

Meeting of the City of Sandy Springs City Council – SUMMARY MINUTES
Studio Theatre, Sandy Springs City Hall and Broadcast Via Live Webinar and Teleconference
June 17, 2025 Following Work Session
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Meeting of the Sandy Springs City Council was held on June 17, 2025 Following Work Session, Mayor Rusty Paul presiding.

I. Call to Order

Mayor Rusty Paul called the meeting to order at 7:31 p.m.

II. Roll Call and General Announcements

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

III. Pledge of Allegiance

Mayor Rusty Paul led the Pledge of Allegiance.

IV. Public Comment

1. **Bill Griffith, 9580 Roberts Drive, Atlanta - Roberts Drive Speeding**

V. Approval of Meeting Agenda

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

VI. Consent Agenda

Motion and vote. A motion was made by **Councilmember Jody Reichel**, seconded by **Councilmember Melissa Mular**, to approve the consent agenda. The motion carried by unanimous vote.

- A. **2025-110** Meeting Minutes
June 3, 2025 City Council Work Session
June 3, 2025 City Council Meeting
- B. **2025-111** Request for Mayor and City Council to Approve Acceptance of Two Permanent Drainage Easements and a Temporary Construction Easement from Fog and Sand, LLC for Permanent Drainage Easements and Temporary Construction Easement on those Certain Tracts of Land Located at 395 West Spalding Drive (Tax ID # 17-0074-0002-012-8), in Land Lot 74 of the 17th District, City of Sandy Springs, Fulton County, Georgia for a Stormwater System Improvement Project

Resolution No. 2025-06-075

- C. **2025-112** Request for Mayor and City Council to Approve Acceptance of a Temporary Construction Easement from Ron and Tammy Borders on Property Located at 195

Overton Drive in Land Lot 39 of the 17th District, City of Sandy Springs (Tax ID# 17-0039-0002-023-9); for the 195 Overton Drive Stormwater Project

Resolution No. 2025-06-076

- D. **2025-113** Request for Mayor and City Council to Approve Acceptance of a Purchase and Sale Agreement from Zoher Kapasi and Manisha Kapasi, as Joint Tenants with Right of Survivorship, for Temporary Construction Easement (with Cost to Cure Payment) on that Certain Tract of Land Located at 4960 Powers Ferry Road (Tax ID# 17-0136-LL-194-3), in Land Lot 136 of the 17th District, City of Sandy Springs, Fulton County, Georgia for the S2186 Mt. Paran Road and Powers Ferry Road Sidewalk Improvements Project

Resolution No. 2025-06-077

- E. **2025-114** Request for Mayor and City Council to Approve Acceptance of a Permanent Drainage Easement and a Temporary Construction Easement from Daniel Cronin and Whitney Cronin on Property Located at 360 West Spalding Drive (Tax ID # 17-0074-0002-038-3), in Land Lot 74 of the 17th District, City of Sandy Springs, Fulton County, Georgia for a Stormwater System Improvement Project

Resolution No. 2025-06-078

- F. **2025-115** Request for Mayor and City Council to Approve Acceptance of a Permanent Drainage Easement from Barry M. Pearl and Sharleen Robinson Pearl on Property Located at 7045 Duncourtney Drive (Tax ID # 17-0074-0002-001-1), in Land Lot 74 of the 17th District, City of Sandy Springs, Fulton County, Georgia for a Stormwater System Improvement Project

Resolution No. 2025-06-079

VII. Presentations

There were no presentations.

VIII. Public Hearing

- A. **2025-116** Request for Mayor and City Council Consideration of an Ordinance to Provide for the Adoption of a Budget, Its Execution and Effect for the Fiscal Year Beginning July 1, 2025, and Ending June 30, 2026
 (Second Public Hearing)

Eden Freeman, City Manager, presented an ordinance to Provide for the Adoption of a Budget, Its Execution and Effect for the Fiscal Year Beginning July 1, 2025, and Ending June 30, 2026 (Second Public Hearing).

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City Manager Freeman said this is the final consideration for the FY2026 proposed budget and is the second public hearing for Council to vote and adopt the budget. This is the twentieth anniversary of the City and is the official twentieth budget. It is exciting to move this forward. In addition, this is an all funds budget of a little over \$1,000,000,000 which includes prior debt issuances, capital cost such as this facility, as well as the police headquarters and municipal court complex. The General Fund budget included is \$158,789,916.

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 Tibby DeJulio**, to Provide for the Adoption of a Budget, Its Execution and Effect for the Fiscal Year Beginning July 1, 2025, and Ending June 30, 2026 (Second Public Hearing).

Councilmember Paulson said this was a lot of work and there were many questions. Thank you **City Manager Freeman** and Staff for your efforts.

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

Ordinance No. 2025-06-09

- B. **2025-117** Request for Mayor and City Council Consideration of a Resolution to Adopt the 2024-2025 Annual Capital Improvement Element Update

Michele McIntosh-Ross, Planning & Zoning Manager, presented a recommendation to Adopt the 2024-2025 Annual Capital Improvement Element Update.

Planning & Zoning Manager McIntosh-Ross said a draft was submitted on April 15 and comments were given and addressed. This item should be deferred as feedback from the Department of Community Affairs (DCA) is still needed.

Mayor Rusty Paul said we hoped to have the information back from DCA by now and may need to have a special called meeting on June 30, if we hear back from DCA.

Motion and vote. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to defer the 2024-2025 Annual Capital Improvement Element Update. The motion carried by unanimous vote.

Resolution No. 2025-06-080

IX. **New Business**

- A. **2025-118** Request for Mayor and City Council Consideration of a Resolution to Approve a Task Order for Call Center Services

Carter Long, Communications and Public Relations Director, presented a recommendation to Approve a Task Order for Call Center Services.

On May 21, 2024, City Council approved a contract award ("Contract") to Faneuil for call center services. The contract called for service delivery over a five (5) year period, with the annual issuance of a new TO, assuming compliance with contractual terms and conditions by Faneuil. There is a five percent (5%) annual escalator built into the contract. One (1) TO has been issued pursuant to the Contract. The first TO in the not-to-exceed amount of \$640,000 was approved by Council on May 21, 2024, for the Fiscal Year beginning July 1, 2024. The proposed task order represents the second to be issued under the Contract for the fiscal year beginning July 1, 2025, is in the not-to-exceed amount of \$668,871.

Motion and vote. A motion was made by **Councilmember Melody Kelley**, seconded by **Councilmember Melissa Mular**, to Approve a Task Order for Call Center Services. The motion carried by unanimous vote.

B. **2025-119** Request for Mayor and City Council Consideration of Approval of the City of Sandy Springs General Liability Insurance Renewal for FY 2026

Staff, working with Partners Risk Services, LLC, have conducted market research as well as an extensive inventory of current City assets and liabilities to provide the attached proposal.

The premiums described in Exhibit A of the attached Resolution will be funded through the City's General Fund as approved for FY2026. The increase to the premium is 27.33%. Self-insured options were reviewed and will continue to be evaluated; however, they were not viable for this renewal cycle.

Also, Fixed Costs is excluded from the General Ledger. Fixed cost and Fixed Asset functions relate

Motion and vote. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to Approve the City of Sandy Springs General Liability Insurance Renewal for FY 2026. The motion carried by unanimous vote.

Resolution No. 2025-06-082

- C. **2025-106** Request for Mayor and City Council Consideration of a Resolution Authorizing Amendments to the City's Purchasing Policies to Incorporate the Requirements of 2 CFR Part 200 and FTA Circular 4220.1f in Connection with Federal Transit Administration (FTA) - Funded Procurements Undertaken as a MARTA Subrecipient, and to Incorporate the Provisions of Title VI of the Civil Rights Act in Connection with Procurements for City Projects Receiving Federal Funding

Connie Donley, Purchasing Manager, presented a recommendation to Authorize Amendments to the City's Purchasing Policies to Incorporate the Requirements of 2 CFR Part 200 and FTA Circular 4220.1f in Connection with Federal Transit Administration (FTA) - Funded Procurements Undertaken as a MARTA Subrecipient, and to Incorporate the Provisions of Title VI of the Civil Rights Act in Connection with Procurements for City Projects Receiving Federal Funding.

The Finance Department recommends that the Mayor and City Council approve the proposed amendments to the City of Sandy Springs' Purchasing Policy. These revisions are necessary to bring the City's procurement procedures into compliance with Federal Transit Authority (FTA) requirements, as the City is serving as a subrecipient to a MARTA-funded grant. Additionally, the proposed changes aim to modernize and clarify procurement processes, improve operational efficiency, and ensure consistency with industry best practices and audit standards.

In conjunction with the City's role as a subrecipient of a MARTA-funded grant, compliance with Federal Transit Authority (FTA) procurement standards is required. The current Purchasing Policy does not fully reflect these federal requirements, necessitating targeted updates to remain eligible for federal funding participation.

Concurrently, Staff undertook a comprehensive review of the policy to identify opportunities for modernization and greater clarity in the City's procurement procedures. The Finance Department, in collaboration with the City Attorney's Office and Departmental stakeholders, evaluated current practices and identified provisions in need of alignment with technological advancements, previously approved authority thresholds, and best-in-class procurement management principles.

The revised Purchasing Policy incorporates the following key improvements:

Section 13 – Federally Funded Procurements: Specific changes are introduced to ensure adherence to federal procurement regulations required under the City's subrecipient relationship with MARTA and the FTA.

Section 4 - Duties and Responsibilities (B-Source Selection) - The updated vendor selection policy makes the procurement process more flexible, fair, and efficient. It lets the Department Head, Purchasing Director, or their designee make decisions, ensuring knowledgeable staff are involved.

Section 5 - Purchasing Thresholds (A. PURCHASES BELOW \$5,000) - The updated language clearly states that all P-Card purchases must follow the City's P-Card Policy, including spending limits, proper documentation, and timely receipt submission. This helps ensure transparency and prevent misuse of public funds. The revision also reinforces ethical standards and compliance with laws, regulations, and City policies. It allows the Department Head, Purchasing Director, or their assigned designee to oversee purchases.

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Section 5 - Purchasing Thresholds (B. PURCHASES BETWEEN \$5,000 UP TO AND INCLUDING \$200,000) - Requiring formal bids for purchases over \$100,000 helps ensure transparency, accountability, and fair pricing. It makes clear which purchases need competitive bidding, helping prevent favoritism and overspending. This follows Georgia law (Ga. Code §50-5-69), which requires competitive bidding for high-value purchases to get the best value for public funds. Clearly stating this rule promotes consistency, builds public trust, and protects taxpayer money.

Section 5 - Purchasing Thresholds (C. PURCHASES OVER \$150,000)- In June 2024, Council approved raising the City Manager's approval threshold to \$200,000. This update aligns policy with our current practice, granting the City Manager authority to approve procurements up to that amount, with only those exceeding \$200,000 requiring Council approval. Additionally, the revised policy increases the formal bid threshold from \$99,000 to \$100,000 to align with the requirements of the State of Georgia, ensuring our procurement practices remain compliant with state law.

Section 5 - Purchasing Thresholds (E. CHANGE ORDERS) - The changes were made to reduce confusion and make the policy easier to understand by clearly defining roles and approval limits. The updated language explains who must approve different types of Change Orders based on their cost or scope, including changes to money and contract length.

A key addition is that the City Manager must approve time extensions of 90 days or less, while City Council must approve those of 91 days or more. This ensures proper oversight, even when there's no change in cost, helping to keep projects on track and leadership involved in major decisions.

Section 6 - Non-Competitive Procurements (B. DIRECT NEGOTIATION) - The proposed update to the purchasing policy makes it clear that public works and construction projects cannot be awarded through direct negotiation. This change ensures compliance with Georgia law (O.C.G.A. § 36-91-20(a) and § 36-91-21(a)), which requires competitive bidding for public works contracts over \$100,000 and awarding them to the lowest qualified bidder.

This revision fixes a key gap in the original policy by clearly stating that these types of projects are not exempt from bidding rules. Since they often involve large taxpayer investments, competitive bidding is necessary to avoid favoritism, control costs, and ensure responsible use of public funds.

Section 7 - Competitive Procurements (B. PUBLIC NOTICE) - The proposed revision to the public notice section of the purchasing policy ensures greater alignment with state laws, improves transparency, and enhances compliance with competitive procurement standards. By specifying advertising requirements for public works or construction projects exceeding \$100,000, the revision explicitly incorporates Georgia law, including O.C.G.A. § 36-91-20, which mandates a minimum four-week (30 calendar days) advertisement period and posting on the Georgia Procurement Registry (GPR). This addition ensures that all applicable public works solicitations meet legal advertising requirements, providing fair opportunities for bidders and fostering competition.

Section 7 - Competitive Procurements (D. INVITATION TO BID #2 (a)-Correction or Withdrawal; Late Bids) The proposed update to the "Correction of Errors and Waiver of Irregularities" section adds more structure, accountability, and transparency to how bid mistakes and minor issues are handled. A new Technical Waiver Document must now be used to explain the irregularity, the reason for allowing it, and who approved it. This ensures decisions are properly documented and helps prevent inconsistent or unfair actions, protecting the integrity of the procurement process.

Section 7-Competitive Procurements (I. PROCUREMENT ACTIVITY COORDINATION) - The new language in the purchasing policy strengthens the City's focus on compliance, consistency, and fairness by giving the Purchasing Team responsibility for key procurement steps like pre-bid conferences, site

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visits, and contract negotiations. This change improves oversight and supports transparency throughout the process.

Pre-Bid Conferences: The Purchasing Team will now handle all pre-bid meetings to make sure vendors get the same accurate information. This reduces confusion and gives all bidders a fair chance.

Site Visits: The team will also organize and manage vendor visits to project sites, ensuring equal access, setting safety rules, and keeping records to avoid disputes.

Contract Negotiations: All contract talks must go through the Purchasing Team to ensure fairness and policy compliance. They will lead the discussions, take notes, and keep detailed records of all terms and decisions. This helps protect the City's interests and keeps the process transparent and accountable.

Failure to address the current policy's shortcomings could jeopardize the City's ability to receive federally funded grants and exposes us to noncompliance with key state ordinances. This not only puts critical funding at risk but may also undermine the City's legal and financial standing.

Council may choose to retain the current Purchasing Policy without adopting the proposed amendments. However, this would prevent the City from meeting the compliance requirements of the FTA as a sub-recipient to the MARTA-funded grant and could jeopardize access to other federal funds. Alternatively, the Council may opt to revise only portions of the proposed amendments, but this would diminish the policy's effectiveness and may result in inconsistent or outdated procurement practices.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to Authorize Amendments to the City's Purchasing Policies to Incorporate the Requirements of 2 CFR Part 200 and FTA Circular 4220.1f in Connection with Federal Transit Administration (FTA) - Funded Procurements Undertaken as a MARTA Subrecipient, and to Incorporate the Provisions of Title VI of the Civil Rights Act in Connection with Procurements for City Projects Receiving Federal Funding.

Councilmember Paulson said Purchasing will now handle all pre-bid meetings to ensure vendors get the same accurate information. Was there prior confusion and why it now needs to be clarified?

Purchasing Manager Donley said no. This strengthens our policy in connection with training staff. It also helps us direct new staff to the policy on pre proposal conferences facilitated by the procurement division. This avoids confusion with negotiations and everything has to be structured and documented. This addition to the policy helps to ensure everyone is following the rules.

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

Resolution No. 2025-06-083

- D. **2025-120** Request for Mayor and City Council Consideration of a Resolution to Accept an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement Related to Property Located at 6039 Kayron Drive in Land Lot 71 of the 17th District, City of Sandy Springs, Fulton County, Georgia (Tax ID #17-0071-0003-036-9) in Relation to the S2193 Hammond Drive Widening Project

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to Accept an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement Related to

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Property Located at 6039 Kayron Drive in Land Lot 71 of the 17th District, City of Sandy Springs, Fulton County, Georgia (Tax ID #17-0071-0003-036-9) in Relation to the S2193 Hammond Drive Widening Project.

The acquisition of 2,386.37 square feet of fee simple Right of Way and 784.42 square feet of Temporary Construction Easement on the subject property is necessary to construct the S2193 Hammond Drive Widening Project.

After lengthy negotiations, the City and the Property Owners have come to an amicable agreement in the amount of \$270,000.00. A recent update of the City's appraisal performed in March of 2025 with a value of \$250,600.00 supports this agreed upon number. The subject parcel is a single-family residential property that will be significantly impacted by the project. Approximately 32% of the agreed upon compensation is due to both cost to cure compensation as well as compensation for consequential damages due to the proximity of the proposed cul de sac of Kayron Drive on the existing home. Therefore, Staff believes that the agreement is in the best interest of the City and thereby recommends Council's acceptance and approval of the agreement.

Motion and vote. A motion was made by **Councilmember Melissa Mular**, seconded by **Councilmember Tibby DeJulio**, to Accept an Agreement to Purchase Fee Simple Right of Way and Temporary Construction Easement Related to Property Located at 6039 Kayron Drive in Land Lot 71 of the 17th District, City of Sandy Springs, Fulton County, Georgia (Tax ID #17-0071-0003-036-9) in Relation to the S2193 Hammond Drive Widening Project. The motion carried by unanimous vote.

Resolution No. 2025-06-084

- E. **2025-121** Request for Mayor and City Council Consideration of a Resolution to Authorize City Staff to Submit a Safe Streets for All Grant Program Application to the United States Department of Transportation for the 2025 Program; to Approve the Required Local Funding Match and to Authorize the City Manager to Execute the Application Documents

William H. Martin, Jr., AIA, Public Works Director, presented a recommendation to Authorize City Staff to Submit a Safe Streets for All Grant Program Application to the United States Department of Transportation for the 2025 Program; to Approve the Required Local Funding Match and to Authorize the City Manager to Execute the Application Documents.

The Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021) established the Grant Program and \$580 million has been made available for Implementation Grants in FY 2025. Funds for the Grant Program are to be awarded for projects and activities that improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries, focused on all roadway users.

The City received a Safety Action Plan federal grant of \$360,000.00 on February 1, 2023, and the City provided the required 20% local match of \$90,000.00 for a total of \$450,000.00. The Safety Action Plan was adopted in April 2025. Under the 2025 Notice of Funding Opportunity ("NOFO"), the City can pursue an Implementation Grant for projects and activities within its recently adopted plan. Applications are due by 5:00 PM (EDT) on June 26, 2025.

USDOT utilizes the Safe System Approach and sees transportation safety as something impacted by

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behavioral interventions (education and encouragement), roadway countermeasures (engineering), laws/policies/enforcement (enforcement), vehicle safety features and performance (engineering), and emergency medical care (emergency response).

The Safe Streets and Roads for All Implementation Grant is an opportunity to bring multiple departments together to implement projects or programs to improve roadway safety. This approach targets the crashes that have the most significant impact on people's lives.

The proposed scope of activities for the Safe Streets and Roads for All Implementation Grant include:
Design and construct mid-block crossings at the following locations:

Roswell Road near Mystic Place

Roswell Road near Northwood Dr.

Roswell Road between Trowbridge Road and Cimarron Pkwy

A pair of crossings between Dunwoody Place between Summit Springs Drive and Roberts Drive

Improve signalized intersections at the following locations:

Roswell Road and Spalding Drive

Johnson Ferry Road and Glenridge Drive near 5605 Glenridge Drive

Implement Safety Improvements to Reinforce One-Way Street Operation Along Northside Drive and New Northside Drive, which is included in the City's High Injury Network

A 5-year Educational Campaign targeting Aggressive and Distracted Driving, as well as Teen Drivers

Funding additional Cardiopulmonary Pulmonary Resuscitation (CPR) classes for the public and expand the Child Passenger Safety Program for five years

Provide roadway safety equipment for use by the Sandy Springs Fire Department

The Implementation Grant Activities are estimated to total \$6,800,000.00. The federal share grant request is \$5,440,000.00, and the required local match of 20% is \$1,360,000.00.

Motion and second. A motion was made by **Councilmember John Paulson**, seconded by **Councilmember Jody Reichel**, to Authorize City Staff to Submit a Safe Streets for All Grant Program Application to the United States Department of Transportation for the 2025 Program; to Approve the Required Local Funding Match and to Authorize the City Manager to Execute the Application Documents.

Councilmember Melody Kelley asked of all the City's studies, which one is best to find information on improving the Trowbridge intersection area?

Public Works Director Martin said the Access Management Plan is the best reference for a bigger vision for parts of Roswell Road, especially as it relates to pedestrian safety access management.

Councilmember Kelley asked does the Access Management Plan include the crossings proposed here as well as the modifications currently underway for the intersection?

Public Works Director Martin said yes, for the pedestrian crossings.

Councilmember Kelley said it is somewhat of a unique intersection in that it has had a significant amount of crashes and there is data to support that. Also, it is the only way in and out for a particular neighborhood and it intersects with another business. It is a messy intersection for a variety of reasons that may not be traditional intersection issues.

Public Works Director Martin said the NOFO stressed the need that the City executes within five years. The midblock pedestrian crossings gave the greatest sense that within a five year period, we could go

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through all the compliance hurdles associated with federal dollars to implement it. As we move on to the Transportation Master Plan update this year, with the Safety Action Plan, we hope to explore other opportunities to implement access management and safety enhancements, like Trowbridge which has multiple access points.

Councilmember Kelley asked are we still waiting on Georgia Power or Georgia Department of Transportation (GDOT) to turn on the crosswalk that the City has already constructed?

Public Works Director Martin said the midblock crossing at the Fulton Government Center is part of GDOT. They provided an update that they are reprocurring the hardscape the City already completed as there were problems with the initial procurement and the scope of work defined there.

Councilmember Kelley said it is taking a while.

Public Works Director Martin said it does.

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

Resolution No. 2025-06-085

- F. **2025-122** Consideration of Mayor and City Council to Authorize the City Attorney to Seek Equitable Relief in the Superior Court of Fulton County for the Illegal Short-Term Rental Activity Occurring at the Real Property Located at 8069 Kenstone Court, Sandy Springs (Fulton County), Georgia

Dan Lee, City Attorney, presented a recommendation to Seek Equitable Relief in the Superior Court of Fulton County for the Illegal Short-Term Rental Activity Occurring at the Real Property Located at 8069 Kenstone Court, Sandy Springs (Fulton County), Georgia.

Section 26-372(b) of the City of Sandy Springs' (the "City") Code of Ordinances, prohibits short-term rental activity without a valid city business license. Further, Section 26-372(c) states that "each individual short-term rental unit shall be permitted with the city. Prior to issuance of a permit for a short-term rental unit, each property containing a short-term rental unit shall be inspected for compliance with all building and fire codes. A short-term rental unit permit is valid for one year from the date of issuance." The property located at 8069 Kenstone Court is being operated as a short-term rental, without the required permits.

On December 31, 2024, the owner of the Subject Property, Failsafe Data, LLC (the "Property Owner"), an Ohio limited liability company, was served with a Notice of Violation for engaging in short-term rental activity without the issuance of a City permit. Thereafter, the Property Owner, having taken no steps to apply for a business license permit or a short-term rental permit with the City, was subsequently served with a citation for violation of the City ordinance on January 8, 2025 by City Code Enforcement. The Property Owner was issued a second and third citation for the violation on January 21, 2025 and February 20, 2025, respectively. The Property Owner was scheduled and served with a Notice for Arraignment in Sandy Springs Municipal Court on March 31, 2025, but failed to appear. The Property Owner was scheduled and served with a second Notice for Arraignment in Sandy Springs Municipal Court on May 19, 2025, and failed to appear a second time.

The Property Owner was scheduled for a fire inspection of the Subject Property with the Sandy Springs

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Fire Department on March 20, 2025, a requirement prior to the issuance of a short-term rental business license, however, the Subject Property failed inspection due to International Fire Code deficiencies within the property. The Property Owner, to date, has not scheduled a secondary inspection of the Subject Property.

In addition to the above-mentioned, and repeated, violations of the City's short-term rental ordinance, the City has received six (6) complaints of loud noise at the Subject Property from January 1, 2025 to February 9, 2025, as well as complaints of excessive trash in the right-of-way.

The City's municipal courts do not have equitable powers. City Courts can fine and incarcerate but cannot order defendants to do, or cease doing, actions. That's one of the reasons that an ongoing violation is a different violation each day. It has always been a problem for City Court enforcement when a person/individual is charged with a non-traffic offense and does not appear in court on their appointed date. With traffic offenses, the City can affect their driver's license, and the person can't retain a driver's license until the City's charge is resolved. To add to the problem of enforcing non-traffic matters, more and more people are holding title to property in the name of a corporation or LLC, and you cannot jail an LLC, so the City must resort to going to the superior courts to gain the assistance of their equitable powers.

This process entails describing to the court the underlying city charge(s), the efforts made to enforce it by the City's enforcement authority and the failures to accomplish the enforcement. The underlying matter dealing with the Kenstone property is a very good example of this dilemma. The City has ordinances that prohibit the actions that are contained in these citations but the property owner, an LLC, refuses to appear in City municipal court. To make this matter more difficult, the corporation principals reside outside the State of Georgia. Without the help of the Superior Court to grant equitable relief in ordering the discontinued illegal use of the property, the City's ordinances will have no effect. Included in this petition for relief is a demand for attorney's fees because the defendant has required the City to seek such extraordinary relief and has been stubbornly litigious.

Motion and second. A motion was made by **Councilmember John Paulson** seconded by **Councilmember Tibby DeJulio**, to Seek Equitable Relief in the Superior Court of Fulton County for the Illegal Short-Term Rental Activity Occurring at the Real Property Located at 8069 Kenstone Court, Sandy Springs (Fulton County), Georgia.

Councilmember Paulson said it is a small neighborhood of about five or six houses and this house has been so disruptive to these homes that some have moved. Will the City lock the house so that people cannot go in without anyone knowing.

City Attorney Lee said it is the action of the court to do that. This item is here tonight because of the flaw in the law that only allows the City to arrest, convict, fine, and jail. This is a company that Staff first cited this company in December 2024 and followed most of the processes allowed by the City and we have no response from the property owner. With apartment complexes, there is a company that owns them and the City is limited in how quickly the ordinance can be enforced. We are developing a process to bring cases like this to Council quicker and have to wait six months.

Councilmember Paulson said I have heard about this house for over a year and people are frustrated. They probably should have complained sooner. Let us get this done.

Councilmember Jody Reichel asked how long will it take to get through the process? Can the City start enforcing it now?

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City Attorney Lee said the process involves seeking an ex parte temporary order from the superior court which will lock the house. Then the property owner gets a hearing within thirty days of the signing of that order.

Councilmember DeJulio asked does the property owner have to show up for it?

City Attorney Lee said yes. If they do not, they can be held in contempt of court.

Councilmember DeJulio asked can they be represented?

City Attorney Lee said in superior court, a corporation cannot represent itself because it is not an individual. They must have a lawyer.

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

Resolution No. 2025-06-086

X. Reports

A. 2025-123 Mayor and Council Report

Mayor Rusty Paul said most of Council will be attending the 2025 Georgia Municipal Association (GMA) Convention in Savannah this weekend and some are taking classes. I will be in a lot of different meetings over my four days there which includes the Legislative Policy Council and the Transportation Policy Committee. The focus on transportation is rail in Georgia. On Sunday afternoon, the Metro Atlanta Mayors Association (MAMA) meeting is on Sunday and I will be chairing that. **Dan Lee, City Attorney** will talk to the mayors about the Milton case and what we need to be thinking about as municipalities, as we await the supreme court deciding to hear the case.

Councilmember Melody Kelley said I am also excited about the GMA convention in Savannah.

Everyone is invited to the City's Juneteenth event which will be from 5:00 PM to 8:00 PM. Similar to last year, it will have three spaces. This will be in Byers Theater from 5:30 PM to 6:30 PM, the City Green will be full of activity from 5:00 PM to 8:00 PM and, Byers lobby will have a digital art exhibition from 5:00 PM to 8:00 PM. There are lots of partners, events, and activities for families to engage in this year. Everyone is encouraged to come out. Thank you Staff for your efforts in this event.

B. 2025-124 Staff Reports

1. April 2025 Unaudited Financial Report

Toni Carlisle, Chief Financial Officer, reviewed the April 2025 unaudited financials.

The City is at 83.33 % of the year. Revenues are at 103.04 % and expenditures are at 78.69% of the budget. For business licenses, the season closed at 331 and the City has achieved the budget at \$10,200,000 in April. Expenditures are moving as projected. Most of the budgets are at least 85% of the budget year.

XI. Executive Session

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

Passed Yes 6, No 0, Abstained 0

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

Nays: None

The Executive Session began at 8:21 p.m.

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

Passed Yes 6, No 0, Abstained 0

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

Nays: None

The Executive Session ended at 9:13 p.m.

XII. Adjournment

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

The meeting adjourned at 9:13 p.m.