Meeting of the Sandy Springs City Council was held on November 19, 2024 6:00 PM, Mayor Rusty Paul presiding.

I. Call to Order

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

II. Roll Call and General Announcements

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

III. Pledge of Allegiance

Mayor Rusty Paul led the Pledge of Allegiance.

IV. Public Comment

1. **Bill Griffith, 9580 Roberts Drive, Atlanta -** Roberts Drive Sidepath Proposal
2. **Kimberly Oliver, 6485 Williamson Dr NE, Sandy Springs -** Neighborhood

Mayor Paul recognized David Boemig in attendance at the meeting, for his generosity in donating funds for the sculpture entitled Three Generations at Veterans Park.

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. **2024-283** Meeting Minutes
November 5, 2024 City Council Work Session
November 5, 2024 City Council Meeting

B. **2024-284** Request for Mayor and City Council Consideration of Acceptance of the Dedication of Permanent Easement for the Construction and Maintenance of Slopes on Property Located at 6204 Riverside Drive in Land Lot 157 of the 17th District, Fulton County, City of Sandy Springs, Georgia (Tax ID# 17- 0167-LL – 031-9)

Resolution No. 2024-11-161

C. **2024-285** Request for Mayor and City Council Consideration of Acceptance of an Easement for the Construction of Driveway on Property Located at 1144 Evergreen Drive in Land Lot 14 of the 17th District, City of Sandy Springs (Tax ID #17-0014- LL-023-1), Associated with the S2-164 Evergreen Drive Sidewalk Project

Resolution No. 2024-11-162

D. **2024-286** Request for Mayor and City Council Consideration of Acceptance of a Temporary Construction Easement on Property Located at 575 Mt. Paran Road in Land Lot 137 of the 17th District, City of Sandy Springs (Tax ID# 17-0137-0005-018-7); S2-186 Mt. Paran Road and Powers Ferry Road Sidewalk Improvements Project – Rebel Trail to Laurel Chase

Resolution No. 2024-11-163

E. **2024-287** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Donate Fee Simple Right of Way, and Temporary Construction Easement on Property Located at 115 Mt. Paran Road in Land Lot 137 of the 17th District, City of Sandy Springs (Tax ID# 17-0137-0005-029-4); S-2186 Mt. Paran Road and Powers Ferry Road Sidewalk Improvements Project – Rebel Trail to Laurel Chase

Resolution No. 2024-11-164

F. **2024-288** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Permanent Drainage Easement and Temporary Construction Easement on Property Located at 335 Hammond Drive in Land Lot 70 of the 17th District, City of Sandy Springs (Tax ID #17-0070- LL-037-2); S2-193 Hammond Drive Widening Project

Resolution No. 2024-11-165

VII. Presentations

A. **2024-289** FY2024 Annual Audit and Comprehensive Financial Report

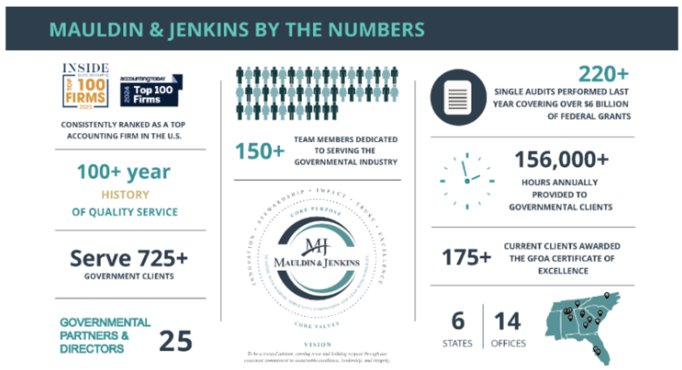
Meredith Lipson, Government Partner, Mauldin and Jenkins, presented the FY2024 Annual Audit and Comprehensive Financial Report.

Mauldin and Jenkins Government Partner Lipson said **Adam Fraley, Engagement Partner, Mauldin and Jenkins** is the City's partner but had a conflict and asked me to present the FY2024 Annual Audit results.

Agenda

- Engagement Team
- Overview of:
  - Audit Opinion
  - Financial Statements and Footnotes
  - Compliance Report
  - Audit Scopes and Procedures
- Required Communications
- Financial Trends
- Accounting Recommendations and Related Matters
- Answer Questions

This dashboard provides numerical data about Mauldin and Jenkins.



<u>Audit Opinion</u>

Our Responsibility Under Auditing Standards Generally Accepted in the United States of America (GAAS)

- We considered the internal control structure for the purpose of expressing our opinion on the City of Sandy Springs' (the "City") basic financial statements and not for the purpose of providing an opinion on the effectiveness of internal controls.
- Our audit was performed in accordance with GAAS and *Government Auditing Standards*.
- Our objective is to provide reasonable—not absolute—assurance that the basic financial statements are free of material misstatement.
- The basic financial statements are the responsibility of the City's management.

Report on Basic Financial Statements

- Unmodified ("clean") opinion on basic financial statements.
- Presented fairly in accordance with accounting principles generally accepted in the United States of America.
- Our responsibility does not extend beyond financial information contained in our report.

<u>Financial Statements and Footnotes</u>

Statement of Net Position – Entity Wide (Full Accrual)

- Assets. Total assets and deferred outflows increased from approximately $831,503,000 to $881,375,000.
  Cash and cash equivalents decreased from approximately $206,943,000 to $202,092,000.
  Capital assets net of accumulated depreciation and amortization increased from approximately 540,962,000 to $609,609,000.
- Liabilities. Total liabilities and deferred inflows decreased from approximately $267,739,000 to $264,200,000.
- Net Position. The City's net position (or equity) increased from approximately $560,140,000 (restated) to $617,175,000. This increase is reconciled on the City's "Statement of Revenues, Expenses and Changes in Net Position".
  Approximately $87,243,000 of the City's net position is restricted.
  Approximately $416,812,000 of the City's net position represents the City's investment in capital assets, net of related debt.

Operations

Total program revenues increased from approximately $48,538,000 to $61,339,000 .
Total program expenses increased from approximately $130,594,000 to $140,177,000.
Total general revenues increased from approximately $128,713,000 to $135,872,000.
The change in net position (i.e., net income) amounted to an increase of approximately $57,034,000.

<u>Compliance Report and Audit Scopes and Procedures</u>

Compliance Reports

- The financial report package contains a report on our tests of the City's internal controls and compliance with laws, regulations, etc. The report is not intended to provide an opinion on internal controls and compliance with applicable rules and regulations.
- This report and the procedures performed are required by Government Auditing Standards.
- The Single Audit Report contains an unmodified opinion on the Coronavirus State & Local Fiscal Recovery Fund (AL #21.027).

Audit Scopes and Procedures (Governmental Audit Programs Utilized in All Areas)

- Confirmed cash, debt and other elements.
- Vouched substantiated additions of capital assets, balances of construction in progress, and vouched significant retainage payable.
- Performed a search for unrecorded liabilities via review of unpaid vouchers and subsequent disbursements.

<u>Required Communications</u>

Significant Accounting Policies

- Management is responsible for the selection and use of appropriate accounting policies.

- The significant accounting policies used by the City are described in Note 1 to the respective basic financial statements.
- During the current year, the City implemented Governmental Accounting Standards Board (GASB) Statement No. 100, Accounting Changes and Error Corrections, and Statement No. 101, Compensated Absences. An Emphasis of Matter paragraph reflects the implementation of these new pronouncements as part of the Independent Auditor's Report.
- The policies used by the City are in accordance with generally accepted accounting principles.
- In considering the qualitative aspects of its policies, the City is not involved in any controversial or emerging issues for which guidance is not available.

Management's Judgement/Accounting Estimates

- Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events.

- The City uses various estimates as part of its financial reporting process – including actuarial assumptions.

Relationship with Management

- We received full cooperation from the City's management and staff.
- There were no disagreements with management on accounting issues or financial reporting matters.

Management Representation

- We requested, and received, written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested by us.

Consultation with Other Accountants

- To the best of our knowledge, management has not consulted with, or obtained opinions from, other independent accountants during the year, nor did we face any issues requiring outside consultation.

Significant Issues Discussed with Management

- There were no significant issues discussed with management related to business conditions, plans, or strategies that may have affected the risk of material misstatement of the financial statements.

Audit Adjustments

- There were no unrecorded or passed audit adjustments.

Financial Statement Disclosures

- The footnote disclosures to the financial statements are also an integral part of the financial statements and the process used by management to accumulate the information included in the disclosures was the same process used in accumulating the statements. The overall neutrality, consistency, and clarity of the disclosures was considered as part of our audit.

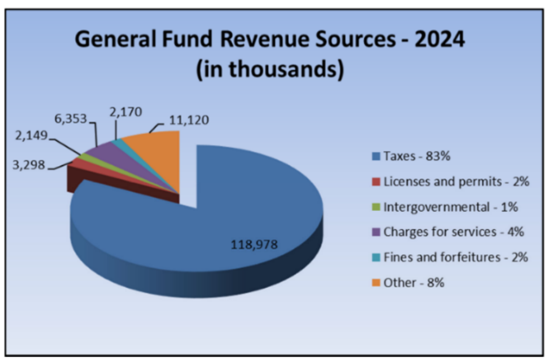
Information in Documents Containing Audited Financial Statements

- Our responsibility for other information in documents containing the City's basic financial statements and our report thereon does not extend beyond the information identified in our report. If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, we must be provided with a printer's proof for our review and approval before printing. You must also provide us with a copy of the final reproduced material for our approval before it is distributed.

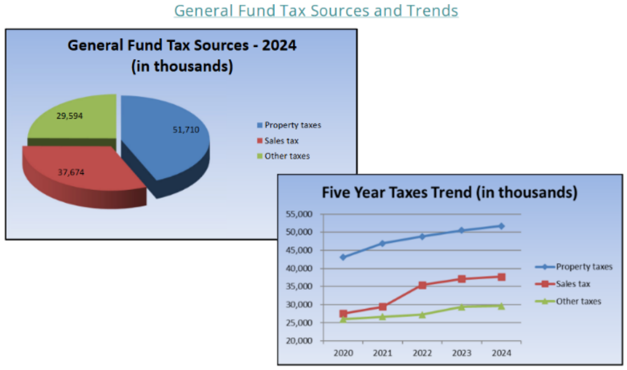
Auditor Independence

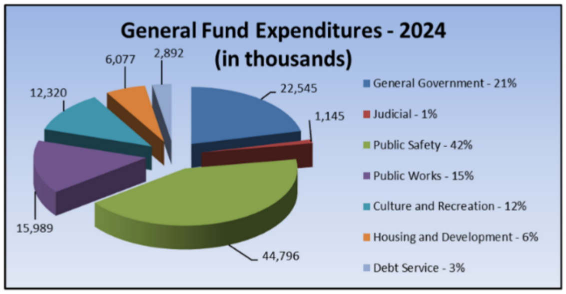
- In accordance with AICPA professional standards, M&J is independent with regard to the City and their financial reporting process.

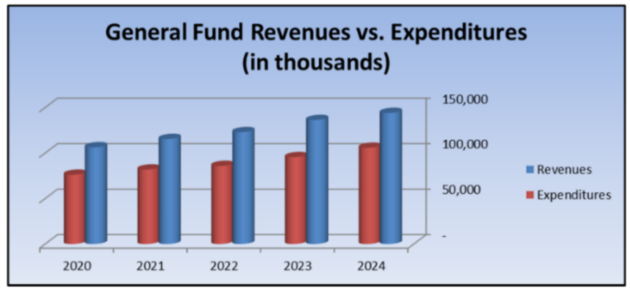
General Fund Revenue Sources

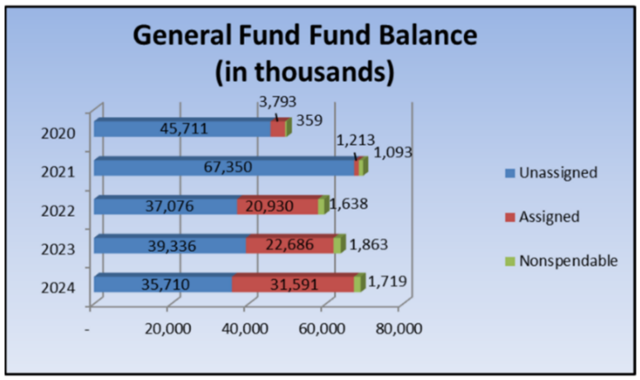


General Fund Tax Sources and Trends





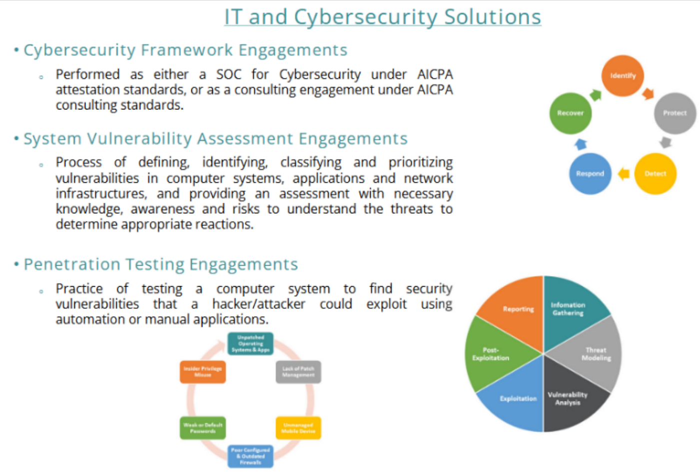




There were no comments and no recommendations for improvement reported in the FY24 audit process.

We have a governmental advisory services practice that is separate from our audit practice that work with many governments across the southeast. If the City is interested, their contact information can be provided.

We also offer IT and Cybersecurity Solutions.



<u>New Accounting Pronouncements</u>

New GASB Pronouncements for Future Years

• GASB Statement No. 102, Certain Risk Disclosures was issued in December 2023 and is effective for fiscal years beginning after June 15, 2024, and all reporting periods thereafter. Earlier application is encouraged. This statement requires a government to assess whether a concentration or constraint makes the primary government reporting unit or other reporting units that report a liability for revenue debt vulnerable to the risk of a substantial impact. Additionally, this statement requires a government to assess whether an event or events associated with a concentration or constraint that could cause the substantial impact have occurred, have begun to occur, or are more likely than not to begin to occur within 12 months of the date the financial statements are issued.

• GASB Statement No. 103, Financial Reporting Model Improvements was issued in April 2024 and is effective for fiscal years beginning after June 15, 2025, and all reporting periods thereafter. Earlier application is encouraged. The requirements for MD&A will improve the quality of the analysis of changes from the prior year, which will enhance the relevance of that information. They also will provide clarity regarding what information should be presented in MD&A. The requirements for the separate presentation of unusual or infrequent items will provide clarity regarding which items should be reported separately from other inflows and outflows of resources. The definitions of operating revenues and expenses and of nonoperating revenues and expenses will replace accounting policies that vary from government to government, thereby improving comparability. The addition of a subtotal for operating income (loss) and noncapital subsidies will improve the relevance of information provided in the proprietary fund statement of revenues, expenses, and changes in fund net position. The requirement for presentation of major component unit information will improve comparability. The requirement that budgetary comparison information be presented as RSI will improve comparability, and the inclusion of the specified variances and the explanations of significant variances will provide more useful information for making decisions and assessing accountability.

- Statement No. 104, Disclosure of Certain Capital Assets was issued in September 2024 and is effective for fiscal years beginning after June 15, 2025, and all reporting periods thereafter. The objective of this statement is to clarify which types of capital assets must be disclosed separately in the notes to the financial statements as well as to establish disclosure requirements for capital assets that are held for sale.

- Other Pending or Current GASB Projects. As noted by the numerous pronouncements issued by GASB over the past decade, the GASB continues to research various projects of interest to governmental units. Subjects of note include:
- Going Concern Uncertainties and Severe Financial Stress is a major project where the goal is to address issues related to disclosures regarding going concern uncertainties and severe financial stress. The project will consider (1) improvements to existing guidance for going concern considerations to address diversity in practice and clarify the circumstances under which disclosure is appropriate, (2) developing a definition of severe financial stress and criteria for identifying when governments should disclose their exposure to severe financial stress, and (3) what information about a government's exposure to severe financial stress is necessary to disclose. This technical topic is being examined by the GASB due to a wide diversity in practice regarding required presentation on the face of the financial statements, disclosures, etc. A preliminary views document on this topic is expected by late 2024 with an exposure draft to follow in 2025.

- Subsequent Events—Reexamination of Statement No. 56 is a project that will improve the accounting and financial reporting for subsequent events. The project will reexamine existing requirements related to subsequent events in Statement No. 56, Codification of Accounting and Financial Reporting Guidance Contained in the AICPA Statements on Auditing Standards, to address issues related to (1) confusion about and challenges associated with applying the existing standards, (2) inconsistency in practice in the information provided about subsequent events, and (3) the usefulness of the information provided about subsequent events. Exposure draft on this topic is expected by late 2024.

- Revenue and Expense Recognition is a major project where the overall objective is to develop a comprehensive, principles-based model that would establish categorization, recognition, and measurement guidance applicable to a wide range of revenue and expense transactions. Achieving that objective will include: (1) development of guidance applicable to topics for which existing guidance is limited, (2) improvement of existing guidance that has been identified as challenging to apply, (3) consideration of a performance obligation approach to the GASB's authoritative literature, and (4) assessment of existing and proposed guidance based on the conceptual framework. The expected outcome of the project is enhanced quality of information that users rely upon in making decisions and assessing accountability. The GASB is currently reviewing comments and other input received from the stakeholder community during the preliminary views stage that was completed in 2021. An exposure draft is expected in early 2025.

<u>Government Clients – Free Quarterly Continuing Education</u>

- Mauldin & Jenkins provides <u>free quarterly continuing education for all of our governmental clients</u>. Topics are tailored to be of interest to governmental entities. In an effort to accommodate our entire governmental client base, we offer the sessions several times per quarter at a variety of client provided locations resulting in greater networking and knowledge sharing among our governmental clients. We normally see approximately 180 people per quarter. Examples of subjects addressed in the past few quarters include:

  - Accounting for Debt Issuances
  - Achieving Excellence in Financial Reporting
  - Best Budgeting Practices, Policies and Processes
  - Budget Preparation
  - ACFR Preparation (two (2) day hands-on course)
  - Capital Asset Accounting Processes and Controls
  - Collateralization of Deposits and Investments
  - Component Units
  - Cybersecurity Risk Management
  - Evaluating Financial and Non-Financial Health of a Govt.
  - Financial Report Card – Where Does Your Govt. Stand?
  - Financial Reporting Model Improvements
  - GASB Nos. 74 & 75, OPEB Standards
  - GASB No. 77, Tax Abatement Disclosures
  - GASB No. 84, Fiduciary Activities
  - GASB Projects & Updates (ongoing & several sessions)
  - Human Capital Management
  - Grant Accounting Processes and Controls
  - Internal Controls Over Accounts Payable, Payroll and Cash Disbursements
  - Internal Controls Over Receivables & the Revenue Cycle
  - IRS Issues, Primarily Payroll Matters
  - Legal Considerations for Debt Issuances & Disclosures
  - Policies and Procedures Manuals
  - Segregation of Duties
  - Single Audits for Auditees
  - Special Purpose Local Option Sales Tax (SPLOST)
  - Accounting, Reporting & Compliance
  - Uniform Grant Reporting Requirements and the New Single Audit

Mayor Paul thanked **Mauldin and Jenkins Government Partner Lipson** for her presentation. **Toni Carlisle, Chief Financial Officer,** and her team have done a phenomenal job the last two years with no findings.

Eden Freeman, City Manager, said the importance of the annual audit and reporting of what we have been doing cannot be understated. The hard work of **Chief Financial Officer Carlisle, Michael Hietter, Budget Manager,** and the City's Finance and Accounting team have made sure this is the second year in a row that the City has a clean audit. I am extremely proud of their hard work and all our departments for the work that they do to make sure that the City uses tax dollars wisely serving Sandy Springs.

Mayor Paul said I echo that. **Chief Financial Officer Carlisle,** and her team does a great job.

VIII. Public Hearing

A. **2024-290** Request for Mayor and City Council Consideration of a Resolution to Approve a Metropolitan River Protection Act Certificate for River Corridor Review RC-24-03SS for Property Located at 680 River Chase Point

Michele McIntosh-Ross, Planning & Zoning Manager, presented a recommendation to approve a Metropolitan River Protection Act Certificate for River Corridor Review RC-24-03SS for property located at 680 River Chase Point.

Properties within 2,000 feet of the Chattahoochee River are subject to the Chattahoochee River Corridor Protection Act. This is a single-family residence in the RD-27 Residential Detached Neighborhood in District 6. The applicant is proposing to construct a single-family house. Regulations call for review and approval by the Atlanta Regional Commission (ARC), public hearing and approval by the local governing authority, and issuance of a Metro River Certificate. The review focuses on whether the project is consistent with the Chattahoochee Corridor Plan, which limits clearing and impervious surface within the corridor. The ARC has reviewed the application and found that the project is consistent with the Chattahoochee Corridor Plan, and the National Park Service (NPS) provided comments that will be taken into consideration.

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 Melissa Mular**, to approve a Metropolitan River Protection Act Certificate for River Corridor Review RC-24-03SS for property located at 680 River Chase Point. The motion carried by unanimous vote.

Resolution No. 2024-11-166

B. **2024-291** Request for Mayor and City Council Consideration for a Zoning Map Amendment RZ24-0002 to Rezone from CON- to CON- to Remove the Condition of Zoning that Required the Developer to Dedicate Required Open Space to the City for a Public Park.

Michele McIntosh-Ross, Planning & Zoning Manager, presented a recommendation to approve a Zoning Map Amendment RZ24-0002 to rezone from CON- to CON- to remove the condition of zoning that required the developer to dedicate required open space to the City for a public park.

The applicant requests a Zoning Map Amendment (Rezoning) of property owned by Ashton Woods, Aria at 6511 Beacon Drive, to remove the condition of zoning requiring the dedication of open space to the City.

This application to remove a condition of zoning from a previous case from April of 2015 (RZ2015-01168) requires a rezoning to open the case, rezone from Conservation (CON-) to Conservation (CON-), and remove the condition that required the dedication of land to the City. Staff and the Planning Commission recommended approval of this application.

Mayor Rusty Paul opened the public hearing.

<u>Support</u>

1. Jessica Hill, Applicant representing Ashton Woods, 600 Peachtree Street, Atlanta

Mayor Rusty Paul closed the public hearing.

Motion and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melissa Mular**, to approve a Zoning Map Amendment RZ24-0002 to rezone from CON- to CON- to remove the condition of zoning that required the developer to dedicate required open space to the City for a public park.

Councilmember Reichel said thank you Ashton Woods for working with the City, and hopefully you will come back to Sandy Springs to build another community.

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

Ordinance No. 2024-11-15

IX. New Business

A. **2024-292** Request for Mayor and City Council Consideration to Approve Seven Contract Awards for Public Works Capital Projects Engineering On-Call Design Services; to Authorize the City Manager to Execute the Seven Contracts; and For Other Purposes

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to approve seven contract awards for Public Works Capital Projects Engineering On-Call Design Services, and to authorize the City Manager to execute the seven contracts, and for other purposes.

The City issued a Request for Proposals ("RFP") 24-072, "Capital Projects Engineering On-Call Design Services," on June 26, 2024. Purchasing conducted a non-mandatory pre-proposal meeting online on July 10, 2024 and the procurement process closed on August 16, 2024. The City received proposals from twenty-one (21) firms. After a preliminary evaluation by Purchasing staff, four (4) of the proposals were deemed non-responsive and not considered in further evaluation. Project types included in this on-call contract will be, but not limited to, sidewalk and streetscape projects, roadway and intersection improvements (including traffic signals), and stormwater improvement projects. Based on the previous capital projects on-call design contracts, the City anticipates approximately $500,000 to $1,000,000 of design work annually.

The purpose of these seven (7) contract awards is to have several pre-approved consultants contracted to provide the Services, thus eliminating the need to submit each project through the proposal process which will accelerate project delivery. It is intended to award a contract to each of the seven (7) firms for five (5) performance years, consisting of one (1) base year and four (4) one-year renewal options, contingent upon annual appropriations by the City of Sandy Springs City Council. Each of the firms has provided a fee proposal with personnel rates by billing category as stated in each of the seven (7) contracts.

Proposals were reviewed by the City's Purchasing Office for administrative and qualifications compliance, as well as by an evaluation committee consisting of the following four (4) members ("Evaluation Committee"):

- Joan Estinval, CIP ROW Coordinator
- Maggie Grant, CIP Project Manager
- Bill Lotz, CIP Project Manager
- Wesley Waters, CIP Unit Manager

City Staff evaluated the Proposals with the following criteria:

- Capital Project Design Approach: 30%
- Survey Service and ROW Coordination: 15%
- Utility Coordination: 10%
- Project Management/Team: 20%
- Similar Project Experience and References: 15%
- Project Quality Control: 10%

Based on the anticipated future project needs, the Evaluation Committee recommends that the City award contracts to the seven (7) highest scoring firms.

Firm	**Total Score (out of 100)**
TranSystems Corporation	89.0
Kimley-Horn and Associates, Inc.	88.8
Atkinsrealis USA, Inc.	88.3
Atlas Technical Consultants, LLC	86.0
Gresham, Smith and Partners (L.P.)	86.0
BCC Engineering, LLC	84.8
NV5 Engineers and Consultants, Inc.	84.5
Barge Design Solutions, Inc.	82.3
Holt Consulting Company, LLC	82.0
Keck & Wood, Inc.	82.0
Pond & Company	81.5
STV INCORPORATED	81.3
Lowe Engineers, LLC	80.3
RS&H, Inc.	79.8

Rummel, Klepper & Kahl, LLC (RK&K)	76.0
Axis Infrastructure, LLC	71.8
Foresite Group, LLC	69.5
Columbia Engineering and Services, Inc.	Non-Responsive
Lose & Associates	Non-Responsive
Mofatt & Nichols, Inc.	Non-Responsive
Prime Engineering Inc.	Non-Responsive

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Melody Kelley**, to approve seven contract awards for Public Works Capital Projects Engineering On-Call Design Services, and to authorize the City Manager to execute the seven contracts, and for other purposes.

Councilmember Paulson said some of the seven firms are recognizable. How many are repeat, and how many are new? Does the City have any information on the new contractors?

Public Works Director Martin said of the seven, there is one the City has not worked with regularly, however, the other six have repeatedly performed other projects.

Councilmember Paulson asked which firm is new?

Public Works Director Martin said TranSystems Corporation.

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

Resolution No. 2024-11-167

B. **2024-293** Request for Mayor and City Council Consideration to Approve a Contract Award to NOVA Engineering and Environmental, LLC for Materials Testing Services for the City of Sandy Springs' Portion of the SR 400 Multi-Use Path as it Relates to the PATH 400 Multiuse Trail Extension 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 NOVA Engineering and Environmental, LLC for materials testing services for the City of Sandy Springs' portion of the SR 400 Multi-Use Path as it relates to the PATH 400 Multiuse Trail Extension Project and to authorize the City Manager to execute the contract.

The construction of the SR 400 Multi-Use Path will include earthwork activities, foundation and retaining wall construction, reinforcing steel, masonry, and concrete installation. Geotechnical and materials testing services will be required to ensure that these elements of the Project meet the standards outlined in the Project plans and specifications. Additionally, this Project is receiving federal funding and must be constructed in accordance with Georgia Department of Transportation standards and specifications.

On August 23, 2024 the City issued a Request for Quote ("RFQ") 25-009 seeking quotes from qualified consultants to perform materials testing services for the Project. The following two (2) responses were received by the September 24, 2024 deadline:

Consultant	**Quote**
NOVA Engineering and Environmental, LLC	$285,380.40
Goodwyn Mills Cawood LLC	$293,269.00

Upon review of the responses, Staff recommends that award be made to the lowest, most responsible and responsive quote of NOVA, in the amount of $285,380.40.

Motion and second. A motion was made by **Councilmember Tibby DeJulio**, seconded by **Councilmember Jody Reichel**, to approve a contract award to NOVA Engineering and Environmental, LLC for materials testing services for the City of Sandy Springs' portion of the SR 400 Multi-Use Path as it relates to the PATH 400 Multiuse Trail Extension Project and to authorize the City Manager to execute the contract.

Councilmember Reichel asked for an update on the future construction portion.

Public Works Director Martin said with future construction, we are in the process of obtaining the construction agreement from the Georgia Department of Transportation (GDOT), that will provide a notice to proceed with the construction contractor selected. Also, at the next Council meeting, there will be a budget amendment, where the Atlanta Regional Commission (ARC) will support the City with about $800,000 for construction engineering and inspection services, and the PATH 400 Project. We are getting final pieces of the agreement to support the delivery of this project for some time next year.

Councilmember John Paulson said there are three sections on the Project Location Map. The first is coming from the City of Atlanta, the middle is not being done now, and the third connects up to Glenridge. Is the contract for section one and three, or just one?

Public Works Director Martin said it is for both one and three, for the Sandy Springs portion of the construction project.

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

Resolution No. 2024-11-168

C. **2024-294** Request for Mayor and City Council Consideration to Approve Participation in the U.S. Department of Homeland Security FY23 State and Local Cybersecurity Grant Program and to Enter into a Grant Agreement with the Georgia Emergency Management and Homeland Security Agency to Accomplish this Purpose

Jonathan Crowe, Information Technology Director, presented a recommendation to approve participation in the U.S. Department of Homeland Security FY23 State and Local Cybersecurity Grant Program and to enter into a grant agreement with the Georgia Emergency Management and Homeland Security Agency to accomplish this purpose.

In September 2024, the Department of Homeland Security announced a competitive cybersecurity grant program for eligible state, local, and territorial governments across the country to address cybersecurity risks and threats to information systems. The City of Sandy Springs has recently been awarded under this umbrella of grants and wishes to continue to participate to enhance protection against cybersecurity threats.

To manage and reduce systemic cyber risk over the next several years, the City of Sandy Springs identified the need to replace existing firewall hardware that is utilized by the city for managing, monitoring, and tracking network traffic. This hardware is reaching the end of its supported lifecycle. Replacing this hardware will assure the city is in compliance with hardware and technical support contracts and also provide an increase in performance and bandwidth to accommodate organization growth. The City anticipates project completion within sixty days once the grant contract has been finalized.

This grant program requires a 20% local cost share requirement. The City has requested funding in the amount of $68,000.00 from the Georgia Emergency Management and Homeland Security Agency, with a maximum match amount of $13,600.00 funded by the City.

Motion and second. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Melody Kelley**, to approve participation in the U.S. Department of Homeland Security FY23 State and Local Cybersecurity Grant Program and to enter into a grant agreement with the Georgia Emergency Management and Homeland Security Agency to accomplish this purpose.

Mayor Paul said all of us will receive notice and have the opportunity to participate in a required cybersecurity training. Please check with **Information Technology Director Crowe** to find out what is needed to complete it. This is important.

Councilmember Tibby DeJulio asked will this be an in-person class or is it online?

Information Technology Director Crowe said it is an online enrollment program and can be done from your phone.

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

Resolution No. 2024-11-169

D. **2024-295** Request for Mayor and City Council Consideration of a Resolution Authorizing the City's Participation in an Amicus Brief in the Chang v. City of Milton Appeal

Dan Lee, City Attorney, presented a recommendation to authorize the City's participation in an Amicus Brief in the Chang v. City of Milton Appeal.

City Attorney Lee said until approximately four months ago, the law in Georgia was clear that a person leaving the paved part of the roadway striking an object was at fault. A case occurred in Milton in 2016 when a young man died after leaving the roadway and struck a masonry planter that had been six feet off the roadway. This was before Sandy Springs and Milton were formed. A lawsuit was filed, and the jury trial had a $35,000,000 verdict gained by the plaintiff. The case was appealed to a three-judge panel of the Court of Appeals, and their decision expanded the definition of what the roadway is, to include an area that would allow a driver to safely leave the roadway and come back. Anyone in the municipal government business knows that there are many things in the rights-of-way of the cities around the state, including the county. This decision, if allowed to stand, would be troublesome to the taxpayers of Sandy Springs, and many other cities around Georgia. They are seeking Amicus Brief from seventeen different cities, including Sandy Springs. My recommendation is that the interests of Sandy Springs are in the overturning of this case and bringing the law back into order for good operation of municipal government, and ask for permission from Council to apply a brief in support of Milton, in the setting aside of this case.

Mayor Paul asked can you enumerate some of the things that might come into play under this court decision?

City Attorney Lee said just like the object that was involved in this tragic wreck, the City of Milton did not place it there and we have a really robust and a very good operation here trying to control the rights-of-way of Sandy Springs where permits are issued. In the last two years, the City has issued five hundred eighty-nine permits to place objects within the right-of-way by entities who have an authority that was granted to them by the legislature that we cannot control. Small cell towers, 5G operations, many light poles, telephone poles, and that is not even getting to mailboxes. This law as it stands now from the Court of Appeals, if the City has knowledge of the placement of the object and the nuisance, the City could be held liable for it. In Sandy Springs, just in the last two years I know that the City knows that we have had five-hundred eighty-nine objects placed within the right-of-way.

Mayor Paul said so each one of those objects makes us liable because not only did we know about it, but we permitted it, correct?

City Attorney Lee said we have knowledge of it which is what the law will require.

Motion and second. A motion was made by **Councilmember Andy Bauman**, seconded by **Councilmember Tibby DeJulio**, to authorize the City's participation in an Amicus Brief in the Chang v. City of Milton Appeal.

Councilmember Bauman said this is a very serious matter. I appreciate us doing it and as the lone attorney on the Council, I could not resist making a motion including the words Amicus Brief. This is a very serious matter, and I get it, and I think to clarify what you were responding to the mayor's question, we have knowledge but there is a question as to what the City's role is in some of these. I want to make clear for future depositions potentially that our knowledge does not necessarily translate to some sort of implied or specific consent approval, or design that we had to do it, that there are a lot of situations that are beyond our control. I think I heard you saying that. Is that right to clarify the record?

City Attorney Lee said absolutely. Of the five-hundred and eighty-nine permits I was talking about, the City had no authority to deny the permits. One other big issue in this case is that where before the law was that the City had to have knowledge, not just of the object, but that it was a nuisance. This planter had been there for like I said many years, never caused an accident that is recorded. It was there the driver hit it. Georgia is a comparative negligent state and to be fair the jury's verdict gave 93 % of the liability to the City and 7% to the driver of the car, which I would argue is not appropriate either. Back to the point, the change in the law is in Milton, the City did not know of any nuisance value to this object and that and the expansion of the roadway is the part that scares us that we need to affect it.

Councilmember DeJulio asked **City Attorney Lee** do I understand that you mentioned about objects which are in the right of way, such as a mailbox, does that mean that if somebody hits a mailbox and is injured or killed, or whatever, that the City is liable for that?

City Attorney Lee said as the law appears in this court case, yes we could be held liable for it.

Councilmember DeJulio asked is the legislature going to correct this in any way? Do we know?

City Attorney Lee said we have had three meetings with my counterparts at other cities, and with the GMA's attorney and their Legislative Affairs staff in hopes of affecting this. As you know, we have had many discussions about, back to the objects that we have had to permit in our right-of-way, small cell towers, 5G devices that the legislature usurped our ability to control where they go, and when they go. This is another reason that the City ought to have control of the people's property which is the right of way, not just for this safety matter, but because it is the people's property, and should be controlled by the people's representatives by passing ordinances.

Mayor Paul said **Councilmember DeJulio**, the Georgia Municipal Association (GMA) and the Association County Commissioners of Georgia (ACCG) legislative policy Council meetings are tomorrow and Thursday and I can assure you this will be discussed, because this is something that affects every jurisdiction in the state. It is on the agenda.

Councilmember John Paulson said **City Attorney Lee** this as you describe it seems like this is not a hard decision, but yet this Court of Appeals allowed this to continue, or whatever they supported. What can you tell us about their reasoning behind why they supported this?

City Attorney Lee said the only thing I can share with you that is in the ruling is that there is a belief that the definition of the roadway, which here to for has been the paved portion of the road, needs to be expanded so that a driver can safely leave the road and come back if they are distracted. The evidence in the Milton case indicates that the unfortunate young man may have been dodging a deer and left the roadway to avoid the deer and struck the planter. That is some of reasoning they are giving in the document. Again, it has been a longstanding law in Georgia, established in Roswell as a matter of fact, that if you leave the roadway then you assume the risk for lots of reasons. One, you cannot control the City, with even a robust Public Works Department you cannot control everything that goes in the right-of-way.

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

Resolution No. 2024-11-170

E. **2024-296** Request for Mayor and City Council Consideration of a Resolution to Accept the Dedication of Right-Of-Way Incident to the Construction of a City Street on Property Located in Land Lot 71 of the 17th District of Fulton County, Georgia (Tax Parcel 17-0071-0001-035-5) and to Authorize the Mayor to Execute the Associated Conveyance Deed

Allen Johnson, TSPLOST Program Manager, Public Works, presented a recommendation to accept the dedication of right-of-way incident to the construction of a City street on property located in land lot 71 of the 17th district of Fulton County, Georgia (Tax Parcel 17-0071-0001-035-5) and to authorize the Mayor to execute the associated conveyance deed.

The Spruill family has a long history in Sandy Springs and its surrounding areas. Wilson Spruill and his family moved to Georgia from South Carolina in 1820, where they settled between Long Island Creek and Mount Vernon Road. The family ultimately resided in what is now the City of Dunwoody and made annual family trips to Sandy Springs. Wilson Spruill became a founding member of the Sandy Springs United Methodist Church by donating ~5 acres, which he obtained through the 1820-1821 Georgia Land Lotteries, where the original log cabin church and community school were built. He was also a founding member of the Dunwoody United Methodist Church.

Wilson Spruill's son, George Marshall Spruill, married Doris Waddell Spruill and ultimately settled in Sandy Springs at a home located at 441 Mount Vernon Highway, where they raised 4 daughters; Catherine (Spruill), Susan (Ganas), Patricia (Smith) and Christy (Brownell). Mrs. Spruill graduated from the Georgia Baptist School of Nursing where she was a member of the Army Cadet Nurse Corps. She was a founding member of St. John United Methodist Church. Mr. Spruill was first employed by the Georgia Department of Transportation as an elevator boy and retired after 37 years in 1975 as Secretary and Treasurer of the Department. He served as a fighter pilot in the U.S. Air Force in World War II and was an active member of St. John United Methodist Church.

The Spruill family's decades-long influence on our community and surrounding areas, reaches from the land on which Perimeter Mall was built, to the Spruill Center for the Arts, among many other landmarks. The dedication of Spruill Lane is in honor of the family's commitment to the community and surrounding areas.

On January 17th, 2023, Council approved the purchase of real property located at 441 Mount Vernon Highway, located in Land Lot 71 of the 17th District of Fulton County, Georgia (Tax ID: 17-0071-001-035-3) (the "Spruill Property"), in connection with the City's road project known as Johnson Ferry Road/Mount Vernon Highway Improvement Project (Project No. TS-191) (the "Project") which was formerly owned by Doris and George Marshall Spruill. The City's design of the Project included the construction of a connector road between Johnson Ferry Road and Mount Vernon Highway, through the center of the Spruill Property, which would ultimately divide the Spruill Property into an eastern remnant and western remnant.

As a part of the Purchase and Sale Agreement associated with the acquisition of land for the Project, the City transferred the eastern remnant of the Spruill Property to Mount Vernon Presbyterian Church, approved by Council on April 16th, 2024.

It is the desire of the City to dedicate 40,665.69 square feet (0.934 acres, more or less) of the western remnant of the Spruill Property as City right-of-way for the creation of what will be known as Spruill Lane.

Motion and second. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melissa Mular**, to accept the dedication of right-of-way incident to the construction of a City street on property located in land lot 71 of the 17th district of Fulton County, Georgia (Tax Parcel 17-0071-0001-035-5) and to authorize the Mayor to execute the associated conveyance deed.

Councilmember Reichel said this in **Councilmember Mular's** district, but I live across from Doris Spruill. Many times I sat with her, her daughters and sons-in-law, grandchildren, and her dog Charlie. I learned so much about her and the history of her family. She is a beautiful, wonderful person and I enjoyed meeting her. It is fitting and an honor to name this street after her.

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

Resolution No. 2024-11-171

X. Reports

A. **2024-297** Mayor and Council Report

Mayor Rusty Paul said thank you to Staff and everyone for your efforts, particularly the staff that gave up a holiday day to ensure the Veterans Day ceremony was phenomenal again. This was a memorable event with many positive comments, and the dedication of the two sculptures entitled Three Generations and Be the Light was transformative.

Last night, Roswell Road was transformed to Restaurant Row. The Visit Sandy Springs team worked with the City's Communication Department and other departments, and created a magnificent map of all the restaurants to give tourist in Sandy Springs. The information will be printed to direct people from hotels in the area to the City's restaurants. It will also be online and there will be an app to access it. The City will provide dining opportunities for people coming into the community, or the residents of Sandy Springs.

Everyone is urged to complete the cybersecurity training as quickly as possible. In today's world, many emails are received from people we do not know. We may assume they are from constituents asking questions or working on problems. Many are phishing expeditions and we need this training to spot and not open emails that can jeopardize the City's system.

Councilmember John Paulson asked how many eating establishments are on Restaurant Row?

Mayor Paul said one hundred seventeen. This number does not include every restaurant in Sandy Springs. It is just ones that are on Roswell Road, or within a couple blocks. Fox 5 Atlanta reported from Kaiser Steakhouse that Restaurant Row is a wonderful place to have a restaurant and a magnificent tool for businesses.

Councilmember Paulson said the skating rink is open from now until January. It is a lot of fun and everyone is encouraged to come out.

B. 2024-298 Staff Reports

1. **2024-299** September 2024 Unaudited Financials

Toni Carlisle, Chief Financial Officer, reviewed the September 2024 unaudited financials.

The City is at 25 % of the year. Revenues are at 9.27 % and expenditures are at 21.34% of the budget. The property tax deadline was November 15, and the City will receive the largest portion of about 70%, of the taxes by the end of this month. The Departmental/General Fund expenses are shown in the packet and each department is managing according to budget.

XI. **Executive Session**

There was no executive session.

XII. Adjournment

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

The meeting adjourned at 7:08 p.m.