



City Council Meeting & Public Hearing

NOVEMBER 4, 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
- Fergal M. Brady
- Douglas J. DeRito

- Staff

- Chris Lagerbloom, City Administrator
- Molly Esswein, City Attorney
- Lauren Shapiro, City Clerk
- Adam Montgomery, Director of Information Technology
- 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
- Suzanne Swain, Project Manager

3. PLEDGE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Proclamation: Veteran's Day

- Mayor Gilvin presented the Proclamation to members of the local American Legion Post 201 to recognize Veteran's Day on November 11, 2024.

5. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 10/28/2024)

Consideration of approval of the City Council meeting minutes from the meeting of October 28, 2024.

B. Contingent Fee Agreement: Neville Law, LLC

Consideration of approval of a contingent fee agreement between the City of Alpharetta and Neville Law, LLC for pursuit of recovery of amounts due to the City as a result of a motor vehicle accident that occurred on December 7, 2023, which resulted in damage to City property, and with authorization for the Mayor to execute all necessary documents.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Will offered a motion to approve the Consent Agenda.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).

6. PUBLIC HEARING

- City Attorney, Molly Esswein, announced the Public Hearing Procedures.

A. PH-24-22 Chiswick Alpha Loop – Change of Condition

Consideration of a request to change previous conditions of zoning to allow for a re-alignment of the Alpha Loop within the Chiswick subdivision in order to facilitate a better connection with the future Alpha Loop on the property to the west. The property is located at 600 Chiswick Circle and is legally described as being located in Land Lot 802, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.

- The applicant, Empire Communities, is requesting a change to previous conditions of zoning related to the Chiswick subdivision in the Downtown. The applicant requests a change to the site plan condition to allow for a shift in the Alpha Loop alignment on the north end of the property. The proposed re-alignment will allow for a better connection with the future Alpha Loop to the west. The subject property is located at 600 Chiswick Circle at the northwest corner of Thompson Street and Westside Parkway in the Chiswick subdivision.
- Staff is recommending that Mayor and Council approve PH-24-22 Chiswick Alpha Loop – Change of Condition, subject to the following conditions:

Related to file #Z-17-03 Thompson Street/Burnett Circle:

1. The site, consisting of approximately 5.722 acres, shall be zoned DT-LW and developed substantially similar to site plan submitted by PEC, dated 9/19/2024, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.

New Condition:

1. Alpha Loop boardwalk section shall be constructed with materials substantially similar to Exhibit A, with final approval by Staff.
- Chris Ryan (3637 Maddox Lane, Marietta, GA 30062) came forward to speak on behalf of this application.
 - The submitted request, if approved, would allow for a shift in the Alpha Loop in order to better align with the future Alpha Loop to the west. Although the section of the Alpha Loop that could connect to the stormwater park has not been designed, the relocation of the Alpha Loop in Chiswick will permit a better future connection to adjacent properties. The subject property is located at 600 Chiswick Circle at the northwest corner of Thompson Street and Westside Parkway in the Chiswick subdivision.
 - The property, which is currently under construction, was rezoned to DT-LW (Downtown Live-Work) in 2017 to allow 43 'For-Sale' townhomes. Surrounding properties are zoned R-4A (Dwelling, 'For-Sale', Attached) to the north, MU (Mixed Use) to the east and south, R-15 (Dwelling, 'For-Sale', Residential) to the east, and R-12 (Dwelling, 'For-Sale', Residential) to the west. Academy Park is located to the north, Avalon and the Westside Fitness Park to the east, Liberty Village to the south, and an unplatted residential lot to the west. The comprehensive land use plan designation of the property is 'Mixed Use Live Work'.
 - The applicant's updated site plan is generally the same as previously approved, with a re-alignment of the west side of the Alpha Loop running along the north end of the property. The Alpha Loop has been shifted approximately 25' to the north, which allows for a better connection to the west. The proposed shift moves the Alpha Loop

from the 75' impervious setback to the City's 50' stream buffer associated with the adjacent non-perennial stream. This section of Alpha Loop will remain elevated due to the topography of the area with the presence of a stream.

- The Citizen Participation Plan Report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that public comments were received at the CZIM, including questions about the walking surface material and construction method, elevation of the boardwalk, tree removal, and future route of trail on neighboring properties.
- The Community Zoning Information Meeting was held on October 9, 2024. Two (2) people signed in, but no comments were provided.
- Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for changes to conditions of zoning. The request would result in a better connection to the future Alpha Loop to the west.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-24-22 Chiswick Alpha Loop – Change of Condition, subject to the following conditions:

Related to file #Z-17-03 Thompson Street/Burnett Circle:

1. The site, consisting of approximately 5.722 acres, shall be zoned DT-LW and developed substantially similar to site plan submitted by PEC, dated 9/19/2024, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.

New Condition:

1. Alpha Loop boardwalk section shall be constructed with materials substantially similar to Exhibit A, with final approval by Staff.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (7-0).

B. E-24-07 1175 Mid Broadwell Road Gravel Driveway

Consideration of an exception to allow 2 gravel driveways on a 5.28 acre single-family lot. Exceptions are requested from Unified Development Code (UDC) Subsection 2.5.4 Locational Criteria for Parking to allow a gravel driveway and from UDC Subsection 2.5.6(B) Public Street Access, Driveways and Curb Cuts to allow 2 curb cuts on the same lot less than 300' from each other. The property is located at 1175 Mid Broadwell Road and is

legally described as being located in Land Lots 1173 & 1174, 2nd District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Jeff Glover, is requesting consideration of an exception to allow a circular gravel driveway and to allow two (2) driveway curb cuts less than 300' from each other and from an intersection on a 5.28-acre single-family detached lot. Exceptions are requested to Unified Development Code (UDC) Subsection 2.5.4 Locational Criteria for Parking to allow a gravel driveway and UDC Subsection 2.5.6(B) Public Street Access, Driveways and Curb Cuts to allow a 2nd curb cut on the same lot less than 300' from each other and from an intersection. The subject property is located at 1175 Mid Broadwell Road near the southeast corner of Mid Broadwell Road and Bethany Road.
- Staff is recommending that Mayor and Council approve E-24-07 1175 Mid Broadwell Road Gravel Driveway, subject to the following conditions:
 1. Gravel driveways shall be permitted as depicted on the plat prepared by Gerald Bernhard, revised 8/8/2024.
 2. The easternmost gravel driveway shall include a 6' concrete apron and 44' concrete throat in compliance with minimum design standards per City Standard Detail 951, as approved by Staff.
 3. Property owner shall remove westernmost curb cut on Mid Broadwell Road if significant safety-related concerns are identified warranting its removal, such as vehicular and/or non-vehicular related collisions, as determined by Staff.
 4. Any future curb cut removal shall be done at the expense of the property owner, who acknowledges after coordination with City Staff that the curb cut is located within the functional area of the Mid Broadwell Road at Bethany Road roundabout and may pose future safety-related and crash-related concerns.
 5. Applicant shall provide calculations to the City verifying that the new gravel driveway is included in the treatment volume. If the new gravel driveway is not accounted for in the treatment volume, additional treatment volume shall be required.
- The submitted request, if approved, would allow a circular gravel driveway with a reduced separation distance between two (2) driveway curb cuts and a street intersection on a 5.28-acre single-family detached lot. Exceptions are requested to Unified Development Code (UDC) Subsection 2.5.4 Locational Criteria for Parking to allow a gravel driveway and UDC Subsection 2.5.6(B) Public Street Access, Driveways and Curb Cuts to allow a 2nd curb cut on the same lot less than 300' from

each other and from an intersection. The subject property is located at 1175 Mid Broadwell Road near the southeast corner of Mid Broadwell Road and Bethany Road.

- The 5.28-acre property is zoned R-15 (Dwelling, 'For-Sale', Residential) and was recently redeveloped with a single-family home, pool house and pool. Surrounding properties are zoned R-15. Pindell Glen is located to the west and north, Charlotte Estates and Rumson Point to the south, an unplatted single-family detached lot to the east and Brierfield to the north.
- Exceptions are requested to UDC Subsection 2.5.4 Locational Criteria for Parking to allow a gravel driveway and UDC Subsection 2.5.6(B) Public Street Access, Driveways and Curb Cuts to allow two (2) curb cuts on the same lot less than 300' from each other and from an intersection. According to the applicant, the primary reason for the exception is safety. The applicant states that approval of the exception will allow for safer vehicular egress from the property, allowing the original driveway to serve as ingress and the new driveway to serve as egress. The original driveway is located in close proximity to the roundabout at Mid Broadwell Road and Bethany Road. The applicant contends that only utilizing the original driveway requires a vehicle to back out of the driveway onto Mid Broadwell Road, which is hazardous due to proximity to the roundabout, as well as site visibility.
- The site plan depicts a circular, gravel driveway with two (2) curb cuts on Mid Broadwell Road approximately 175' apart. The westernmost gravel driveway is existing and is legal nonconforming (grandfathered) with regard to material and distance to the Mid Broadwell Road and Bethany Road roundabout, which is approximately 150' away. The easternmost gravel driveway was recently installed without the required permits. The contractor responsible for the redevelopment of the property converted a temporary construction access to the easternmost gravel driveway. The western driveway is improved with a concrete apron at the street; however, the eastern driveway was improved without a concrete apron with gravel up to the edge of the street.
- The Citizen Participation Plan report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that two (2) emails were received from nearby property owners, with one (1) in support and the other not concerned with the request.
- The Citizen Zoning Information Meeting was held on October 9, 2024. There were no public comments.
- Staff has reviewed the applicant's request against the review criteria for an exception. The request to allow a circular gravel driveway with two (2) curb cuts less than 300' away from each other and from an intersection would not be a detriment to the public. The UDC allows gravel driveways in the Downtown as an incentive to save historic structures. In addition, gravel is more porous than concrete or asphalt and would

provide added benefits to stormwater runoff. If approved, conditions are recommended requiring a concrete apron be added to the easternmost driveway and removal of the westernmost driveway, if safety issues are observed.

- The applicant 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-24-07 1175 Mid Broadwell Road Gravel Driveway, subject to the following conditions:
 1. Gravel driveways shall be permitted as depicted on the plat prepared by Gerald Bernhard, revised 8/8/2024.
 2. The easternmost gravel driveway shall include a 6' concrete apron and 44' concrete throat in compliance with minimum design standards per City Standard Detail 951, as approved by Staff.
 3. Property owner shall remove westernmost curb cut on Mid Broadwell Road if significant safety-related concerns are identified warranting its removal, such as vehicular and/or non-vehicular related collisions, as determined by Staff.
 4. Any future curb cut removal shall be done at the expense of the property owner, who acknowledges after coordination with City Staff that the curb cut is located within the functional area of the Mid Broadwell Road at Bethany Road roundabout and may pose future safety-related and crash-related concerns.
 5. Applicant shall provide calculations to the City verifying that the new gravel driveway is included in the treatment volume. If the new gravel driveway is not accounted for in the treatment volume, additional treatment volume shall be required.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (7-0).

7. NEW BUSINESS

A. Purchase Approval: Novacoast Inc. Renewal

Consideration of approval of a renewal agreement with Novacoast Inc. under U.S. General Services Administration contract GS-35F-246BA for managed services with asset management and cybersecurity software in the amount of \$103,817.00, and with authorization for the Mayor to execute all necessary documents.

- Director of Information Technology, Adam Montgomery, came forward to present this item.

- In Fiscal Year 2024, the City Council approved an agreement with Novacoast as a managed service provider for asset management and cybersecurity. In December, we began the process of onboarding and working with Novacoast.
- Pursuant to Georgia code sections 50-18-72 and 50-14-3, the cybersecurity details of this renewal, including the agreement and quote, do not require public release or discussion.
- The Fiscal Year 2025 budget included funding for this renewal. The Novacoast proposal meets this initiative's parameters with a GSA contract cost of \$103,817.00. This is an increase over Fiscal Year 2024, which was \$98,523.24. This increase was expected because of additional licenses needed.

PUBLIC COMMENTS:

- There were no public comments.
 - ❖ Council Member Mitchell offered a motion to approve a renewal agreement with Novacoast Inc. under U.S. General Services Administration contract GS-35F-246BA for managed services with asset management and cybersecurity software in the amount of \$103,817.00, and with authorization for the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).

8. PUBLIC COMMENT

- There were no public comments.

9. REPORTS

- Council Member Mitchell encouraged the public to vote to during tomorrow's election.
- Mayor Gilvin gave thanks to those who sponsored and those in the Recreation and Parks Department for celebrating and honoring veteran employees during a luncheon earlier today.

10. EXECUTIVE SESSION (IF NECESSARY)

- ❖ Council Member Hipes offered a motion to adjourn to Executive Session for the purposes of personnel.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (7-0).
 - Mayor Gilvin recessed the meeting at 7:00 p.m.
- ❖ Council Member Hipes offered a motion to reconvene the meeting.
 - Council Member Will seconded the motion.

- The motion was approved unanimously (7-0).
- Mayor Gilvin reconvened the meeting at 7:27 p.m.

11. ADJOURNMENT

- ❖ Council Member Hipes offered a motion to adjourn the meeting.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (7-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 7:28 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk