

Meeting of the Sandy Springs City Council was held on September 17, 2024 6:00 PM, Mayor Rusty Paul presiding.

Prior to calling the meeting to order, **Mayor Rusty Paul** recognized the passing of the City's first fire chief, Jack McElfish, who died after a battle with cancer. He was a pioneer and led the creation of the Sandy Springs Fire Department to where the City is today, under **Keith Sanders, Fire Chief**, so the City was positioned to get the highest possible ISO ranking. It is his legacy that put the City on a path to be second to none. He was a wonderful human being, and a dear friend to many.

A MOMENT OF SILENCE WAS TAKEN IN HONOR OF VETERAN FIRE CHIEF JACK MCELISH

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:01 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 joined by members of Boy Scouts of America (BSA) Troop 463 and leader **Chuck Olson, Chartered Organization Representative and Advancement Coordinator BSA Troop 463 and Pack 236**. Troop 463 is the oldest Scouting program in the City of Sandy Springs and its lineage dates back to 1941 when Troop 1 Sandy Springs was formed.

IV. Public Comment

1. **Drew Evangelista, 255 Glen Meadow Court, Sandy Springs** - Fulton Schools School Closures
2. **Nicole Motahari, 7130 Stonington Dr, Atlanta** - Saving Spalding Drive Elementary School
3. **Suzanne Storie, 535 Wyncourtney Drive, Sandy Springs** - Save Spalding Drive Elementary
4. **Kate Heckcrote, 50 Whispering Way, Atlanta** - Spalding Drive Elementary possible closure
5. **Mary Ford, 5115 Timber Trail S NE, Sandy Springs** - This is for the annual Police Benevolent Fund donation from HPCA
6. **Bill Griffith, 9580 Roberts Drive, Sandy Springs** - Roberts Drive Sidepath Proposal
7. **Robert Kotroczo, 135 Seville Chase, Sandy Springs** - Save SDE
8. **Steven Guy, 310 Crosstree Lane, Sandy Springs** - Spalding Drive Elementary

Mayor Paul thanked everyone for their public comments. This is a very passionate community that does not hesitate to let Council know when you are unhappy. We are all concerned about Spalding Drive Elementary School. I mentioned today at the State of the City, when the condition of the building is used as an excuse or a policy basis, and it is deteriorating, it means you have not invested in the facilities to keep them in the condition they should have been. In Sandy Springs, there are many options in schools for parents, and education happens in all kinds of buildings. One policy decision not to improve the buildings leads to another policy result that is used to justify closing the school, and that is the point I tried to make. We need to work together. This is an emotional issue and you have provided cultural reasons for why Spalding Drive Elementary School should be kept operational. My advice is use factual data as a basis and develop intellectual ammunition to make a business case without the kids, though this should never be the case when dealing with schools. This body will be with you every step of the way

and do everything we can.

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. **2024-232** Meeting Minutes
September 3, 2024 City Council Work Session
September 3, 2024 City Council Meeting
- B. **2024-233** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement on Property Located at 661 Hammond Drive in Land Lot 70 of the 17th District, City of Sandy Springs (Tax ID #17-0070-0001-006-7); S2-193 Hammond Drive Widening Project

Resolution No. 2024-09-130

- C. **2024-234** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Fee Simple Right of Way on Property Located at 325 Francyne Court in Land Lot 36 of the 17th District, City of Sandy Springs (Tax ID #17-0036-0001-058-8); S2-193 Hammond Drive Widening Project

Resolution No. 2024-09-131

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2024-235** U24-0001 - 6450 Barfield Road and 6449 Glenridge Drive - Request for Mayor and City Council consideration of a Conditional Use Permit, to Modify the Scope of Expansion of an Existing Place of Worship Campus in the RE-2 Zoning District

Michele McIntosh-Ross, Planning & Zoning Manager, presented a recommendation to approve a Conditional Use Permit to modify the scope of expansion of an existing place of worship campus in the RE-2 Zoning District at 6450 Barfield Road and 6449 Glenridge Drive U24-0001 - 6450.

In November 1980, the Fulton County Board of Commissioners approved a Use Application for The Church of Jesus Christ of Latter Day Saints to develop a temple and additional facilities comprising a campus at 6449 Glenridge Drive and 6450 Barfield Road. Since that time, the church has been approved for various subsequent additions and modifications to its use permit and site. The most recent update

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came in 2010 as an Administrative Modification (AM10-005), updating the site plan for the campus that guides the physical characteristics of the Place of Worship use.

The campus, located between Glenridge Drive to the west and Barfield Road to the east, includes the temple, an annex (including facilities for ground keepers), a clothing distribution center, and a small apartment building for missionaries and other out-of-state temple workers. In 1988, the property was further developed to include a meetinghouse (chapel) for regular Sunday worship and other church activities. That meetinghouse is the only facility proposed for redevelopment at this time.



The current request for an updated Use Permit is due primarily to two potential impacts based on a partial redevelopment of their campus. The western half of the Latter Day Saints campus currently hosts the meeting house, which is being proposed for redevelopment from an approximately 15,000 square foot footprint to a footprint of 25,000 square feet, a nearly 70% increase. The building orientation would also change from a north-south direction to an east-west arrangement, bringing it significantly closer to the western property line fronting Glenridge Drive. Parking on the western portion of the campus would increase by 67 spaces or nearly 25%.

Mayor Rusty Paul opened the public hearing.

Support

1. Jeff Haymore, 1776 Peachtree Street, Atlanta

Councilmember Jody Reichel asked for more information on the distribution center and the maintenance and garage facilities. Also, is it sixty-five or thirty-five residential units? Please provide more information.

Jeff Haymore, Partner, Dillard Sellers, said the conditions as written are a carryover from 1980. The distribution center is a religious bookstore that existed for a long time, probably since the temple was there. There are about fourteen apartment units on site since about the 1980's as well. They house long

distance visitors and short-term volunteers for example.

Councilmember Reichel asked can the recommendations be made more specific such as with the garage facility? Will there be fourteen residential units and not sixty?

Dillard Sellers Partner Haymore said there is a parking lot and no parking deck or garage. The conditions since 1980 have remained the same. In working with staff, this was simply a repeat of the current conditions as it reads now.

Councilmember Reichel asked is maintenance and garage facilities a parking lot?

Dillard Sellers Partner Haymore said that is correct. There is a small shed on the meeting house parcel for storage, but the meaning of maintenance and garage facilities from the 1980s is not clear. Right now, it is just a parking lot.

Councilmember Reichel said the recommendations are broad, can they be changed?

Planning & Zoning Manager McIntosh-Ross said the conditions were from the 1980s and they can be changed.

2. Chris Cornell, 730 Glenridge Close Drive, Sandy Springs

Mayor Rusty Paul closed the public hearing.

Motion and second (Main Motion). A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Melody Kelley**, to approve a Conditional Use Permit to modify the scope of expansion of an existing place of worship campus in the RE-2 Zoning District at 6450 Barfield Road and 6449 Glenridge Drive U24-0001 – 6450 with all ten of the noted conditions.

Councilmember Mular thanked everyone for working with the neighborhoods and for working with the church. It is fantastic to come to an agreeable solution.

Motion and second (Amendment to Main Motion). An amendment to the main motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melody Kelley**, to approve a Conditional Use Permit to modify the scope of expansion of an existing place of worship campus in the RE-2 Zoning District at 6450 Barfield Road and 6449 Glenridge Drive U24-0001 – 6450 with amendments to the conditions and strike garage and replace with parking spaces, and strike distribution center and replace with bookstore.

Councilmember John Paulson said since **Dillard Sellers Partner Haymore** has worked with the neighborhoods, it would be interesting to hear his comments on the amendments that were just made.

Dillard Sellers Partner Haymore said the distribution center has historically been called that because that is what church members know it as, but it is a religious bookstore. Regarding maintenance and garage facilities, there is a shed that is existing for storage or overflow items, such as what people keep in their backyard. Rather than striking maintenance and garage facilities, maybe just maintenance, facility, and parking spaces for example, so that the existing structure is deemed to be compliant.

Vote on the Amendment to Main Motion. The motion carried by unanimous vote.

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

Ordinance No. 2024-09-13

IX. New Business

- A. **2024-236** Request for Mayor and City Council Consideration to Approve Contract Award to BackBone Infrastructure, LLC to Construct the Brandon Mill Road Sidewalk Construction Project and to Authorize the City Manager to Execute the Contract

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve contract award to BackBone Infrastructure, LLC to construct the Brandon Mill Road Sidewalk Construction Project and to authorize the City Manager to execute the contract.

The City of Sandy Springs (the “City”) plans to construct a 6-foot sidewalk on the east side of, and realign, a portion of Brandon Mill Road between Brandon Ridge Drive and Lost Forest Drive. The Project will also construct new stormwater drainage features, retaining walls, and other utility relocations required for the new pedestrian walkway. Design for the Project was completed under Project No. TS-172 and construction is funded by Project No. S-2187.

This Invitation to Bid (“ITB”) consisted of a base bid for the sidewalk and roadway alignment construction and a bid alternate for pavement surfacing. The ITB stated the low bid award determination would be that the low bid shall be lowest bidder for Total Bid Amount. The base bid will be funded by the TSPLOST program. The bid alternate will be funded by the T3000 Pavement Management Program as this portion of Brandon Mill Road has been budgeted to be resurfaced within Fiscal Year 2025.

On July 10, 2024, the City issued an ITB No. 25-002 seeking bids from qualified contractors to perform construction services for the Project. A pre-bid meeting was held on July 19, 2024. The following four (4) bids were received by the August 9, 2024 deadline:

Vendor Name	Base Bid	Alternate Bid	Total Bid
BackBone Infrastructure, LLC	\$1,563,513.00	\$128,863.00	\$1,692,376.00
Ohmshiv Construction, LLC	\$1,699,566.75	\$104,928.40	\$1,804,495.15
Lagniappe Development Co., Inc.	\$2,528,004.48	\$132,157.03	\$2,660,161.51
Vertical Earth, Inc.	\$2,650,838.65	\$103,146.43	\$2,753,985.08

The engineer’s estimate for the Total Bid was \$2,627,716.00.

Upon review of the responses, City staff recommends that award be made to the lowest, responsible, and responsive bid from BackBone Infrastructure, LLC, to include the base bid and alternate bid, in the total amount of \$1,692,376.00. There are adequate funds available in both the S2187 project budget and the T3000 Pavement Management Program to award the contract.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Jody Reichel**, to approve contract award to BackBone Infrastructure, LLC to construct the Brandon Mill Road Sidewalk Construction Project and to authorize the City Manager to execute the contract.

Councilmember Mular said it is exciting to get this last phase done. What is the expected start date once approved?

Public Works Director Martin said generally it will take about thirty days to six weeks to get the award

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documents completed and issue a notice to proceed, and we see no other challenges. There was one minor pending AT&T pole utility relocation and it appears they have arrived on site and will be able to commence that work as well.

Councilmember Mular asked how long do you anticipate this project to take?

Public Works Director Martin said this information is not available this evening but will be provided to Council.

Councilmember John Paulson said the finished sidewalks on Brandon Mill look fantastic. Let us ensure that the contractor and staff are communicating with the homeowners about what is happening.

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

Resolution No. 2024-09-132

- B. **2024-237** Request for Mayor and City Council Consideration to Approve a Contract Award to Vertical Earth, Inc. to Construct the Riverside Drive Stormwater Mitigation Phase II Project and to Authorize the City Manager to Execute the Contract

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve a contract award to Vertical Earth, Inc. to construct the Riverside Drive Stormwater Mitigation Phase II Project and to authorize the City Manager to execute the contract.

In 2021, the City engaged a consultant to develop plans to correct deficiencies in the stormwater system and roadway shoulder near the property located at 6695 Riverside Drive. The construction plans for the planned improvements project were developed and permitted, however, construction was divided into two (2) phases. Phase I construction was completed earlier in 2024. Phase II construction includes replacement of an existing concrete spillway and associated repairs. The Project will upgrade the drainage system to maximize conveyance through existing drainage pipes and reduce Riverside Drive flooding. The Project scope consists of:

- Replacing the existing failing spillway with new reinforced concrete spillway
- Upgrading and extending existing 84” diameter drop inlet
- Installing 315 square feet of grouted riprap as an overflow measure
- Constructing 187 linear feet of reinforced concrete retaining walls
- Replacing 160 linear feet of guardrail and 100 linear feet of curb and gutter

To advance the Project, the City issued an Invitation to Bid (“ITB”) 25-005 on July 17, 2024, seeking bids from qualified contractors to construct the Project. A non-mandatory pre-bid meeting was held on July 31, 2024. Bids from three (3) contractors were received prior to the August 20, 2024 due date. Bid results were as follows:

Bidder	Bid
Vertical Earth, Inc.	\$686,400.00
North Georgia Concrete, Inc.	\$735,170.66
Baldwin Paving Company, Inc.	\$813,969.20

Upon review of the bids, City Staff recommends that contract award be made to the lowest most responsible and responsive bidder, Vertical Earth, Inc. in the amount of \$686,400.00.

The engineer's construction cost estimate for the Project is \$766,404.00. There are adequate funds available in the Stormwater Capital Maintenance and Improvements Account budget to award this contract.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Andy Bauman**, to approve a contract award to Vertical Earth, Inc. to construct the Riverside Drive Stormwater Mitigation Phase II Project and to authorize the City Manager to execute the contract.

Councilmember Mular asked will this be the last phase of this project?

Public Works Director Martin said yes. This is the final work contemplated with this site.

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

Resolution No. 2024-09-133

- C. **2024-238** Request for Mayor and City Council Consideration of a Resolution to Approve a Memorandum of Understanding by and between the City of Sandy Springs, Georgia and Cumberland Academy of Georgia Inc to Collaborate on Access to City Owned Facilities and Cumberland Academy Owned Facilities for Athletic and Recreational Programming

Brent Walker, Director of Recreation and Parks, presented a recommendation to approve a Memorandum of Understanding by and between the City of Sandy Springs, Georgia and Cumberland Academy of Georgia Inc to collaborate on access to City owned facilities and Cumberland Academy owned facilities for athletic and recreational programming.

Cumberland Academy of Georgia specializes in the needs of children in fourth through twelfth grade with high functioning Autism, Asperger's, ADD, ADHD and other learning differences. The mission of the academy is to provide a safe, supportive, educational environment in partnership with faculty, staff, students and parents. Their academic and social curriculum encourages the development of life skills essential in becoming self-sufficient adults. The Recreation and Parks Department has had a mutually beneficial relationship with Cumberland Academy over the past two years by providing facility space when needed for school programming. In return the Academy has provided the City much needed gym space for our youth basketball program.

Through this Memorandum of Understanding, the City would allow use of the Hammond Park athletic field and activity building at an equitable rate for the City's use of their gymnasium. The City would also partner with the Academy to provide volunteer and educational opportunities when possible. The term of the 2024 Agreement is for one (1) initial year, with four (4) optional renewal years. There is no financial requirement in this memorandum of understanding.

Motion and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melody Kelley**, to approve a Memorandum of Understanding by and between the City

of Sandy Springs, Georgia and Cumberland Academy of Georgia Inc to collaborate on access to City owned facilities and Cumberland Academy owned facilities for athletic and recreational programming.

Councilmember Reichel said the son of my friend went there and it is a great school. What will the hours be?

Director of Recreation and Parks Walker said the use of the City's gym is primarily for our basketball program which is currently ongoing during basketball season. Their use is more sporadic throughout the year, for example a college prep program at the Hammond activity building, or as they schedule needed athletic programs at the City's athletic field. They have also requested to do volunteer service in the Recreation and Parks Department and we will partner with them to get them involved.

Councilmember John Paulson asked is this the first agreement between the City of Sandy Springs and Cumberland Academy of Georgia Inc, or is it continuing?

Director of Recreation and Parks Walker said this is the first formal agreement with the City. We have had this type of partnership in the past, but it was decided by our Legal Department this is best to do.

Councilmember Kelley asked is the City using any other gyms?

Director of Recreation and Parks Walker said the City has intergovernmental agreements (IGAs) with the school systems.

Councilmember Kelley said I want a sense of what facilities the City leverage partnership to use for our programming. Are gyms at most of the elementary schools used?

Director of Recreation and Parks Walker said yes, and we did at Sandy Springs Middle School until recently when the North Springs renovation took place. They moved their athletic programs to that school and we had to relocate.

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

Resolution No. 2024-09-134

- D. **2024-239** Request for Mayor and City Council Consideration to Approve an Intergovernmental Agreement between the Metropolitan Atlanta Rapid Transit Authority and the City of Sandy Springs for Shared Access to 800 MHZ Trunking Talk Groups

Dan Nable, Police Major, presented a recommendation to approve an Intergovernmental Agreement between the Metropolitan Atlanta Rapid Transit Authority and the City of Sandy Springs for shared access to 800 MHZ Trunking Talk Groups.

The MARTA Police Department contacted the Sandy Springs Police Department and recommended that the City enter into the IGA wherein each department would provide the other with their respective talk groups for the shared use of their respective trunked radio communication systems.

The Sandy Springs Police Department believes that the sharing of the radio talk groups would be beneficial to each department by enhancing our ability to communicate with one another which would provide increased protection of citizens, visitors, and businesses in our respective jurisdictions and would also provide an increased level of officer safety.

Since the Sandy Springs Police Department is currently in the process of upgrading its portable radios, the MARTA Police Department talk groups can be included in the initial programming of the new portable radios at no additional cost. The in-car radios will need to be re-programmed at a cost that will be expensed under our current budget for Technical Services without the need for additional funding.

It is the Police Department's position that an Agreement between SSPD and MARTA PD would enhance the law enforcement capabilities of each department which, in turn, will better protect the community and allow the law enforcement officers to perform their jobs more effectively and more safely. The programming and re-programming can be accomplished without additional funding.

The Mayor and City Council can choose not to allow the City to enter into the IGA with MARTA; however, if we enter into such an agreement in the future, a substantial cost will be incurred due to the fact that the portable radios will need to be re-programmed in addition to the in-car radios.

Motion and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember John Paulson**, to approve an Intergovernmental Agreement between the Metropolitan Atlanta Rapid Transit Authority and the City of Sandy Springs for shared access to 800 MHZ Trunking Talk Groups.

Councilmember Paulson said this sounds like a great idea. How often does the City interact with MARTA with events that occur? Is it once a month or once a year?

Major Nable said this exact data is not available tonight. In the early time of the City, there was not much interaction with MARTA, but in recent years we have begun joint operations to identify any criminal element that might be using a train to enter Sandy Springs. There were several cases in conjunction with MARTA Police. For example we approached a man on a platform for illegal drug use and discovered he was wanted for armed robbery. To work closely with MARTA in the future is one of our initiatives because we have a mutual interest to keep rail lines safe.

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

Resolution No. 2024-09-135

X. Reports

A. 2024-240 Mayor and Council Report

Mayor Rusty Paul said the Sandy Springs Police Honor Guard was recognized during the annual 911 commemoration at the Georgia State Capitol. The Governor appreciated the City's phenomenal Color Guard participation in the ceremonies, and I was very proud to see them there. Also in attendance was the Mormon Tabernacle Choir that filled the entire North End of the Capitol and the sound was amazing. I am proud the City of Sandy Springs had a key role in the ceremonies. Thank you to the members of the joint Honor Guard for your participation.

I met with the Georgia Municipal Association (GMA) and the Association County Commissioners of Georgia (ACCG) joint legislative policy committee. We meet a couple times a year between the counties and the cities to discuss political and legislative agenda items as we have traditionally done here. We will be participating in our Hometown Connection Program where our legislators are invited to sit with

Council, staff, and GMA staff to discuss the major issues that the City will face in the legislature. It was a productive meeting with great presentations focused on technology and artificial intelligence, and how other communities are using it. I was very impressed by the legislators who are leading the state in the effort to get on top of these emerging technologies.

This past week Sandy Springs had a delegation from Israel. The City of Atlanta and the Jewish Federation of Greater Atlanta have a sister city relationship with a community in the central part of Israel. During lunch with the delegation I met a gentleman from one of our sister cities and we knew many people in common. It was a delight to have them here.

Councilmember John Paulson said next weekend is the annual Sandy Springs Festival and it will be an exciting event.

Councilmember Andy Bauman said sadly there was a shooting at Apalachee High School since the City's most recent Council Meeting, and it was near the joint meeting with GMA and ACCG where **Mayor Paul** was in attendance. Some of the students are here tonight. It is angering that this hits close to home and this affects all of our communities. Mary Ford who was here earlier with the presentation for the City's Benevolent Fund, works for an area company that provides security badges used at that high school and other Georgia schools, and schools throughout the Southeast, and it may have made a difference. We are all grieving for that community and hopefully when our legislature returns they can find some bipartisan solution to begin to address the epidemic.

Mayor Paul said it was particularly close to home for my family because my son-in-law was offered a job at that school, and could have possibly been in the classroom with the coach that was killed. This type of happening in our community keeps me awake at night. The City will work hard with our police and the local schools to do what we can to protect, but there needs to be some common sense laws passed to further protect our students and teachers.

B. 2024-241 Staff Reports

1. July 2024 Unaudited Financials

Toni Carlisle, Chief Financial Officer, reviewed the July 2024 unaudited financials. The City is at 8.33% of the new fiscal year. Revenues are at 11.39% and expenditures are at 6.99% of the budget. Cash balances in each of the City's bank accounts as of the close of July 2024 is represented in the packet. Also represented is the trend of interest earned through the City's banks GA Fund 1 & Truist. The trend of Local Option Sales Taxes collected is provided in the packet. The departmental/general fund expenses are occurring as expected. The remaining pages in the packet cover special revenue, capital projects, debt service and enterprise funds.

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 7:17 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 8:01 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 8:01 p.m.