

Regular Session Meeting of the Sandy Springs City Council was held on Tuesday, November 17, 2020 at 6:43 p.m., Mayor Rusty Paul presiding.

I. CALL TO ORDER

Mayor Rusty Paul called the meeting to order at 6:43 p.m.

II. ROLL CALL AND GENERAL ANNOUNCEMENTS

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

Mayor Rusty Paul – present.

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

Council Member Steve Soteres – **absent**.

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

IV. PUBLIC COMMENT

There were no public comment cards received for the Tuesday, November 17, 2020 City Council meeting.

V. APPROVAL OF THE AGENDA

Motion and Vote: Council Member DeJulio moved that the meeting agenda be approved for Tuesday, November 17, 2020. Council Member Reichel seconded. The motion carried unanimously (5-0).

VI. CONSENT AGENDA

- A. 2020-289** Meeting Minutes
November 3, 2020 City Council Work Session
November 3, 2020 City Council Regular Meeting Minutes
November 10, 2020 City Council Special Called Meeting Minutes
- B. 2020-290** Request for Mayor and City Council Consideration of Acceptance of a Right of Way Deed and Temporary Construction Easement on Property Located in Land Lot 205 of the 17th District, City of Sandy Springs, Fulton County, Georgia

RESOLUTION NO. 2020-11-138

- C. 2020-291** Request for Mayor and City Council Consideration of Acceptance of a Real Estate Agreement for a Permanent Drainage Easement and Temporary Construction Easement Located on Land Lot 15 of the 17th District, City of Sandy Springs, Fulton County, Georgia

RESOLUTION NO. 2020-11-139

Motion and Vote: Council Member Reichel moved that the consent agenda be approved for Tuesday, November 17, 2020. Council Member Burnett seconded. The motion carried unanimously (5-0).

VIII. Public Hearing

A. 2020-292 Request for Adoption of the Amendment to the 2020 CDBG Annual Action Plan

Madalyn Smith, Planner, Community Development presented the Amendment to the 2020 Action Plan. The Action Plan is a document required by HUD which guides how CDBG funding will be spent during the program year. The 2020 Action Plan was previously adopted in May, 2020, however, since then the City has received an additional \$630K called the CDBG-CV3 grant. In order to utilize this funding it must be added to the Annual Action Plan. Staff is not proposing that the money be used differently, this is simply updating the dollar amounts in the Action Plan. As presented, the funds would be used to aid local non-profits in their COVID-19 Pandemic response, as was done with the previous CDBG-CV1 grant. A draft of the Action Plan was made available for public comment and no public comments were received.

There being no public comment, Mayor Paul closed the public comment period.

Motion and Vote: Council Member Paulson moved to adopt and approve agenda item 2020-292, Adoption of the Amendment to the 2020 CDBG Annual Action Plan. Council Member Reichel seconded. The motion carried unanimously (5-0).

RESOLUTION NO. 2020-11-140

I. New Business

A. 2020-293 Request for Mayor and City Council Consideration of a Resolution to Award Grant Funds as part of the CDBG-CV3 Grant Received by the City of Sandy Springs from the U.S. Department of Housing and Urban Development for COVID-19 Pandemic Response; to Authorize the Preparation of Contracts Setting the Terms and Conditions for the Granting of Such Funds; and to Authorize the City Manager to Execute Aforementioned Contracts

Madalyn Smith, Planner, Community Development presented that with CDBG-CV1 grant, the City distributed approximately \$380K to three local non-profits: . Community Assistance Center (CAC), Los Niños Primero, and the Sandy Springs Mission. The non-profits were identified through a procurement process. With the additional CDBG-CV3 grant of \$630K, staff recommends the City distribute these funds among the three previously identified local non-profits so they can continue their work in providing rental assistance and educational assistance.

Mayor Paul stated the CAC is doing a phenomenal job with these funds. Their biggest need right now is rental assistance. There are a lot of people bringing food and supplies. With the funding they have been able to prevent a lot of people being forced out of the homes in Sandy Springs.

Council Member Reichel asked if this was being divided equally or by the needs?

Madalyn Smith stated that it is not being divided equally. Each non-profit submitted a proposal for a certain amount of funding.

Motion and Vote: Council Member Reichel moved to adopt and approve agenda item 2020-293, Award Grant Funds as part of the CDBG-CV3 Grant Received by the City of Sandy Springs from the U.S. Department of Housing and Urban Development for COVID-19 Pandemic Response; to Authorize the Preparation of Contracts Setting the Terms and Conditions for the Granting of Such Funds; and to Authorize

the City Manager to Execute Aforementioned Contracts. Council Member Paulson seconded. The motion carried unanimously (5-0).

RESOLUTION NO. 2020-11-141

B. 2020-294 Request for Mayor and City Council Consideration of a Budget Amendment to Allocate Funds for Additional COVID-19 Pandemic Relief

Andrea Surratt, City Manager presented a request and recommendation to support a program and a recommendation for a budget amendment to allocate \$1.5M for COVIC Pandemic Relief in the form of three opportunities: non-profit assistance, small business assistance, and COVID related marketing funding for Visit Sandy Springs. The City received a share of CARES Act funding from Fulton County, totaling \$4.56M. In essence, Fulton County CARES Act funds will supplant the City's COVID related eligible expenditures and the City wishes to use the excess to support COVID-related expenditures out into the Sandy Springs community, as a partial source of that funding. Visit Sandy Springs is the first requests an allocation of \$80K that to be used to support a marketing campaign that attract visitors and promote safety and safe travel to Sandy Springs. Next, staff proposes a \$220K allocation to support non-profits serving Sandy Springs. Funds would be allocated through a competitive process. Staff would return to Council requesting approval of each award. Finally, \$1.2M to support small business relief. This would include an application process and a review panel. This would be relatively small amounts of funding that could go to small businesses to offset regular operating revenues where they have been hurt by the Pandemic. The proposed program recognizes businesses in three different tiers based on the total number of employees reported on the business' W3 Summary or IRS Form 941 prior to Feb. 15, 2020. Eligibility will be verified via the submitted W-9 and/ or W-3 tax summary. Tier 1: 1 employee or single proprietor. Tier 2: 2-10 employees. Tier 3: 11-99 employees. Eligible uses include funds for working capital; machinery and equipment; payroll expenses; healthcare benefits; contract labor; supplier payments; rents, leases, or mortgage payments for real property used for business purposes; rent, lease or purchase payments for business property; utility payments for business properties; cost of critical business operations; and personal protective equipment (PPE), sanitation supplies and equipment. The eligibility requirements are as follows: 1. Must have current City of Sandy Springs business license as of March 1, 2019. 2. Can demonstrate business interruption as a result of the COVID-19 pandemic. 3. Must certify on the application that use the grant funds will only be used for authorized business expenses. 4. Plan to resume normal operations after emergency guidelines are lifted. 5. Shall cooperate with appropriate officials for grant auditing purposes. 6. Business can demonstrate ongoing business operations a minimum of 1 year prior to March 1, 2020. 7. No owner, officer, partner, or principal actor of the business has a felony conviction for financial mismanagement within the last three years for which he or she is still serving a sentence (including prison, parole, and probation). 8. Ineligible businesses include: gambling institutions, multi-level marketing organizations, real estate investment trusts, and adult entertainment, per CARES Act legislation. 9. Business is NOT publicly traded, partially owned by a hedge fund, or a corporate-owned franchise. 10. Business does not have any current city, county, state or federal tax liens. 11. Business does not have any current unpaid code enforcement liens and is not operating in violation of any state, federal or local laws. 12. Business does not have to be a member of the Sandy Springs Perimeter Chamber. 13. Commit to recommended COVID-19 Safety Guidelines. Being able to submit an application and documentation as follows: 1. Completed W-9 form for business, DBA, Tax ID Number (or Social Security Number for sole proprietor), and Mailing Address for Grant Check must match entries in General Information section. 2. Valid state issued photo ID. 3. Receipts and/or invoices for expenses meeting eligible reimbursable COVID-19 expenses. 4. 2019 Profit and Loss Statement. 5. April 2020 Profit and Loss Statement. 6. Signed and executed Small Business Grant program application. 7. Copy of City of Sandy Springs business license. 8. For businesses with 2 to 499 employees, W3 Summary or IRS Form 941 prior to Feb. 15, 2020. 9. Itemized Summary of eligible reimbursable COVID-19 expenses. The dollars amounts are: up to \$5K for Tier 1; up to \$10K for Tier 2; and, up to \$15K for Tier 3.

Motion and Second: Council Member Burnett moved to adopt and approve agenda item 2020-294, Budget Amendment to Allocate Funds for Additional COVID-19 Pandemic Relief, and to amend the proposed business relief grant program to require a September 30, 2020 Profit of Loss Statement. Council Member Reichel seconded.

Council Member Chris Burnett stated an April 2020 Profit and Loss Statement would provide much history because COVID would only be 30 days old. An August 31, 2020 or September 30, 2020 may provide more information.

Council Member Tibby DeJulio stated the size of business awards may not keep any businesses in business.

City Manager Surratt stated the highest tier would be for those businesses with 11 to 99 employees. The PPP program met a need that the City cannot do with the small amount of funding, but there could be some things they could benefit from with this funding.

Assistant City Manager Kristen Smith stated that these are grants, not forgivable loans, and the City will have auditing rights.

Council Member Burnett stated this is just a small band aid to get to that next round of PPP. It might help with some rent payments for some of our smaller businesses.

Mayor Rusty Paul stated the hotels/motels are cutting people and we could face some closures. To the extent that we can drive whatever people that are traveling to those hotels / motels would be a real benefit.

City Attorney Dan Lee stated the Gratuities Clause of the GA Constitution prohibits gifting of money and this proposal would require a quid pro quo from the recipient to include that they would have to maintain those provisions of the grant in order to receive the money or would have to pay it back, even though it is not called a forgivable loan. But, there is a return that the City must get, including the economic development, and the retention of employment. Just like the State grant to the City has been.

Vote on the Motion: The motion carried unanimously (5-0).

ORDINANCE NO. 2020-11-24

- C. 2020-295** Request for Mayor and City Council Consideration of a Resolution to Amend the 2017 Revised Service Agreement with Keep North Fulton Beautiful

Catherine Mercier-Baggett, Sustainability Manager presented the amendment to the agreement that we have in place with Keep North Fulton Beautiful, dated December 7, 2017. The amendment is simply to reflect the latest budget amount that is allocated for Compensation, and we are also updating the language Standard of Performance, Indemnification and Notices. The original contract was for \$65K, and the amendment reflects a \$30K increase to \$95K, which Council has approved each year beginning two years ago. The \$30K increase is to cover the cost of health insurance for employees.

Motion and Vote: Council Member Paulson moved to adopt and approve agenda item 2020-295, Resolution to Amend the 2017 Revised Service Agreement with Keep North Fulton Beautiful. Council Member Reichel seconded. The motion carried unanimously (5-0).

RESOLUTION NO. 2020-11-142

- D. 2020-296** Request for Mayor and City Council Consideration of a Resolution to Execute an Agreement with the Georgia Environmental Protection Division for the Local Government Scrap Tire Abatement Reimbursement Program

Catherine Mercier-Baggett, Sustainability Manager stated that the following two items are interrelated. In August, Council authorized staff to file an application for a reimbursement program with the EPD to collect and properly dispose of used tires. This is a program that would be a no cost at all to the City; it would allow us to collect approximately 500 tires.

Motion and Vote: Council Member Reichel moved to adopt and approve agenda item 2020-296, Resolution to Execute an Agreement with the Georgia Environmental Protection Division for the Local Government Scrap Tire Abatement Reimbursement Program. Council Member Burnett seconded. The motion carried unanimously (5-0).

RESOLUTION NO. 2020-11-143

- E. 2020-297** Request for Mayor and City Council Consideration of a Resolution to Enter into a Service Agreement with Keep North Fulton Beautiful for the Local Scrap Tire Abatement Reimbursement Program

Catherine Mercier-Baggett, Sustainability Manager presented the Service Agreement with KNFB specific for the Scrap Tire Event. This will allow KNFB to organize and hold the scrap tire event, which is planned for January, 2021. KNFB would pay the expenses, the City would reimburse them, turn around and provide the invoices to EPD and seek reimbursement. Per EPD's regulations, only individuals can participate and not businesses.

Motion and Vote: Council Member Paulson moved to adopt and approve agenda item 2020-297, Resolution to Enter into a Service Agreement with Keep North Fulton Beautiful for the Local Scrap Tire Abatement Reimbursement Program. Council Member Reichel seconded. The motion carried unanimously (5-0).

RESOLUTION NO. 2020-11-144

- F. 2020-298** Request for Mayor and City Council Consideration of Acceptance of a Real Estate Agreement for a Temporary Easement on Property Located in Land Lot 93 of the 17th District (4868 Long Island Drive), City of Sandy Springs

Marty Martin, Director of Public Works stated that in advancement of the Long Island Drive Stormwater Project, the City is seeking a temporary easement at 4868 Long Island Drive, Sandy Springs. The City's appraiser determined a fair market value for the land interest on this property for the temporary easement at a value of \$2,800.00. The appraiser did not provide a recommendation on the restoration of the loss of tree cover landscape at this property. In this case, the property owner, through quotes obtained from a landscaper, provided staff with a landscaping quote of \$3,544.00 to cure the vegetation loss incurred by the granting of the temporary easement. The total of the proposed temporary easement amount, the fair market value of the land interest, plus the landscape restoration totals \$6,344.00.

Motion and Vote: Council Member Bauman moved to adopt and approve agenda item 2020-298, Acceptance of a Real Estate Agreement for a Temporary Easement on Property Located in Land Lot 93 of the 17th District (4868 Long Island Drive), City of Sandy Springs. Council Member Reichel seconded. The motion carried unanimously (5-0).

RESOLUTION NO. 2020-11- 145

- G. 2020-299** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Donate Right of Way and Temporary Construction Easement on Property Located in Land Lot 383 of the 6th District (940 Dunwoody Club Drive), City of Sandy Springs, Fulton County, Georgia

Marty Martin, Director of Public Works stated that the real estate agreement is in support of Project TS-169, Dunwoody Club Drive Sidewalk Project. This location is 940 Dunwoody Club Drive. The City's appraiser came up with a total appraised value of \$16,700.00, to include cost-to-cure compensations for loss and impacts to landscaping for the parcel. While the property owner took exception with the cost-to-cure elements in the appraiser's estimate, instead countering with a total value of \$26K in ROW, real estate, restoration costs; the property owner did agree with fair compensation for landscaping to donate the ROW required for the project. The City's negotiations have ended up at the amount of \$20K to restore landscaping; in exchange, they also offer a donation of property to build the sidewalk project.

Council Member John Paulson stated once this is complete, a person can go from the fire station at Roberts and Spalding all the way down as far as Dunwoody Village with a sidewalk.

Motion and Vote: Council Member Paulson moved to adopt and approve agenda item 2020-299, Acceptance of an Agreement to Donate Right of Way and Temporary Construction Easement on Property Located in Land Lot 383 of the 6th District (940 Dunwoody Club Drive), City of Sandy Springs, Fulton County, Georgia. Council Member DeJulio seconded. The motion carried unanimously (5-0).

RESOLUTION NO. 2020-11- 146

- H. 2020-300** Request for Mayor and City Council Consideration of a Acceptance of a Real Estate Agreement of a Permanent Drainage Easement on Property Located in Land Lot 66 of the 17th District (4632 Dalmer Road), City of Sandy Springs

Marty Martin, Director of Public Works stated the donation of a Permanent Drainage Easement at 4632 Dalmer Road allows the City to perform necessary stormwater repairs at the location, in conjunction with necessary storm drainage on Windsor Parkway. The property is located at the corner of Windsor and Dalmer. The property owner agrees to donate the Permanent Drainage Easement required for the project, but have requested the cost-to-cure for the cost to relocate the established fence line and irrigation system within the residential property. Staff has negotiated a settlement with the property owner of \$9,735.00.

Council Member DeJulio stated there has been flooding problems in the area. The more we can do to get the necessary drainage easements and get this flooding problem fixed, the better off everyone will be.

Motion and Vote: Council Member DeJulio moved to adopt and approve agenda item 2020-300, Acceptance of a Real Estate Agreement of a Permanent Drainage Easement on Property Located in Land Lot 66 of the 17th District (4632 Dalmer Road), City of Sandy Springs. Council Member Paulson seconded. The motion carried unanimously (5-0).

RESOLUTION NO. 2020-11- 147

- I. 2020-301** Request for Mayor and City Council Consideration of a Resolution to Approve Project Specific Agreements with the PATH Foundation for Design and Engineering Services for Trail Master Plan Segment 2A

Michael Perry, Director of Recreation and Parks stated following October 2019 approval of the Trails Master Plan, Council awarded a contract with the PATH Foundation for a Master Agreement for Trail Design and Construction Management. Subsequent to that, staff has worked with Sandy Springs Conservancy and others to identify the most strategic and feasible sections of the Trails Master Plan as referenced in the Plan's Implementation Schedule. A committee has been meeting with all the affected agencies and stakeholders, including GA Power, the ARC, Riverkeepers, Fulton County Water and Sewer and the County's land management department, toward moving us all forward with Segment 2A of the Trails Master Plan. This segment will begin at Overlook Park, go down Morgan Falls Road through the dog park and river access there, through a small portion of Fulton County's property at that pump, heading eastward through Bridge properties' parcel, connecting around Orkin Lake and along Cimarron Parkway, and terminating at Roswell Road. This Trail segment will be approximately 1.9 miles.

Motion and Vote: Council Member Bauman moved to adopt and approve agenda item 2020-301, Resolution to Approve Project Specific Agreements with the PATH Foundation for Design and Engineering Services for Trail Master Plan Segment 2A. Council Member DeJulio seconded. The motion carried unanimously (5-0).

RESOLUTION NO. 2020-11- 148

- J. 2020-302** Request for Mayor and City Council Consideration of a Resolution Appointing a Member (Ed Ukaonu) to the City of Sandy Springs Development Authority

Mayor Rusty Paul stated Mr. Ed Ukaonu is a great member of our community, very active in a number of different organizations, such as the Chamber and Leadership Sandy Springs.

Council Member Burnett stated this is an excellent choice. What is so great about it is that it is adding diversity to our leadership base.

Motion and Vote: Council Member Burnett moved to adopt and approve agenda item 2020-302, Resolution Appointing a Member (Ed Ukaonu) to the City of Sandy Springs Development Authority. Council Member Paulson seconded. The motion carried unanimously (5-0).

RESOLUTION NO. 2020-11- 149

- K. 2020-303** Request for Mayor and City Council Consideration of an Ordinance to Amend Chapter 6 of the Sandy Springs Code of Ordinances So As to Permit Home Delivery of Alcohol by an Authorized Package Retailer Which Also Sell Alcohol for Consumption on the Premises

City Attorney Dan Lee presented the proposed ordinance amendment. In 2020, the Georgia General Assembly approved the ability for local governments to opt out of the allowance for the delivery of Distilled Spirits, Malt Beverages and Wine. This ordinance would allow those establishments in Sandy Springs that have a package license and all restaurants that have a pouring license and a package license to deliver within Sandy Springs. The seller is responsible determine if purchases are of age. The state law requires that the deliverer must be 21 years of age. The proposed code amendment is a permanent change. Delivering establishments must a consumption license on premises and a package license. If approved, the code amendment will take effect as soon as it is signed by the Mayor.

Motion and Vote: Council Member Paulson moved to adopt and approve agenda item 2020-303, Ordinance to Amend Chapter 6 of the Sandy Springs Code of Ordinances So As to Permit Home Delivery of Alcohol by an Authorized Package Retailer Which Also Sell Alcohol for Consumption on the Premises. Council Member Reichel seconded. The motion carried unanimously (5-0).

ORDINANCE NO. 2020-11- 22

- L. 2020-304** Request for Mayor and City Council Consideration of an Ordinance to Amend the City's Code of Ordinances to Extend the Hours for Sunday Package Sales of Malt Beverages, Wine and Distilled Spirits

City Attorney Dan Lee stated Sandy Springs currently allows Sunday packages sales beginning at 11:30 a.m. Legislation passed during this passed meeting of the Georgia General Assembly, allows local governments to begin Sunday sales at 11:00 a.m., if approved by local ordinance.

Motion and Vote: Council Member Reichel moved to adopt and approve agenda item 2020-304, Ordinance to Amend the City's Code of Ordinances to Extend the Hours for Sunday Package Sales of Malt Beverages, Wine and Distilled Spirits. Council Member DeJulio seconded. The motion carried unanimously (5-0).

ORDINANCE NO. 2020-11- 23

X. REPORTS

- A. 2020-305** Mayor and Council Report

Mayor Rusty Paul reported on his visits to the three non-profit programs that received funding through the City's CDBG-CV1 grant program. They do good work in our community. The CAC reported that they serve about 60-70 families per day with food help. The biggest demand is rent assistance. The assistance the City has provided has been able to keep families current on their rents. This is truly a community-wide effort. Los Niños Primero is doing good work from an education point of view. He will visit Sandy Springs Mission at a later time. Others, like Solidarity Sandy Springs, will be eligible to compete for some of the funds that Council authorized. Next, we seem to have made great progress with the vaccine. The City has a vaccination plan that we are working on to assist once the vaccine is available. Staff has been working diligently within the fire department on a plan to be able to get inoculations done as soon as the vaccine is available. Some of the vaccines have to be kept under very strict conditions, cold storage. They are working to make sure we can provide vaccinations to as many people in Sandy Springs as we can possibly reach, as quickly and efficiently and effectively as we can.

Council Member Reichel recognized former Gabriel Sterling for his job well done at the Georgia Secretary of State office and wished him a happy birthday.

Mayor Paul stated that Mr. Sterling is a member of Sandy Springs community. There is nothing about the electoral system and process that he has not studied. He has done phenomenal work under very, very difficult circumstances.

Council Member Andy Bauman stated Mr. Sterling did a great job and is a straight shooter. The Georgia election would not have happened without thousands of unsung hero volunteers. It is what makes our democracy great and what separates us from so much of the world, this ability to go peacefully cast a vote. A big thanks to everyone who has been a part of this.

Mayor Paul stated he has total confidence in Gabriel Sterling and what was done with the election and the vote totals. Literally thousands of Georgians are committed to making sure our democracy works.

Council Member Chris Burnett stated that Georgia has been voted the number one state in America to do business for the eighth consecutive year. Georgia is also the lowest in US unemployment of the larger states.

B. 2020-306 Staff Reports

2020-307 1. September 2020 Unaudited Financials
Presented by Andrea Surratt, City Manager

City Manager Andrea Surratt began her the September 2020 Unaudited Financials presentation by recognizing Ms. Toni Jo Howard, the new Finance Director. The City is 25% into the year. Department budgets are under or right at the percentage of what they need to be in terms of expenditures. The COVID affected revenues are up slightly. Expenditures are down. Of the entire City budget, we are experiencing good, strong revenues coming in with the exception of a few items. Hotel/Motel is the most significantly impacted so far. In terms of our expenditures, the City is continuing to have COVID-related expenditures, and the City has been getting reimbursed. In terms of COVID-revenue, we right-sized the budget for what we did not know how to prepare for, which is this COVID experience. So, we are practicing those good policies of holding off on filling staff positions and keeping our budget very tight. There is some ability for us to do a mid-year review and we will be bringing that to you for consideration after the first of the year. Property taxes are coming in but they will have a bigger billing cycle later that will show up later. We are right on track with our building permits, which is a good indicator of the health of the local economy. In March, April and May of 2020, Local Option Sales Tax collection was much lower than practically everything else since 2017, but we have recovered nicely.

XI. EXECUTIVE SESSION

A. 2020-308 Litigation & Real Estate

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 DeJulio seconded. The motion carried unanimously (5-0). Executive Session began at **7:47 p.m.**

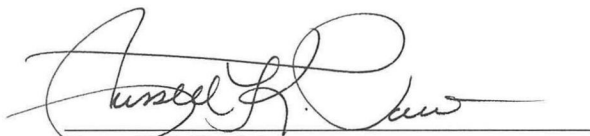
Motion and Vote: Council Member Paulson moved adjourn Executive Session and return to the Regular Session. Council Member DeJulio seconded. Mayor Paul called for a roll call vote at **8:36 p.m.**

XII. ADJOURNMENT

Motion and Vote: Council Member DeJulio moved adjourn the meeting. Council Member Paulson seconded. The motion carried unanimously (5-0).

There being no further business, the meeting adjourned at **8:36 p.m.**

Dated approved: December 1, 2020.


Russell K. Paul, Mayor


Raquel D. González, City Clerk

