

Regular Session Meeting of the Sandy Springs City Council was held on Tuesday, July 21, 2020 at 6:09 p.m., Mayor Rusty Paul presiding.

I. CALL TO ORDER

Mayor Rusty Paul called the meeting to order at 6:09 pm.

II. ROLL CALL

City Clerk Raquel D. González called the roll and made the general announcements.

Mayor Rusty Paul – present.

Council Members present: Council Member John Paulson, Council Member Steve Soteres, Council Member Chris Burnett, Council Member Jody Reichel, Council Member Tibby DeJulio and Council Member Andy Bauman.

III. PLEDGE OF ALLEGIANCE – Mayor Paul led the Pledge of Allegiance.

IV. APPROVAL OF THE AGENDA

Motion and Second: Council Member DeJulio moved to amend the meeting agenda for the Regular Meeting on Tuesday, July 21, 2020 to include (1) a discussion on tabling of the Lake Forrest Drive and Forrest Lake Drive road renaming public hearing under Old Business (Unfinished Business); (2) a discussion of a grant award to Solidarity Sandy Springs under New Business; and (3) establish a Public Comment Policy for Virtual Meetings, which is to require all public comments, except for public hearing public comments, be reduced to writing, no longer than two pages, and emailed to the City Clerk by noon (12 p.m.) on the day of the City Council meeting, and, the public comments be included with the Summary Minutes within two business days after the meeting. Council Member Paulson seconded.

Council Member Tibby DeJulio stated that citizens want their comments heard by all Council members and we should establish a virtual meeting policy to receive public comment. The Clerk should deliver all public comments received to all Council members prior to the meeting. Public Comment cards should be in the minutes so they would be public record. We are in such unprecedented times, and so many folks want to have their opinions heard. This is not for Public Hearing comments when we have the public in-person. One of the things we do not want is the City Clerk to interpret the comments. They should be given us just as they are received and Council can interpret what people are saying. If we could say a cutoff time of noon then that will give the City Clerk time to get that stuff out to the Council and Council a chance to read them. The idea is to go ahead and put this into effect immediately because are we going to have to determine criteria, that means someone has to interpret them and if they are for or opposed, or just regular comments. It would have to be now, so we can get our public comments.

Mayor Rusty Paul asked if there are any objections to the additions and changes outlined by Council Member DeJulio in this approval of the meeting agenda. Public comment will be part of the record as they have to be included in the record of the City Council meetings. As he understands Council Member DeJulio's motion, every Council member will get a complete packet of comments brought forward; we may not be able to read them tonight; but to figure out a deadline where we can receive those ahead of the public meeting, and only for these virtual meetings. The Public Hearing comments are different than general public comment. We have a different set of rules that govern the Public Hearing comments. As he understands it, every member of Council will have a chance to review, in full, the comments that have been submitted.

Council Member Andy Bauman stated this is an unprecedented situation. If we have received 53 or so comments, under the three-minute rule we could be here for three to four hours. The comments are not just for us, they are for the public. The balancing act we have here tonight is that if we have comments germane to actions that are being considered tonight, we presume these are general public comments, right? I agree with the deadline. At the very least, Council should have the benefit of time to read and consider. This motion has to do only with general public comments and not Public Hearing comments. Public comment is unlimited. If this refers specifically to public comment, we do not have any other choice given the challenges of the technology. The comments can be hung on the website after the meeting, within a reasonable time, and this not applying to Public Hearing per se where we have a specific item and the public comments are germane to that item. It is a lot of comments and I hope that we can acknowledge that there is some unease with what we are going here tonight. Is there anything in the Rules of the City or our Charter or State law that would in any way create a credibility or somehow disqualify the actions that we would take tonight not having heard the public comments?

City Clerk Raquel Gonzalez reported the Clerk's Office received 53 public comment cards for the meeting. Just before the meeting, recognizing the volume of public comment cards, the City Clerk emailed the received public comment cards to the Mayor and City Council. The current policy allows us to receive public comments cards up to the beginning of the meeting. The majority of the tonight's public comments discuss whether or not to regulate the use of masks. Public comments were also received discussing Sidewalk Design Policy, request to add a sidewalk that connects the north and south side of Glenridge of the Glenridge / Hammond Drive neighborhood, Comcast and their work burying cable throughout the city; and public comments at Board of Appeals meetings.

City Attorney Dan Lee reported that there is no requirement that we have public comments. The only rules surrounding it is that when you open the forum for allowing public comment, that forum is open and cannot be restricted as far as what is said or the topics of what is said. Simply put, 'what you do for one you have to do for all.' It would be impossible, in his opinion, to read samplings and not read them all. The procedure that is outlined would treat them all the same, and it meets all rules of the Charter, and State and Federal law.

Vote on the Motion: Mayor Paul called for a roll call vote. The motion passed unanimously.

V. PUBLIC COMMENT

The Public Comments will be incorporated into the record as shown as Exhibit "A" hereto.

VI. CONSENT AGENDA

- A. 2020-164** Minutes for June 16, 2020 Work Session and June 16, 2020 Regular Meeting.
- B. 2020-165** Request for Mayor and City Council Consideration of Approval of T-0060 GA 400 Multi Use Path - PI0015023 Revised Supplemental No. 1 to the Project Framework Agreement (PFA) with Georgia Department of Transportation (GDOT)

RESOLUTION NO. 2020-07-74

Motion and Vote: Council Member Bauman moved that the consent agenda be approved for Tuesday, July 21, 2020. Council Member Burnett seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

VII. PRESENTATIONS

A. 2020-166 Staff Recognition

City Manager Andrea Surratt recognized Jim Tolbert, Assistant City Manager, who is retiring from the City after five years of service. He has been a contributor to the community enhancement efforts of Sandy Springs and his many, many years of public service both in Planning and City Management.

Mayor Paul added Jim Tolbert's mark on the City is going to go on for decades. The Next Ten Process that revitalized, rejuvenated and reformed the City's land-use programs, policies and procedures, and brought a level of domestic peace to this community when it came to development. We have not had a contentious rezoning; not nearly at the volume as before Jim took on that process. He has done a lot, but this will create a lasting legacy in this community for which Jim Tolbert should take a tremendous amount of credit. Jim has been a great friend, a great colleague and has done a tremendous amount of work for the community.

VIII. PUBLIC HEARING

There were no public hearings.

IX. UNFINISHED BUSINESS

A. 2020-179 Lake Forrest Drive and Forrest Lake Drive Roads Renaming Public Hearing Discussion

Motion and Second: Council Member DeJulio moved to table the advertised August 4, 2020 Lake Forrest Drive and Forrest Lake Drive Road Renaming Public Hearing and discussion until such time as the City Council returns to in-person meetings. Council Member Paulson seconded.

City Attorney Lee stated notwithstanding the language that was included in the motion, under the City's Public Notice ordinances the tabled item would require a certain time period for noticing and those would have to be reignited. If it is the desire to take it off the table, the Council would move to take it off the table and present again the required public notices before it could actually be heard for the public comment.

Mayor Paul stated the Council can take it off the table, subject to the procedural requirements outlined by City Attorney Lee, at any point that it wishes.

Vote on the Motion: Mayor Paul called for a roll call vote. The motion carried unanimously.

X. NEW BUSINESS

A. 2020-180 Request for Mayor and City Council Consideration of a Grant Award to Solidarity Sandy Springs for \$25,000 for Sandy Springs Residents

Motion and Second: Council Member DeJulio made a motion to provide a \$25,000 grant to Solidarity Sandy Springs for their Pop-Up Pantry Program to feed Sandy Springs residents and to make available masks to their program. Council Member Reichel seconded.

Council Member DeJulio stated that when the Council distributed the CDBG-COVID monies, we were unable to make a distribution to Solidarity Sandy Springs because we were not comfortable that they could meet the HUD requirements to receive the funds. We said at that time that we would reconsider their request in the future. The Mayor, Council Member Reichel, Council Member Bauman and myself have been to the pantry and have seen the work they are doing and the people they service. There are people who live in Sandy Springs who are hungry, who are poor and are depending on the generosity and the services of people like Solidarity Sandy Springs. That is the reason for this request. We really need to make sure that we do whatever we can to help people in Sandy Springs who are in need.

Mayor Paul stated they are doing great work and this is a great expenditure of funds. There are still a lot of families that are struggling. This week I issued a statement asking apartment managers to waive late fees for people who are at least catching up with their rent. A lot of the rental assistance will cover rent costs, but not late fees. There are a lot of things going on that we are trying to do in our community to alleviate the impact of this virus and the resulting economic dislocations.

Council Member Chris Burnett asked have we also provided masks to Solidarity Sandy Springs. And, do we have some public service materials, particularly in Spanish, that we might be able to provide to them to encourage those who come in to get a mask or package of masks and to wear them?

Mayor Paul replied we have distributed 10,000 masks to CAC for distribution to low-income individuals and family members in Sandy Springs. We can provide as many masks as we can afford to make available without short-changing our own first responders.

Fire Chief Keith Sanders replied that they have spoken with CAC and they still have approximately 5,000 masks available. They have been distributing them to those who are in need and those who have come to the facility.

Vote on the Motion: Mayor Paul called for a roll call vote. The motion carried unanimously.

B. 2020-167 Request for Mayor and City Council Consideration of FY 2021 Resurfacing Contract Award Recommendation

Public Works Director Marty Martin presented staff's recommendation for the FY 2021 resurfacing contract award. The work was bid in conjunction with the bidding of FY2020 CIP Paving Contract. The Pre-Bid Conference was held on March 4, 2020. Four bids were received on March 18, 2020: Northwest Georgia Paving, Inc. - \$3,786,810.00; Blount Construction, Inc. - \$4,232,180.00; Stewart Bros., Inc. - \$4,640,305.00; and, C.W. Matthews Construction Co., - Inc. \$5,525,861.19. The proposals were evaluated by Field Services and Purchasing staff. The evaluation focused specifically on paving experience, past performance, quality of past work, and bid price. Award of the FY2020 CIP Repaving Contract was made to Northwest Georgia Paving (the successful low bidder for that work) was approved by Mayor and Council in the May 5, 2020 City Council Meeting. Based on review and analysis of the FY 21 bids received, staff recommends that the City award the FY2021 CIP Paving Contract to Northwest Georgia Paving, Inc. in the amount of \$3,786,810.00. Staff estimate for this work is \$4,153,000.00. The City will be responsible for all work associated with the resurfacing of these streets. The projected expense for this resurfacing work is not to exceed \$3,786,810.00. The cost for material testing is projected at \$2,500. There is sufficient funding within the T-3000 Paving Program to fund this contract.

Motion and Vote: Council Member DeJulio made motion to approve the FY2021 Resurfacing Contract Award recommendation to Northwest Georgia Paving, Inc. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-07-75

- C. 2020-168** Request for Mayor and City Council Consideration of Approval of a Contract for Georgia Power to Install Pedestrian Scale Lighting for Project TS170, Interstate North Parkway Side Path Project

Public Works Director Martin presented the staff's recommendation to enter into an agreement with Georgia Power for the upfront cost to install pedestrian scale lighting on the north side of Interstate North Parkway from the City limit to Northside Drive. The scope of work includes: 1. Install 35 Standard Mid-Block Lights with Concrete Bases; 2. Install 4 Standard Intersection Lights with Concrete Bases; and, 3. Install all Underground Feeds to Lights. The quoted cost of \$335,000 is for the upfront contribution for installation. There is a monthly lease cost of \$889.20 for the lights, which covers the ongoing cost of equipment, energy, and maintenance.

Motion and Vote: Council Member Burnett made a motion to approve Contract for Georgia Power to Install Pedestrian Scale Lighting for Project TS170, Interstate North Parkway Side path Project. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-07-76

- D. 2020-169** Request for Mayor and City Council Consideration of a Resolution to Become a Partner in the One Million Trees Initiative

Sustainability Manager Catherine Mercier-Baggett stated Trees Atlanta launched the One Million Trees Initiative at the 2020 Canopy Conference. Its intent is to protect and plant one million trees in the Atlanta metropolitan area by 2030. Other cities, counties and nonprofit organizations received the invitation as well, including the neighboring cities of Dunwoody and Brookhaven. The level of commitment of each partner in the initiative is open-ended. Newly planted trees and those existing on property acquired for public purposes count toward the 1,000,000 goal. There are three basic requirements to participate: (1) Provide education on the initiative and the benefits of trees in general; (2) Develop a baseline inventory; and (3) Regularly report progress to Trees Atlanta. The City has already implemented a number of initiatives that will fulfill the requirements. A partnership was established with Trees Atlanta two years ago to plant trees in residential front yards and the program expanded in the 2019-2020 planting season to include trees in public rights-of-way. Thanks in part to this effort, an estimated 1,000 trees have been planted by the City since 2018. The City tracks tree plantings on an interactive story map, accessible online at <http://spr.gs/TreePlantings>. The City updates its canopy coverage study regularly and will do so again once the imagery is released by other governmental agencies. Additionally, the City is building an inventory of all trees on public property, helping to identify short and long-term maintenance needs. To date, the City has completed canopy assessments for most of its parks, including Big Trees, Lost Corner, Ridgeview and the Abernathy Greenway. Private owners are eligible to partner in the initiative, however the property has to be recorded as protected. So either there would be a conservation easement or some form of agreement to ensure that those trees are here to stay.

Motion and Vote: Council Member Bauman moved for Approval to Become a Partner in the One Million Trees Initiative. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-07-77

- E. 2020-170** Request for Mayor and City Council Consideration of a Resolution to Approve Memorandum of Understanding between the City of Sandy Springs, Georgia, On Behalf of its Police Department, and the U.S. Department of Justice, Drug Enforcement Administration, Regarding License Plate Reader Information

Sergeant Aleksandar Lazic, Sandy Springs Police Department (SSPD), stated SSPD recommends approving the Memorandum of Understanding (MOU) between the City of Sandy Springs and the U.S. Department of Justice, Drug Enforcement Administration (DEA), regarding the sharing of License Plate Reader data. SSPD would like to enhance its partnership with the DEA by sharing license plate reader data. This partnership will enhance the National License Plate Reader Program (NLPRP), making it a stronger investigational tool for all federal, state, local, and tribal agencies. The NLPRP has policies and procedures in place that protect the privacy and civil liberties of individuals whose license plates are collected. This refers to every license plate that is scanned. The information is kept for 90 days. SSPD currently has two officers assigned to a DEA Federal Task Force and one officer assigned to the Department of Homeland Security Investigations Task Force. The continued and enhanced partnership will benefit the City of Sandy Springs and provide additional resources to all law enforcement agencies participating in the NLPRP. This would be for police owned equipment only. There is no cost to the City of Sandy Springs to share License Plate Reader data.

Motion and Second: Council Member DeJulio made a motion to approve a Memorandum of Understanding between the City of Sandy Springs, Georgia, On Behalf of its Police Department, and the U.S. Department of Justice, Drug Enforcement Administration, Regarding License Plate Reader Information. Council Member Paulson seconded.

Council Member Reichel asked if this included the City's Flock system.

Sergeant Lazic replied The City has two license plate reader platforms - Genetec and Flock. If the MOU is approved, the DEA will work the City to first onboard the Genetec system, and later will include the FLOC. But this would only include the police owned LPRs, and not the privately owned ones.

Vote on the Motion: Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-07-78

- F. 2020-171** Request for Mayor and City Council Consideration of an Ordinance to Amend Chapter 50 (Streets, Sidewalks and Other Public Places) of the Code of the City of Sandy Springs, Georgia; to Provide Clarification and Make More Equitable the Responsibility for the Construction of Sidewalks and Related Provisions

Assistant City Manager Jim Tolbert presented staff's recommendation to adopt an ordinance amendment to the 2010 Sidewalk Master Policy and City Ordinance, relative to the requirement for the installation of sidewalks when associated with the construction or substantial reconstruction of a new residence located on a street grid. The path to move forward includes the correction of appropriate text references to all code and subject related documents, removing the requirement to install sidewalk infrastructure if the property is on the Sidewalk Master Plan Network for new single family homes or substantial renovations/additions. The proposal would instead, require the dedication of right of way (ROW) in such instances. We recognize the importance of sidewalks as a critical part of our transportation network which serves to facilitate increased mobility and walkability throughout the City. The primary means of securing the ROW for the implementation of this sidewalk network is through a major subdivision, commercial development, or new residential construction. These text amendments will make available the option for a small single family

development to simply dedicate the necessary ROW; and if the need can be determined at the time of dedication, of any needed construction easements, in lieu of sidewalk installation. The construction easements would revert to the property owner after construction of the sidewalk. This is a more equitable way to do it for the entire community. It would not affect commercial or multifamily. Also, if someone was building a subdivision with a new road, they would still have to put in the sidewalk.

Motion and Second: Council Member Burnett made a motion to approve an Ordinance to Amend Chapter 50 (Streets, Sidewalks and Other Public Places) of the Code of the City of Sandy Springs, Georgia; to Provide Clarification and Make More Equitable the Responsibility for the Construction of Sidewalks and Related Provisions. Council Member Soteres seconded.

Council Member Burnett stated we have been building sidewalks to nowhere for a while, and as a City, we do not get much for these investments if we are unable to tie them into existing sidewalks. This is the right move to reduce the cost of construction for our homeowners.

Vote on the Motion: Mayor Paul called for a roll call vote. The motion carried unanimously.

ORDINANCE NO. 2020-07-17

G. 2020-172 Mayor and City Council Consideration of Approval of a Contract to Construct the Seville Chase Drainage Improvement Project

Public Works Director Marty Martin presented this project includes the removal of deteriorated corrugated metal pipe (CMP) and replacement with reinforced concrete pipe (RCP); replacement of three concrete headwalls and their associated inlet/outlet structures; replacement of four catch basin inlets; installation of other catch basins, manholes, and other inlet/outlet structures; pipe lining and restoration of curb, gutter, and pavement. Limited impacts to traffic and the neighborhood are anticipated. The invitation to bid for the construction of the Seville Chase Drainage Improvement Project was advertised beginning May 27, 2020. Bids were received on June 25, 2020: Firms Bid: Site Engineering, Inc. \$637,096.00; Tople Construction \$446,405.30. The engineer's construction cost estimate is \$437,400.00. When comparing the bids received to the engineer's estimate, staff believes the estimate is consistent for the amount and complexity of proposed work. Staff also reviewed recent City construction prices to determine reasonableness of bids. In response to the requirements outlined in the bid documents, Tople Construction & Engineering, Inc. provided the most responsive and responsible bid for the construction project at a cost of \$446,405.30. There are adequate Stormwater funds available for this project.

Motion and Vote: Council Member Burnett made a motion to approve a Contract to Construct the Seville Chase Drainage Improvement Project. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-07-79

H. 2020-173 Resolution of the Mayor and Council of the City of Sandy Springs in Support of Wearing Face Coverings

Mayor Rusty Paul stated within his 40 years of public service, there has been nothing more challenging, more stressful, more concerning than the challenge we are dealing with in this Pandemic today. There is an enormous amount of angst and concern, particularly among the vulnerable population, of which I am one. Three family members are recovering, hopefully, from the virus, including my 94-year old mother. I have lost two very close friends to this virus. One a Vietnam veteran who got it from his brother while

taking care of his brother. Both brothers died the same day, within two hours of each other. I am fully aware of the angst and concern. It is all legitimate in dealing with this virus. This resolution is an effort to encourage people to use their masks. There is no question that mask usage helps control the spread of this virus. Mr. Lee – what are the legal obstacles that this body faces that many have asked us to do, and the majority of Council would do if we could?

City Attorney Lee replied as a strict rule of law, we are governed by the Georgia constitution and the acts of the Legislature and the Charter that creates Sandy Springs. None of which direct or allow for any city to participate in public health matters. Specifically, Georgia law OCGA 31-3-4 (2) sets out that public health rules are clearly delineated to the county public health system, universal throughout Georgia. The exercise of authority of all matters pertaining to health are given to the public health system. That is why restaurants and septic tank permits are given by the Public Health Department. These are universal rules that do not vary from city to city. We are preempted from matters of public health regulations. The City does not have the authority to do it. This is the same reasoning we used when had a discussion about closing restaurants and sheltering in place. The emergency orders that have been issued stem from the authority granted to the governor by the state legislature to act when they are out of session. The Governor's ability to do any one of those does not affect this discussion. The Governor's latest order, stemming from the State of Emergency Management statute that gives to the State control over these issues so that there is a universal handling of these state emergencies. The basis for my decision is that we are preempted from matters of public health regulation.

Mayor Paul stated as elected officials we want to respond to our constituents and want to do things they are asking us to do, but we operate within constraints that the City Attorney has listed. We will follow the litigation between the City of Atlanta and the Governor very closely. If the judges says that under the home rule provision of the Georgia constitution that we are empowered to do so, I will be the first to bring a mandate back to this Council and ask you to do so. This started out as a much larger resolution, but after listening to every member of Council, I have tried to strip this resolution down to its essence. The goal is to further encourage people in Sandy Springs to wear masks in public settings. Also, we are starting a registry so that businesses that are requiring people to wear masks can let us know, and people will have a resource to determine which businesses in our community are requiring masks in their facilities and people can patronize with much more comfort.

Motion: Council Member Tibby DeJulio made a motion to approve the Resolution in Support of Wearing Face Coverings. Council Member Paulson seconded.

Council Member DeJulio stated he has received several emails about masks. We should all be intelligent enough to protect ourselves, but I am encouraged with our community. Kroger, Publix, Whole Foods, Home Depot, Lowe's and Costco are all requiring masks. I wear a mask in public. This is the most challenging thing in our lifetime with the Coronavirus pandemic. If we have people in the city who do not have access to masks, then maybe we can provide a limited amount of masks to people to further encourage people to protect themselves and protect others.

Council Member Reichel stated that she has been told many times it is difficult, if not impossible, to mandate face mask coverings in Sandy Springs, and we should implore, urge and plead with people to wear a mask. That is just not working. Our numbers are going up. People are dying. We need to mandate mask wearing, or at least try to get the governor to repeal his order to take away our local control. I doubt anyone would say they would take us to court. But even if they did, and even if we lose, we will have saved a countless number of lives.

Council Member Bauman said he appreciates the City Attorney's novel defense of the City not doing something more. But, not since Mercedes Benz have, I received more emails than on this issue where many are overwhelming wanting us to act. This resolution, though well-intended, is weaker than a free drink on a cheap cruise. This a city founded on the idea of self-determination. We have dealt with these issues on cell towers, fireworks, building codes, and a host of others.

Motion to Amend and Second: Council Member Andy Bauman made a motion to amend the main motion by including the following revisions to the proposed resolution: (1) After the second "Whereas" clause, insert the following: "and WHEREAS, pursuant to Georgia Governor Brian Kemp's Executive Order (EO) 7.15.20.01, dated July 15, 2020 ("Governor's Executive Order"), the Governor purports to prohibit the City from adopting a mandatory mask/facial covering ordinance (the "Governor's Mask Ordinance Ban"), although many states and cities throughout the United States and, according to the Georgia Municipal Association ("GMA"), approximately 100 cities in Georgia have adopted such mandates or ordinances; and WHEREAS, the GMA has formally opposed the Governor's Mask Order Ban in the case Governor Kemp v. the Mayor and City Council of the city of Atlanta because of the negative impact on "Home Rule" for Georgia cities to determine whether to have a face mask/facial covering ordinance applicable to public buildings and property;" and (2) A new, item number 5 of the adopted resolutions shall be inserted as follows: "The City Council calls upon Governor Kemp to repeal the Governor's Mask Ordinance Ban as set forth in the Governor's Executive Order, which purports to prohibit the City from determining for itself, as a matter of local control, whether it would be in the City's best interest to adopt a mandatory face mask/facial covering ordinance." Council Member Reichel seconded.

Council Member Bauman stated Article I of the City Charter discusses emergencies and the first and most important duty of the City Council, which is to promote and protect and defend the public health and welfare of our citizens. We have fought time and again for this issue of local control. The Governor has acted in a heavy-handed and hard-hearted way to tell the citizens and the cities that they cannot act in the best interest of their communities. It may cost lives. At this weekend's Farmers Market there were many facemasks. At Sunday's event with exotic cars, a great event, lots of people gathered around cars without masks. We are not there yet. I hope we can at least do what we have done in the past, and ask the Governor to allow the cities to act on this critical issue during this critical time.

Council Member Reichel stated, having read over the public comments, everyone is asking us to mandate masks.

Council Member John Paulson stated he is in favor of people wearing masks, social distancing, washing hands and staying home when they are sick. I do not want our police department to be in a position to enforce or cite people for not wearing masks. In March, cities were making rules for their own cities. Cities then asked the Governor for a statewide ordinance to prevent confusion, which he did. This Council should not pass an ordinance that now defies of the Governor's order. I support the presented resolution, but not the addition.

Council Member Steve Soteres stated he agrees with the enforceability concern. People need to wear masks, but the government should not be the ones telling them to do it.

Council Member Burnett stated the City had the ability to make a zoning ordinance condition or building materials conditions, and the State took it away. It was prudent for the City, and other cities with the support of the GMA, to continue to have control over the things we are allotted control of in the State constitution. I do not believe the State constitution gives local governments the ability to pick and choose parts of the state public health ordinances. In terms of governing, that would be a challenging place to be because it would lack clarity on what a city can and cannot do. We have all said unanimously that masks are crucial.

It is incumbent upon us, as a City, to spend our resources on education. We need to get the word out, and we should have as many masks as possible available. That is where our time is best spent because we can control the messaging and investment in masks.

Council Member Bauman stated it is not inconsistent to ask the Governor to act then and set minimum standards now. The presented amendment does not discuss mandatory masks or police enforcement. The amendment speaks to local authority and home rule, and stands with 100 other cities in Georgia that have adopted similar ordinances. A resolution is when you cannot act. It is a sense of Council. What is presented is not an ordinance or directive. We should discuss what we can do – maybe the distribution of 25,000 additional masks? Communications has done a good job and we can do more to get to the most vulnerable in our community.

Mayor Paul stated the presented resolution is straight to the point – wear a mask. Half of what the Council does is through resolutions. Resolutions have more impact than just providing a sense of Council. They are the strongest statement this body can make because they become policy. The presented resolution just does not have enforcement procedures, just as many of the other ordinances passed throughout the state. This is the strongest statement we can make. This conversation is legitimate and sincere. Council is right. It is important – wear your masks.

Vote on the Amended Motion: The motion to amend the main motion failed. **Yeas** (2): Jody Reichel, Andrew Bauman. **Nays** (4): John Paulson, Steve Soteres, Chris Burnett, Tibby DeJulio.

Council Member Reichel stated the presented resolution does not go far enough, but people should be encouraged to wear masks at all times.

Council Member Bauman stated ultimately mask wearing is about the economy, about schools and slowing the spread. While the language in the proposed amendment was important, I support anything we can do to encourage mask wearing.

Vote on the Motion: Mayor Paul called for a roll call vote on the main motion. The motion carried by unanimous vote.

RESOLUTION NO. 2020-07-80

X. REPORTS

A. 2020-174 Mayor & Council Reports

Mayor Rusty Paul thanked the Police Department for their diligent work to solve a horrendous murder that occurred in Mr. DeJulio's district two years ago. Through the use of DNA and other evidence, the Police Department was able to locate and arrest a suspect in this murder. The police department never gave up.

Council Member DeJulio announced this past week Sandy Springs lost a true friend, Congressman John Lewis. Seventeen years ago we met with John Lewis. At the time, we were trying to get a vote of the people of Sandy Springs to see if they wanted to incorporate. Congressman Lewis said, "You know, I was almost killed in Alabama for the right to vote. How can we deny these people the right to vote. What can we do to help them?" Eva Galambos and I were totally dumbstruck because he was going against a big portion of his constituency that wanted Sandy Springs to be annexed into the City of Atlanta. John Lewis was a

man of extreme ethics and values. I personally, having gotten to know him just a little bit, miss the fact that we will not be benefitting from his presence any longer.

Mayor Paul stated that Congressman Lewis was a wonderful human being, a gentleman at all times, a man of courage and a true hero. When I got ready to leave HUD, Secretary Kemp called me in and said, "I know when you go back to Georgia you are probably going to want to run for office. If you do, I will come down and help you. But if you run against John Lewis, I will come down and campaign against you." Even people he disagreed with vehemently politically never had a bad word to say about John Lewis. May he please rest in peace. He has earned it.

B. 2020-175 Staff Reports

2020-176 1. May 2020 Unaudited Financials –

City Manager Andrea Surratt presented the May 2020 Unaudited Financial Report. The bottom line is that we are 91.67% of the budget; equivalent to 11 months completed; two months left due to modified accrual system. We are 101% of our general fund revenue collection and under budget in our general fund expenditures at 80.79%. That is always a good position to be in. As a comparison, in 2019 we were at 104%; so, we are seeing some declines in revenues. Those are specifically related to things where people are not going out and spending money related to sales tax; more specifically, the Local Option Sales Tax. Some of the revenues, such as property tax or building permit revenues have not seen an affect from COVID. The June statement from the Georgia Tax Center shows a slight increase from May of 11% up, but there had been a decrease in March, April and May, of 6%, 8% and 14%, respectively. For the 12 months ending June 30, 2020, we are still under the amount we collected in the past two years. We are at 96%. In FY2019 we were at 103% and in FY2018 we were at 99%. For Business Occupation Tax, another one impacted by COVID, we are normally near 100%. This is the tax we usually collect in March; that extension was to May 31, 2020, so we will not truly see the impact of that tax collection until the presentation in August. Presently we are at 86% in collections of the \$9.5M adopted budget amount for the Business Occupation Tax. It is down 1.3% less so far this year, but we still have the two months left to add. Compared with two years ago, YTD May FY2018 revenues were \$1.7M higher than this May. We are getting closer to the \$9.5M revenue projection. In general, we are lagging slightly behind in those specific revenues sources, tied closely to the economy; so we do see the impact in gas tax and others. In terms of COVID related expenditures, for which we have not received a reimbursement as mentioned earlier from Fulton County, we have approximately \$1.2M in general fund expenditures in equipment and supplies; then the rest in overtime. That is a gap in our budget as well. Overall, looking at a snapshot in time, May YTD FY20 revenues affected by COVID shutdown are approximately 6% over the May YTD FY19 revenues. The good news is we budgeted conservatively each year, so we have surpassed collections in the total projected amount for the City of Sandy Springs. Finally, looking at the total budget, the remainder of the report has a description of every department's budget; that is where we are 101% of revenue collections and at 80% of expenditures, at a period in time where we need to be at 91%.

2020-177 2. COVID-19 Operations Update

City Manager Andrea Surratt presented statistics from Fulton County. There were 334,095 tests done, 13,878 cases of COVID, and 348 deaths. The cases in Sandy Springs are up 21%; this has created a situation we are tracking very closely at the City; we are paying attention to the types of events we are having; we are making our changes internally to protect our staff and the public. One item of note, hospital beds in Fulton County, has increased over 10%. The City Operations have really not progressed back to normal. We are working in split shifts and we are encouraging our staff to telework where at all possible. We are always grateful to police and fire, who do not have that option. They also take great precautions in

how they do their work and protect themselves with the PPE and their practices, both at work and home. The Permit and Revenue Departments are open to the public with an appointment. A customer requests an appointment then waits socially distanced to not be close to anyone else. Municipal Court is juggling both in-person and virtual Court; having some success in both areas. Certainly, they are watching closely about what they can do to protect people as well. Our parks are open. We want to have a very strong policy about social distancing when we are indoors and in closer spaces. When we are outside, we feel it is somewhat safer, so any activities we are doing we want to socially distance. We are not doing indoor rentals. Our concerts and performance events are cancelled going forward. Finally, the Farmer's Market, because it is an essential business related to food distribution, will remain open, with socially distanced footprint. Goals over the last four weeks: Wear a Mask; Socially Distance; Wash your hands; and, Follow guidance of public health officials.

XII. EXECUTIVE SESSION

A. 2020-178 Real Estate & Personnel

Motion and Vote. Council Member Paulson made a motion to suspend Regular Session and enter into Executive Session for the purposes of real estate and personnel matters discussion. Council Member Burnett seconded the motion. Mayor Paul called for a roll call vote. The motion carried by unanimous vote. Executive Session began at 8:10 p.m.

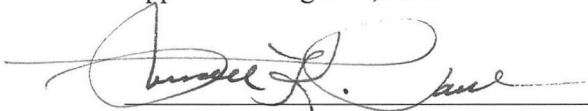
Motion and Vote. Council Member DeJulio moved to adjourn Executive Session and return to Regular Session. Council Member Reichel seconded the motion. Mayor Paul called for a roll call vote. The motion passed unanimously (4-0). **Yeas (4):** Chris Burnett, Jody Reichel, Tibby DeJulio, Andrew Bauman. **Nays (0). Absent: (2):** John Paulson, Steve Soteres. Executive Session ended at 9:34 pm.

XIII. ADJOURNMENT

Motion and Vote. Council Member DeJulio made a motion to adjourn the meeting. Council Member Burnett seconded the motion. Mayor Paul called for a roll call vote. The motion passed unanimously. **Yeas (5):** John Paulson, Chris Burnett, Jody Reichel, Tibby DeJulio, Andrew Bauman. **Nays (0). Absent: (1):** Steve Soteres.

There being no further business, the City Council meeting adjourned at 9:35 p.m.

Approved: August 4, 2020.



Russell K. Paul, Mayor



Raquel D. González, City Clerk