

Meeting of the Sandy Springs City Council was held on April 1, 2025 Following Work Session, 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 (attended via Zoom), Councilmember Andrew Bauman

III. Pledge of Allegiance

Mayor Rusty Paul led the Pledge of Allegiance.

IV. Public Comment

1. Alexander Somer, 1503 Treelodge Parkway, Sandy Springs - City Charter
2. Bill Griffith, 9580 Roberts Drive, Atlanta – Roberts Drive Speeding

V. Approval of Meeting Agenda

Motion and vote. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to remove Executive Session from the meeting agenda and approve the agenda as amended. 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. **2025-064** Meeting Minutes
March 18, 2025 City Council Work Session
March 18, 2025 City Council Meeting
- B. **2025-065** Request for Mayor and City Council Consideration to Approve Acceptance of an Option to Purchase Fee Simple Required Right of Way, Temporary Easement for Construction of Slopes, and Temporary Easement for Construction of Drives from Tahoe-Atlanta, Inc., on that Certain Tract of Land Located at 4641 Roswell Road, (Tax ID #17-0094-0001-050-5), Land Lot 94 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2025-04-032

- C. **2025-066** Request for Mayor and City Council Consideration to Approve Acceptance of an Option to Purchase Fee Simple Required Right of Way and Temporary Easement for Construction of Slopes from Tahoe-Atlanta, Inc., on that Certain Tract of Land Located at 4708 Roswell Road, (Tax ID #17-0094-0002-063-7), Land Lot 94 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2025-04-033

- D. **2025-067** Request for Mayor and City Council Consideration to Approve Acceptance of an Option to Purchase Fee Simple Required Right of Way, Temporary Easement for Construction of Slopes, and Temporary Easement for Construction of Drives from The Warren M. Schmitz, Sr. Family Limited Partnership, a Georgia Limited Partnership, on that Certain Tract of Land Located at 4716 Roswell Road, (Tax ID #17-0094-0002-064-5), Land Lot 94 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2025-04-034

- E. **2025-068** Request for Mayor and City Council Consideration to Approve Acceptance of an Option to Purchase 617.46 Square Feet in Fee Simple Required Right of Way, 472.94 Square Feet of Temporary Construction Easement, and 553.01 Square Feet of Temporary Driveway Easement, Plus Improvements from Massey Holdings, LLC, a Georgia Limited Liability Company, on that Certain Tract of Land Located at 4605 Roswell Road, (Tax ID #17-0094-0001-091-9), Land Lot 94 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2025-04-035

- F. **2025-069** Request for Mayor and City Council Consideration to Approve Acceptance of a Temporary Easement for Construction of Driveway for KSDH Properties, LLC, a Georgia Limited Liability Company, on that Certain Tract of Land Located at 4502 Roswell Road, (Tax ID #17-0094- 0001-068-7), Land Lot 94 of the 17th District, City of Sandy Springs, Fulton County, Georgia

Resolution No. 2025-04-036

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2025-070** ABL #112399
Request for Mayor and City Council Consideration of Approval of Alcoholic Beverage License Application for Hilltop Bottle, LLC DBA Hilltop Bottle Shop at 7277 Roswell Rd., Suite A, Sandy Springs, Georgia 30350. The applicant is Brian Hicks for Retail/Package Wine, Malt & Distilled Spirits.

Cori Holiness, Revenue Manager, presented a recommendation to approve the Alcoholic Beverage License Application for Hilltop Bottle, LLC DBA Hilltop Bottle Shop at 7277 Roswell Rd., Suite A, Sandy Springs, Georgia 30350. The applicant is Brian Hicks for Retail/Package Wine, Malt & Distilled Spirits.

This is a New Application for Retail/Package Wine, Malt & Distilled Spirits. The business is located at 7277 Roswell Rd., Suite A, Sandy Springs, Georgia 30350. The applicant submitted a completed application on March 10, 2025, and has passed the background investigation. Staff has reviewed this application and recommends approval.

There being no public comment, **Mayor Rusty Paul** closed the public hearing.

Motion and vote. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melody Kelley**, to approve the Alcoholic Beverage License Application for Hilltop Bottle, LLC DBA Hilltop Bottle Shop at 7277 Roswell Rd., Suite A, Sandy Springs, Georgia 30350. The motion carried by unanimous vote.

- B. **2025-071** Request for Mayor and City Council Consideration of an Ordinance to Amend the City of Sandy Springs Code of Ordinances, Subpart A, Chapter 38, Article III, Division I by Creation Section ____ Entitled "Overnight Door-to-Door Soliciting and Canvassing"; to Provide for an Effective Date; and for Other Purposes

Dan Lee, City Attorney, presented a recommendation to amend the City of Sandy Springs Code of Ordinances, Subpart A, Chapter 38, Article III, Division I by Creation Section ____ entitled "Overnight Door-to-Door Soliciting and Canvassing".

City Attorney Lee said this proposed ordinance limits solicitation and the delivery of uncontracted for literature into the residential neighborhoods between the hours of 9:00 p.m. and 7:00 a.m. There have been great discussions with interested parties, for example the Anti-Defamation League (ADL) and the American Civil Liberties Union (ACLU). Although some are not for this proposal, we believe that it meets the freedom of the press and freedom of speech issues that have been discussed in the limiting hours of this prohibition against solicitation. It provides certain protections to the general public for unwanted intrusions on their property at night, and the delivery of unwanted materials after hours. It leaves open during the day periods of solicitation, which contends with the rules of conduct, allowing the City to present ordinances that affect this kind of activity.

Mayor Rusty Paul opened the public hearing.

Raquel González, City Clerk asked **Mayor Paul** to clarify the time allotted to those making a comment.

Mayor Paul said this is a different procedure and everyone has three minutes, however it is up to Council to do ten minutes.

Councilmember Andrew Bauman asked how much time is normally given?

Mayor Paul said ten minutes.

City Clerk González, said for land use cases, ten minutes is given to those in support and in opposition.

It is up to Council to decide.

Councilmember Bauman said as long as it is consistent.

Mayor Paul said three minutes is given because that is normal for public comment.

Councilmember Bauman asked when was it decided to give three minutes?

Mayor Paul said public comment has always been three minutes. This is novel territory and the City has never had a public hearing on an ordinance.

Councilmember Bauman said that may not be true. What does Robert's Rules of Order say about this?

Mayor Paul said Robert's Rules leaves it to the body to decide.

Dan Lee, City Attorney, said it does not speak to the number.

Councilmember Bauman said there was no discussion about this. Was that the ruling of the Chair?

Mayor Paul said yes.

Councilmember Bauman said if that is the ruling of the Chair then that is the ruling.

Mayor Paul said this is different than a land use where there are two sides.

1. **Mike Petchenik, 6025 Glen Oaks Lane, Sandy Springs** – Opposition / Protecting Freedom of Speech
2. **Bill Griffith, 9580 Roberts Drive, Atlanta** – Opposition / Ordinance Has Vague Language

City Attorney Lee said the activity that the ordinance prohibits is between the hours of 9:00 p.m. and 7:00 a.m. The notion that you can limit it to newspapers is something that we have tried to cover in this ordinance, and the two that follow. It is content neutral and applies to everybody equally. The ADL put in a lot of hard work and chronicled horrible experiences that was presented to the City. The City via the Police Department has instances this will affect and prevent, up to and including leaving litter everywhere. On my property near the intersection of Stewart and Lake Forest, there is a catch basin that is continuously full of litter, mostly leaflets that have been left somewhere. This activity is prohibited 9:00 p.m. to 7:00 a.m. when most residential dwellers are in bed and they cannot police their own property. That is the reason for these hours. The Sylvania case in Georgia that controls most of this limited solicitation twenty-four hours a day. This meets the Supreme Court's limitation of setting a time, manner and a place, that such activities that is neutral content, can be restricted by the City.

Mayor Paul said sometimes when I walk my dog between 4:00 a.m. and 5:30 a.m. there are two newspapers sitting in my driveway, both of which I am subscribed to. If you have permission of the landowner, there is not a problem. Most periodicals I receive are based on subscriptions and, they were given permission to distribute them on my property. Is there anything that would preclude that?

City Attorney Lee said the technical aspect of every ordinance that this body passes is based on the property owner complaints. This is another tool for the Police Department to guard against unwanted

intrusions onto people's property. There is an alternative if it is a newspaper or somebody in a marketing scheme. They can make contact and get permission. The same thing is true about invading somebody's car to deposit literature. The courts have held that people have a right not to be accosted by unwanted solicitation, especially as this ordinance is limited to nighttime hours.

Councilmember Jody Reichel asked if the Crier were to deliver their newspaper at 6:50 a.m. and someone has not subscribed to it, because everybody gets it, would that be against the City's ordinance?

City Attorney Lee said yes. It technically violates this ordinance if somebody complains about it.

There being no additional public comment, **Mayor Paul** closed the public hearing.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Andrew Bauman**, to amend the City of Sandy Springs Code of Ordinances, Subpart A, Chapter 38, Article III, Division I by Creation Section ____ entitled "Overnight Door-to-Door Soliciting and Canvassing".

Councilmember Bauman said for this ordinance, the City is not completely breaking new ground. Something similar, if not exactly, was adopted in Brookhaven about fifteen months ago. Have they been sued?

City Attorney Lee said no.

Councilmember Bauman said the next two ordinances may be different, but this ordinance has been restricted in time, manner, and place. These are the key words we looked at. There is a fourteen hour safe harbor that anything unwanted can be brought to the property, although there are limitations, for instance if someone says they put a sign out. The Crier has an opt out for if someone is away and do not want to receive material on their driveway. The only complaint is if they do not want it and it sits there. Some material can be cancelled, this cannot, and it can pile up and create some public safety hazard in your driveway if your mailbox is overflowed. Exposing the hate to the light of day is probably the best antidote. The private property owners can expect their city to provide a limited and reasonable limitation on this. The ADL's lawyers and **City Attorney Lee** have made points on many occasions that the City is in good ground here. There was tremendous fear and outrage by some of the material, but it needs to be content neutral. You cannot pick and choose what it is going to be. With a lot of understanding of the concerns, I am willing to support this.

Councilmember Reichel said I agree with **Mike Petchenik's** public comment and have concerns that this ordinance violates First Amendment protections. We received a letter from the ACLU and a letter from the Appen Media attorney. I also received letters from some of our residents. People are claiming this ordinance will violate the First Amendment rights. I do not want the City to spend money on another lawsuit. This is a problem that unfortunately happened at Mike's house, but in my thirty years of living in Sandy Springs, this has not happened to me. I consider Sandy Springs a safe and welcoming place to live. An email says there is a plethora of this happening and I do not see that. **City Attorney Lee** please address if this will 100% hold up in court and, the letters we received.

City Attorney Lee said there is no 100% rule. The City has about four frivolous lawsuits now filed because you took actions you thought were right, and deemed that the court will determine are right. I do not know if someone will sue over this. We have talked with ACLU, and I am comfortable with the conversation. I have seen Appen Media's lawyers comments about it and this is completely different than the Sylvania case they have cited. There is no action that is 100% going to keep you from being sued.

You must decide as policymakers for the City if this is worthwhile to try and protect the citizens. If you think the fear of getting sued outweighs that, then you should not vote for it.

Councilmember Reichel asked how does the City enforce this? If Appen Media puts something at the end of someone's driveway at 6:50 a.m. and someone reports it, then what will happen?

City Attorney Lee said the police will handle whatever need to be handled, just as with every other ordinance.

Councilmember Kelley said I appreciate the spirit of all these ordinances as I condemn hate and certain activities that have taken place over the last few years. I keep thinking about the unintended consequences of some of the language. For instance, Section 2D of the ordinance reads *hours of solicitation and canvassing, it shall be unlawful for any person to conduct soliciting or canvassing activity on any residential premises between the hours of 9:00 p.m. and 7:00 a.m.* That limits the time of solicitation and canvassing. I need clarity on the clause before it, which is Section 2C. It reads, *it shall be unlawful for any person to conduct soliciting or canvassing activity on any residential premises where posted at the entry of the premises or at the entry to the principal building on the premises there is a sign that is visible from the public way prohibiting any such activity.* The way this is written is not subject to the 9:00 p.m. and 7:00 a.m. It seems like a separate thing. Is Section 2C connected to the timing?

City Attorney Lee said that is already the law in Georgia.

Councilmember Kelley asked why is it in this ordinance if so?

City Attorney Lee said to bring clarity and to make it well known that it is contrary to the laws of Sandy Springs, in addition to the laws of the state of Georgia.

Councilmember Kelley asked is the City adding any additional punishment to that?

City Attorney Lee said no.

Councilmember Kelley asked if a neighborhood has a sign at an entrance at the front, are you in violation of this ordinance if it is at the neighborhood entry, and not necessarily the premises?

City Attorney Lee said yes.

Councilmember Kelley asked is it already illegal to do that?

City Attorney Lee said yes.

Councilmember Kelley said there is always talk about political canvassing and what is protected and what is not.

City Attorney Lee said the content of what you solicit or promote cannot be protected more than any other content. This ordinance affects all content the same. It is content neutral by design. For example, there are several streets in Sandy Springs that the City felt the need to put speed bumps on because somebody did not know how to act. I know how to act driving a car going over the same speed bumps. The same thing is going to happen to people who want to go places. This ordinance reinforces current state law, but it applies a rule that is across the spectrum. It applies to everybody.

Councilmember Kelley asked if someone for instance walks into a yard with a sign and violates that, is that a misdemeanor?

City Attorney Lee said it is disorderly conduct under the City's ordinance.

Councilmember Kelley asked is it already disorderly conduct whether you have this ordinance or not?

City Attorney Lee said it could be.

Councilmember John Paulson said in echoing **Councilmember Kelley's** comments, there are entrances in neighborhoods with a sign that says no soliciting. Campaigning will be in another couple months and if there is a sign there, a person running for office cannot go into that neighborhood and knock on doors. That would technically violate this ordinance as well as the state ordinance.

City Attorney Lee said that is correct.

Councilmember Reichel asked if there is not a sign at the entrance of the neighborhood and someone goes in at 9:01 p.m., is that a misdemeanor?

City Attorney Lee said it would be a violation of this ordinance if complained about.

Councilmember Melissa Mular said I thought people who were campaigning during the day could go knock on a door even if there was a sign that said no solicitation, because it is freedom of speech.

City Attorney Lee said I do not know of any exemption of it.

Councilmember Mular said I live in a neighborhood that has no soliciting and we use to get little rocks in bags with tree services and more. Our attorney would send a note to the company that usually addressed it, and it stopped.

City Attorney Lee said people get leaflets that are useful. The question is this, is the evil that this ordinance would correct worth more to you than those situations? This is not an easy question, but it is a problem in Sandy Springs as identified by the City's police. It is a problem in other places as identified by the hard work of the ADL and others, and this ordinance addresses that without affecting in an adverse way any part of the Bill of Rights.

Councilmember Kelley asked where in the Georgia state law refers to it being a misdemeanor?

City Attorney Lee said under Georgia Code Title 16 Criminal Trespass.

Councilmember Reichel said in echoing **Councilmember Bauman's** comments, I appreciate what ADL stands for and I appreciate you being here no matter what the vote is.

Vote on the motion. The motion carried (5 to 1).

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

Nays: Jody Reichel

Ordinance No. 2025-04-001

- C. **2025-072** Request for Mayor and City Council Consideration of an Ordinance to Amend The City of Sandy Springs Code of Ordinances, Subpart A, Chapter 38, Article III, Division I by Creating Section ____ Entitled “Buffer Zone: Ingress And Egress”; to Provide for an Effective Date; and for Other Purposes

Dan Lee, City Attorney, presented a recommendation to amend the City of Sandy Springs Code of Ordinances, Subpart A, Chapter 38, Article III, Division I by Creating Section ____ Entitled “Buffer Zone: Ingress and Egress”.

City Attorney Lee said this ordinance prohibits blocking the entryway to different properties including houses of worship. It has been a problem as identified by the Anti-Defamation League (ADL) through many experiences. The Police Department has experienced it with some organized and authorized protests in Sandy Springs. This ordinance makes it clear that you cannot block the entryway to properties and affects that problem and that problem alone.

There being no public comment, **Mayor Rusty Paul** closed the public hearing.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Melissa Mular**, to amend the City of Sandy Springs Code of Ordinances, Subpart A, Chapter 38, Article III, Division I by Creating Section ____ Entitled “Buffer Zone: Ingress And Egress”.

Councilmember Melody Kelley asked does this ordinance make it illegal and codifies it more?

City Attorney Lee said that is correct.

Councilmember Kelley asked what other purposes does this ordinance have?

City Attorney Lee said it gives direction to the public and Police, and make it clear that this is part of the ordinance for Sandy Springs. We discussed the current dynamic of enforcement of laws in Sandy Springs. When the police get a call to some place and determine that activity is contrary to the law, for example state law, sometimes the Fulton County's District Attorney's Office and the Solicitor's Office is crowded and the police make a disorderly conduct charge so that the case can be handled in the City's court in a more expeditious way, and sometimes better for the defendant. This adds to the definition of what is and is not disorderly conduct. The City uses disorderly conduct more than others because of the dynamic with the Fulton County District Attorney's Office and the Fulton Solicitor's Office. This gives more clarity to the conduct that would be prohibited.

Councilmember Andrew Bauman asked does this ordinance overlap state law? Could this have been done by education?

City Attorney Lee said no. We have the problem and we have the state law.

Councilmember Bauman asked have there been any arrests, warnings, or citations under the state law with this ordinance?

City Attorney Lee said this is public record. For example, there have been warnings at the Consulate General of India. It is not certain arrests were made and offenders were charged.

Councilmember Bauman said I am also concerned about those at the Fulton County's District Attorney's Office and the courts as well. On the scale of the City's biggest problems, where does this one

rate?

City Attorney Lee said it depends on what day it is.

Councilmember Bauman said about ten days ago, a man from Roswell who had been arrested about two weeks before for DUI and then released, killed a Sandy Springs resident outside of my neighborhood. Due to the good and quick police work of the Sandy Springs Police Department, he was arrested. **Kenneth DeSimone, Police Chief**, has he been released again?

Chief DeSimone said correct.

Councilmember Bauman said this is where the problems are. I want to protect the City's consulates and places of worship. The City is going to break new ground and be first in state, and hopefully does not get sued. Last week, the City had the biggest drug bust in the state of fentanyl in an apartment complex, due to the good work of the Sandy Springs police and DEA. On that day, it may not have been the highest order of problem, but if it happened it would be a problem for the people it happened for. I understand what we are doing, but the City needs to focus on public safety of the citizens of Sandy Springs, and find out why the largest drug bust in the state occurred here, and is there more. There was also a single-family home in my neighborhood busted a year ago, with a large stash of weapons and drugs. The public safety is the City's priority. I will support this because of the assurances that it is a constitutional, and we are sending a message that this is prophylactic of the nonsense in the City of Sandy Springs.

City Attorney Lee said I agree with **Councilmember Bauman**. By enacting this ordinance, it is educational and preventive. It gives people, especially organized groups that would have a protest, what the parameters are for a lawful and peaceful one. People will read the City's ordinances and see the parameters of their conduct that will be allowed. This gives some clarity that you cannot block the ingress and egress.

Councilmember Mular said it is important people are allowed to have their protests for whatever they are and for whatever topics. Also, people who want to go to different places should be able to go in and out freely. Putting something in place before you need it or it is pervasive, is a good step versus when you need it, and do not have it. This sounds like we are reinforcing, messaging, educating, and giving the City's police further guidance. Is this correct?

City Attorney Lee said I could not have been said it in a better way.

Councilmember Jody Reichel asked is this ordinance to help police keep law and order?

City Attorney Lee said that is correct.

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

Ordinance No. 2025-04-002

- D. **2025-073** Request for Mayor and City Council Consideration of an Ordinance to Amend The City of Sandy Springs Code Of Ordinances, Subpart A, Chapter 38, Article III, Division I by Creating Section _____ Entitled "Buffer Zone: Campuses and Places of Worship"; to Provide for an Effective Date; and for Other Purposes

Dan Lee, City Attorney, presented a recommendation to amend the City of Sandy Springs Code Of Ordinances, Subpart A, Chapter 38, Article III, Division I by Creating Section ____ Entitled “Buffer Zone: Campuses and Places of Worship”.

City Attorney Lee said this is the third ordinance discussed in the two previous work sessions. Not previously mentioned then is the title may be misleading in referencing places of worship. This is an example of the purpose. If someone owns a piece of property and does not want you on it, they can call the police to have you removed. That is the law today. If at a place where the ownership of the property is vague, a house of worship for instance, this ordinance gives direction to public properties and other corporate properties where the owner or a representative of the owner may not be right there. It establishes a conduct that makes it clear to people what they can and cannot do, and an eight-foot buffer zone. It is more hostile in certain places and the City has had events where the antagonist and promoter cannot get along but, they have a right to be on the same property. How do you police that? That is the problem. This ordinance establishes an eight-foot buffer between the two. It is clear that it does not prevent someone from soliciting, promoting a cause, or handing out pamphlets. You just cannot approach somebody within eight feet without their permission. If somebody is speaking and promoting the delivery of pamphlets, brochures, leaflets, or an idea, and somebody is coming by, they do not have to move. The person coming by has to move. The Supreme Court has established many times that persons have a right to be free from being accosted, just as much as a person has a right to free speech. This ordinance gives balance to that. Currently, if there is a common area like City Green, and two people are on opposite sides of an issue and cannot get along, what is the code of conduct? It is whatever the police officer determines fits the scene. This ordinance gives some limitation to that scenario. The general public will know what is expected of them, what they can and cannot do, and it gives some direction to the police officer, who is many times placed in an awkward situation of trying to determine who the aggressor is.

Mayor Rusty Paul opened the public hearing.

1. Bill Griffith, 9580 Roberts Drive, Atlanta – Opposition / Overbroad Ordinance

City Attorney Lee stated there is a difference. If he came and I told him I did not want to talk to him, and he stayed, he would be in violation of it. That is the purpose of this ordinance. If two people are in a common area where they have a right to be, and one does not want to talk to the other, the other does not have a right to be closer than eight feet to them, espousing whatever the other person does not want to hear. It is a distance that police department believes is adequate to keep people apart.

There being no additional public comment, **Mayor Paul** closed the public hearing.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Melissa Mular**, to amend the City of Sandy Springs Code Of Ordinances, Subpart A, Chapter 38, Article III, Division I by Creating Section ____ Entitled “Buffer Zone: Campuses and Places of Worship”.

Councilmember Jody Reichel said it is called buffer zone campuses and places of worship, but you are saying if I am on the City Green campaigning, and I want to give someone a t-shirt, a flyer, or talk to them, I have to ask their permission.

City Attorney Lee said you cannot do it, unless you have their permission.

Councilmember Reichel asked must I ask can I come and talk to you?

City Attorney Lee said no. People know how to act. You can come to me and hand me something and I can say I do not want it. You do not get to stay within eight feet of me and talk to me about it. It does not mean before you hand something to somebody, you must have rigid criterion of getting permission. It means they have a right to tell you that they do not want it. If that is the case, you must give them eight feet clearance.

Councilmember Reichel asked why does it say places of worship and campuses?

City Attorney Lee said those are examples of common areas where most people have a right to be. If I came to your house and you do not want me there, you can tell the police I have to go. However, if two people are in a place where they have a right to be, for example a house of worship or a campus, and one is doing something like soliciting or campaigning, at a public park for instance, and one of them does not want to participate in the solicitation, they have a right to tell you no, and you have to give them eight feet.

Councilmember Reichel asked am I to sit and wait for the police to come when called, if someone gets upset that I came within seven feet and not eight feet?

City Attorney Lee said that is up to you or to the police when they get there. If they say they do not want you to solicit them, you must give them eight feet. If you do not give eight feet, you are in violation of the ordinance.

Councilmember Mular asked what if there was a situation where there was not 8 feet? Maybe you are in between walls in an older city, or somewhere in our city, what do you do then?

City Attorney Lee said like many laws, there is a tough interpretation that must be made on the scene. **Kenneth DeSimone, Chief, Police Department** can say they run into this a lot. You will have to judge it by the time. Impossibility is a defense to most laws. If it was impossible for me to not create the code of conduct, then it would be a defense to it.

Councilmember Mular said you used the example of two different groups on the Green with opposing views, and this would give an alley between them. When the City is going to be issuing permits for protesting, because people are supposed to get those, will we ensure there is eight-foot distance when telling people where to go protest?

City Attorney Lee said like every law, the burden of enforcing is on law enforcement. This is a guideline for them. Not sure you were here when we had organized and permitted protests, but the police who are skilled at this do a good job of drawing buffers. In the issuance of the permit, the City tries to set geographical buffers around those protests. In certain situations, the world has become more aggressive about this. There needs to be a guideline that everyone know is acceptable. Eight feet is the one we have come up with.

Councilmember Mular asked how does this ordinance relate to anything in the state law? Is it conflicting or complimentary, or like others we discussed tonight, or just reinforcing and educating?

City Attorney Lee said it is not addressed in state law. As mentioned before, aggressive conduct that is disorderly is against the laws is Sandy Springs right now. It is a tough judgement call many times, especially when it is in a situation where they are heightened ideologies in contrast in a certain area. It makes it very tough. The greatest value of this ordinance is to give the police a tool to say the City's ordinance requires that you keep an eight feet distance. Like speeding, many will not follow it, but the

police will have a mechanism for maintaining order.

Councilmember Tibby DeJulio said **City Attorney Lee** about a year and a half ago, following the October 7 invasion in Israel, the City had a very large demonstration of people in support of it. There was a much smaller demonstration of people opposed to our supporting it, and the police directed the people opposed to it to be across the street. That is obviously not eight feet. How does a counter demonstration like that fit into this process?

City Attorney Lee said this ordinance is intended for situations where people find themselves in a common area like a house of worship or campus. The example you described, the police handle that by instruction.

Councilmember DeJulio said City Green would be a common area, and everyone has a right to be there.

City Attorney Lee said it would, unless they seek a permit.

Councilmember DeJulio said a permit can give a different definition of how far you have to be, or where you have to be than the eight foot barrier.

City Attorney Lee said it goes further than that. It gives a location where you carry on the demonstration.

Councilmember Reichel said I can understand this ordinance for protests, like a group of twenty people or more. When it gets to everyday people that are out on the Green handing out a flyer for example, this is where I have an issue. Is it possible to reimagine this ordinance just for protesting and not for everyday?

City Attorney Lee said I understand your point but, this ordinance like the other two is content neutral. It does not choose who can and cannot protest. In your scenario, the City had occasions where mothers doing yoga were accosted by somebody trying to hand out flyers that they did not want in their use of the Green. This ordinance would have been a better tool for the police to give that person some distance away from them so they both can use it, but not accost the other.

Councilmember Reichel asked can the police come now and say that they are not allowed to do this out there?

City Attorney Lee said they are allowed to do it out there unless they are bothering somebody.

Councilmember Reichel said that is the point. If they are bothering someone, the police can say you are bothering them and to leave.

City Attorney Lee said that is what this ordinance says.

Councilmember Reichel asked could this happen now if I am out there with friends, and someone keeps bothering me and I call the police. Can they be in trouble now?

City Attorney Lee said it depends on what they are doing. This gives direction as to how much distance can be allowed.

Councilmember Andrew Bauman asked does this give a permission structure to harass someone from

nine feet away?

City Attorney Lee said pretty much.

Councilmember Bauman asked can you still have unruly conduct that is not measured in feet?

City Attorney Lee said no question about it.

Councilmember Bauman asked do people holding or under the invitation of the permit holder, have protection from people who might otherwise also be in that area from this rule?

City Attorney Lee asked what do you mean?

Councilmember Bauman said for example you have a demonstration in your permit area. Can you approach other people who happen to be in that area?

City Attorney Lee said yes.

Councilmember Bauman asked even if they do not want to be approached?

City Attorney Lee said yes.

Councilmember Bauman said they can get in their face, but may be violating some other rule. Is that right?

City Attorney Lee said yes.

Councilmember Bauman asked do we have citizen's arrest in Georgia?

City Attorney Lee said no. It only applied to felonies when we had it.

Councilmember Bauman asked can a citizen take the law into their own hands?

City Attorney Lee said no, or should they.

Councilmember Bauman said a citizen cannot take the law into their own hands.

City Attorney Lee said it gives directions to citizens as to what is and is not allowed of them.

Councilmember Bauman said I want to recognize the challenge with balancing rights. There have been situations, maybe not in Sandy Springs, but all around the country, of escalated hostility in demonstrations. Also, parties that are on the recipient end of the demonstration may be antagonizing too like they are approaching to create a situation. This is the buffer zone that we are trying to create towards the goal of public safety, health and welfare. Is that right?

City Attorney Lee said there is no question about it.

Councilmember Bauman said in the context of first responders, there are no other examples of this in the state of Georgia that I am aware of. The state law could control, and a reasonable person would say, folks keep your distance, just like boxers. This is defining that. In the industry of rendering first aid and

in response, if someone wants to record your activity for example, which would be appropriate to do, do you have the ability to keep eight feet away. Is that right?

City Attorney Lee said that is different in this case. There is a state law as to the police obstruction of an officer, and there are some definitions there that allow for certain situations where you need to be further away.

Councilmember Bauman said this is not creating a safe harbor.

City Attorney Lee said it is not.

Councilmember Bauman said during the first work session in January, and when **Kenneth DeSimone, Police Chief** was talking about it, there was a lot of discussion about first responder public safety protections, in relationship to first responder activity. Is this still the case in this particular ordinance?

Mayor Paul said there is legislation coming out that would clarify that at the state level. Rather than bring that up now, I want to wait and see what the State does with their legislation. They are setting new guidelines on interferences with a first responder. We should know by Friday if that legislation will pass. If so, that will give us more guidance on what we can do at the local level.

Councilmember Bauman asked would that lend itself to tabling this until they are done?

Mayor Paul said it is different. That has been taken out of this for now until we see what the General Assembly does. Then we can come back and do that if we to.

Councilmember Bauman said the conversation around this ordinance in the meeting in January has changed. It is not so much about first responders. Is that right?

City Attorney Lee said there were two conversations. One was about a Florida law that had a twenty-five-foot buffer, which is the one that Georgia is attempting to copy. This one that was presented by ADL has an eight-foot buffer that applies to citizens in general and not to first responders, but they happened at the same time.

Councilmember Bauman asked is this the one that was presented in January?

Mayor Paul said that was the discussion. As I said, we are holding that part in obedience until we see what the Georgia General Assembly does.

Councilmember Bauman asked is this the same ordinance we looked at in January?

Mayor Paul said no it is not the same ordinance as it does not have that portion in it. We can pass something tonight, and by Friday, the General Assembly will have different guidelines

Councilmember Bauman asked has this ordinance been amended since January when the fifty-foot piece came out?

Mayor Paul said right.

Councilmember Bauman said and that happened today. I want to make sure we are doing good legislation. I am not sure now or two weeks from now it would make a big difference, or table it. Can you

explain the language changes between Friday when it was published and today?

City Attorney Lee said the proposal that was put forth before, had a fifty-foot radius.

Councilmember Bauman asked has this changed since the work session?

Councilmember Bauman said the ordinance I presented had a fifty-foot radius requirement, and that paragraph was removed after discussions with councilmembers. The proposal tonight does not have the fifty-foot radius in it.

Mayor Paul said it was discussed that the fifty-foot radius did not have any real impact on the effectiveness of the ordinance. Also, there was some concern about it, and we took it out.

Councilmember Bauman said I still have process issues because I think something was published on Friday that is different than today.

Mayor Paul said you are correct.

Councilmember Bauman said to the extent this gives guidance to people for protesting in a way that is non-threatening and non-harassing is a good thing. If it protects first responders and protects citizens, it also protects the right of people to protest, and gives them guidance for how they do it. I think that is the intent here, but we are breaking new ground in the City, and risk lawsuit. This body can give guidance when it adopts legislation and the goal here is to facilitate safe exercise of first amendment rights, and to also say that the limit on your behavior is when it becomes harassing to somebody else. We are trying to protect everybody's rights in this case and I want to make sure that is in here. I have trepidation about breaking new ground but, I did not have trepidation when this body adopted the first municipal hate crime ordinance in the state in 2019, one year before the state adopted it. We were the recipient of questions about outlawing hate thought, and we were not. Our decision then proved to be very much in the mainstream, not just the state, but the country, because Georgia was one of the very last states to adopt this. This is tricky. To a very real extent, we are addressing something that to **Councilmember Reichel's** point has not happened a lot in the City. Sandy Springs is a welcoming and tolerant place and, we have not seen the kind of protests and harassing behavior that has been seen, not just in the wake of 2023, but in other situations. If the spirit of this is to protect both the rights of people exercising their first amendment right to free speech, to protest dissent, and also the right of individuals to be free from threats and harassment and safety in their own space, then I am for this. Also, as long as our police and law enforcement takes it with that spirit and, the record will reflect that is this body's desire, but that is not to say I do not have some trepidation in this. I want to accommodate both points of view.

Mayor Paul said that is the effort we are trying to do to balance everyone's rights. The City had protesters try to block the entrance to the Indian and Nigerian consulates on issues that were unique to their particular clientele. This has been on the City's border in Cobb County where protesters blocked the entrances to synagogues. We are trying to learn from what has occurred to manage them should they come back to Sandy Springs. These three ordinances are very important. I understand the importance of making sure that all the rights are being balanced, that everybody has an equal opportunity to say and think what they want but, they do not have the right to force that on other people. There is a balance that we are trying to achieve, and these ordinances do a very good job of that. I understand the questioning, it is appropriate, and I understand the probing, it is appropriate. These ordinances create and an environment that is welcoming, because everybody will know exactly what, where and when they can do it. These are the guidelines to make sure that everybody's rights are protected and I am comfortable with where we are on these ordinances. I would not have brought them if I did not believe in them. We had

some experiences in Sandy Springs and we are trying to ensure that people's rights are protected, and that they are not subjected to things that they find hateful, offensive, or harassing, but also that people have the ability to say and think and continue to express themselves as the constitution allows them to do so in an appropriate way. The constitution as interpreted by the courts says there are guidelines and guard rails and your rights end at basically your neighbor's nose. It creates guidelines that are important for everybody to understand, and will make the City more welcoming and accepting, and a place where people can express themselves appropriately. The purpose of this is appropriate application of the constitutional rights that we all enjoy.

Councilmember John Paulson said hopefully this is published in all the newspapers and everybody picks up the article. Physical intimidation is all about standing close to somebody and intimidating them. This gives the person who is feeling intimidated the ability to say stay away from me. If they do not, there is an eight-foot rule, and the police can come and arrest them. Hopefully the people that would have been intimidated by somebody physically towering over them, and pushing up against them have the ability to say stay away from me, and they must stay eight feet away, or the police can arrest them. It is clear. If anyone in the City is ever faced with this situation, these are the rules, or be arrested.

Councilmember Melody Kelley said we have a time limitation on soliciting between 9:00 p.m. and 7:00 a.m. We have reinforced a lot of state law. You cannot canvas where it says no canvassing. You cannot solicit where it says no soliciting. You cannot block entry ways. Now we are looking at another set of language. The original language before yesterday instituted the eight feet buffer, but it only applied to the public way within a fifty-foot radius of any entrance or exit, to an educational institution, facility, or place of worship. We were applying this specifically to places of worship and to educational institutions. At the very end of that, there is also the clause, or from the edge of a public right-of-way walkway or path. I raised the issue over the weekend with applying this eight-foot buffer rule to public right of way. That means if I am on a sidewalk and I cannot get within eight feet of someone, or they cannot get within eight feet of me, if I am on the Green and more. This language is now broader. We actually are applying this eight feet rule everywhere, as opposed to schools and places of worship, which I thought was the intent of the ordinance. A lot of things have happened at schools and we want students to get an education safely. We also want to protect parishioners and folks who engage in worship. I am concerned about this one. I support the 9:00 p.m. to 7:00 a.m. for solicitation, no canvassing where there is signage, and other things we approved but this one is a problem for me. This language is incredibly broad you. It reads, *for the purpose of passing a leaflet or hand bill to engaging in oral protest, education, counseling, or harassment*. Harassment I understand. The City has an outstanding police department, and disorderly conduct laws. Now we are treating people like kids in that you have to be eight feet apart. This is an overreach for me. I respect the spirit in which these are brought but I will not support this language today. I support considering the protection of schools, places of worship, and first responders and when there is language specific to that, and not applied across the City, I am open to that conversation.

Councilmember Bauman asked for the original language that was modified in the last twenty-four hours.

City Attorney Lee said I do not have it. **Councilmember Kelley** did not like the fifty-foot radius language and it was removed. We had a discussion in some of the negotiations with American Civil Liberties Union (ACLU). I took the idea of changing the proposal that was posted. I took that language out. It is identical, except for the fifty-foot part.

Councilmember Paulson asked why are we discussing something we are not voting on?

Councilmember Bauman said because what was published on an agenda on Friday and was reviewed

and considered was then changed twenty-four hours ago. It took some questioning to find out what happened.

Councilmember Kelley said I had concerns about that including our public right of way. Applying that eight foot rule to every sidewalk and road was an issue for me.

Councilmember Paulson asked does the eight-foot apply only if you do not want the person to approach you whether on the sidewalk or street?

City Attorney Lee said it prohibits intimidation everywhere. Where would you allow intimidation?

Councilmember Kelley said bad acting is already prohibited.

City Attorney Lee said it is not.

Councilmember Kelley said my space cannot be violated. If someone threatens or intimidates me, that can be dealt with. Is that correct?

City Attorney Lee said no. You can be accosted by anybody who is trying to put forth any idea now. This ordinance prohibits that if you do not want it.

Councilmember Kelley said but it can also be weaponized.

City Attorney Lee said everything can be weaponized.

Councilmember Kelley said exactly.

City Attorney Lee said this is intended to prohibit intimidation everywhere.

Kenneth DeSimone, Chief, Police Department, said this is a specific example of something that happened on the Green. It was an Israeli event where two individuals were wearing the Arab headdress with two Palestinian flags walked into the crowd. They were not saying anything, or approaching them, but just walking through the event. The community was outraged, and officers had to quickly get them out of there. This ordinance will help us do that. They walked in for only one reason which was to intimidate the Jewish community.

Councilmember Reichel asked would you arrest someone just for walking through a group of people?

Chief DeSimone said yes. If they were walking with a Nazi or Palestinian flag, with this ordinance they will be arrested because they are doing it for one reason, which is to intimidate the Jewish community. Someone may be for free speech but call the police, and this ordinance helps with that.

Councilmember Kelley asked what is harassment versus intimidation?

Chief DeSimone said it is anything that offends anybody else to point where they are uncomfortable where they are.

Councilmember Kelley asked is there anything in place now that addresses harassment?

Chief DeSimone said there is. Do you think someone walking through a Jewish event with a Palestinian

flag is harassment?

Councilmember Kelley said I am not commenting on a specific antidote. Just looking for ways this can be addressed.

Chief DeSimone asked **Councilmember Reichel** would this be harassing to you?

Councilmember Reichel said if they are just walking by me I do not think that is harassment. If they got in my face or started to physically touch me, that is harassing. I believe in the first amendment and free speech. If someone wearing a Jewish Star of David walks by someone Palestinian, is that harassing?

Chief DeSimone said it is if at an event of some other community. If it is an event of a Palestinian group, and you walk through with a Jewish flag, that would probably be offensive to them.

Councilmember Bauman asked is that the standard?

City Attorney Lee said in the proximity of eight feet.

Chief DeSimone said it is on the City to help the police and prevent chaos. You cannot be like the reporter who said I am for free speech but was intimidated and called the police.

Councilmember Reichel asked when has there been chaos?

Chief DeSimone said there were two hundred people out there protesting and, if it were not for the Sandy Springs Police Department, City Hall might have been overrun.

Councilmember Reichel said that does not change because of this ordinance.

Chief DeSimone said it can help us. This is protesting to the point where traffic in the road is blocked.

Councilmember Reichel said when I am on the Green and have on a Jewish star, and walk by someone who is Palestinian, that is not harassment to me. This is why I want us to look at this ordinance and change it. When there is protesting, there is probably an ordinance that could help with that. When talking about just trying to give out a brochure wearing a Jewish star for instance, that crosses the line for me. It is overreaching.

Chief DeSimone said if pro-Palestinian pro-Hamas protestors walks into a pro-Israeli event, that is harassment. They are there for only one reason which is to intimidate.

Councilmember Reichel said there is a difference between pro-Palestinian and pro-Hamas and the people who are Palestinian may not be Hamas.

City Attorney Lee said this ordinance sets the proximity of that interaction. That is the intent of it. It also applies to domestic situations. It gives direction about the proximity that is allowed and it is only applicable when somebody approaches you and you do not want to talk to them. If they will not leave, they are invading your right to not be confronted. This ordinance requires that they maintain eight feet. It gives direction to the police as to what the proximity needs to be.

Councilmember Bauman said unfortunately, there are a lot of different circumstances other than the example given of a silent person walking by. This is an ADL model ordinance and someone from there

should address the circumstance. Council has been put in a very uncomfortable position in trying to make some value judgements here. The challenge is when you refer to specific examples, we are undermining the defensibility of this because this needs to be content neutral. Thank you **Police Chief DeSimone** and the Sandy Spring Police Department for protecting all communities in a vigorous way. We have to be careful that sometimes the first amendment creates uncomfortable situations and we are trying to define the line between uncomfortable and harassment. I fear that we are entering territory that maybe is not the best place for a city council to be breaking ground, but I am open to it. This is an ADL model ordinance that has not been adopted here. Something similar has been adopted in Nashville. I am concerned about the removal of fifty feet because the fifty-foot rule was a narrowing.

Ethan Davidson, Southeast Regional Director, Anti-Defamation League (ADL) said these model ordinances were crafted in the spirit of protecting public safety. We have seen over the years, a rise in extremist activity and behavior across the spectrum, that has threatened communities of all kinds, across the country. The spirit of these ordinances is one where it protects the First Amendment and the rights of everyone, while maintaining public safety. A councilmember spoke earlier of balance and that is what this is an attempt to do as well. It is your job as a legislative body to figure out what is appropriate for Sandy Springs. We have provided different tools and language for you to debate, as you were doing in a democratic fashion. We should all appreciate that but, our first amendment rights are critical in this country. The ADL has long stood in defense of the first amendment not only of our organization and its one-hundred thirteen-year history but, this country was built on the Constitution and the Bill of Rights. We are absolutely providing model language in that spirit of balancing the many rights, and this is a difficult decision. We appreciate the seriousness with which you are delving into this issue. I cannot comment to the specific language, whether it is a fifty-foot zone. You are breaking new ground and that is what leaders do. This is a worthwhile ordinance and will stand up to constitutional scrutiny. You will be on the right side, not only of the law but of history, by taking this step to provide the guidance needed to make sure that we maintain public safety while protecting everyone's first amendment rights.

Councilmember Mular said the title of this ordinance has to do with campuses place of worship but, we have delved into City Green, sidewalks and right of way. Is this specifically anywhere or is this for the campuses and places of worship?

City Attorney Lee said when the discussion started, I mentioned that the heading may be misleading, but they are just examples of where this ordinance would apply. **Councilmember Kelley** is correct that it applies on the sidewalk as it should. That is probably where it needs it most. The campuses and houses of worship property, owned by churches and temples, is a common area where more than two ideologies can appear and have a right to be there. This gives the police an ability to set a standard that separates them so they can both enjoy the property but not harass one another.

Councilmember Kelley said the examples used are polarized highly charged incidents, but the language is basic. It prohibits displaying a sign to, doing education or counseling.

City Attorney Lee said if the person does not want it.

Councilmember Kelley said I understand that, but the language is very broad. I am open to looking at the language more.

City Attorney Lee said if it is deemed harassment and somebody does not want it, that person has a right not to be accosted and solicited just as much as the person has a right to solicit. You just cannot do it to the people who do not want it. This ordinance simply says you cannot do it within eight feet of somebody who does not want it.

Councilmember Bauman said we all received a letter from the ACLU today. I do not know if it was for all three ordinances or to one specific. They reference time, manner, and place, and is what we discussed from the beginning. I am trying to address their concern and ask about them, and see if we met the standard that they have applied. Are we regulating speech in some manner?

City Attorney Lee said we are not. We are regulating place.

Councilmember Bauman said right, time, manner, and place. This applies to all messages irrespective of content. Is this correct?

City Attorney Lee said correct.

Councilmember Bauman asked can you *address are narrowly tailored to serve a significant government interest*?

City Attorney Lee said 167 law enforcement officers go to work every day to maintain order.

Councilmember Bauman asked do we feel confident in this ADL and Sandy Springs drafting that we have done what we can to narrowly tailor this? A significant government interest would be public safety, health, and welfare. Is that right?

City Attorney Lee said yes.

Councilmember Bauman asked if someone were to bring a lawsuit and say we have not met those standards, do you feel like the scrutiny has been given to this in thinking about it, that we have met the standards of apply to all messages with respect of content, narrowly tailored and leaving open an alternative channels for communication of that information?

City Attorney Lee said there is no doubt about it. As we sit here today, the police are going on calls where there are two sides to an issue, whether a family matter or domestic problem. They order them back. This just says, in common areas where people have a right to be, both sides of an issue, sidewalk, campuses, houses of worship are examples, there is a standard of eight feet when you do not want to be bothered. That has been litigated in the Supreme Court. Many of the cases dealt with either abortion literature or anti-abortion literature and have set the stage for this. People have a right not to be accosted, and this is adopting an eight-foot rule.

Councilmember Bauman said none of us have a deep understanding of what the Supreme Court may or may not do. This is not standard that we can apply ourselves to. The intent of this is for public safety, of both the people bringing the speech. I implore that this is not based on content, but based on conduct. We must make our best judgement on the values and these are interesting times.

Mayor Paul said this discussion has gone well past what Roberts Rule allows and we must bring this to a close. Everyone had a chance and we will end with **Councilmember Kelley**.

Councilmember Kelley said consider this. We talked about the Halo law which applies to first responders but, that is not my point. If you look at that language, it says *the restriction that it puts on individuals from entering the zone of a first responder*, it is after receiving a verbal warning. That language is there with the intent to impede, threaten, or harass. That to me says, do not bother people who do not want to be bothered. That type of language, after receiving a verbal warning, not unless the person

consents, we could incorporate language that would not make it so easy to commit this crime. It is very easy to overstep here. There is language out there that could achieve the purpose of not bothering people who do not want to be bothered but, not compromise any person just handing out a flyer or something else. We need to be more thoughtful on this. It is not an emergency to pass this today but, it is up to my colleagues.

Vote on the motion. The motion passed (4 to 2).

Yeas: John Paulson, Melissa Mular, Tibby DeJulio, Andrew Bauman

Nays: Jody Reichel, Melody Kelley

Ordinance No. 2025-04-003

IX. New Business

- A. 2025-074** Request for Mayor and City Council Consideration of a Resolution to Award Fiscal Year 2025 Nonprofit Arts and Recreation Grants

Brent Walker, Director of Recreation and Parks, presented a recommendation to award Fiscal Year 2025 Nonprofit Arts and Recreation grants.

The City of Sandy Springs ("City") created a program ("Program") to collaborate with duly organized nonprofit organizations to offer new programming or to expand eligible existing recreational programs targeted to underserved populations and low-income communities within the City. Recognizing the value of the Program, Mayor and City Council appropriated \$150,000 for a Nonprofit Arts and Recreation Grant ("NARG") program for Fiscal Year 2025. Applications totaling \$262,500 were received.

Two types of grants were offered: Category One grants for partial funding of the previous year's grants and Category Two grants for "new" programs. Projects funded by this program are intended to serve Sandy Springs' underserved and low-income populations.

On January 8, 2025, the City issued a Request for Proposals #25-027 ("RFP") to solicit responses ("Proposals") from qualified nonprofit organizations ("Offerors") to partner with the City's Recreation and Parks Department to provide programs and recreational activities for the benefit of underserved and low-income residents of the City. Each eligible nonprofit organization proposing and meeting the requirements of the RFP were allowed to request up to \$12,500 (Category One Continuation Programs) and \$25,000 (Category Two - New Programs) in NARG funding. Proposals were due on February 11, 2025.

The City formed a team of City personnel ("Evaluation Committee") to evaluate submitted Proposals using the criteria set forth in the RFP and to recommend qualified nonprofit organizations to receive funds from the NARG for specific eligible programs. The Evaluation Committee consisted of the following individuals:

1. Dabney Brand, Grants Administrator
2. Jane Jarrett, Program Coordinator
3. Erika Rose, Executive Administrative Assistant
4. Rochelle Valsaint, Marketing Project Manager
5. Brent Walker, Recreation and Parks Director

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On February 11, 2025, the City received Proposals from the following nine (9) Offerors:

1. Call for Caring
2. Chastain Park Conservancy
3. City Springs Theatre Company
4. The Healthy Youth USA Foundation
5. La Amistad
6. Los Ninos Primero
7. The Lost Arts Enrichment Center
8. Sandy Springs Mission
9. Unique Individual Ranch

All Offerors requested the maximum amounts available in each funding category - \$12,500 for Category One Continuation Programs and \$25,000 for Category Two - New Programs.

Evaluation Criteria

Pursuant to Section 4 of the RFP, the City ranked Proposals according to the following criteria:

Criteria for Consideration (Category one)	Weight in Evaluation
Providing creative programs to meet the needs of underserved, diverse, and low-to-moderate income Sandy Springs residents	40%
Impact (number of Sandy Springs residents served)	30%
Program performance measures	15%
Financial reports	5%
Program Partnerships (two or more non-profits)	5%
Matching funding	5%
Criteria for Consideration (Category two)	Weight in Evaluation
Providing creative programs to meet the needs of underserved, diverse, and low to moderate income Sandy Springs residents	40%
Impact (number of Sandy Springs residents served)	20%
Program performance measures	15%
Financial reports	10%
Tenure of nonprofits	5%
Program partnerships (two or more nonprofits providing programs together)	5%
Matching funding	5%

Results

The Evaluation Committee members first reviewed the Proposals individually and then met as a group to discuss the Proposals and develop final recommendations. The following tables outline the Evaluation Committee's recommendations for the FY 2025 NARG program.

Nonprofit Organization	Category 1 Program	FY2024 Total Award	Score	Recommended Award
Los Ninos Primero	Provide performing arts and cultural programs for underserved middle and high school students. The year-round program will continue to deliver classes, workshops, and performing opportunities, to include drama, dance, music, and visual arts for over 400 low-income Latino residents.	\$25,000	94.3	\$12,331
Call for Caring	A Family Caregiver Academy will provide two, five-week training sessions for families with special-needs children. The goal is to improve the quality of life for resident family caregivers and their loved ones. In addition to education, the grant funds will assist with the cost of companion care for attendees' loved ones during class.	\$25,000	93.6	\$12,240
The Healthy Youth USA Foundation	Provide for a continuation of the two-month summer camp program for elementary-age children. Funds will provide tuition for up to 14 children weekly, over 6 six weeks from May-July.	\$25,000	87.4	\$11,429
	Total			\$36,000
Nonprofit Organization	Category 2 Program (NEW)	Score		Recommended Award
Call for Caring	Provide a Young, Gifted Caregivers program for youth in 6th-12th grade. Sessions will include training topics that enhance knowledge and skills related to planning care; identifying local, state, and federal resources; understanding family caregiving legal matters; chronic medical conditions; vital signs skill lab; communicating with healthcare professionals; medication management; nutrition education; dementia education and self-care.	86.4		\$14,931
The Chastain Park Conservancy	Constructing an Outdoor Nature Classroom, a dedicated outdoor learning space designed to provide free, hands-on environmental education to underserved, diverse, and low to moderate-income residents of Sandy Springs.	---		--

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	This proposal did not satisfy the criteria outlined in the RFP #25-027. NARG is designed to support programming, not capital investments.		
City Springs Theatre Company	Foster a scholarship fund for deserving Sandy Springs students and begin a new Sandy Springs based tuition program that discounts tuition for Sandy Springs students for Conservatory programs. These programs include voice, dance and acting lessons along with the opportunity to participate in the Summer High School Musical, a three-week summer camp where students put on a full musical production including serving as performers, stage managers, lighting and sound designers, and scenic designers.	78.2	\$13,513
The Healthy Youth USA Foundation	Provide for Afterschool Program scholarships. Funds will provide tuition for up to 20 children weekly over 16 weeks from August-December. The program includes academic tutoring, performing arts and mentoring.	86	\$14,861
La Amistad	Implement health and wellness programs for underserved, diverse, and low-to-moderate-income residents. These programs will provide accessible fitness, nutrition education, and mental wellness resources to promote healthier lifestyles for both adults and children.	82.8	\$14,308
Los Ninos Primero	Provide expanded athletics programming, to include a new year-round karate program, addition of soccer to summer camps, and expanding swimming and water safety lessons to adults.	87.8	\$15,173
The Lost Arts Enrichment Center	Provide the Young Writers and Publishers Workshop, a literacy-to-entrepreneurship program designed to empower low-income youth in Sandy Springs through creative writing and self-publishing. The program fosters literacy, self-expression, and entrepreneurship by guiding students through the process of writing, editing, illustrating, publishing and selling their own books.	81	\$13,997
Sandy Springs Mission	Provide tennis and baseball afterschool and summer camp programs to more than 400 low-income elementary and middle school students.	82.3	\$14,222
Unique Individual Ranch	Provide an adaptive summer camp aimed at providing an inclusive, accessible, and enriching experience for low-income children and young adults with disabilities. The camp will offer a variety of adaptive activities, including sensory play, adaptive sports, arts and crafts, and cooking, tailored to meet the individual needs and abilities of participants.	75.2	\$12,995

	Total		\$114,000
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Funded amounts are based on the score of each applicant, as determined by the committee, and divided by the total amount of funds available in each category. Recommended award amounts do not fully fund each program, and therefore the nonprofit may adjust the proposed number of residents served to fit within the recommended award amount.

Upon review of the application submitted by the Chastain Park Conservancy, staff determined that the request to build park amenities did not meet the criteria of the grant solicitation. Therefore, no funds are recommended for award. While the City appreciates the efforts of the Conservancy, the intent of the grant is to fund programs that meet the needs of Sandy Springs residents.

The grants recommended for award total \$150,000 which is the budgeted amount for the program.

Motion and second (Main Motion). A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to award Fiscal Year 2025 Nonprofit Arts and Recreation grants.

Councilmember Andrew Bauman asked **Director of Recreation and Parks Walker** how long have you been administrating this program?

Director of Recreation and Parks Walker said two years.

Councilmember Bauman said please provide your view of how the Nonprofit Arts and Recreation Grant program is successfully helping the Sandy Springs community.

Director of Recreation and Parks Walker said these organizations are in ways an extension of our small Recreation and Parks Department. There are many needs in Sandy Springs and this program extends services through City funds into communities. A lot of benefit is seen with the program and getting the funds where they are needed.

Councilmember Bauman said this originated in 2021 following the American Rescue Plan Act funds. The point of that program was to serve underserved communities. How does the City define underserved communities?

Director of Recreation and Parks Walker said for the purpose of this grant, the majority of nonprofits target low-income families defined through the school system, for example, through free reduced lunch programs, or have their programs in Title 1 schools. Also, people that may not or do not know how to receive services in a community, such as Call for Caring that focuses on at-home caregivers to make sure they have needed resources to take care of their family members at home. They have been able to realize that community is out there, and they are not being served or, the City may not have that service already available. The City offers some adaptive recreation programs but does not have that type of service, and they are underserved.

Councilmember Bauman asked do you feel confident the City is doing everything it can to ensure that on the front-end screening, organizations requesting money are verified, doing what they say, and meeting the needs of the people? Also, in the process during the programs and after to verify that?

Director of Recreation and Parks Walker said 40% of the scoring criteria is for the organizations to demonstrate how they are meeting the needs of underserved or low-income communities. Our committee scores applications individually then convene, discuss, and compile the scores. This way it is fair. Also in

the application process, they are required to provide a lot of information about how they have been performing these programs. Most of these nonprofits have been around for many years and have a record of serving these communities. Also, in the MOU they are required to provide a monthly report to us during the grant program. Through that, they must report on the age, ethnicity, language, special needs, household income, and free and reduced lunch recipients. They must provide those participation numbers of people that fit that criteria.

Councilmember Bauman said to confirm, the City's Recreation and Parks Department has more demands than the needs that can be met. While this grant program is similar to what Sandy Springs Youth Sports does, it is like a contract for services. Is this right?

Director of Recreation and Parks Walker said yes.

Councilmember Bauman said it has been suggested in the past that some of these organizations do not need the money. Los Ninos Primero has been around for a long time and shared with me what they are doing. Their costs are \$2,500 per child, per year. They had six-hundred sixty students in 2024, and have wait lists for every extracurricular program they offer. They support innovative approaches to education and set students up for success. This funding comes at a critical time for Los Ninos as they are losing \$200,000 in non-renewable pandemic era funding that has expired. They received \$200,000 last year, the last of a five-year installment from the Goizueta Foundation. It was renewable but competitive, and not guaranteed. When we did the budget and discussed this program, I recall it being said let us see what the interest is, because we were not overfunded last year, but this year it seems like the needs are greater and more organizations got word. I am offering an amendment to the motion that would gross up all of these allocations to the maximum amount possible under the grant for each of these organizations having been deemed worthy through the process.

Mayor Rusty Paul said you must make a budget amendment first, because you are affecting what Council has already budgeted if you are increasing the amount of money that is going to the program. You would have to identify the amount of money and from what part of the budget you are going to take it.

Councilmember Bauman asked can I move to table this motion to do a budget amendment, or can I do it as part of this?

Mayor Paul said if you have a budget amendment and get a second for it, but you must identify what pot of money you are taking it from.

Eden Freeman, City Manager, said it would be from fund balance.

Motion and second. **Councilmember Bauman** made a motion, seconded by **Councilmember Melody Kelley**, to amend the budget allocate from the fund balance \$87,500 to the Nonprofit Arts and Recreation Grant program.

Councilmember Bauman said the discussion would be we have spent a lot of time on things that are theoretical and important, but this one affects people. We have clearly identified that the City's Recreation and Parks Department cannot meet the needs of our community. As **Councilmember Tibby DeJulio** likes to say in the context of Sandy Springs Youth Sports, which I endorse, qualified families should be able to participate in these activities. There should be no question that we intended this program to support people, and if we do not raise this allocation, we will be leaving families and children behind. With all of the things that the City does, for example taking a loss subsidizing skaters including people that are not from Sandy Springs, the City has the money to do this, and should be doing this.

Dan Lee, City Attorney, said pursuant to the gratuities clause of the Georgia Constitution, although this is labeled a grant, it is a contract with these entities, that requires that each entity provide a service that is defined in a written contract with the City. This is a quid pro quo and not a gift.

Councilmember Melissa Mular asked what would not have \$87,500 allocated to it from fund balancing?

Eden Freeman, City Manager, said each year at the beginning of the budget process, which kicks off tomorrow internally, we look at what we have left over in fund balance reserve to balance next year's budget. That pays for capital one-time expenses going forward. It would not be wise to use anything out of fund balance reserve to pay for ongoing expenses. We never use fund balance reserve to pay for employee salaries or benefits. It is tough to say what would not get funded now but, a list of what we would not be able to do for \$87,500 can be provided to Council.

Councilmember Mular said this program was put in place around 2021, and \$87,500 would be important to increase. If we look at time, value, money, and the inflation calculator, we need \$25,000 to bring that up to today's standards. The \$150,000 then is worth \$177,000 today total. I support increasing it to that level, which is an additional \$25,000, but not sure about going above and beyond that.

Councilmember Reichel said this information is new for me. Should this be discussed during the next budget process instead of tonight?

Councilmember Mular said my math was done before here. When we looked at the information, I was thinking about what the time value of money is if we had this program, and we have a greater need. Is the timing now to do it, or wait for the budget?

Councilmember Reichel asked are the kids that are not able to participate in these activities that we are asking to raise the budget for?

City Manager Freeman said currently there is \$150,000 in the FY25 budget. That is what the numbers are based on. If you want to increase the line for this program in FY26, that would done in next year's budget process. If you want to do what Councilmember Bauman is proposing and increase them, Council can that. Historically, most grant programs operate with an available pot of funding. Once the funds are expended we do not appropriate additional funds, however Council can appropriate more money.

Director of Recreation and Parks Walker said they would probably continue the program but they would not be able to provide as many scholarships, or they would have to reduce the number of scholarships they could give to each family. They would modify their budgets to serve as many as they could. No definitive example tonight, but one nonprofit had to give fewer scholarships in one year because they got less money from a Category two to a Category one, and reduced the number of scholarships they were able to provide.

City Manager Freeman said the same budgetary pressures that our nonprofits are feeling, I believe that the City is going to face that in FY26, as well. We are starting our budget meetings tomorrow with the departments, but there is a lot of uncertainty within the economy. We know that grant programs at the federal level are being pulled back and some are being eliminated. Many of those are programs that we have been recipients of for many years and use to support and build infrastructure in our community, we do not know what is going to happen with those.

Councilmember Paulson said this is for fiscal year 2025 which ends in three months. All of this discussion is worthwhile having for fiscal year 2026, which we will start talking about in a couple weeks, and I am open to those conversations when we have the budget discussions. We had this budget for about the last night months, and we spend hours in the budget process to land at the numbers for the year. I am not in favor of amending this year's budget.

Councilmember Melody Kelley asked **Councilmember Bauman** what would be your mindset the next fiscal year if we come in above the budgeted amount?

Councilmember Bauman said we would take some advice from this, but I also questioned this amount when we adopted the budget and talked about the program. I specifically recall the comment being, let us see what the applications are and we can take a look at it then. Now we have seen what the applications are, these groups have been deemed worthy, and we know that they are validating the work that they are doing. I specifically remember the door being opened and, I am bringing that up today because that is what we discussed at the time. We do this all the time. Our fund balance is over our minimum amount. This is a small amount directly helping citizens, and that is what I would make the argument. We have public works projects that go over, and we have budgets that come under. I was told when asked about this, that it should be fund reserve. To **Councilmember Reichel's** point, we had some briefings on this, and I mentioned that I would be considering this. I suggest that there a lot of places we can do this. We have projects that are not happening. We could probably take it from the Cultural Arts Center. I recognize the process concern but, if but also I have a specific and clear memory of when this topic was brought up. I was concerned that it was not enough, and wanted to see what comes out and what are the requests, and the requests came in over. I am just trying to help our local organizations meet needs that the City is unable to meet on its own.

Councilmember Kelley asked what is the status of fund balance?

Toni Carlisle, Chief Financial Officer, said that information is not available tonight, but can be provided to Council tomorrow.

City Manager Freeman said we typically keep it at the policy which is 25% of general fund expenditures. We may be around 27% or 28% because we allocated all of those funds last year, recall when we had the ballot. If Council wants to increase this, you can do that and take the funds out of fund balance reserve.

Councilmember Tibby DeJulio said everyone knows I am highly in favor of making sure that every child in Sandy Springs has an opportunity to participate in the City's programs and, that they are not eliminated or excluded for financial means. I am also very dedicated to the budget. We need to keep the budget once we pass it, and we need to keep it in sight. If we start adding to the budget on a meeting by meeting basis, the budget and our fiscal responsibility is going to get away from us. This is more properly handled when we go into our budget briefings in about the next two weeks to begin budget discussions. This is an appropriate time to set a policy or standard of what we are going to do for the future, and that will give us a guideline for future years.

Mayor Paul said there has been a lot of conversation about this. This is an outline of the posture we are in. Number one, we have a motion to make a budget amendment to move \$87,500 from fund balance to the General Fund. Once in the General Fund, there will be a second vote, if the first one is approved. The second vote would be the expenditure of that \$87,500 on a specific purpose. If that is approved, we would a third time on the amended motion, which is agenda item 2025-074.

Vote on the motion. The motion failed (1 to 5).

Yeas: Andrew Bauman

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

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

Resolution No. 2025-04-037

X. Reports

A. 2025-075 Mayor and Council Report

Mayor Rusty Paul said hopefully everyone had the opportunity to stop by the St. Patrick's Day Irish Festival on the City Green. It was a good day. The crowd was not as big as sponsors had hoped, but they were very happy that the Consul General and Deputy Consul of Ireland were there. We had an opportunity to discuss economic development between Sandy Springs and Ireland. He reminded me that Smurfit Westrock, a major corporation in Sandy Springs, is based in the Republic of Ireland, and there be more opportunities.

This is a reminder that on April 24, the Performing Arts Center (PAC) will be announcing its new programming for the 2025-2026 year. Everyone is encouraged to be there. That is a prelude to the PAC membership renewal open now, and everyone on this dais should consider becoming a member if not one already.

Councilmember John Paulson said the Sandy Springs Farmers Market opens on Saturday, April 12, and everyone is encouraged to come out.

Mayor Paul said the opening of the police headquarters is also on April 12. Everyone is invited to Sandy Springs to see the new headquarters and the court facility. This is something **Kenneth DeSimone, Chief, Police Department**, and his team have been looking forward to. The City is delighted to provide state of the art facilities for Sandy Springs first responders.

Councilmember Tibby DeJulio said for the last two and a half weeks I have not been well and am scheduled for a procedure. Thank you everyone who contacted me to show support in my recovery.

Mayor Paul said we are delighted you are on the mend and are looking forward with great anticipation on your return to this body. Please take care of yourself.

B. 2025-076 Staff Reports

There were no staff reports.

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 8:16 p.m.

Approved: April 15, 2025

Russell K. Paul, Mayor

Raquel D. González, City Clerk