

Special Called Meeting of the City of Sandy Springs City Council
Broadcast Live Via Facebook and Teleconference
Tuesday, August 11, 2020
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Special Called Meeting of the Sandy Springs City Council was held on Tuesday, August 11, 2020 at 4:00 p.m., Mayor Pro Tem John Paulson presiding.

I. CALL TO ORDER

Mayor Pro Tem John Paulson called the meeting to order at 4:00 pm.

II. ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Raquel D. González made the general announcements and called the roll. Given this meeting's format, individuals who wished to provide public comments for the Public Hearing item were instructed to complete the online public comment card and submit prior to the beginning of this meeting. All public comments are made part of the official meeting record.

Mayor Rusty Paul – Absent.

Council Members present: Mayor Pro Tem Council Member John Paulson, Council Member Steve Soteres, Council Member Chris Burnett, Council Member Jody Reichel, and Council Member Tibby DeJulio.

Council Member Andy Bauman. – Absent.

City Clerk announced there is a quorum.

III. APPROVAL OF MEETING AGENDA

Motion and Vote: Council Member DeJulio moved for approval of meeting agenda for Special Called Meeting for Tuesday, August 11, 2020. Council Member Reichel seconded. Mayor Pro Tem Paulson called for a roll call vote. The motion carried unanimously.

IV. PUBLIC HEARING

A. 2020-198 Ad Valorem Tax Rate Public Hearing and Set Millage Rate for Fiscal Year 2021

City Clerk Gonzalez announced the City received one (1) public comment cards for the public hearing.

Meagan Easterbrook, Sandy Springs GA 30328 - I do not agree with this increase of millage rate during a pandemic. I can definitely appreciate that it hasn't increased since the incorporation. However, I have a difficult time understanding why it is being brought to while so many are struggling to find employment opportunities? There is a claim that property values have risen thus prompting this change. The state purchased dozens of homes in 2019 for an upcoming road work project. Therefore, I believe it is reasonable to point out this rise in value partially inflated by government. In addition, I believe that the government should be making budget cuts during the pandemic. If the budget cannot work with the current taxes, difficult decisions need to be made to revise the budget. It's not appropriate to ask tax payers for more funds during the highest rates of unemployment we have seen in several years. I am disappointed in this proposal and the lack of engagement with tax-payers. The previous meeting held on August 4, 2020 lasted only five minutes. It seems excessively time consuming and difficult to make comments in the Zoom meeting structure. More efforts to inform the public about a tax increase need to be made. In addition, the online

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public forum comment submission requires you to complete a CAPTCHA composed of letters to type out to verify you are human. What are people with vision disabilities supposed to do to submit their comments?

Mayor Pro Tem John Paulson closed the Public Hearing.

City Attorney Dan Lee presented that property taxes are controlled by two factors; the millage rate controlled by the governing body of Sandy Springs with a charter limitation that limits it to 4.731 mills and can only be increased above that number by a vote of the electorate. The second way is by evaluation of property, which is controlled by the mandatory evaluations by Fulton County Tax Assessors. In the year 2000, Georgia state law was amended to require that, if the reevaluation of all the property in a jurisdiction increased the revenue in that jurisdiction and the jurisdiction does not “roll back” the millage rate, the jurisdiction must declare an increase in the overall revenue. That is the purpose of this hearing. The reevaluation has caused a 0.64% increase in the revenue to the City by the reevaluation. The millage rate will stay the same, 4.731%. This satisfies state law requiring notification and the Public Hearing.

Motion and Second: Council Member Reichel moved for approval of agenda Item # 2020-198, Ad Valorem Tax Rate Public Hearing and Set Millage Rate for Fiscal Year 2021. Council Member Burnett seconded.

Council Member Tibby DeJulio stated that he feels it is important for our citizens to know that this is 15th year of budgeting and we have never had a tax rate increase. The only reason we are having this hearing is because state law requires that if the amount of taxes coming in, even because of just increase in property values, we have this type of hearing here. The City has been very fiscally responsible over the past 15 years and have lived within our budget, we’ve lived within the taxes that we have collected and he feels it is important for the people of Sandy Springs to know that. We have had cutbacks in the budget this year. It is very important for the people of Sandy Springs to know that we are doing the best we can during this time of pandemic. This is done every year.

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

ORDINANCE NO. 2020-08-17

V. NEW BUSINESS

- A. **200-199** Request for Mayor and City Council Approval of the City of the Sandy Springs' Participation in the Municipal CARES Funding Injunction

City Attorney Dan Lee presented that Mayor Rusty Paul attended the Fulton County Mayors Meeting and it came to their attention that the CARES Act funding allotted by Congress and under the CARES Act was not getting to the cities of Fulton County. The CARES Act allows for \$4.1B to come to Georgia and there is a formula that resulted in five Georgia city or county governments, whose populations are over 500,000, that received monies directly. Under this formula, \$670M goes to those five government entities for disbursement. Four of those entities were counties, Fulton County being one of them. Fulton County has indicated that they do not intend to allot those funds to its cities, including Sandy Springs. The CARES Act is very lean on direction except that in other parts of this disbursement, namely, \$1.23B of those monies, are allotted to the different governments of the state delineating unincorporated areas and incorporated areas. The Fulton County allotment, which is \$104M, is not intended by Fulton County to be allotted to the cities of Fulton County. As you know, Fulton County is the only county that does not govern a single person. But the CARES Act itself is very lean on setting a standard of what is required of them as far as

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distributing the monies. It is very specific as to what that money can be spent on. It occurs to us, and we think to the other cities who have unanimously agreed to enter into this injunction, that the direction given by the CARES Act on how this money can be spent are for services not provided by Fulton County. Mayor Paul has had discussions with the Fulton County Commission Chairperson and there has been no any indication that the same sort of allocation that is allotted from the money that the Governor's Office is allocated to the unincorporated and incorporated areas in the remainder of the state will be followed in this number here. The injunction that we are asking permission to enter into would seek to find some fairness and balance and to make certain that the money is not spent by Fulton County for services they do not provide or that are not covered under the CARES Act.

We are awaiting absolute approval from most of the cities, which met last night or are meeting today. We hope to have a joint injunction filed by the end of the week. We do not know how fast the monies will be received. There are a couple of ways of looking at how to reach the amount to be allotted to Sandy Springs, but it could be somewhere around \$4M.

Council Member Chris Burnett asked once all the cities are onboard, what are the next steps. Is there much precedent setting action or litigation on a matter like this? Is there any other county in the state withholding funds to their municipalities?

City Attorney Lee reported that the suit itself will be an injunction to stop the spending of the monies and we would move immediately to seek arbitration to decide how it would be spent. Fulton County has indicated that all fifteen of the cities, excluding Atlanta, would divide \$2.5M of the \$104M. Congress wrote this law, concentrating on the money to be divided out, without paying attention to the process. They surely did not review the dynamic of, in our state, the county and how the cities play into its role. It is interesting that we have a Service Delivery Strategy law in Georgia, where it exactly lays out what services are provided. There is a guidepost to set out how the money should be spent, as it should be done according to the Service Delivery Strategy. The other three counties that were direct recipients, because they were over 500,000 in population, i.e., Gwinnett, Cobb and DeKalb, have not revealed their formula yet. He suspects, especially in these hard times, that if cities feel they do not get their share of any allocation, they will be looking at our example more than the other way around, of how to address the circumstances. According to the CARES Act funds should be distributed per capita. The Fulton County Commission made the decision not to disburse the monies.

Council Member DeJulio stated if you take the \$104M that the county received and divide it by 15, you come closer to \$7M. He further remarked that Sandy Springs should obtain a larger share, as the largest city in Fulton County, other than Atlanta. He remarked that our citizens deserve to receive the benefits that these funds can provide.

Motion and Second: Council Member Burnett moved approval of agenda Item # 2020-199, Authorize the Execution of a Joint Representation and Cost Sharing Agreement of the City of the Sandy Springs' Participation in the Municipal CARES Funding Injunction. Council Member DeJulio seconded.

Mayor Pro Tem Paulson stated that if it was by straight population, Sandy Springs' share would be \$4.1M. He remarked further that if Sandy Springs is providing these services as outlined in the CARES Act, the City of Sandy Springs should be compensated for the time, effort and money we are spending providing these services.

City Attorney Lee stated that he does not know whether the formal vote has been taken but they have expressed their intentions and their discussions have been along the lines of only disbursing \$2.5M to all

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the cities, other than Atlanta. Fulton County received \$104M, so the other four governments, including Atlanta, received \$566M.

Vote: Mayor Pro Tem Paulson called for a roll call vote. The motion carried unanimously.

VI. ADJOURNMENT

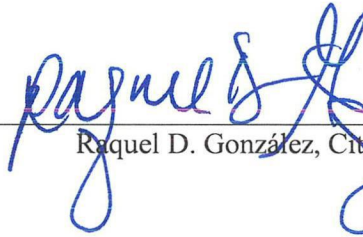
Motion and Vote. Council Member DeJulio made a motion to adjourn the meeting. Council Member Soteres seconded the motion. Mayor Pro Tem Paulson called for a roll call vote. The motion passed unanimously.

There being no further business, the City Council Special Called Meeting adjourned at 4:21 p.m.

Approved: August 18, 2020.



John Paulson, Mayor Pro Tem



Raquel D. Gonzalez, City Clerk

STATE OF GEORGIA

COUNTY OF FULTON

**A RESOLUTION TO AUTHORIZE THE PURCHASE AND FINANCING OF
NEW EQUIPMENT FOR THE CITY OF SANDY SPRINGS FIRE
DEPARTMENT AND TO AUTHORIZE CITY MANAGER TO EXECUTE
DOCUMENTATION TO EFFECTUATE SAME**

WHEREAS, the City of Sandy Springs ("City") is a political subdivision of the State of Georgia ("State") and is duly organized and existing pursuant to the Constitution and laws of the State; and

WHEREAS, the Mayor and City Council of the City of Sandy Springs ("City Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City; and

WHEREAS, Section 1.03(b)(25) of the City Charter grants the City the power to operate a fire-fighting agency; and

WHEREAS, pursuant to applicable law, the City Council is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the City; and

WHEREAS, in order to provide for the highest level of public health, safety, and welfare for the citizens of the City, the Sandy Springs Fire Department ("Department") requires the purchase of new equipment from Pierce Manufacturing, Inc. ("Pierce"), including two (2) Custom Pierce PUC Pumps, and one (1) Pierce Ascendant mid-mount Platform 100' Aerial ("Equipment"), in an amount not to exceed \$2,958,011.00; and

WHEREAS, Ten-8 Fire Equipment of Georgia, LLC ("Ten-8") will pay \$300,000.00 to the City for the buyback of one (1) Pumper and one (1) Aerial; and

WHEREAS, the City Council hereby finds and determines that the execution of such documents with BB&T (Truist Bank), at the proposed rate of 1.285% for 7 years, pre-payable at any time, to finance the Lease for the acquisition of the Equipment in the principal amount not exceeding \$2,958,011.00 is appropriate and necessary to the functions and operations of the Department and the City;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sandy Springs, Georgia while in regular session on August 4, 2020, at 6:00 p.m. as follows:

1. The City Manager is hereby authorized to enter into certain agreements with Pierce for the purchase of new equipment for the Department and to finance the Lease transaction, as set forth below; and

2. The City Manager is hereby authorized to enter into and execute such Lease financing documents with BB&T to purchase certain equipment for the Sandy Springs Fire Department, specifically: one (1) new Pierce Mid Mount Aerial (not to exceed \$1,487,000.00), two (2) new Pierce PUC Pumps (not to exceed \$795,500.00 each), subject to the approval of the Finance Director and the City Attorney; and

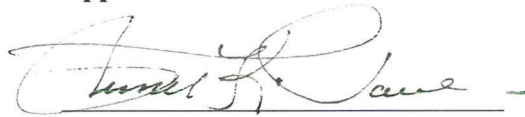
3. The City Manager is authorized to enter into and execute an agreement with Ten-8 for the buyback of current equipment from the Department, for which the City shall receive no less than \$300,000.00 for the trade-in of one (1) aerial and one (1) pumper, subject to the approval of the Finance Director and the City Attorney; and

4. The City's obligations under the Lease shall be subject to annual appropriation or renewal by the City Council as set forth in the Lease and the City's obligations under the Lease shall not constitute general obligations of the City or indebtedness under the Constitution or laws of the State of Georgia; and

5. As to the Lease, the City reasonably anticipates not to issue more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the current calendar year in which the Lease is issued and hereby designates the Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

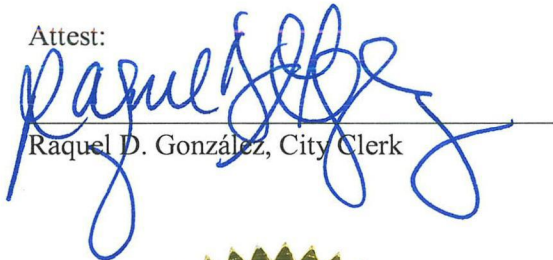
RESOLVED, this 4th day of August, 2020.

Approved:



Russell K. Paul, Mayor

Attest:



Raquel D. González, City Clerk

