



City Council Meeting & Public Hearing

OCTOBER 28, 2024

OFFICIAL MINUTES

Office of the City Clerk

ALPHARETTA CITY HALL
COUNCIL CHAMBERS | 2 PARK PLAZA | 6:30 PM

OFFICIAL MINUTES

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the video recording for said meeting is a matter of public record and is available to be viewed at the City Clerk's office during normal business hours or viewed online at <https://www.youtube.com/user/alpharettagov>.

1. CALL TO ORDER

- Mayor Gilvin called the meeting to order at 6:30 p.m.

2. ROLL CALL

• Council Members

- Mayor Jim Gilvin
- Mayor Pro Tem Dan Merkel
- Brian Will
- Donald F. Mitchell
- John Hipes
- Douglas J. DeRito

• Absent

- Fergal M. Brady

• Staff

- Chris Lagerbloom, City Administrator
- Molly Esswein, City Attorney
- Lauren Shapiro, City Clerk
- Deanna McKay, Public Communication & Engagement Coordinator
- Brooke Lappin, Director of Courts
- Charlie Jewell, Director of Economic Development
- John Robison, Director of Public Safety
- Kathi Cook, Director of Community Development
- Morgan Rodgers, Director of Recreation, Parks & Cultural Arts Services

- Pete Sewczwicz, Director of Public Works
- Tom Harris, Director of Finance
- Deanna McKay, Public Communication & Engagement Coordinator
- Michael Woodman, Planning and Development Services Manager
- Trent Lindgren, Police Major
- Suzanne Swain, Projects Manager

3. PLEDGE TO THE FLAG

4. WORK SESSION ITEMS

A. Public Safety Department: Electric Vehicles

Review and Council discussion of the purchase of four electric vehicles for public safety patrol and administration employees. This item is for work session discussion purposes only.

- Police Major, Trent Lindgren, came forward to present this item.
- Major Lindgren shared that Tesla and electric vehicles have significant savings on fuel/energy, zero emissions, safety features, improved technology, Tesla purchase prices are lower than earlier, and have potential for overall fleet cost reduction.
- The turn around time for an upfitted Tesla is around 4 weeks (through UpFit), whereas sourcing traditional vehicles and uplifting them can take 4 to 6 months. Through the upfitting company, UpFit, their alterations also do not violate the vehicle warranty.

City Council Discussion:

- Council Member Hipes asked if there were any negatives for this type of program, how this would be impactful to officers who take their cars home, whether the city would pay for installing at-home chargers, whether vehicles would be out of commission from policing while they are charging, whether these vehicles would be able to go over curbs and if they would sit too low to the ground, and whether the Tesla would be too tight to hold two officers and a detainee.
 - Major Lindgren shared that the Tesla Y is a little smaller than a Ford Explorer. The city would have the ability to install vehicle chargers in employee homes, and there will be at least one officer in the pilot program who will not charge at home and commute in to the city to charge their vehicle. It is ideal to keep the battery charged between 20% and 80%, and officers will be trained on “charging hygiene” for Teslas. Teslas can be fully charged at select chargers in 15 minutes. During upfitting, Teslas can be upfitted to have larger wheels and tires installed and a sway bar, which would allow them to go over curbs for policing purposes; this will be one of the city’s requirements for upfitting. It is not certain whether this vehicle would be able to be used for a field training officer vehicle (requiring 2 officers), however, there are modifications that will be made to the center console area and the interior to be able to install police

equipment and accessories. Tesla gives you fleet management software, and staff will be able to run reports on data.

- Council Member Will asked about the assignment of the 4 vehicles, about the maintenance costs for a traditional police vehicle compared to a Tesla, and whether staff looked at the benefits of a Tesla having 360 degree cameras.
 - Major Lindgren shared that he hopes to have 2 vehicles assigned to patrol (1 supervisor and 1 field officer) and 2 vehicles assigned to police administration. Last year, Public Safety spent over \$500,000 in vehicle maintenance. The Tesla's 360-degree cameras could provide data of the patrol vehicle if it were to be involved in an accident and would provide additional safety to officers.
- Council Member Mitchell shared that he is in favor of this program and would like to see 3 cars assigned to patrol and only 1 to administration. He would also like to know if the city would be liable if the city were to install an electric vehicle charger at an employee's home and the charger were to catch fire or cause damage.
- Council Member DeRito shared that he was in favor of this program. He also asked how much the police equipment and technology will drain the battery/charge of the vehicle, if this would be an addition or replacement for vehicles within the fleet, how the city would plan to accommodate employees who do not own a home but would like to have a charger at their residence, and how inclement weather could affect an electric vehicle fleet.
 - Major Lindgren shared that Alpharetta would be unique to offer installation of chargers at employee homes.

5. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 10/21/2024)

Consideration of approval of the City Council meeting minutes from the meeting of October 21, 2024.

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Council Member Hipes offered a motion to approve the Consent Agenda.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (5-0-1; with Council Member Mitchell in abstention).

6. PUBLIC HEARING

A. Announcement of Public Hearing Procedures

- City Attorney, Molly Esswein, announced the public hearing procedures for the record.

B. CU-24-13 The Tox / 210 South Main Street

Consideration of a conditional use to allow 'Massage Therapy' for The Tox in an existing building in the Downtown. The Tox provides lymphatic drainage massage services. The property is located at 210 South Main Street, Suite D and is legally described as being located in Land Lots 694, 695 & 696, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, The Tox, is requesting a conditional use to operate a 'Massage Therapy' business in a 1,485 square foot suite in The Maxwell mixed-use development. According to the submitted application, the business provides lymphatic drainage massage and sculpting facial services. The subject property is located at 210 South Main Street, Suite D at the northeast corner of South Main Street and Devore Road.
- This item was considered at the October 3, 2024 Planning Commission meeting. There were no public comments. After discussion, the Planning Commission recommended approval subject to Staff's recommended conditions (vote 7-0).
- Staff is recommending that Mayor and Council approve CU-24-13 The Tox/The Maxwell, subject to the following conditions:
 1. 'Massage Therapy' shall be added as a conditional use at 210 South Main Street, Suite D and limited to no more than 1,485 square feet.
 2. Conditional use approval shall be limited to The Tox; no additional 'Massage Therapy' use or subleasing shall be permitted within the approved space.
 3. 'Massage Therapy' shall be limited to lymphatic drainage massage and sculpting facial services.
 4. Hours of operation shall be Monday – Sunday 9:00 AM – 7:30 PM.
 5. Window signage shall be limited to no more than 10% of the window area and window area shall not be covered or blacked out. No lighted window trim.
- The property is zoned DT-MU (Downtown Mixed-Use). Surrounding properties are zoned C-2 to the north, east and west, DT-MU to the east and west, and R-12 (Dwelling, 'For-Sale', Residential) to the south. Dogwood Square is located to the north and east, The Maxwell residential is located to the east, Alpha Park is located to the south, and Bank of America and Mayfair on Main are located to the west. The future land use designation of the property is 'Mixed Use', which supports the requested use.
- The Maxwell is a 12.9-acre mixed-use development, including a 42,550 square foot commercial development at the corner of South Main Street and Devore Road and a residential development to the east along Devore Road. A variety of businesses

operate in The Maxwell, including Rena's Italian Grill, Fairway Social, and Ponko Chicken, to name a few. The applicant's business is proposed in Suite D of the building abutting South Main Street.

- The Tox is seeking its first locations in Georgia in Alpharetta and Buckhead. The business has several locations across the country, including in California, Nevada, Texas, Florida, New York, Massachusetts, and Washington D.C. The public hearing application states that the business offers lymphatic drainage massage and sculpting facial services. Hours of operation for the business are Monday – Sunday 9:00 AM to 7:30 PM. The applicant anticipates eight (8) to ten (10) employees at the proposed location, of which all will be licensed estheticians.
- The Citizen Participation Report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received. The Community Zoning Information Meeting was held on September 11, 2024. There were no public comments.
- Staff has reviewed the applicant's proposal against the review criteria for a conditional use. The use would be compatible with the surrounding uses and other locations for this business, which are similarly situated in retail corridors, shopping centers, and mixed-use developments. The proposed use would complement other businesses operating at The Maxwell. If approved, conditions should be established that regulate and limit an expansion of services and signage.
- The applicant, Jankibben Patel (4483 Bogan Park Lane, Buford, GA 30519), came forward to speak on behalf of this application.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve CU-24-13 The Tox/The Maxwell, subject to the following conditions:
 1. 'Massage Therapy' shall be added as a conditional use at 210 South Main Street, Suite D and limited to no more than 1,485 square feet.
 2. Conditional use approval shall be limited to The Tox; no additional 'Massage Therapy' use or subleasing shall be permitted within the approved space.
 3. 'Massage Therapy' shall be limited to lymphatic drainage massage and sculpting facial services.
 4. Hours of operation shall be Monday – Sunday 9:00 AM – 7:30 PM.
 5. Window signage shall be limited to no more than 10% of the window area and window area shall not be covered or blacked out. No lighted window trim.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).

C. E-24-06 Greco/1530 Stelton Way Backyard Chickens

Consideration of an exception to allow backyard chickens on a 0.47-acre residential property and a chicken coop with a side setback of approximately 13'. Unified Development Code (UDC) Subsection 2.3.3 (C)(9) Accessory Uses and Structures, Uses Customarily Accessory to Dwellings Located in Residential Zoning Districts requires that backyard chickens be located on a minimum 1-acre residential property with associated structures having a minimum setback of 25' from the side and rear property lines. The property is located at 1530 Stelton Way and is legally described as being located in Land Lot 1201, 2nd District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Hannah Greco, is requesting consideration of an exception to allow backyard chickens on a property less than one (1) acre and with a chicken coop side setback of thirteen feet (13'). The chickens and associated structures are currently existing on the property. The subject property is located at 1530 Stelton Way in the Fuller Farms subdivision.
- Staff is recommending that Mayor and City Council approve E-24-06 Greco/1530 Stelton Way Backyard Chickens, subject to the following conditions:
 1. Backyard chickens shall be permitted on a 0.47-acre property located at 1530 Stelton Way, subject to compliance with all related City regulations except as noted in the conditions below.
 2. Chicken coop shall be permitted as depicted on the submitted site plan with a 13' side setback.
 3. Exception to allow backyard chickens shall be limited to the current property owner.
- The submitted request, if approved, would allow backyard chickens on a property less than one (1) acre and with a chicken coop side setback of thirteen feet (13'). The chickens and associated structures are currently existing on the property. The City's Code Enforcement Division identified the non-conformity and notified the property owner of the need to resolve the matter. The subject property is located at 1530 Stelton Way in the Fuller Farms subdivision.
- The 0.47-acre property is zoned R-15 (Dwelling, 'For-Sale', Residential) and is developed with a one (1) story, 1,590 square foot single-family detached home. Surrounding properties are zoned R-15 and located in the Fuller Farms subdivision, except that the property to the north is located in the Brierfield subdivision.
- Unified Development Code (UDC) Subsection 2.3.3, Accessory Uses and Structures, allows backyard chickens on minimum one (1) acre properties with a single-family detached dwelling. The regulations limit the number of backyard chickens to no more than six (6) hens, no roosters allowed, minimum 25' side and rear setbacks for

structures associated with backyard chickens, and no chickens permitted within undisturbed stream buffers, wetlands, or floodplain.

- The site plan depicts the chicken coop in the rear yard of the property with a side yard setback of approximately thirteen feet (13') from the western side property line and rear setback of approximately 55' from the rear property line. The chicken coop is nine feet (9') by seven feet (7'), or 63 square feet, and the run is eighteen feet (18') by fourteen feet (14'), or 252 square feet. Neither structure requires a building permit. A twenty-foot (20') visual screen, or landscape buffer, is located along the rear property line abutting Mid Broadwell Road. The buffer is heavily landscaped with evergreen landscape material, including a six-foot (6') tall berm. The applicant has six (6) hens and no roosters. There is an intermittent stream located approximately 150' to the east of the applicant's property and a perennial stream located approximately 475' to the south of the applicant's property. The City's Stormwater Engineer has reviewed the applicants request and has no concerns with the proximity of the backyard chickens to the streams.
- The applicant notified all properties within 500' of the subject property and the Fuller Farms HOA regarding the request for exception and intent for the property. The applicant's report indicates that several members of the public reached out to express their support for the request. Two (2) people expressed concern that the chickens would attract wildlife to the area. Letters of support were provided from an adjacent property, 1520 Stelten Way, and Fuller Farms HOA.
- City Staff has reviewed the applicant's proposal and finds that the exception does not conflict with the established review criteria. Exceptions have been approved to allow backyard chickens on residential lots less than one (1) acre. An adjacent neighbor and the Fuller Farms HOA are in support of the applicant's request.
- The applicant, Hannah Greco, came forward to speak on behalf of this application.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve E-24-06 Greco/1530 Stelten Way Backyard Chickens, subject to the following conditions:
 1. Backyard chickens shall be permitted on a 0.47-acre property located at 1530 Stelten Way, subject to compliance with all related City regulations except as noted in the conditions below.
 2. Chicken coop shall be permitted as depicted on the submitted site plan with a 13' side setback.
 3. Exception to allow backyard chickens shall be limited to the current property owner.
- Council Member seconded the motion.

- The motion was approved (5-1; with Council Member Will in opposition).

D. PH-24-18 Unified Development Code (UDC) Text Amendments – Signs

DEFERRED: This item has been deferred by staff and will not be heard or considered during this meeting.

7. NEW BUSINESS

A. Change Order to Request for Proposals 23-117: Jericho Design Group, LLC for Fire Station 81

Consideration of approval of Change Order 1 associated with Request for Proposals (RFP) 23-117 to Jericho Design Group, LLC Inc. for an amount totaling \$243,420 for the development of construction plans for improvements to Fire Station 81 and with authorization for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- On August 28, 2023, City Council awarded RFP 23-117 to Jericho Design Group for the amount of \$97,500, to perform assessments of each fire station in the city.
- The RFP also included verbiage that stated the design firm/team selected to prepare the assessments and plans depicting conceptual floor plans will be the team to prepare the construction plans and obtain the necessary Land Disturbance and Building Permits through Community Development.
- Upon completion of the tasks, it was determined Jericho Design Group shall focus solely on improvements at Fire Station 81. More specific, the direction to Jericho was to develop a floor plan to accommodate a clean room and make improvements to the living and sleeping quarters as well as the bay.
- Jericho Design Group prepared a cost proposal to design the clean room expansion as well as other renovations within the building. Jericho reached out to their design team partners to obtain a cost to accomplish the necessary design plans to obtain a Land Disturbance Permit (LDP) as well as a Building Permit.
- Upon receiving the cost proposals, Public Works negotiated pricing with Jericho and their partners to receive a competitive price for the work depicted in the conceptual floor plan as well as obtaining the appropriate permits. The pricing depicted in the proposals is only for work associated with the design phase of the project. Once construction begins, a new cost proposal will be obtained regarding reviewing shop drawings, site visits, requests for information, etc.
- Once a contract has been executed, the design team will accomplish the necessary field work in association with the 1,700 square-foot addition that will house a clean room for the Department of Public Safety. This work is necessary to determine the extent of the stormwater enhancements that need to be made on-site to obtain an LDP.

PUBLIC COMMENTS:

- There were no public comments.

- ❖ Council Member Will offered a motion to approve Change Order 1 associated with Request for Proposals (RFP) 23-117 to Jericho Design Group, LLC Inc. for an amount totaling \$243,420 for the development of construction plans for improvements to Fire Station 81 and to authorize the Mayor to execute all necessary documents.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved (6-0).

B. Request for Proposals 25-102: Downtown Winter Holiday Décor

Consideration of approval of the award of request for proposal 25-102 and a contract with Universal Concepts for a 5-year service contract to provide comprehensive seasonal winter holiday décor, and with authorization for the Mayor to execute all necessary documents.

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present this item.
- The award of this Request-for-Proposals (RFP) is for downtown, comprehensive, outdoor, seasonal décor services and peripheral lighting installation and maintenance at select city facilities. Responsibilities under the contract include full-service lighting and décor installation and removal of the City's winter holiday décor and Season of Celebration events.
- The awarded vendor shall manage design consultation with City staff, installation, removal, storage, and maintenance of the city-owned décor, as well as newly purchased strands of lights. During the off-season, the vendor will store all city-owned décor items in a secure, climate-controlled storage facility. The selected vendor will work directly and closely with city staff on consultation, design, and timeline. The selected vendor will work directly and closely with the City's on-call electrical services' vendor for installation.
- RFP # 25-102 was issued on August 8, 2024, with proposals received on September 12, 2024. The City received a total of four (4) responses which were submitted to the Evaluation Committee for review and ranking. On the following criteria: technical, experience, references, project examples, technical proposal, project approach, sample projects and cost.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the award of request for proposal 25-102 and a contract with Universal Concepts for a 5-year service contract to provide comprehensive seasonal winter holiday décor, and with authorization for the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved (6-0).

C. Invitation to Bid 24-104: Encore Greenway and Gateway Construction

Consideration of approval of the award of a contract for ITB 24-014 to Georgia Infrastructure Solutions for the construction of Encore Greenway Park and Gateway for an amount not to exceed \$9,148,000.00, and with authorization for the Mayor to execute all necessary documents.

- City Administrator, Chris Lagerbloom, came forward to present this item.
- This item was originally approved by City Council during the October 21, 2024 City Council meeting, however, there was a scrivener's error within the staff report of that item which described that the contract was being awarded to Strack, Inc. However, the contract for ITB 24-014 is between the City of Alpharetta and Georgia Infrastructure Solutions. Strack Inc. is a part of the parent company, Georgia Infrastructure Solutions. This agenda item and contract approval is being brought forward in order to perfect the record and to give authorization for the City to enter into a contract with Georgia Infrastructure Solutions, and not Strack, Inc.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve the award of a contract for ITB 24-014 to Georgia Infrastructure Solutions for the construction of Encore Greenway Park and Gateway for an amount not to exceed \$9,148,000.00, and with authorization for the Mayor to execute all necessary documents.
 - Council Member Mitchell seconded the motion.
 - The motion was approved (6-0)

8. PUBLIC COMMENT

- Samuel R. Fleming (1135 Sterling Brooke Drive, Alpharetta, GA 30022) came forward to speak about building safety at his address.
- John Gillin (3060 Pharr Court North, Atlanta, GA 30305) came forward to speak about a parking fee he was charged at 27 Old Roswell Street.

9. REPORTS

- Council Member Hipes shared that this weekend there will be an Alpharetta Symphony performance and the Grilling and Gridiron event.
- Council Member DeRito wanted to acknowledge our first responders. Today is National First Responders Day, and he wanted to thank them for their work. Tomorrow, is Mayor Gilvin's birthday and wanted to give thanks for everything he does for the city.

10. EXECUTIVE SESSION (IF NECESSARY)

- ❖ Council Member Merkel offered a motion to adjourn to Executive Session for the purposes of litigation.

- Council Member Mitchell seconded the motion.
- The motion was approved unanimously (6-0).
- Mayor Gilvin recessed the meeting at 7:59 p.m.
- ❖ Council Member Will offered a motion to reconvene the meeting.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (6-0).
 - Mayor Gilvin reconvened the meeting at 8:31 p.m.

11. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 8:31 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk