 Roswell Rd. Ste 500B, Sandy Springs GA 30350 and the applicant is Joshua Jones. Applicant Joshua submitted a completed application on October 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 Melody Kelley**, seconded by **Councilmember John Paulson**, to approve the application for Change of Ownership - Consumption on the premises Wine, Malt, and Distilled Spirits for Anja Bar and Lounge d/b/a Anja Bar and Lounge – 8290 Roswell Rd., Ste 500B, Sandy Springs GA 30350. The motion carried by unanimous vote.

D. 2024-052 Request for Mayor and City Council Consideration to Approve an Economic Incentive Request for Newell Brands

Caroline Kinchler, Economic Development Manager, presented a recommendation to approve an economic incentive request for Newell Brands.

The City’s Economic Development Incentive Policy has been adopted by the City Council (originally adopted in 2011 and most recently updated in July 2017) to provide incentives for the retention and/or expansion of existing businesses located within the City of Sandy Springs and to encourage the establishment of new targeted businesses within the City.

Pursuant to the policy, representatives for Newell Brands have submitted an application requesting a waiver of building permit fees and waiver of business occupational taxes for tenant buildout of an existing office building in Sandy Springs. This would be a relocation of their global headquarters from their existing location at 6655 Peachtree Dunwoody Road to 5 Concourse Parkway.

Pursuant to the Incentives Policy, a public hearing is required prior to action by the City Council on this application.

Newell Brands is a publicly traded company currently based in Sandy Springs that is exploring relocation options both inside and outside of Sandy Springs. The company is in the final stages of due diligence of exploring locations. They have proactively applied for this incentive in order to determine the final costs and benefits of selecting Sandy Springs for the relocation.

If Newell Brands selects Sandy Springs for their headquarters relocation, they will retain 890 jobs in Sandy Springs and add 165 net new jobs to the city for a total of 1,055 jobs. The average wage of all jobs is approximately \$130,000. They will make an 11-year lease commitment and occupy approximately 180,980.

Total capital investment is estimated at \$51.2 million, which includes \$30.4 million in renovation costs and \$20.8 million in furniture, fixtures, and equipment. Renovation work is expected to begin in Summer or Fall 2024 with relocation expected to occur sometime in 2025.

In support of their request and how this project aligns with overall city goals, Newell Brands stated:

“Relocation to this site will attract and retain corporate employment opportunities. The new site will serve as our world headquarters of our multinational business that is publicly traded on the NYSE. We routinely bring business contacts from around the world to meetings at our headquarters which further promotes the city. Our employees and visitors often leave for lunch or after work stopping to eat, shop, and play in the businesses in Sandy Springs. We also have a subset of employees that choose to live close

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to work, and will buy or rent housing, raise families, and “do life” in Sandy Springs outside of work hours.”

Based on the information submitted by Newell Brands in their application, this project meets the qualifications for a Tier III Incentive.

Large Employer Incentives				
		Tier I	Tier II	Tier III
Minimum Criteria	Number of New Jobs Created ⁽¹⁾	15	50	100+
	Amount of Capital Investment ⁽²⁾	\$1 million	\$1 to \$5 million	\$5+ million
	Number of Years Commitment	4	6	10
Incentives Available	Expedited Permitting	Yes	Yes	Yes
	Building Fee Waiver	Yes	Yes	Yes
	Business Tax Waiver	1 year	2 years	3 years

(1) at or above the average wage level for Sandy Springs (Current Median Household Income is \$93,303 in 2022 Inflation-Adjusted Dollars)

(2) excluding furniture, fixtures and equipment

The City incentive provides for expedited permitting, a waiver of permit fees a three year waiver of business occupational taxes. The estimated value of the fees waived totals \$281,883.40. Fees waived will not exceed this value if the incentive is approved by City Council. Impact fees do not apply to this project.

Incentive	5 Concourse Parkway
Estimated Building Permit Fee Waiver:	\$243,685
Estimated Impact Fee Waiver:	Not Applicable
Estimated Business Occupational Tax Waiver (Year 1)	\$12,732.80
Estimated Business Occupational Tax Waiver (Year 2)	\$12,732.80
Estimated Business Occupational Tax Waiver (Year 3)	\$12,732.80
Total Value of Estimated Waivers:	\$281,883.40

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

Motion and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Tibby DeJulio**, to approve an economic incentive request for Newell Brands.

Councilmember Reichel said this is a great example of how the City’s Economic Development Incentive Policy is aligning with objectives. I hope that Newell Brands chooses the City of Sandy Springs as its location for their global headquarters relocation. We have carefully considered the significant impact this will have on the community and believe Sandy Springs attributes align perfectly with Newell Brands’ needs and aspirations. While the decision ultimately rests with Newell Brands, we want them to know that we are ready and enthusiastic about the possibility of the City of Sandy Springs as the chosen

location.

Councilmember Melody Kelley asked are many businesses currently taking advantage of this opportunity at the Tier III level?

Economic Development Manager Kinchler said I am not aware of which businesses fall under the three tiers. Since the program inception, it may be less than twenty-five companies that have taken advantage.

Councilmember Kelley asked does the City have a process to monitor after?

Economic Development Manager Kinchler said yes. Throughout the duration of their lease agreement or the term that abides with their tier level, we have an annual affidavit process. We are doing this now with current participants. We send them the signed agreement with the details and ensure they are complying with operating the business and meet the wage threshold.

Councilmember Kelley asked what is the process to determine if the City is getting a return on this type of investment?

Economic Development Manager Kinchler said there may be in-depth fiscal impact analyses of different types of incentives. This is done for the Development Authority. Generally, the value for the Development Authority abatement is much higher than the amounts that we waive for this type of program. In the Development Authority and this expansion program, these are considered but for incentives. Also, by waiving the fees upfront, there is economic benefit in the long-term for the City of Sandy Springs.

Councilmember Kelley asked how is this economic impact measured over time?

Economic Development Manager Kinchler said data may be available. For example, for every one job created in Sandy Springs you could see that dollar turn over a certain number of times. This is an expensive report and we do not normally run this to that level of detail. We can provide rough estimates for prior projects and this one.

Mayor Rusty Paul said commercial real estate is largely valued by revenue from rental and lease payments made. If this building sits empty, the City's tax revenue drops on property taxes and commercial taxes in the Perimeter market, some of our most important revenue sources. Also, employees are eating out at restaurants producing indirect jobs, and paying sales taxes. There is a formula that can help but by every metric and every measure we are going to get our money back on this kind of program.

Councilmember Andy Bauman said we are open for business, and we do not often see retention as a tool. Does this program fit within the four corners of the existing and modified policy adopted years ago?

Economic Development Manager Kinchler said it does. Council may have received a copy of that policy which is for both retention and expansion.

Councilmember Bauman said we have established the rules of the road. This was not fitting a policy to a request, the request came within the policy. Is it based on incremental increase?

Economic Development Manager Kinchler said there are several thresholds they must meet. For instance, a number of net new jobs with an average wage threshold, spend X number of dollars, and

commit for X number of years.

Councilmember Bauman said this is an enhanced program and we are open for business. If we do not want to do this, we should not have the policy, and we have the policy. I hope they stay in the City of Sandy Springs.

Councilmember DeJulio said Newell Brands has been a good corporate citizen in the City of Sandy Springs. When the City was first incorporated, former Mayor Eva Galambos and I had an encouraging lunch with the CEO who offered his support of the City. Days later I asked him for garbage cans for the City and Newell donated about \$300,000 worth, and they are currently around the City. We look forward to having Newell Brands here in the City of Sandy Springs.

Mayor Paul said I had a lot of interaction with Newell during my ten years as mayor. They have been great citizens. An eleven-year lease is quite a commitment to the Sandy Springs community, and we are delighted they are willing to stay here.

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

IX. New Business

- A. **2024-053** Request for Mayor and City Council Consideration of a Resolution Appointing Members to the Sandy Springs Planning Commission

Mayor Rusty Paul presented a recommendation to appoint members to the Sandy Springs Planning Commission.

Two members of the Planning Commission are completing terms and need to be reappointed to full four-year terms. Robin Conklin is completing a partial term and Karen Trylovic has completed one term. They have a high level of involvement in the Sandy Springs community and Council should consider approving this request.

Motion and vote. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember Jody Reichel**, to approve appointing members to the Sandy Springs Commission. The motion carried by unanimous vote.

Resolution No. 2024-03-26

- B. **2024-054** Request for Mayor and City Council Consideration of a Resolution Appointing a Member to the Fulton County Perimeter Improvement District Board of Directors

Mayor Rusty Paul presented a recommendation to appoint a member to the Fulton County Perimeter Improvement District (PCID) Board of Directors.

The City's previous representative on the PCID Board of Directors, Pat Chester, term ended on December 31st, 2023. A lot of consideration was given about how to move forward as it is a complicated process. It involves having some membership in the PCID such as owning property. We worked with one of our property owners there to facilitate the appointment of Mayor Pro Tem John Paulson. He is

currently a member of the Development Authority, and if Council approves, he will no longer be a member, and we will fill that position at the next council meeting.

Motion and vote. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember Andy Bauman**, to approve appointing a member to the Fulton County Perimeter Improvement District Board of Directors.

Councilmember Bauman asked will **Councilmember John Paulson** be recused from voting?

Dan Lee, City Attorney, said it is not required.

Mayor Rusty Paul said this position is not paid and there is no remuneration.

Councilmember DeJulio said to serve on the PCID Board of Directors, you must be a property owner. He will be representing Sunny Parks who owns property near Costco. Who is technically the City's representative?

Mayor Rusty Paul said it is complex. You must be an elector in the PCID. Sunny Park is this and has not exercised his election privileges. **Dan Lee, City Attorney** can provide more information.

City Attorney Lee said legislation allows us to spread it out because many of the CIDs around the state are limited. This anomaly, not found in many other board establishments, allows for the property owner to proxy his position to the local appointing body. In this case, it is the City of Sandy Springs for that appointment, and **Councilmember John Paulson** would be the representative.

Mayor Paul said their bylaws state the City has a representative on their board. Unless the City own's property there, their process does not give us the ability to do that. There is a conflict in their bylaws we are trying to maneuver through. **City Attorney Lee** and **Eden Freeman, City Manager**, have worked through this to ensure that John Paulson is the City's representative, but through the offices of Sunny Park.

City Attorney Lee said it is not that unique. Most property owners in the PCID are corporations and it is hard for a corporation, who is not an elector, to be appointed. This proxy process is a must for individuals named there to vote.

Councilmember Bauman asked is any objection anticipated as it relates to rules for the PCID?

City Attorney Lee said the PCID is aware, and **City Manager Freeman** has discussed it with them.

Councilmember Bauman asked putting aside the situation years ago of litigation between the parties, is there potential for conflict when an elected representative of the City is on the board and must vote, as it would be a voting member of the PCID board and a voting member of this body? Is there a chance that those interests would somehow not be aligned in the normal course of business?

City Attorney Lee said there is no per se conflict, but there can be situations where one body like the PCID, does not act in the interest of the City. At that point, the PCID and the City as bodies may have a conflict. The individuals on the board, depending on their vote, may not. For example, if Councilmember Paulson was on the PCID board before and voted against the City he would have a conflict. If he did not vote against the City he would not.

Councilmember Bauman said it could also be the other way around.

City Attorney Lee said that is called an illegitimate conflict. They should not have had one. All the property within the Fulton PCID is within the City of Sandy Springs.

Councilmember Bauman said whether it was Pat Chester, John Paulson, or anybody, by Charter this is the City's elected representative. **Mayor Paul**, please share your objectives and what the mission is. What is our charge to this position?

Mayor Paul said the charge to this position is to represent the City's interest on the PCID board. The PCID functions to build infrastructure within their district. We have had some challenges in the past where there was litigation over the PCID's construction projects that did not comply with regulations and laws governing the expenditure of funds. John Paulson is an engineer and very familiar with the rules and regulations in the process of construction, and I would like somebody on that board representing the City's interest, and who can look at projects to make sure that does not happen again. Secondly, we have had some concern. Pat Chester did business and sometimes I was not sure whose interest he was representing. We also did not receive regular reports as this body anticipated. There were a few reports but there was no effort to ask what the City's interest is in voting. Those factors lead us to where we are today. Those are tax dollars that are being expended by the PCID though it is under a special category. Councilmember Paulson knows what the will of this body is on most things, and he will report back to Council. This is the primary reason we needed a new direction on the on the PCID.

Councilmember John Paulson said I will do my best to ensure the City of Sandy Springs interest is served.

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

Resolution No. 2024-03-27

- C. **2024-055** Request for Mayor and City Council Consideration to Approve Five Contract Awards for FY24 On-Call Tree Removal and to Authorize the City Manager to Execute the Contracts

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve five contract awards for FY24 on-call tree removal and to authorize the City Manager to execute the contracts.

The City currently has two (2) on-call tree contractors under contract for the removal of trees during normal business hours as well as in support of after-hours emergencies. Staff recommends increasing the number of contracted providers for tree removal services.

The City issued an Invitation to Bid ("ITB") 24-030 "Fiscal Year 2024 Tree Removal Services" on November 8, 2023. The City hosted a non-mandatory pre-proposal meeting on November 27, 2023. The procurement process closed on December 20, 2023. The City received bids from twelve (12) firms. Below are the twelve (12) bids from lowest to highest.

Firm	Total Bid
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Arborserv Inc.	\$ 32,875.00
Sesmas Tree Services, LLC	\$ 57,145.00
Richmond Tree Experts GA LLC	\$ 57,787.00
Gunnison Tree Services, LLC	\$ 67,348.00
Boutte Tree, Inc	\$ 67,985.00
Atlanta Premier Tree Solutions, LLC	\$ 68,150.00
Tidwell Trees Service, LLC	\$ 76,955.00
LTRC Tree Specialist, LLC	\$ 80,069.00
The F.A. Barlett Tree Expert Company	\$ 110,868.00
CGS Waterproofing LLC	\$ 113,730.00
Roble Tree Care, LLC	\$ 200,892.00
Atlanta Classic Tree Services, Inc	Non-Responsive

The pricing reflects the sum of anticipated tree services by unit cost. Pursuant to the terms of the solicitation, the term of the contract is for five (5) performance years, with one (1) base year and four (4) one-year renewal options contingent upon annual appropriation of funds by the City Council. Upon administrative review of the bids and reference checks, it was determined that the five (5) lowest bidders were responsible and responsive. Based on staff evaluation, the five (5) lowest bidders, Arborserv Inc., Boutte Tree, Inc., Gunnison Tree Services, LLC, Richmond Tree Experts GA LLC, and Sesmas Tree Services, LLC were selected for FY24 On-Call Tree Removal Services.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Melody Kelley**, to approve five contract awards for FY24 on-call tree removal and to authorize the City Manager to execute the contracts.

Councilmember Paulson asked who are the current contractors?

Public Works Director Martin said there are two contractors in place and they are the lowest bidders of five. Richmond Tree Experts has done the share of the work for the City for the past few years, including a portion of the recovery after Hurricane Zeta a few years ago. The other is Gunnison Tree Services who also does a good bit of work with Georgia Power. They have both done great work. For a while we have just been concerned about the number of contractors available to us.

Councilmember Paulson asked does expanding the number of contractors from two to five provide a wider base to pull from if there are a bunch of emergencies?

Public Works Director Martin said yes, specifically to emergencies. It provides flexibility to draw in more contractors if additional support is needed. We relied on Richmond Tree Experts throughout the Hurricane Zeta storm recovery. We also had extra help from Blount Construction who is under contract with the City to do roadway repair and would have liked to have had more tree contractors available in that emergency.

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

Resolution No. 2024-03-28

- D. **2024-056** Consideration of Mayor and City Council to Authorize the City Attorney to Prosecute the Condemnation and Seizure of Certain Real Property Located at 4804

Kitty Hawk Drive, Sandy Springs (Fulton County), Georgia. Pursuant to Section 34-48 of the City of Sandy Springs Code of Ordinances and O.C.G.A. Sec. 41-2-7

Dan Lee, City Attorney, presented a recommendation to authorize the City Attorney to prosecute the condemnation and seizure of certain real property located at 4804 Kitty Hawk Drive, Sandy Springs (Fulton County), Georgia. Pursuant to Section 34-48 of the City of Sandy Springs Code of Ordinances and O.C.G.A. Sec. 41-2-7.

On June 21, 2023, pursuant to a judicially authorized warrant, the Sandy Springs Police Department (“SSPD”) searched the house located at 4804 Kitty Hawk Drive and discovered a major marijuana growing operation. Two (2) individuals were arrested and charged with felonies related to the illegal activity. Officers also saw during their search of the Property that it had been modified to be a large-scale grow house. The basement was filled with hydroponic growing equipment, and air scrubbers had been installed throughout the Property, for the purpose of scrubbing the air of the odor of marijuana. In the basement of the Property, Officers located marijuana processing stations where the marijuana grown inside the house, was dried and trimmed. Officers also located garbage bags filled with marijuana, and large amounts of chemicals used in hydroponics.

Besides the vast amount of marijuana and materials used to grow marijuana located inside the Property, Officers also saw that there was a large amount of mold inside the house. This was likely caused by the pumping of water vapor generated by the marijuana plants in the basement, to outside the house. The scale of the mold is also evidence that this house had been used as a marijuana grow house for years.

The Chief Building Inspector for the City of Sandy Springs conducted an inspection the Property, as well as a thorough analysis of the value of the structure compared to the cost of remediation. His findings included the following:

- Abandoned interior demolition and exposed electrical wiring;
- Lack of removal of rubbish in the interior and exterior;
- Presence of black mold to the extent it cannot be safely remediated;
- Structural integrity compromised due to the drug manufacturing retro fit; and
- General neglect.

As a result of all of the above-described conditions, the subject property has been, and is identified, as being unfit for human habitation, not in compliance with applicable codes and an endangerment to public safety as a result of described unsafe conditions, and consequently, a nuisance requiring abatement.

In addition to the above-described condition of the Property, the Property has been broken into on several occasions.

The City Attorney believes you cannot put a price tag on the safety of the community. In addition, the City should recoup the expenses of this action and the costs of demolition upon the seizure conclusion and ultimate sale of the property.

Motion and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember John Paulson**, to authorize the City Attorney to prosecute the condemnation and seizure of certain real property located at 4804 Kitty Hawk Drive, Sandy Springs (Fulton County), Georgia. Pursuant to Section 34-48 of the City of Sandy Springs Code of Ordinances and O.C.G.A. Sec. 41-2-7.

Councilmember Bauman thanked **City Attorney Lee** for the presentation. This property is located in District 6 and we have been working closely on this. You said many important things but what stuck out was criminal activity was not incidental but integral to the use and occupancy of this house. This was not a rogue family member growing pot out of a closet. This was what this house was used for, and you mentioned that the lender, owner, and everybody was allegedly involved.

City Attorney Lee said it is evident and uncontested by the Sandy Springs Police Department that the house was purchased with Mexican cartel drug money to grow, manufacture, and sell not just marijuana, but Tetrahydrocannabinol (THC) products.

Councilmember Bauman said this is different than eminent domain. This is a condemnation. In my eleven years as a councilmember, the City may have done this once around the Hilderbrand area.

Mayor Paul said we have done about two.

Councilmember Bauman asked what is the status of the criminal case? Is it pending or dismissed?

City Attorney Lee said the overwhelming evidence surrounding this issue is the property was intended for criminal enterprise. The two assailants arrested at this house by Sandy Springs police have not been prosecuted yet but have been charged. Both are undocumented aliens. Though they have not been prosecuted, several others from this investigation have pled guilty in link to this enterprise.

Councilmember Bauman asked is this condemnation brought to Council based on the condition of the property and the risk that it poses to the community, or is it related to the criminal activity? Can these two be separated? As a standalone, is this property in a condemnable condition regardless of whether there was criminal activity or not?

City Attorney Lee said the petition we are asking Council to allow us to file is in the name of the police chief and the building official. We believe both categories of the allowance and our ordinance are met here. The building is unsafe, and it cannot be made safe. It presents a community hazard and would continue to be used for criminal enterprise if allowed to stay there. In addition, no one is going to use the house ever again and there is no reason not to tear it down.

Councilmember Bauman said you mentioned the assailants are undocumented. Are the perpetrators that have not pled guilty incarcerated or are they out on some sort of bond?

City Attorney Lee said I do not have this information.

Councilmember Bauman said we are being proactive for several reasons in this case. This is an extreme example of a hazardous property. At the Council Retreat, it was discussed publicly that we are dealing with a backlog of cases. The point of this is to protect the community. There is more to this story as it relates to the supporting prosecuting attorney, and we will continue to be proactive. We can make arrests and follow the law, but there are times, even while a case is pending, we are going to have to go above and beyond to ensure the safety of the community. **City Attorney Lee**, do you agree with that characterization?

City Attorney Lee said the officer who spearheaded this not only arrested two perpetrators, he went the extra mile, worked the seizure process and maintained a great relationship with the prosecuting office so they could not do this crime again. If the house remained the mechanism for the commission of this crime would still be there and the community would still be unsafe. That property will be seized and taken off

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the criminal market and placed back on commerce and become a viable part of the neighborhood again. This process takes the property temporarily out of the criminal mix so that it will not be broken into again, and somebody will not go there and get hurt, and the criminal enterprise cannot happen.

Councilmember Bauman said as it relates to pending criminal cases, the City has a vested interest in disposition of those, and it seems that our role now is a little heightened. It is well known that there is a backlog of cases at the Fulton County District Attorney's Office. Please continue to be proactive in dire cases, whether it has to do with condemnations or other methods to protect the community, because often we do not know what happens to these cases. Some of the most violent felonies are outstanding and this is an example of where the City can do something.

City Attorney Lee said this is something the City can do to protect the community from an operation that should not be there.

Councilmember Jody Reichel asked are there any liens on the property?

City Attorney Lee said yes. There is a mortgage balance of about \$30,000.

Councilmember Reichel asked do they have the first opportunity to do this?

City Attorney Lee said they must make a claim and I do not know if they will. Under the ordinance and due process, we will give notice to everyone who has an interest. This includes Fulton County, the lender in Denver, Colorado, the property owner in custody in Los Angeles, California, and **Mayor Paul**.

Councilmember Paulson said this is complicated as there are two parts. There is the condemnation because it is unsafe and hazardous and the seizure where the City takes over the property. I do not know if we have ever done both at the same time. We have done condemnation on a building that was unsafe but tell me more on the seizure applicability.

City Attorney Lee said there is an accompanied federal statute with Georgia law that allows for the seizure of property that is either gained from ill-gotten gains, in this case drug proceeds, or used in an illegal manner. This fits both categories. In this case, Fulton County acting on behalf of the City's interest in the seizure must prove that it was purchased with ill-gotten gains. The complaint is undisputed. At least two of the operatives that assisted this owner have been arrested for the same exact thing.

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

Resolution No. 2024-03-29

X. Reports

A. 2024-057 Mayor and Council Report

Mayor Rusty Paul congratulated Riverwood International Charter School, Holy Innocents' Episcopal School, and The Mount Vernon School for their participation in the basketball state championship game this Friday at the Macon Coliseum. Riverwood is in 5A, Holy Innocents' in 4A, and Mount Vernon in 1A of the championship game. We wish them a tremendous amount of luck going forward.

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Legislation that creates qualified police foundations passed and the City of Sandy Springs has set up that foundation. The board of directors approved by this body, as well as those designated by law met this week and adopted bylaws, and the City can start taking contributions to this 501(c)(3). Contributions are eligible for Georgia tax credit and are a direct write off from Georgia tax liability, but you can get a federal deduction. Corporations for example can go up to 75% of their tax liability. This is a great way to support the police department with some of their needs and accelerate that process. Information on making contributions will be available shortly on the website.

The Georgia General Assembly has about six legislative days left and there is still a lot of legislating left to go. It is a very intense time. A few bills have some resonance with the City and these got through Crossover Day last week. This is the day the bill must pass its house of origin to be considered a law this year.

House Bill 514 has been around for a while, and it limits the length of time that a local jurisdiction can issue a zoning or building moratorium. The bill originally restricted moratoria to sixty days max for both residential and multi-family, but they have changed it, and it is currently in a conference committee. Now that sixty days max would be limited only to residential moratoria.

Many know that Sandy Springs has a floating homestead and taxes can only go up 3%, or to the Consumer Price Index (CPI), whichever is lower. The City has done a good job and Senate Bill 349 would require this to be statewide. It passed the Senate two weeks ago and is sitting in Ways and Means. When the City's revenue grows organically, we complain that we are required to advertise that as a tax increase which is misleading to the public because our millage rate is capped and it was never raised. This bill reforms what is called the Taxpayer Bill of Rights. If the taxpayer appeals their assessment and they do not show, they do not get the reduction nor the three-year cap on growing. It is a great bill and the Georgia Municipal Association supports it. The one problem is the Georgia Constitution requires all revenue bills to originate in the State House of Representatives and this is a Senate bill, and we are not sure how the House is going to deal with this. They do not like Senate tax bills coming but maybe we will figure out some compromise.

Another bill deals with our first responders in practice. Across the state of Georgia many suffer from PTSD. It is an occupational hazard for all the tragedies and horrors that our first responders are often exposed to. Until now, the primary way to deal with that was through the Workers Compensation Program where a claim had to be filed. Many cities did not carry insurance to cover that, and they went to the Workers Compensation Board to get compensation for treatment. House Bill 451 requires local governments to carry insurance to cover PTSD treatment if related to professional activities, which is how it should be done. It is not a workers' comp issue and should not be adjudicated as part of that. This is another bill that is desperately needed and hopefully it is made.

House Bill 1114 makes changes to sales taxes and would increase the limitation from 1% to 3% on local sales tax. It allows E-SPLOST so the school board could enact a penny for its operating expenses. It also allows a Homeowner Special Option Sales Tax (HOST) that is like LOST. This bill allows a HOST and a LOST at the same time. The good news for the City is HOST revenues only go to the county. Under this legislation, if you have a HOST, the cities must be involved in the discussions, and they would receive some proceeds. Dekalb County has a HOST and the cities including Dunwoody, Stone Mountain, Lithonia, and Decatur get no money from the HOST. It also creates a flexible penny so that the county and city could have a referendum authorizing a sales tax. It would be used for property tax relief, and you have to roll back your millage rate to get it. The House has provisions that would allow it to be used for capital expenses. The Senate's version does not allow capital cost and they will have to work that out once they get there.

Senator John Albers had a bill that would have given us local control over the EMS but that did not get out of the Senate this year.

We discussed speed cameras in school zones a lot. There are changes that restrict the hours some jurisdictions have been leaving their speed cameras on. This limits the hours to two hours before school, one hour after school starts, one hour before school adjourns, and two hours after school adjourns. If you operate them outside those hours, there are stiff fines. After three times you lose your permit.

Most of you know about the negotiations with the Local Option Sales Tax (LOST). An ancillary process to that is a Service Delivery Strategy (SDS). You go through LOST negotiations then figure out how the state law requires all the services to be apportioned in an agreement among all the governments in a county. The litigation that we have with Atlanta Water right now is under the SDS process. I served on the GMA ACCG Task Force to review that and they are making some final adjustments. It passed the House, and it is in the Senate and we are trying to do some cleanup language. It is an important bill. There are about thirty counties around the state that have SDS problems, and they have never adopted their SDS. Fulton County for example has not had an SDS agreement since the SDS legislation passed. You cannot get permits or state grants if you are under sanctions. The Department of Community Affairs (DCA) has held all those sanctions in abeyance. If this legislation is passed, it would remove the ability of the DCA to put those sanctions in abeyance. You will have six months after the process begins, or those sanctions would begin. The police department would lose their radar permit and we would lose the Local Maintenance and Improvement Grant (LMIG). Any permit that the City must have from the state would be suspended until we reach an SDS. The Service Delivery Strategy determines which parts of government, county, or city, deliver services and it is designed to make sure that there is no duplication of services.

This is a significant change, and the City will be heavily involved as our litigation with the City of Atlanta goes forward. We may have some challenges if this bill passes. Without the sanctions there is no incentive for people to seriously negotiate. I am in favor of the legislation and have been privileged to work on it. The author of the bill is a former county manager, and he wanted many rural counties to have everything mapped and have designated services in every part of a county, even if there is no plan to ever provide water or sewer for example. That was causing problems for all local governments because there would be pressure to provide services without the resources. The House bill took care of that, and it is back in the Senate. It is going to the State and Local Government Operations Committee later this week. Hopefully this will get through as it will be helpful in resolving some of the litigation that has been going on with SDS.

Councilmember John Paulson said no change is anticipated and the Service Delivery Strategies must have a justification for how much you can charge.

Mayor Paul said that is correct. **Dan Lee, City Attorney** and **Eden Freeman, City Manager** reviewed the legislation and **City Attorney Lee** said the right of litigating over fees is still in the bill.

B. 2024-058 Staff Reports

There were no staff reports.

XI. Executive Session

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

Passed Yes 6, No 0, Abstained 0

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

Nays: None

The Executive Session began at 7:36 p.m.

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

Passed Yes 6, No 0, Abstained 0

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

Nays: None

The Executive Session ended at 8:39 p.m.

XII. Adjournment

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

The meeting adjourned at 8:39 p.m.