

Regular Session Meeting of the Sandy Springs City Council was held on Tuesday, December 15, 2020 at 7:34 p.m., Mayor Rusty Paul presiding.

I. CALL TO ORDER

Mayor Rusty Paul called the meeting to order at 7:34 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 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

Three (3) public comment card were received for the Tuesday, December 15, 2020 City Council meeting. The public comments were attached to the meeting agenda and the meeting minutes.

V. APPROVAL OF THE AGENDA

Motion and Vote: Council Member DeJulio moved that the meeting agenda be approved for Tuesday, December 15, 2020. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

VI. CONSENT AGENDA

- A. 2020-324** Meeting Minutes
December 1, 2020 City Council Work Session
December 1, 2020 City Council Regular Meeting Minutes

Motion and Vote: Council Member Bauman moved that the consent agenda be approved for Tuesday, December 15, 2020. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

- B. 2020-325** Request for Mayor and City Council Consideration of Acceptance of a Temporary Driveway Easement Agreement on Property Located in Land Lot 15 of the 17th District (5170 Peachtree Dunwoody Road), City of Sandy Springs, Fulton County, Georgia

RESOLUTION NO. 2020-12-155

- C. 2020-326** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Real Estate on Property Located in Land Lot 383 of the 6th District (960 Fenimore), City of Sandy Springs, Fulton County, Georgia

RESOLUTION NO. 2020-12-156

- D. 2020-327** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Real Estate on Property Located in Land Lot 384 of the 18th District (7325 Roberts Drive), City of Sandy Springs, Fulton County, Georgia

RESOLUTION NO. 2020-12-157

- E. 2020-328** Request for Mayor and City Council Consideration of Acceptance of a Permanent Drainage Easement on Property Located in Land Lot 176 of the 17th District (5009 Jett Road), City of Sandy Springs, Fulton County, Georgia

RESOLUTION NO. 2020-12-158

VII. PRESENTATION – None.

VIII. PUBLIC HEARING

- A. 2020-329** ABL_72826 - Approval of Alcoholic Beverage License Application for Gadsden Market, LLC DBA Quick Shop, 156 Northwood Drive, Suite A, Sandy Springs, GA 30342. Applicant is Griselda Gonzaga for Retail/Package Malt Beverages.

Toni Jo Howard, Finance Director stated the application is for a change of ownership for the Retail/Package of Malt Beverages for Gadsden Market, LLC DBA Quick Shop at 156 Northwood Drive, Suite A, Sandy Springs, GA 30342, located on Northwood Drive behind the Center Ice Arena. The applicant, Griselda Gonzaga has met all the requirements and staff recommends approval.

There were no public comments. Mayor closed the public hearing.

Motion and Vote: Council Member Bauman moved to approve agenda item 2020-329, ABL_72826 - Approval of Alcoholic Beverage License Application for Gadsden Market, LLC DBA Quick Shop, 156 Northwood Drive, Suite A, Sandy Springs, GA 30342. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

- B. 2020-330** ABL_72553 - Approval of Alcoholic Beverage License Application for Apron & Ladle, LLC DBA Apron & Ladle, 227 Sandy Springs Place Suite #506, Sandy Springs, GA 30328. Applicant is Nikitas Panagopoulos for Consumption, Wine and Malt Beverages

Toni Jo Howard, Finance Director presented the new application for consumption on the premises for Wine and Malt Beverages for Apron & Ladle, LLC DBA Apron & Ladle, located at 227 Sandy Springs Place Suite #506, Sandy Springs, GA 30328. This is located between Hammond Drive NE and Sandy Springs Place NE. The applicant, Nikitas Panagopoulos has met all the requirements and staff recommends approval.

There were no public comments. Mayor closed the public hearing.

Motion and Vote: Council Member Burnett moved to approve agenda item 2020-330, ABL_72553 - Approval of Alcoholic Beverage License Application for Apron & Ladle, LLC DBA Apron & Ladle, 227

Sandy Springs Place Suite #506, Sandy Springs, GA 30328. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

- C. **2020-331** ALB_72626 - Approval of Alcoholic Beverage License Application for Paradise Lounge, LLC DBA Paradise Lounge, LLC, 4990 Roswell Rd NE, Sandy Springs, GA 30342. Applicant is Julius Anthony Bolton for Consumption of Wine, Malt Beverages and Distilled Spirits

Toni Jo Howard, Finance Director presented the application for consumption on the premises for Wine, Malt Beverages and Distilled Spirits for Paradise Lounge, LLC DBA Paradise Lounge, LLC, 4990 Roswell Rd NE, Sandy Springs, GA 30342. This is located between Spruell Springs Road and West Belle Isle Road NE. The applicant, Julius Anthony Bolton has met all the requirements and staff recommends approval.

There were no public comments. Mayor closed the public hearing.

Motion and Vote: Council Member Bauman moved to approve agenda item 2020-331, ALB_72626 - Approval of Alcoholic Beverage License Application for Paradise Lounge, LLC DBA Paradise Lounge, LLC, 4990 Roswell Rd NE, Sandy Springs, GA 30342. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

IX. NEW BUSINESS

- A. **2020-332** Request for Mayor and City Council Consideration of a Resolution to Approve a Contract Award to Conduct a Strategic Housing Action Plan and to Authorize the City Manager to Execute the Contract

Kristin Smith, Assistant City Manager stated at the October 20 and November 3 Work Sessions, Council was presented with updates on the Housing Needs Assessment. Presentations and information on the assessment are available on the City's website at <http://www.sandyspringsga.gov/city-services/urban-development/development-code-and-zoning-maps/housing-needs-assessment>. The assessment was conducted by HR&A Advisors, who was selected through a competitive solicitation process. Staff recommends approval of a contract award to HR&A to conduct a Strategic Housing Action Plan. This process will include several rounds of stakeholder engagement and will provide recommendations on housing tools and implementation strategies to meet Sandy Springs' specific needs and community priorities. It will include a process of defining the different categories and different levels of AMI because those will be targets for different policy recommendations that come from this plan. We anticipate this will be a 7-month process, beginning in January 2021. The total cost for the plan is \$132,500 which includes an allocation of up to \$7,500 in reimbursable travel expenses, if needed.

Motion and Vote: Council Member Reichel moved to approve agenda item 2020-332, Resolution to Approve a Contract Award to Conduct a Strategic Housing Action Plan and to authorize the City Manager to Execute the Contract. Council Member Soteres seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-12-159

- B. **2020-333** Request for Mayor and City Council Consideration of Approval of a Contract with Site Engineering, Inc. for 5759 Riverside Drive Drainage Improvement Project

Marty Martin, Director of Public Works stated the Riverside Drive Drainage Improvement project solves a chronic flooding problem at 5759 Riverside Drive. The project will replace a 24" corrugated pipe that no

longer flows water as well as associated catch basin structures. The bid was advertised on October 28, 2020. Bids were received on November 18, 2020 from Site Engineering, Blount Construction and Woodwind Construction. Site Engineering was the low bidder at \$144,559.40. The engineer's construction cost estimate was \$117,452.00, and Site Engineering compared favorably when reviewed against on-going stormwater construction projects. Staff recommends awarding this project to Site Engineering in the amount of \$144, 559.40.

Council Member Andy Bauman asked what is the scheduled start date and complete date, and will there be road closures or interruptions.

Director Martin replied if awarded in the next couple of weeks, then the contractor should mobilize right after the first of the year. Construction will take 60-70 days. Lane closures will be intermittent, but no road closures are planned at this time.

Motion and Vote: Council Member Bauman moved to approve agenda item 2020-333, approval of a contract with Site Engineering, Inc. for 5759 Riverside Drive Drainage Improvement Project. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-12-160

- C. 2020-334** Request for Mayor and City Council Consideration of Acceptance of an Agreement to Purchase Fee Simple Right of Way, Permanent Construction and Maintenance of Slopes Easement and Temporary Construction Easement on property that lies within Land Lot 204 of the 17th District (5350 Riverview Road NW)

Marty Martin, Director of Public Works stated the presented right-of-way acquisition is in support of Project TS-106, Northside Drive at Riverview Road - Old Powers Ferry Road Roundabout Project. The ROW requires Fee Simple ROW for 4,452 sq. ft., 4,138 sq. ft. of Permanent Construction and Maintenance of Slopes Easement and another 2,500 sq. ft. of Temporary Construction Easement on the property located at 5350 Riverview Road NW, immediately adjacent to Northside Drive. This project also includes soil nail walls, which is why the inclusion of Permanent Slope Maintenance Easement is required in the interest of supporting the soil nails. There is a fair market appraised value for the ROW of approximately \$98,400. The property owner provided an initial counter to City staff in the amount of \$140K, citing, among other things, potential for consequential damages which had quite a range to them in this particular appraisal. Staff was able to negotiate an amicable property settlement with the property owner of \$110,200, an approximate 11% increase over the original FMAV.

Council Member Andy Bauman stated that it is a significant purchase, but it also a challenging site. Are there any other properties that will need to be purchased? This particular property will be a huge benefit to this part of the City to get people safely down to the river.

Director Martin replied that there are a couple others to go. In this case, we will have pedestrian provisions on all corners.

Motion and Vote: Council Member Bauman moved to approve agenda item 2020-334, acceptance of an agreement to Purchase Fee Simple Right of Way, Permanent Construction and Maintenance of Slopes Easement and Temporary Construction Easement on property that lies within Land Lot 204 of the 17th District. Council Member Burnett seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-12-161

- D. 2020-335** Request For Mayor And City Council Consideration of a Resolution to Approve the Appropriation of Certain Property Rights and Interests Located at 5335 Northside Drive NW, Fulton County, Georgia, Parcel ID: 17 0204 LL0074 through the Use of Eminent Domain

Dan Lee, City Attorney presented that this property is adjacent to the previous property presented. Staff has exhausted all its efforts. The homeowner has agreed to an amount of \$22,440 for the interest needed for the project. This includes Fee Simple Permanent Easement and Temporary Construction Easement. The home owner has agreed to a \$26K value. The homeowner has several tax liens and the only way that the City can gain adequate title for the project is the use of eminent domain, which will require naming the taxing entity as defendants in the condemnation. Staff recommends that the Council use its eminent domain authority to satisfy these liens and gain title of the property for this project. If purchased through eminent domain, the tax liens on this portion of the property will be cleared.

Motion and Vote: Council Member Bauman moved to approve agenda item 2020-335, the Appropriation of Certain Property Rights and Interests Located at 5335 Northside Drive NW, Fulton County, Georgia, Parcel ID 17 0204 LL0074, through the Use of Eminent Domain. Council Member Burnett seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-12-163

- E. 2020-336** Request for Mayor and City Council to Approve Memorandum of Agreement by and Between the City of Sandy Springs and the City of Sandy Springs Development Authority in Furtherance of Economic Development; to Authorize the City Manager to Execute Same; and for Other Purposes

Dan Lee, City Attorney stated that the City budgeted \$1.2M for a Small Business Relief Grant Program ("Program") at the November 17, 2020 Mayor and City Council meeting. The Program is intended to promote continuity of small businesses in the city that have been impacted by the COVID-19 pandemic. Because the purpose of the Program is to promote and encourage economic development, to encourage retention of employees, and to otherwise further economic development within the city, the City desires to contract with the Sandy Springs Development Authority ("Authority") for administration of the Program and to describe the respective responsibilities and requirements for the awarding of funds to qualifying small businesses meeting the criteria and other requirements of the Program, as previously presented to Council. Businesses receiving funds under the Program will be required to sign a contract with the Authority to ensure accountability of the use of such funds. Funds will be paid out as a reimbursement after all contract requirements are met by the business receiving funds, including proper documentation of the expenditure of funds. The gratuities clause of the State of Georgia Constitution prohibits the granting of funds.

Mayor Rusty Paul stated the City has already received responses from many Sandy Springs small business, including restaurants. Should all the applications be filled as requested to date, then approximately \$300K of the original allocation would be remaining.

City Attorney Lee stated the Economic Development staff has done an excellent job in getting this information out and receiving the number of applications. This process is well underway. This just covers the City by the process that must be applied.

Motion and Vote: Council Member Reichel moved to approve agenda item 2020-336, approve Memorandum of Agreement by and between the City of Sandy Springs and the City of Sandy Springs Development Authority in furtherance of economic development; to authorize the City Manager to execute same; and for Other Purposes. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-12-162

- F. 2020-337** Request For Mayor And City Council Consideration of Approval of a Consent Order Between the Georgia Department of Natural Resources, Environmental Protection Division and the City of Sandy Springs Related to Georgia Safe Dams Act of 1978 and Lake Forrest Dam

City Attorney Lee stated that the presented issue has been in play since 2009 when the Safe Dams Division of the Environmental Protection Division of the Georgia Department of Natural Resources deemed the Lake Forrest Dam as a Class I Dam. The biggest problem for the City is that this dam makes up the embankment for Lake Forrest Drive, which is a principal roadway for Sandy Springs and Atlanta. It so happens that the city limits of Atlanta and Sandy Springs meet in the middle of this dam. Our predecessor has done a great job of partnering with the City of Atlanta so that everything done on behalf of the City by the Legal Department has been done in concert with the City of Atlanta. The proposal before the Council is something that the cities of Atlanta and Sandy Springs legal departments recommend. The EPD has attempted to get a Consent Agreement since 2009. Most Consent Agreements are tied to a calendar with specific deadlines. The problem with this situation is that there are many owners and/or property interests. There are two lawsuits from property owners claiming damage because the water level has been reduced pursuant to a demand by EPD. Litigation has been stopped due to the COVID Judicial Emergency Order. This proposal covers several major elements. It allows that there is no deadline until litigation is completed. After litigation has been completed, the City will have sixty (60) days to either fix the dam or deconstruct the dam so as to do away with the dam, fix the roadway and maintain the property that is now a lake for retention purposes that would protect people and property downstream. The City of Atlanta and City of Sandy Springs ("Cities") have partnered in an Intergovernmental Agreement and taken the lead in this matter since 2009. The other dam owners have been told that the Cities would not go it alone with any construction costs unless the other dam owners supplied the necessary easements at no cost to the Cities. This proposal provides for the temporary fix that is a problem right now, which is the lining of the principal spillway under the roadway and puts the Cities in a place where we can take the proper action that benefits the taxpayers of Sandy Springs while protecting those interests downstream in the future. It is recommended that the City enter into this Consent Order.

Council Member Andy Bauman stated this is a positive development. The two big takeaways here are we are no longer tied to a calendar and we actually have the option of making Lake Forrest Drive not a dam. When we say deconstruct the dam, Lake Forrest Drive will just become a regular road with a hole that goes through it to somehow transport water on a continuous basis. Many non-adjacent property owners whose properties are downstream remain concerned that their homes and lives may be in danger. This proposal appears to be cost effective, safe and environmentally sound; even though it still needs to be engineered and designed. While there may be some loss of trees, it will not be a complete deforestation.

Motion and Vote: Council Member Bauman moved to approve agenda item 2020-337, approval of a Consent Order between the Georgia Department of Natural Resources, Environmental Protection Division and the City of Sandy Springs related to Georgia Safe Dams Act of 1978 and Lake Forrest Dam. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-12-164

- G. 2020-338** Request for Mayor and City Council Consideration of a Resolution Appointing Members to the Charter Commission for the City of Sandy Springs, Georgia

Mayor Rusty Paul stated from time to time, the City's enabling legislation requires a review of the City Charter. The first one was at the five-year mark. The committee then provided a list of recommendations to the Georgia General Assembly. Some recommendations were accepted and some others were not. The ordinances of incorporation require us to do this again at the 15-year mark. As to the appointment of members of the Charter commission, Section 6.02 states: Members of the charter commission shall be appointed as follows: one by the Mayor, one by the City Council, and one by each member of the Georgia House of Representatives and Senate whose district lies wholly or partially within the corporate boundaries of Sandy Springs. All members of the charter commission must reside in Sandy Springs. Finally, Section 6.02 provides that the Charter commission must complete its recommendations within six (6) months of its creation. The Mayor announced that his nominee is **Gabriel Sterling**. Mr. Sterling felt he would be available to serve on the Commission after the January 2021 runoff elections.

Motion and Vote: Council Member Bauman moved that **Ronda Smith**, current Chairperson of the Council of Neighborhoods, be the Council appointee to the City Charter Review Commission; thereby approving agenda item 2020-338, appointing members (Gabriel Sterling and Ronda Smith) to the Charter Commission for the City of Sandy Springs, Georgia. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

RESOLUTION NO. 2020-12-165

X. REPORTS

- A. 2020-339** Mayor and Council Report

Mayor Rusty Paul recognized and welcomed State Representative Josh McLaurin. Also, there was some disappointment with the Sandy Springs Christmas and Holiday Winter Parade because not everyone who attended were able to participate. Staff had planned for 500 vehicles and roughly 1,000 vehicles participated. To those who waited in line and could not get in, we apologize. We were trying to inject a little bit of holiday spirit into the community and we were much more successful in doing that than we realized. It was great to be out on the streets and watching carloads of families come through. What was especially great was the number of young kids that came through. Next year, we hope to return to the normal way that parades are done. Thank you to all of the performers, the people who stood in the rain, the fake snow, the cold, and for two hours did not stop. Thank you to the staff, Communications Director Sharon Kraun and her staff, Anna Nikolas, Shawn Albrechtson's crew with Create Sandy Springs, Dave Wells, and everybody who worked on it. Thank you for your creativity to figure out a way that we could go ahead with the parade in an innovative fashion; secondly, to the people who came and were patient.

- B. 2020-340** Staff Reports

1. October 2020 Unaudited Financials

Toni Jo Howard, Finance Director reported that we are 33% of the year completed. The COVID sensitive revenues are presented at the beginning of the report. We have received \$9.9M to-date, 29% of budgeted revenues. That is over where we were in the prior year at 24% for those same revenues. The Motor Vehicle TAVT Fee that is coming in very strong as we are at 95% of the amount we budgeted. Business &

Occupation Tax is above what we received in the prior year at this point. Hotel / Motel continues to be down. The overall annual budget is at 31%. We are down 16% from the prior year. That is only the result of timing for your property tax receipt collections. The prior year we had a large receipt at the end of October, and this year, we have not seen those larger ones begin to come in until November. The COVID expenditures are at 67% of budget, so we are still seeing those expenditures occur. Overall revenues are at 31% compared to the adopted Budget; we are 33% of the year. The General Fund expenditures are at 33% compared to the adopted Budget. The Local Options Sales Tax is down only 8% overall from 2020 and 3% down from 2019. In October, we did receive our Insurance Premium Tax that came in stronger than budgeted (\$6.25M) at \$7.5M.

XI. EXECUTIVE SESSION

A. 2020-342 Personnel, Real Estate & Litigation

Motion and Vote: Council Member Paulson moved to suspend Regular order and enter into Executive Session for the purposes of personnel, real estate and litigation discussions. Council Member Reichel seconded. Mayor Paul called for a roll call vote. The motion carried unanimously. Executive Session began at **8:31 p.m.**

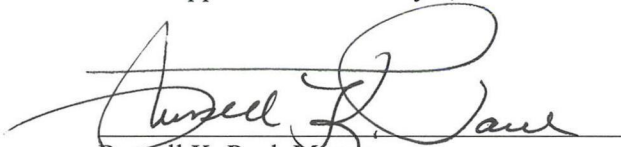
Motion and Vote: Council Member Paulson moved adjourn Executive Session and return to the Regular Session. Council Member DeJulio seconded. Mayor Paul called for a roll call vote. The motion carried unanimously. Executive Session ended at 9:03 p.m.

XII. ADJOURNMENT

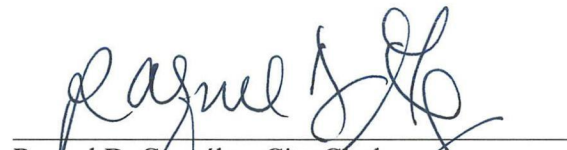
Motion and Vote: Council Member DeJulio moved adjourn the meeting. Council Member Paulson seconded. Mayor Paul called for a roll call vote. The motion carried unanimously.

There being no further business, the meeting adjourned at 9:04 pm.

Dated approved: January 5, 2021.



Russell K. Paul, Mayor



Raquel D. González, City Clerk