

Regular Session Meeting of the Sandy Springs City Council was held on Tuesday, October 6, 2020 at 6:11 p.m., Mayor Rusty Paul presiding.

I. CALL TO ORDER

Mayor Rusty Paul called the meeting to order at 6:11 p.m.

II. ROLL CALL AND GENERAL ANNOUNCEMENTS

Interim City Clerk Lia Jones made the general announcements and called the roll.

Mayor Rusty Paul – present.

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

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

IV. PUBLIC COMMENT

There were no public comment cards received for this Tuesday, October 6, 2020, meeting.

V. APPROVAL OF THE AGENDA

Motion and Vote: Council Member DeJulio moved that the meeting agenda be approved for Tuesday, October 6, 2020. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

VI. CONSENT AGENDA

- A. 2020-229** September 15, 2020 City Council Work Session Minutes
September 15, 2020 City Council Regular Meeting Minutes
- B. 2020-247** Request for Mayor and City Council Consideration of the Execution of Resolutions in Keeping with the GMA Form Resolutions Related to City Resolution 2020-08-86 and 2020-08-104 for the Purchase and Financing of New Equipment for the City Fire Department

Motion and Vote: Council Member Bauman moved that the consent agenda be approved for Tuesday, October 6, 2020. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

Exhibits “C” and “F” for GMA, to be signed by City Manager and Interim City Clerk

NEW BUSINESS

- A. 2020-248** Request for Mayor and City Council Consideration of the Acquisition of a Permanent Drainage and Temporary Construction Easement through the Use of Eminent

Domain upon Certain Property Known as Tanglewood Trail NW Fulton County, Georgia, Parcel No: 17162LL1072 for the Tanglewood Stormwater Project

Dan Lee, City Attorney presented the culmination of negotiations with neighbors to gain the property that is needed to address stormwater but to repair the road where we have a failing pipe. This piece of property is a troublesome titled property in that it is owned by an LLC that is now defunct and the use of condemnation is required in order to gain the title that the City needs. The basic amount is \$400 for the actual taking that is required, the permanent easement that is required and the temporary easement that is required to get onto the property. Staff asks for authorization to condemn this slight property so that this road can be repaired.

Motion and Vote: Council Member Bauman moved to adopt agenda item 2020-248, Consideration of the Acquisition of a Permanent Drainage and Temporary Construction Easement through the Use of Eminent Domain upon Certain Property Known as Tanglewood Trail NW, Fulton County, Georgia, Parcel No: 17162LL1072 for the Tanglewood Stormwater Project. Council Member Soteres seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-10-113

- B. 2020-249** Request for Mayor and City Council Consideration of a Donation of Permanent Drainage Easement for 7655 Treeridge Court Stormwater Project

Marty Martin, Public Works Director presented in the interest of allowing staff to construct the Treeridge Court Stormwater Project, we recommend that Mayor and City Council accept the donation of a Permanent Drainage Easement in the amount of 266 square feet on that tract of land lying and located in Land Lot 358 of the 6th District, Fulton County, Georgia. The property owners are Shea Parker and Peter Nathaniel Hall located at 7655 Treeridge Court.

Motion and Vote: Council Member Reichel moved to adopt agenda item 2020-249, Consideration of a Donation of Permanent Drainage Easement for 7655 Treeridge Court Stormwater Project. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-10-114

- C. 2020-250** Request for Mayor and City Council Consideration of a Resolution to Adopt the Art in Public Places Master Plan

Kristin Smith, Assistant City Manager presented in reference to an update of the Art in Public Places Master Plan at the September 15, 2020 Mayor and City Council meeting. The proposed master plan is a direct result and recommendation of the Next Ten Comprehensive Plan and the Recreation and Parks Master Plan. The City collaborated with Art Sandy Springs to create the master plan. Smith thanked everyone for their hard work and dedication to Arts in the City. The document before the Mayor and City Council sets a vision for public art in the City. It establishes a framework for growth and related work program and provides a discussion of funding mechanisms. In light of the current Pandemic, only voluntary funding mechanisms are recommended for short-term consideration within the plan.

Council Member Burnett joined Kristin Smith in thanking Cheri Morris and her team at Art Sandy Springs. One of the things that has made our community truly unique is the way that residents step up in many big ways to volunteer their time and expertise. This is another great example of that. Burnett thinks this is very exciting as mentioned in the last meeting. He would love to see the City focus on using this as

a branding opportunity. Whether it is visual arts, performing arts, or music we have a great opportunity to be the dominant community in metro Atlanta for the Arts. This is another great step to making that happen.

Council Member Bauman joined the Council in 2004, along with Mayor Paul, who served before. Bauman stated that a lot has happened since then, but he does not feel that anything has ever been as transformative as our stepping up the game in arts. With the Performing Arts Center, concerts, programming at the City Springs City Center and yet, here we are just enacting a master plan. We are beginning on second base, starting with a double. It is the one comment he receives consistently on how the quality of life as it relates to the arts. Congratulations to Cheri and the team.

Motion and Vote: Council Member Burnett moved to adopt agenda item 2020-250, Consideration of a Resolution to Adopt the Art in Public Places Master Plan. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-10-115

- D. 2020-251** Request for Mayor and City Council Consideration of the First Amendment to Agreement for Services for Hammond Gymnastics Center Operations

Kristin Smith, Assistant City Manager presented that in August 2019 the City finalized an Agreement with Phoenix Gymnastics to provide operations for the Hammond Park Gymnastics facility and associated programming. Phoenix Gymnastics was committed on growing the program until the Pandemic required the closure of the facility and paused ongoing programming. Although many of our programming partners have been able to safely operate since re-opening, particularly with outdoor programming, the nature of indoor gymnastics has necessitated a much slower recovery. Although the gym has reopened, the maximum capacities have been significantly reduced to ensure safe operations. Registration has continued to suffer and revenues have been significantly impacted for our programming partner. In light of these concerns, and the nature of indoor programming at this time, we propose a First Amendment to the gymnastics center contract. It would amend the fee schedule for FY2021 and FY2022 to move from a flat annual payment of \$90,000 to a payment of 25% of gross revenues, up to a maximum of \$90,000 annually. We believe this amendment will allow Phoenix Gymnastics to safely maintain limited operations during this Pandemic and allow time for program growth, when participants feel more comfortable resuming indoors activities.

Motion and Vote: Council Member DeJulio moved to adopt agenda item 2020-251, Consideration of the First Amendment to Agreement for Services for Hammond Gymnastics Center Operations. Council Member Soteres seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

Council Member DeJulio stated that he thinks it is so essential, especially during the Pandemic, for the City to maintain vital public programs and he thinks that the services that take place at Hammond Park serve so many people. DeJulio feels we have to do everything within our power to keep these going and if we have to take a cut of revenue for the next year or two, he feels it is exceptionally important for us to do whatever we have to do to keep this program on track.

RESOLUTION NO. 2020-10-116

- E. 2020-252** Request for Ordinance to Ratify Amending the FY 2021 Budget to Transfer Funds from the General Fund of the City of Sandy Springs to the City of Sandy Springs Public Facilities Authority

Andrea Surratt, City Manager presented that earlier in the Public Facilities Authority (PFA) meeting authorization for budget amendment to allow monies to go from the General Fund into the PFA for the Public Safety facilities and this is the ratification of that budget transfer.

Motion and Vote: Council Member Paulson moved to adopt agenda item 2020-252, Ordinance to Ratify Amending the FY 2021 Budget to Transfer Funds from the General Fund of the City of Sandy Springs to the City of Sandy Springs Public Facilities Authority. Council Member Soteres seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

ORDINANCE NO. 2020-10-19

- F. 2020-253** Request for Mayor and City Council Consideration of a Resolution to Approve an Intergovernmental Agreement (IGA) between Fulton County and the City of Sandy Springs for the C.A.R.E.S. Act Municipal Reimbursement Program

Andrea Surratt, City Manager presented that this is an agreement that the Fulton County cities across the county have similarly adopted asking for Fulton County to provide \$25,000,000 in C.A.R.E.S. Act funding to the cities and setting out terms and conditions under which this is accomplished. For the City of Sandy Springs, the pro rata allocation of reimbursement funds for COVID-19 related pandemic expenses that the City is eligible for is \$4,566,429.00. Staff has identified the use of all of those funds and are in the process of submitting all of the necessary paperwork to receive the reimbursement.

Mayor Paul stated that everyone is aware of the extended conversations with Fulton County government over use and allocation of the \$104,000,000 that they received from the State of Georgia. The Federal guidelines indicated that the thirteen (13) cities of Fulton County, with the exception of the City of Atlanta, which received their own allocation, should have provided approximately 70% of that money based on population centers in Fulton County. We threatened, and you had approved, litigation; we have entered into long, protracted conversations with Fulton County, in which the mayors of these cities participated, and this is as far as we were able to get the County to go. It is a significant improvement, over the \$2.9 million originally allocated to the 13 cities. In order for us to be able to receive these funds, we have pass this resolution. He has been assured that as soon as we pass this resolution, the next found of checks that are cut by Fulton County, we will receive our allocation. We have until the end of November to allocate these funds, as the City Manager has indicated. We have spent this much and more. This does reimburse many of our expenses but will not cover all of them; but it does go a long way. To make the City whole from the unanticipated expenditures that we have to budget which the City has incurred since the COVID-19 Pandemic began. He wanted to salute Chief Sanders and his team for managing this process the last several months, and tracking our expenses so that we knew exactly where we stood. Obviously, the police department has been affected and this will help in reimbursing those who were assigned specifically and particularly to COVID related activities, both fire and police.

Council Member Paulson echoed the Mayor's comments regarding Chief Sanders. He spent a good bit of time talking informally to several of the Fulton County commissioners and while the mayors may not have been talking as openly with the commissioners vice versa, it turns out that the fire department were communicating with Fulton County the whole time. He credits the Fire Chief and staff for good accounting who developed a good relationship with the people who are actually going to pay the bills. He gives them a lot of credit for staying focused on this issue.

Mayor Paul said there was a great deal of conversation between the mayors, the Commission, staff and County Manager. Good things came about; the Fulton County Commission has agreed to meet with the mayors monthly. We want to get back to the way things were a few years back when we were working on

the TSPLOST, when there was a great working relationship. We want to get back the level of communications between the County and the cities that we have enjoyed in the past. This has forced the County to come back to the table and agree to spend more time working on common problems.

Council Member DeJulio stated that since spending more than \$4.5M, do we know how much was spent on this pandemic. We anticipated that of the \$104M, 70% was going to the cities and approximately 30%. This looks like there is approximately 24% going to the cities and the other 76% is going to the county. Do we have any idea what the county is doing with this money? Are they using it for COVID relief or are they just using it for other budgetary items?

City Manager Surratt stated that the City has spent well over \$5.5M, even just in the short number of months that we have been calculating. If we continue to submit those funds, it could be even more than that, in salaries. In addition, requests from the community that are COVID related requests for some of our partners in the non-profit world. In putting all those pieces together, it is certainly more than \$4.5M.

Mayor Paul stated that Fulton County has shared with the mayors a spreadsheet and he will be happy to get that out to Council. There have been some monies that have been spent in Sandy Springs on testing, the Community Assistance Center has gotten a direct allocation from Fulton County, and some of the monies have been spent on testing and protective gear for our first responders. We have a line item accounting but we do not have a full breakdown yet, of each kind of item that has been covered by this. We have been assured by the County Manager, by our members on the Commission, by the Chairman that everything that the County has spent was spent on behalf of the citizens of Fulton County, and they say accurately that their constituents are our constituents.

Council Member DeJulio stated that based upon previous things that have gone on within Fulton County; he finds he needs to question where this money has been spent and how it has been spent; especially since the City of Atlanta got their own allocation. Yet, Fulton County spent money with the City of Atlanta. Is there any chance that at some point in time, we are going to get some additional funds above this \$4.5M? It sounds like this is 'business as usual' in Fulton County.

Mayor Paul stated that we are not likely to receive further money. Paul said that Congress is considering another round of C.A.R.E.S. funding but unlike previous rounds of funding there is no new money in the proposals that are there today for additional monies for state and local governments. This money was allocated to the state and the governor made the allocations based on the guidelines that came along with it from Washington. He treated Fulton County just as if he treated every other county in the state particularly, the large metro counties. It was designed for the counties and the cities to work out a split, most of the counties worked out a more equitable division of the funds. That was not possible for Fulton County. We have been promised that we will get a full detailed accounting of where all those monies were spent. We have received a general accounting right now, but we do not have all the details. As we all know, the devil is in the details. There have been precedents for this kind of behavior in the past.

Council Member Bauman reconfirmed that the amount spent by the City of Sandy Springs includes the allocations that Council made previously to our non-profit partners, is that correct. Upon reading the agenda, it was my sense that staff anticipated that we were going to get to this number, are you saying that we have already spent well in excess of this number? He went on to point out that, the initial bid was that there was to be \$2.9M to be shared by the 13 cities in the County, which was insulting. This \$4.5M is not something that relates to what we have spent, it is simply an allocation based on population percentages. The shame here; he wants to see the detailed accounting from Fulton County but also our own accounting, at an appropriate time, updated at some future meeting, that shows with some granular detail what our City is spending and what Fulton County claims to have spent. Of this \$104 million, our hands have been tied

as it relates to this money for small business relief, which is sad. We will do what we must do. Bauman is glad that we were never going to settle for the \$2.9M allocation; if this is what we can get, this is what we can get. He stated he is disappointed that this is the one bite of the apple of that \$104M.

City Manager Surratt confirmed that yes; the City has spent over the \$4.5M. She further responded to Council Member Bauman stating that if you add up all the categories of expenditures, our dollars have already exceeded \$4.5M. Staff is requesting a full reimbursement of all monies spent.

Council Member Burnett in reference to other counties, is there a general pattern with those counties of what percentage of their allocation is being distributed to their cities?

Mayor Paul stated that it has been significantly higher. Paul does not think that any county has given their cities the 70% - 30%-anticipated split. Every county is different; DeKalb County has large swatches of unincorporated areas, like Cobb, and Gwinnett. The differences in Fulton County is it is 99% municipalized. The County does have, as the City Attorney has pointed out to us on several occasions, has responsibility in the State Constitution for public health, so we understood that they needed money for other expenses. As Council Member DeJulio's math skills were right on, you have the percentages. There are still a lot of conversations going on out there, in various locations; this is the lowest allocation that he is aware of to the municipalities from the county among those metro counties that had to figure out how to allocate those funds. It is ironic, given the almost total municipalize of Fulton County today. We are going to get what we can, to reimburse ourselves for monies that we did not anticipate spending in the best interest of our citizens and the community. There are other issues that Chief Sanders has related, concerns about our ambulance service and the extra costs encountered dealing with the virus. There are no real funds to make them whole on some of their costs. We are going to make this money stretch as far as we can while still responding to our citizens who have been affected by this virus..

Motion and Vote: Council Member Paulson moved to adopt agenda item 2020-253, Consideration of a Resolution to Approve an Intergovernmental Agreement (IGA) between Fulton County and the City of Sandy Springs for the C.A.R.E.S. Act Municipal Reimbursement Program. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried with a vote of 5-1, Council Member DeJulio voting No.

Mayor Paul instructed the City Manager to transmit the approval of this Resolution to the County Manager of Fulton County tomorrow that will begin the process moving forward.

RESOLUTION NO. 2020-10-117

- G. 2020-254** Request Mayor and City Council Consideration of Approval of a Contract to Demolish eleven (11) Properties along Hammond Drive

Dave Wells, Deputy City Manager presented this project to include the demolition of 11 Properties along the Hammond Drive area; this is part of the TS193 Roadway Widening project. The Initiation to Bid was advertised on August 12; the bids were received on September 10. Due to the lowest bidder having a project scheduling issue, the City moved to the second lowest bidder: Complete Demolition Services. Based upon their review of the bids, staff recommends the contract award to Complete Demolition Services for the amount of \$185,650.00, pending approval of City of Sandy Springs Legal and Finance Departments.

Motion and Vote: Council Member Burnett moved to adopt agenda item 2020-254, Consideration of Approval of a Contract to demolish eleven (11) properties along Hammond Drive. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

Council Member Burnett asked Deputy City Manager Wells to display the map of the properties that we are demolishing. He asked that back when we acquired these properties, did we at that time, have a good feeling that the cost to renovate these would exceed a reasonable number and therefore, these would not make good Public Safety housing facilities? If these house were in better condition, is there enough demand from our officers that we could have potentially used all of these or do we have more supply than demand. He further stated that it pains him to tear down houses, because it is going to be years before we utilize this land. This project is years in the future. For example, the house that is at 6020 Glenridge Drive, which is right on the pin corner of Glenridge. He has seen that house; certainly, from the outside it looks fine.

Deputy City Manager Wells responded that part of the due diligence is to do a home inspection. The report provided will include a cost analysis of what it is going to cost to repair the house and place a Public Safety officer in the space. Currently, we have four (4) rentals along that corridor. There are five (5) properties on Kayron; 6017 Kayron had numerous sinkholes causing flooding into that house, staff moved a Public Safety officer out of that house into another house. The rest of the homes were not livable within the means of the guidance of \$15,000 to spend on a house to get a Public Safety officer in there. None of these eleven (11) properties meets that criterion. He stated that there is probably there are Public Safety officers that would like to have a house along this corridor. 6020 Glenridge Drive had not been lived in in numerous years and inside was bad.

Council Member DeJulio questioned if we allocated extra money to these homes. He knows that we put a limit of \$15,000.00 on rehabbing the house. Would it help if we went up, say \$5,000.00 on each house? Would we be able to keep more housing for our police and fire officers?

Deputy City Manager Wells stated that staff could probably save a couple of them. There are mold issues in them and the mechanical is outdated. A lot of these were rentals by rooms; they are in bad condition. We could, if that is the desire of Council, look at that; increase the limit and see how many we could save. Not all of these would fit into that category.

Council Member Burnett went on to state, along the lines of Council Member DeJulio's thinking, given how long it is going to take to develop this corridor; if we could get 10 years for another \$5,000-\$10,000 a house; if we could get 10 years of housing. We have talked about how important it is for our officers to live in the community where they serve, that is probably a good investment. If we were going to do this road in the next 2-3 years, it would not be a good investment. Unless, he is wrong, it seems we are a decade away from this project, we might want to look at that and see if we could save some of these houses by putting little more money into them. Given how important it is for us to have our officers in our community, it is certainly a consideration.

Mayor Paul stated that we are anticipating in the TSPLOST, which will probably be voted on in the next 12-18 months, we would include this in there. Nevertheless, we are still talking at least 5 years, maybe not a decade. He further stated there are some others that we are not tearing down; he believes that none of these is salvageable. He went on to say that of these eleven (11), it is clear that they are not candidates for the program. If approved, we will go ahead and tear these down. We will look at those and see if we can figure out how to make that work.

Council Member DeJulio commented that he would second Council Member Burnett's thoughts; we really should look into this rather than outright tearing these all down.

Council Member Paulson stated that he has done this with several houses, even his own house. The problem with hold houses is that we are all aware you begin chasing some of these problems, especially

mold; you could chase your tail, spent \$10,000 and only get half way done and realize you have another \$10,000. Let us look at the others, but unless we have hard estimates on what it is going to take to make it livable, he is not a fan of chasing these.

Council Member Bauman stated that he has a lot of confidence in Deputy City Manager Wells that if we had houses there were close to that threshold, you would have brought that information to our attention, correct. He is very proud that we are doing the program of allowing police and fire officers are able to rent homes in the community. He wanted to point out that in this bid, there are many bids; this is as many as we have seen. This shows the value of the competitive bidding process. He wanted to point that out; but in looking at that range of prices, we are getting value for our money because many of these bids are higher.

Mayor Paul stated that there is one more property that he would love to see added to this, that is where a couple of billboards actually resided until a week or so ago.

RESOLUTION NO. 2020-10-118

X. REPORTS

A. 2020-255 Mayor and Council Report

Mayor Paul announced Deputy City Clerk presiding tonight, helping to manage this agenda, and the reason is that Clerk just had her baby. Raquel delivered a fine baby boy about a week ago; mother and son are resting comfortably. The family is excited about the new addition and we are delighted for Raquel and her family. Lia is doing a great job in her stead and will be our Interim City Clerk while Raquel is out for maternity leave.

In addition, the major national holiday Halloween is coming up soon. There are many kids nervously awaiting what is going to happen on Halloween. Next to Christmas, it may be the kid's greatest day of the year. With the COVID Pandemic, we are getting questions about it. We are not going to either outlaw or endorse Halloween. We are going to leave it up to each homeowner association to figure what to do in their neighborhood; parents are fully capable of figuring out how they want to work with their children. We are going to do some things to help those families who want to do Halloween, but not turn their kids miss the street, some neighbors that might be a little nervous about opening their doors on Halloween. The City staff has worked hard to come up with some alternatives, so on October 31, 2020, a Saturday, it also coincides with the Sandy Springs Farmer's Market, which is open from 9:00 am to 1:00 pm. We are going to have a Halloween themed day. We will decorate the City Green; have photo ops for the families and their young costumed characters to visit at their leisure. Families wishing to Trick or Treat during certain times that we have set up. Each of the vendors will have candy. We will provide that so that the kids can go point to point and still, if they do not go out in their neighborhood, then they will have an opportunity to turn the Halloweeners lose at the City Green. We are going to divide it up by age group, from 9:30 to 10:00 am; children up to 2 years old will be active at the Farmer's Market. Between 11:00 am to 11:30 am, children 3 to 5 years; noon to 12:30 pm, children 5 to 7. Families that have kids across the multiple age groups, we are just trying to make sure that we keep kids about the same age together. If you have a two, three and five year old, come spend a day at the Farmer's Market and make sure your kids enjoy that. All the CDC guidelines will be observed, so we are going to do it as safe as we possibly can. The CDC has issued guidelines for Halloween. We will be providing some information online and brochures that staff will pass out to the community. Families who want to go Trick or Treating or families who will receive Trick or Treaters at their homes will know how to do that safely. Information will be provided on our website.

Regular Session of the City of Sandy Springs City Council

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Council Member Reichel wanted to mention to everyone about the Let's Do Lunch campaign. Go out and support our local restaurants during this difficult time.

B. 2020-256 Staff Reports

City Manager Surratt reported that the October 20th City Council meeting will be held in-person. The audience can still watch a streaming version, but we will be in Council chambers for that meeting. Then, she will be happy to bring back a full accounting of our COVID-related expenditures at the November 3rd City Council meeting. This will give our staff additional time to add any expenditures in the month of October, which is when some of our non-profit partners had been interested to join the list of funding requests.

XI. EXECUTIVE SESSION

A. 2020-257 Real Estate & Personnel

Motion and Vote: Council Member Paulson moved to suspend Regular order and enter into Executive Session for the purposes of discussing real estate and litigation. Council Member Burnett seconded. Mayor Paul called for a roll call vote. The motion carried unanimously. Executive Session began: 7:11 p.m.

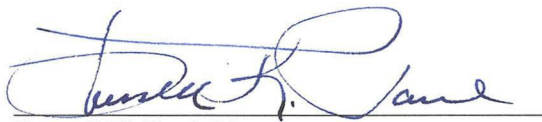
Motion and Vote: Council Member Paulson moved adjourn Executive Session and return to the Regular Session. Council Member Soteres seconded. Mayor Paul called for a roll call vote. The motion carried unanimously. Executive Session adjourned at 9:17 p.m.

XII. ADJOURNMENT

Motion and Vote: Council Member Bauman moved adjourn the meeting. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

The meeting adjourned at 9:18 p.m.

Dated approved: October 20, 2020.


Russell K. Paul, Mayor


Lia Jones, Interim City Clerk