

Meeting of the City of Sandy Springs City Council – SUMMARY MINUTES
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
October 15, 2024 Following Work Session
Page 1 of 11

Meeting of the Sandy Springs City Council was held on October 15, 2024 Following Work Session, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 6:23 p.m.

II. Roll Call and General Announcements

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

Members Absent: Councilmember Andrew Bauman

III. Pledge of Allegiance

Mayor Rusty Paul led the Pledge of Allegiance.

IV. Public Comment

1. **Bill Griffith, 9580 Roberts Drive, Atlanta** – Roberts Drive Sidepath Proposal

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 Melody Kelley**, to approve the consent agenda. The motion carried by unanimous vote.

- A. **2024-252** Meeting Minutes
October 1, 2024 City Council Work Session
October 1, 2024 City Council Meeting
- B. **2024-253** Request for Mayor and City Council Consideration of a Resolution to Adopt City of Sandy Springs 2025 City Holiday Observance Calendar

Resolution No. 2024-10-139

- C. **2024-254** Request for Mayor and City Council Consideration of a Resolution to Adopt the City of Sandy Springs 2025 City Council Meeting Schedule

Resolution No. 2024-10-140

- D. **2024-255** Request for Mayor and City Council Consideration of a Resolution to Adopt the City of

Sandy Springs 2025 Planning and Zoning Meeting Schedules: Board of Appeals and Planning Commission

Resolution No. 2024-10-141

- E. **2024-256** Request for Mayor and City Council Consideration to Accept an Agreement to Donate Fee Simple Right of Way and Temporary Construction Easement on that Certain Tract of Land Located at 100 Mt. Paran Ridge (Tax ID# 17-137-0005-027-8), Land Lot 137 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2024-10-142

- F. **2024-257** Request for Mayor and City Council Consideration to Accept an Agreement to Donate Fee Simple Right of Way and Temporary Construction Easement on that Certain Tract of Land located at 565 Mt. Paran Road (Tax ID# 17-0137-0005-019-5), Land Lot 137 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2024-10-143

- G. **2024-258** Request for Mayor and City Council Consideration to Accept an Agreement to Donate Fee Simple Right of Way and Temporary Construction Easement and Easement for the Construction of Driveway on that Certain Tract of Land Located at 4988 Powers Ferry Road (Tax ID# 17-136-LL-0218), Land Lot 136 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2024-10-144

- H. **2024-259** Request for Mayor and City Council Consideration to Accept of an Agreement to Donate Fee Simple Right of Way and Temporary Construction Easement on that Certain Tract of Land Located at 4980 Powers Ferry Road (Tax ID# 17-136-LL-0200), Land Lot 136 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2024-10-145

VII. Presentations

There were no presentations.

VIII. Public Hearing

There were no public hearings.

IX. New Business

- A. **2024-260** Request for Mayor and City Council Consideration of a Resolution to Approve an Appointment to the Fulton County Citizen Oversight Council for TSPLOST 2022 -

2027 Program (Donald Huffner)

Mayor Rusty Paul presented a recommendation to approve an appointment to the Fulton County Citizen Oversight Council for TSPLOST 2022 - 2027 Program (Donald Huffner).

Every city in Fulton County has a member on the Fulton County TSPLOST Oversight Commission and the City of Sandy Springs has one representative. Chris Burnett had been serving in that capacity until he joined the City as the head of the Economic Development Department, and was no longer able to fulfill that role. Donald Huffner has a business background and is a resident of District 1. He has also been involved with Sandy Springs for sometime and worked with several organizations in the City. Council should consider him as a replacement for Chris Burnett on the Fulton County Citizen Oversight Council.

Motion and vote. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Melody Kelley**, to approve an appointment to the Fulton County Citizen Oversight Council for TSPLOST 2022 - 2027 Program (Donald Huffner). The motion carried by unanimous vote.

Resolution No. 2024-10-146

- B. **2024-261** Request for Mayor and City Council Consideration of a Resolution to Re-appoint Members to the Sandy Springs Development Authority (Chip Collins, Ed Ukaonu, Hardy Dorsey)

Mayor Rusty Paul presented a recommendation to re-appoint members to the Sandy Springs Development Authority (Chip Collins, Ed Ukaonu, Hardy Dorsey).

Ed Ukaonu and Hardy Dorsey have both served one term, and are well known in Sandy Springs and are and knowledgeable business executives. Chip Collins is in his second term and is serving as the Development Authority Chair and also has a lot of experience. There may be another nomination in the next month to replace a member who has served two terms to allow for other qualified people in Sandy Springs. Council should consider reappointing Chip Collins, Ed Ukaonu, and Hardy Dorsey to the City's Development Authority Board.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to re-appoint members to the Sandy Springs Development Authority (Chip Collins, Ed Ukaonu, Hardy Dorsey).

Councilmember Jody Reichel said the City of Sandy Springs appreciates the citizens that take the time out of their days and nights to sit on the City's councils and committees.

Mayor Paul said they do a great job and the City has many capable people in the community. Many people want to serve, though there are not enough places for them yet, and the City tries to take advantage of the skills and talents as best as we can.

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

Resolution No. 2024-10-147

- C. **2024-262** Request for Mayor and City Council Consideration of an Ordinance to Approve a

Budget Amendment to Transfer Funds from the Fire Station 5 Project (PF004) to the Police Vehicular Storage Project Budget (PF009)

Dave Wells, Director of Facilities/Capital Construction and Building Operations, presented an ordinance to approve a budget amendment to transfer funds from the Fire Station 5 Project (PF004) to the Police Vehicular Storage Project Budget (PF009).

On May 31, 2023, the Public Facilities Authority approved a contract amount of \$45,188,432.00 for both the Police Headquarters & Municipal Court and Fleet Center Projects. The overall project is progressing as planned and remains within budget, with the Fleet Center Project now completed. As part of the ongoing construction, the City of Sandy Springs (the “City”) has requested additional services from Reeves Young, LLC (“Reeves Young”) through a change order that falls outside the original scope of work.

To accommodate the additional services requested for the Police Vehicular Storage Facility, by way of Change Order 3, a budget transfer is necessary. This transfer will maintain financial balance within the PFA Fund.

On September 20, 2022, Council approved a budget transfer to allocate additional funds to Project No. PF004 (Fire Station 5), with the stipulation that any unused funds would be returned to the City’s General Fund. However, a portion of the unspent funds from PF004 (Fire Station 5) will now be reallocated to PF009 (Police Vehicular Storage), with the General Fund allowing this reallocation rather than reclaiming the full amount of unused funds as initially planned.

This reallocation allows the City to utilize the available funds effectively, ensuring the completion of the Police Vehicular Storage Facility without affecting other budgeted projects.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to approve a budget amendment to transfer funds from the Fire Station 5 Project (PF004) to the Police Vehicular Storage Project Budget (PF009).

Councilmember Paulson asked can the money transfer directly towards police funds or will it go back to the General Fund? Are there one or two steps?

Toni Carlisle, Chief Financial Officer, said it is one step. We will transfer the money from the General Fund to the PFA (Public Facilities Authority).

Councilmember Paulson said money is moving from the fire station directly to the police station.

Chief Financial Officer Carlisle said yes, it is moving from one project to the other project.

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

Ordinance No. 2024-10-14

- D. **2024-263** Request for Mayor and City Council Consideration of a Resolution to Approve a Contract Award to Excellere Construction, LLC to Construct the Roswell Road Streetscape from Lake Placid Drive to Northwood Drive Phase 2 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 a contract award to Excellere Construction, LLC to construct the Roswell Road Streetscape from Lake Placid Drive to Northwood Drive Phase 2 Construction Project and to authorize the City Manager to execute the contract.

The City of Sandy Springs (the “City”) plans to construct a 9-foot sidewalk and streetscapes on the west side of Roswell Road between Lake Placid Drive and Northwood Drive. The Project will also include utility relocations required for the new sidewalk.

On July 24, 2024, the City issued an ITB No. 25-004 seeking bids from qualified contractors to perform construction services for the Project. A pre-bid meeting was held on August 9, 2024. The following seven (7) bids were received by the August 30, 2024 deadline:

Vendor Name	Total Bid
Excellere Construction LLC	\$491,800.00
Zaveri Enterprises, Inc.	\$521,954.00
R&B Developer, Inc.	\$532,379.00
Ohmshiv Construction, LLC	\$712,364.00
Lagniappe Development Co., Inc.	\$884,932.49
JHC Corporation	\$914,626.00
Baldwin Paving Company, Inc.	\$1,111,700.42

The engineer’s estimate for the work was \$553,778.82.

Upon review of the responses and references related to their experience, City Staff recommends that award be made to the lowest responsible and responsive bid from Excellere Construction, LLC, in the amount of \$491,800.00. This project is funded through the Community Development Block Grant (“CDBG”) Program and there are adequate funds available for this project.

Motion and second. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Jody Reichel**, to approve a contract award to Excellere Construction, LLC to construct the Roswell Road Streetscape from Lake Placid Drive to Northwood Drive Phase 2 Construction Project and to authorize the City Manager to execute the contract.

Mayor Paul stated it appears the bids are more reasonable.

Public Works Director Martin said there is good competition in this case.

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

Resolution No. 2024-10-148

- E. **2024-264** Request for Mayor and City Council Consideration of a Resolution to Declare as Surplus Certain Property Owned by the City and Directing Disposal of the Same

Toni Carlisle, Chief Financial Officer, presented a recommendation to declare as surplus certain

Meeting of the City of Sandy Springs City Council – SUMMARY MINUTES
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
October 15, 2024 Following Work Session
Page 6 of 11

property owned by the City and directing disposal of the same.

When the Code of Ordinances of the City of Sandy Springs were established, it allowed that the under the supervision of the City Manager, the City Purchasing Agent should arrange and negotiate for the sale or otherwise disposal of all surplus equipment and supplies or real estate of the City or any using agency (Section 2-334. Purchasing Agent). Sandy Springs Purchasing Policy requires all Departments to report all surplus or obsolete goods to the Purchasing Agent; and that they be declared Surplus by Mayor and City Council.

The Surplus consists of goods from the following Departments as listed in Exhibit A:

1. Public Works
2. Police

Upon review of the goods listed in Exhibit A, staff recommends that they be declared Surplus and for the Purchasing Agent under the supervision of the City Manager to dispose of surplus property in a manner as is determined to be the most advantageous method of disposing the goods, including transfer; donation; recycle; trade-in; and/or sale.

All equipment is used and is sold as is with no warranty expressed or implied. The goods listed for Surplus in Exhibit A represent a limited dollar value for the City.

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

Councilmember Kelley said one item listed is a pair of boots. How is that sold?

Chief Financial Officer Carlisle said everything is listed on GovDeals.

Councilmember Kelley asked why is the City getting rid of the two sand and salt spreaders?

William H. Martin, Jr., AIA, Public Works Director, said those two sand and salt spreaders have been in the inventory for some time and have cycled out, but we used some of the parts to keep others working, and are selling what remains. Also we recently acquired two new sand and salt spreaders to update the inventory.

Councilmember Kelley asked is that a capital project?

Mayor Paul said it is capital equipment.

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

Resolution No. 2024-10-149

- F. **2024-265** Request For Mayor and City Council to Accept the Settlement and Purchase of Fee-Simple Right-Of-Way and Temporary Construction Easements for Property Rights and Interests Located at 7320 Roswell Road, Fulton County, Georgia and for Other Purposes, as it Relates to the Roswell Road/Dalrymple Road Intersection

Improvement Project

Dan Lee, City Attorney, presented a recommendation to accept the settlement and purchase of fee-simple right-of-way and temporary construction easements for property rights and interests located at 7320 Roswell Road, Fulton County, Georgia and for other purposes, as it relates to the Roswell Road/Dalrymple Road Intersection Improvement Project.

This property is part of the Roswell Road/Dalrymple Road Intersection Improvement Project (Project No. TS-108) (hereafter, the "Project"). In order to construct the Project, fee-simple rights are required over, under, and through the property located at 4968 Roswell Road within the City of Sandy Springs.

On August 15th, 2023, City Council approved the use of eminent domain in order to acquire the sought-after property rights needed for the Project.

On September 8th, 2023, the City Attorney filed the City's Petition for Condemnation and Declaration of Taking, initiating eminent domain against property owned by APEX MK, LLC (the "Property Owner"). The City Attorney deposited into the Court's Registry, the City's estimate of just and adequate compensation for the sought property rights, in an amount of \$144,600.00.

On October 10th, 2023 the Property Owner, by and through their council of record, filed a timely Notice of Appeal of Condemnation Action, disputing the City's estimate of just and adequate compensation.

On October 7th, 2024 the Parties attended court ordered mediation and agreed to settle the condemnation action, as well as any and all appeals, for a total amount of \$195,000.00 in exchange for the fee-simple right-of-way and easements sought by the City in order to construct the Project.

Fee Simple Right-of-Way	3,563.34 sq. ft. \$32.00/sq. ft.	
Temporary Construction Easement	1,355.17 sq. ft. \$32.00/sq. ft.	
	(20% of total value)	
Damage to Trade Fixtures		\$8,125.00
Site Improvements		\$3,911.06
Cost to Cure/Incurable Damages		\$9,850.00

By way of the Settlement Agreement, the condemnation action will be settled, all appeals dismissed, and the City will be in possession of the property rights sought for the Project.

In addition to the funds already deposited into the Registry of the Court by the City in an amount of \$144,600.00, the City shall tender an additional \$50,400.00 for the full and final settlement of the condemnation action and any and all appeals. The City's failure to obtain title to this property would result in the City having to modify the proposed Project, which would increase the cost of the Project.

Motion and second. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Melissa Mular**, to accept the settlement and purchase of fee-simple right-of-way and temporary construction easements for property rights and interests located at 7320 Roswell Road, Fulton County, Georgia and for other purposes, as it relates to the Roswell Road/Dalrymple Road Intersection Improvement Project.

Councilmember Kelley said there has been construction and the roads have been used. When the City has a project that is clearly underway, how does that work? Can it happen at the same time?

Meeting of the City of Sandy Springs City Council – SUMMARY MINUTES
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
October 15, 2024 Following Work Session
Page 8 of 11

City Attorney Lee said Staff decides where road improvements are going. We talked with the property owners to reach an agreement and have the land transferred. In this case we could not reach one. Through the use of eminent domain, Georgia law allows the City to begin construction once the action is filed and the appraised amount is paid into the court. We take possession of the property and continue the fight over what the total compensation would be. In this case, the City paid \$144,600 into court. If Council agrees to the settlement amount, the City would pay an additional \$50,400, but filing of the condemnation and paying the independent appraisers amount into court provides the City access.

Councilmember John Paulson asked is this the only parcel at the project intersection that was subject to potential condemnation?

City Attorney Lee said there was another piece behind it, but Staff was able to get that voluntarily from the apartment complex.

Councilmember Paulson asked did the City have two parcels that were considered but not condemned, and a deal was worked out?

City Attorney Lee said the City had to condemn this but we are settling it without going to court. The apartment complex donated the property.

Councilmember Paulson asked is this technically a condemnation and the City can only use this for public purposes?

City Attorney Lee said yes, and that is all it is good for.

Councilmember Paulson said I received an email from a constituent who wanted to know the status of the condemnation there and is why I asked.

Mayor Paul said Council voted eminent domain so that we could obtain the parcel and let construction proceed unimpeded. Figuring out the cost is the last phase of that.

City Attorney Lee said the reason for asking Council for the use of eminent domain was to make certain that the road project was done when the apartment work was done and people would not have to live through another construction project. It is coordinated and all being done at one time. When it is over, it is over.

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

Resolution No. 2024-10-150

X. Reports

A. 2024-266 Mayor and Council Report

Mayor Rusty Paul said while I was in Europe visiting my daughter, there were a couple events worth mentioning. One year after the Hamas terror attack on Israel, the City held a well-attended event that was similar to last year. I am proud that the City was able to make that happen and stand against hate and the happenings on October 7. When it comes to that particular event and the tragic events around it, the City

Meeting of the City of Sandy Springs City Council – SUMMARY MINUTES
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
October 15, 2024 Following Work Session
Page 9 of 11

of Sandy Springs makes its values clear.

The memorial service for the City's first fire chief, Jack McElfish, was held here, and it was reportedly a well-done event. The Sandy Springs Fire Department, other first responders, and fire personnel from all aspects of Jack's life participated in recognizing an amazing man who had a lot of varied interest, and helped to startup the City's fire service. He will be sorely missed. I was disappointed that I could not get back here in time but the resolution was read by Mayor Pro Tem Paulson. Thank you to everyone for your efforts in sending off Chief McElfish. There was no other way the City of Sandy Springs could do this but first class.

Councilmember Jody Reichel thanked the City's first responders for making everyone feel safe at the anniversary event. In my police academy class, it was mentioned that people approached police officers to personally thank them. It makes everyone feel really good. Also, I am recognizing the City's non-profits who have taken their time to not only help the local residents, but they have taken supplies and food to the victims of the hurricane in North Carolina and Tennessee. Solidarity partnered with Sandwich Project and took a truck to Wrens, Georgia with all kinds of supplies. Rita Malone from the Mount Vernon Towers drove a truck full of supplies to Tennessee, and Glenn McDaniel provided over two hundred Meals to victims in Asheville from the hurricane. The City has many great non-profits that are doing great things throughout the community and throughout the state.

Mayor Paul said the City of Sandy Springs is a very generous and caring community and it is reflected in that.

Councilmember John Paulson said I echo **Councilmember Reichel's** comments. Many people are spending a lot of time, energy, resources, and money to get goods to those stricken areas. Also under Consent Agenda, there are four parcels that were donated by the citizens for construction projects, and many times the City would pay for right-of-way because of a project that improves the citizen's property by putting a sidewalk, or something else. I like to see property donated by the neighbors in the interest of moving the project along. It is a great trend.

Mayor Paul said that is the level of care that Sandy Springs citizens have. Some former family in Sandy Springs had a house in Boone, North Carolina that was damaged in Helene. While the work was being done on their home in Boone, they decided to go to their home in Sarasota, Florida, and got hit by Milton, but they are fine. It has been a tough time, but it is great that people are stepping up and helping at all levels, and I am proud of the way the Sandy Springs community responded.

Councilmember Melissa Mular said this is a reminder that the City of Sandy Springs presents the first annual OktoberFest this weekend. This is a new event by Staff and everyone should come and enjoy.

Mayor Paul said the City has a number of sponsored performances in the Performing Arts Center. This Friday the Atlanta Symphony is here and there are several events coming up in the main theater in the next few weeks. Tickets are still available for some, but some were just announced and the tickets are disappearing very quickly. If you are interested in any of those events, do not hesitate to buy tickets.

Councilmember Melody Kelley said on October 4, I had an opportunity to be present at the championship basketball game for Healthy Youth USA. This is the basketball program the City sponsored for the first time this year with the Nonprofit Arts and Recreation Grant Program. There were lots of young people excited about basketball.

There were many meetings last week about Spalding Drive Elementary and there is another one

Meeting of the City of Sandy Springs City Council – SUMMARY MINUTES
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
October 15, 2024 Following Work Session
Page 10 of 11

tomorrow. The Fulton County School Board is meeting tomorrow in Union City at 6:00 PM if anyone is interested. The families need all the support they can have with that work.

The Link at North Springs High School had an interesting event last week where food was handed out and there was health and wellness information. Thank you to the City's Fire Department who participated.

Lastly, thank you to Ison Springs Elementary School for inviting me to read to a Pre-K class during Pre-K Week, and for the friendship bracelet that was made for me.

B. 2024-267 Staff Reports

1. August 2024 Unaudited Financials

Toni Carlisle, Chief Financial Officer, reviewed the August 2024 unaudited financials. The City is at 16.67% of the year. Revenues are at 4.73% and expenditures are at 15.03% of the budget. Some pages in the packet represent the trend of interest earned through our banks GA Fund 1 & Truist; we are beginning to see a slight decline from July to August with interest rates going down. The Departmental/General Fund expenses are shown in the packet for review followed by the special revenue, capital and TSPLOST monthly summaries. The activities are expended as planned for the FY25 budget year.

XI. Executive Session

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

Passed Yes 5, No 0, Abstained 0

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

Nays: None

The Executive Session began at 7:00 p.m.

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

Passed Yes 5, No 0, Abstained 0

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

Nays: None

The Executive Session ended at 8:03 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 8:03 p.m.