



City Council Meeting & Public Hearing

JANUARY 27, 2025

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

• Absent

- Douglas J. DeRito

• Staff

- Chris Lagerbloom, City Administrator
- Melissa Tracy, City Attorney
- Lauren Shapiro, City Clerk
- Adam Montgomery, Director of Information Technology
- Brooke Lappin, Director of Courts
- Charlie Jewell, Director of Economic Development
- Cris Randall, Director of Human Resources
- 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
- Michael Woodman, Planning and Development Services Manager
- Deanna McKay, Public Communication & Engagement Coordinator
- Suzanne Swain, Community Services Manager

3. PLEDGE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Proclamation: Alpharetta High School CyberPatriot Club

- Mayor Gilvin presented a proclamation to the student advisor and student members of the Alpharetta High School CyberPatriot Club to recognize their recent successful competition season.

5. BOARDS & COMMISSIONS

A. Cultural Arts Commission Appointment by Mayor Gilvin

- Mayor Gilvin announced the appointment of Luis Gonzalez to the Cultural Arts Commission.

B. Historic Preservation Commission Appointment by Council Member Hipes

- Council Member Hipes announced the appointment of Kristen Colby to the Historic Preservation Commission.

C. Resolution: Development Authority Reappointment

Consideration of adoption of a Resolution to reappoint Jill Bernard, Shawn Allen, Morgan Smith, and John Goss to the Alpharetta Development Authority.

- City Attorney, Molly Esswein, read the resolution title aloud.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to adopt a resolution to reappoint Jill Bernard, Shawn Allen, Morgan Smith, and John Goss to the Alpharetta Development Authority.
 - Council Member Hipes seconded the motion.
 - The motion was approved (6-0).

D. Swearing in of New and Reappointed Board and Commission Members

- Mayor Gilvin swore in the new and reappointed Board and Commission Members.

6. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 1/6/2025)

Consideration of approval of the City Council meeting minutes from the meeting of January 6, 2025.

B. Financial Management Report (Month Ending November 30, 2024)

Consideration of approval of the Financial Management Report for the month of November 30, 2024.

C. Conflict Waiver: City of Alpharetta and City of Milton for North Fulton Emergency Medical Response Oversight Committee ("EMROC")

Consideration of approval of a Waiver of Conflict for Jarrard and Davis, LLP to represent the legal interests of the City of Alpharetta and the City of Milton for the purposes of joining and drafting bylaws of the EMROC and with authorization for the Mayor to execute all necessary documents.

D. Quitclaim Deed: Builder Support Services Inc. and City of Alpharetta, Georgia in Hampton Hall Subdivision

Consideration of approval of a Quitclaim Deed between Builder Support Services Inc. and the City of Alpharetta, Georgia and with authorization for the Mayor to execute all necessary documents.

E. Right of Way Warranty Deed – Hawthorne Subdivision

Consideration of approval and acceptance of a Right of Way Warranty Deed for land along Kimball Bridge Road and Buice Road from Toll Southeast LP Company, Inc. for the Hawthorne Subdivision to the City of Alpharetta.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the Consent Agenda.
 - Council Member Brady seconded the motion.
 - The motion was approved (6-0).

7. PUBLIC HEARING

A. MP-24-09/CU-24-12/V-24-28 Alpharetta Hotel Holdings LLC / Hybrid Hotel

DEFERRED: This item has been deferred by the applicant and will not be considered during the January 27, 2025 Council Meeting.

Consideration of a master plan amendment, conditional use, and variance to allow 'Hotel, Hybrid' on 9.89 acres in the Preston Ridge Master Plan. A master plan amendment is requested to the Preston Ridge Maser Plan Pod H to add 'Hotel, Hybrid' for a dual brand Marriott Hotel. A variance is requested to deviate form the Hybrid Hotel regulations. The property is located at 12140 Morris Road and is legally described as being located in Land Lot 1262, 2nd District, 2nd Section, Fulton County, Georgia.

B. Announcement of Public Hearing Procedures

- City Attorney, Molly Esswein, announced the City's public hearing procedures.

C. Z-25-01/CU-25-01 The Shipping Post/312 North Main Street

Consideration of rezoning and conditional use to allow for the re-use of an existing structure for a shipping and printing store on a 0.59-acre property in the Downtown. A rezoning is requested from O-I (Office-Institutional) to DT-LW (Downtown Live-Work) and a conditional use is requested to allow 'Print Shop' for The Shipping Post. The property is located at 312 North Main Street and is legally described as being located in Land Lot 1197, 2nd District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Siva Doraisamy, is requesting a rezoning and conditional use to allow for the re-use of an existing one (1) story, 1,275 square foot structure for a 'Print Shop' on 0.59 acres in the Downtown. A rezoning is requested from O-I (Office-Institutional) to DT-LW (Downtown Live-Work), and a conditional use is requested to allow a 'Print Shop' for The Shipping Post. The subject property is located at 312 North Main Street on the west side of North Main Street and north of Mayfield Road.
- This item was considered at the January 9, 2025 Planning Commission meeting. There were no public comments. After discussion, the Commission recommended approval subject to Staff's recommended conditions (vote 7-0).
- Staff is recommending that Mayor and Council approve Z-25-01/CU-25-01 The Shipping Post/312 North Main Street, subject to the following conditions:
 1. Approximately 0.59 acres shall be rezoned to DT-LW and developed substantially similar to survey prepared by Engineering 303, dated 5/17/23, except for modifications required to comply with the conditions below.
 2. Exterior changes to the existing structure shall be in compliance with the Downtown Code building design regulations, subject to final approval by DRB.
 3. 'Print Shop' shall be added as a conditional use at 312 North Main Street and limited to no more than 1,275 square feet.
 4. Conditional use approval shall be limited to The Shipping Post; no additional 'Print Shop' use or subleasing shall be permitted within the approved space.
 5. Hours of operation shall be limited to Monday – Friday 9:00 AM – 7:00 PM, Saturday 10:00 AM – 5:00 PM, and Sunday 12:00 PM – 4:00 PM.
 6. A 50' planted buffer shall be provided at the rear of the property replanted to City buffer standards, as approved by Staff.
 7. North Main Street streetscape shall include decorative pedestrian lighting, as approved by Staff.

8. Minimum 10' landscape strip shall be provided along North Main Street. Landscape strip shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements and overhead utilities, as approved by DRB.
 9. Minimum 5' landscape strips along the north and south property lines shall be planted with a mix of evergreen and hardwood trees and shrubs, as approved by DRB.
 10. Project entrance shall include decorative landscape, as approved by DRB.
 11. The front yard shall be developed with a park-like setting with decorative landscape. Landscape material shall include plant selections promoting the historic Downtown.
 12. Developer shall plant Creeping Phlox (pink or white) at the top of the GDOT wall along the property frontage, with final approval by DRB.
 13. Developer shall save tree #121 (28" Water Oak) and #120A (25" China fir), with final approval by Staff.
 14. If a dumpster is utilized, dumpster shall be contained within a masonry enclosure with opaque decorative metal gate, with final approval by DRB.
 15. Existing parking lot shall be re-stripped, as approved by Staff.
 16. If signage is placed on the rear of the building, signage shall not be illuminated.
 17. Site lighting in the rear parking lot shall be on a timer with lights turned off at 8:00 PM Monday – Sunday.
- The 0.59-acre property was developed in 1940 with a one (1) story, 1,275 square foot building originally used as a single-family home. Surrounding properties are zoned O-I to the north, east and south and R-15 (Dwelling, 'For-Sale', Residential) to the west. O'Neal Smiles (dental office) is located to the north, a former chiropractic center is located to the east, Pavlova by Marian Bakery has been approved to the south and an unplatted single-family residential lot to the west. The comprehensive land use designation of the property is 'Mixed Use Live Work', which supports the proposed rezoning and uses.
 - The Shipping Post is a print and shipping store similar to FedEx Office Print & Ship Center or The UPS Store. According to the application, the business offers a variety of services, including packing and shipping, printing and copying, passport photos, notary services, mailbox rentals, and computer rentals. The applicant proposes to re-use an existing 1,275 square foot vacant structure. The business anticipates approximately four (4) employees and will have hours of operation from Monday – Friday 9:00 AM – 7:00 PM, Saturday 10:00 AM – 5:00 PM, and Sunday 12:00 PM – 4:00 PM. The applicant states that the only immediate exterior change to the site will be parking space striping, with plans to upgrade windows, replace the roof and expand the driveway access to allow for two-way traffic.

- The submitted site plan depicts re-use of an existing one (1) story, 1,275 square foot building. The site plan does not depict any changes to the building or site. Access to the property will continue through an existing curb cut off North Main Street. The building has an existing front setback of approximately 47' from North Main Street. A minimum ten-foot (10') building setback and landscape strip are required along North Main Street and a 50' undisturbed buffer replanted to buffer standards is required at the rear of the property.
- The existing 3,000 square feet parking lot is not stripped. The Downtown Code requires one (1) space per 500 square feet, or three (3) parking spaces for the proposed Print Shop. The existing parking lot provides sufficient area to accommodate the parking needs of the proposed use.
- The Downtown Code requires a minimum ten percent (10%) amenity space, or 0.06 acres, for the proposed development. It is recommended that the front yard be landscaped to comply with the minimum open space requirement.
- The applicant submitted a tree survey and arborist assessment but does not propose any tree removal. Trees in the 50' undisturbed buffer at the rear of the property are required to be saved. Buffer should be replanted to City buffer standards. The applicant does not propose any changes to the impervious area of the site and therefore would not trigger any stormwater requirements.
- Staff estimates that the 1,275 square foot 'Print Shop' would generate approximately sixteen (16) AM Peak Hour trips and 21 PM Peak Hour trips.
- 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 no comments were received.
- A Community Zoning Information Meeting was held on December 11, 2024. There was one (1) public comment in support of the request.
- Staff has reviewed the applicant's proposal against the review criteria for a rezoning and conditional use. The zoning proposal is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'. In addition, the proposed conditional use would be compatible with surrounding uses and other locations for these businesses, which are similarly situated along commercial corridors. The proposed 'Print Shop' will add to the variety of retail service offerings in the City and in the Downtown.
- Sivaganesh Doraisamy (2143 McFarlin Lane, Milton, Georgia 30004) 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 Z-25-01/CU-25-01 The Shipping Post/312 North Main Street, subject to the following conditions:
1. Approximately 0.59 acres shall be rezoned to DT-LW and developed substantially similar to survey prepared by Engineering 303, dated 5/17/23, except for modifications required to comply with the conditions below.
 2. Exterior changes to the existing structure shall be in compliance with the Downtown Code building design regulations, subject to final approval by DRB.
 3. 'Print Shop' shall be added as a conditional use at 312 North Main Street and limited to no more than 1,275 square feet.
 4. Conditional use approval shall be limited to The Shipping Post; no additional 'Print Shop' use or subleasing shall be permitted within the approved space.
 5. Hours of operation shall be limited to Monday – Friday 9:00 AM – 7:00 PM, Saturday 10:00 AM – 5:00 PM, and Sunday 12:00 PM – 4:00 PM.
 6. A 50' planted buffer shall be provided at the rear of the property replanted to City buffer standards, as approved by Staff.
 7. North Main Street streetscape shall include decorative pedestrian lighting, as approved by Staff.
 8. Minimum 10' landscape strip shall be provided along North Main Street. Landscape strip shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements and overhead utilities, as approved by DRB.
 9. Minimum 5' landscape strips along the north and south property lines shall be planted with a mix of evergreen and hardwood trees and shrubs, as approved by DRB.
 10. Project entrance shall include decorative landscape, as approved by DRB.
 11. The front yard shall be developed with a park-like setting with decorative landscape. Landscape material shall include plant selections promoting the historic Downtown.
 12. Developer shall plant Creeping Phlox (pink or white) at the top of the GDOT wall along the property frontage, with final approval by DRB.
 13. Developer shall save tree #121 (28" Water Oak) and #120A (25" China fir), with final approval by Staff.
 14. If a dumpster is utilized, dumpster shall be contained within a masonry enclosure with opaque decorative metal gate, with final approval by DRB.
 15. Existing parking lot shall be re-striped, as approved by Staff.
 16. If signage is placed on the rear of the building, signage shall not be illuminated.

17. Site lighting in the rear parking lot shall be on a timer with lights turned off at 8:00 PM Monday – Sunday.

18. The Applicant shall stripe and maintain the asphalt on the property for 10 additional spaces.

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

D. CU-25-02 Kids Avenue/Stonewood Village

Consideration of a conditional use to allow a children's event venue business in an existing shopping center. A conditional use is requested to allow 'Recreation Facilities, Indoor' for Kids Avenue. The property is described as being located at 670 North Main Street, Suite 115B and is legally described as being located in Land Lot 1197, 2nd District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Roi Shlomo, is requesting a conditional use to allow 'Recreation Facilities, Indoor' in an 8,819 square foot space in an existing strip shopping center. According to the application, Kids Avenue is an indoor playground for children 0 – 8 years old. A conditional use is requested to allow 'Recreation Facilities, Indoor' for Kids Avenue. The subject property is located at 670 North Main Street, Suite 115B at the northwest corner of North Main Street and Cogburn Road.
- This item was considered at the January 9, 2025 Planning Commission meeting. There were no public comments. After discussion, the Commission recommended approval subject to Staff's recommended conditions (vote 7-0)
- Staff is recommending that Mayor and City Council approve CU-25-02 Kids Avenue/Stonewood Village, subject to the following conditions:
 1. 'Recreation Facilities, Indoor' shall be added as a conditional use at 670 North Main Street, Suite 115B and limited to no more than 8,819 square feet.
 2. Conditional use approval shall be limited to Kids Avenue; no additional 'Recreation Facilities, Indoor' use or subleasing shall be permitted within the approved space.
 3. 'Recreation Facilities, Indoor' shall be limited to an indoor playground and event space for children.
 4. Hours of operation shall be Monday – Friday 10:00 AM – 6:00 PM and Saturday – Sunday 8:00 AM – 6:00 PM.
 5. Exterior modifications to the side of the building shall be consistent with the existing storefront, subject to final approval by the Design Review Board (DRB).

6. A designated sidewalk shall be provided along the side of the building connecting the existing storefront sidewalk to the protective barrier, shall be used to buffer the sidewalk from the drive aisle.
- The property is zoned C-1 (Neighborhood Commercial) and is developed with a one (1) story, 110,000 square foot strip shopping center (Stonewood Village). Surrounding properties are zoned R-15 (Dwelling, 'For-Sale', Residential) to the north, AG (Agriculture) to the east, and C-1 to the east, west, and south. City of Milton is located to the south, an undeveloped commercial parcel is located to the west, Gatewood subdivision is located to the north, Cogburn Park and Addington Place Assisted Living are located to the east, and Custom Pools of Atlanta is located to the south. The comprehensive land use plan designation of the property is 'Commercial', which supports the applicant's proposal.
 - According to the application, Kids Avenue is an indoor playground and event space for children 0 – 8 years old. The space features a miniature city with interactive and soft play areas. The applicant states that the focus of the business is to provide a space where children not only have fun but also learn, socialize, and develop essential life skills through interactive and engaging activities. The business has one (1) existing location in Buckhead at 3199 Maple Drive NE R, Atlanta, GA 30305. Hours of operation are proposed to be Monday – Friday 10:00 AM – 6:00 PM and Saturday – Sunday 8:00 AM – 6:00 PM. The applicant anticipates approximately eight (8) to ten (10) employees.
 - Kids Avenue proposes to re-use an 8,819 square foot space in the Stonewood Village shopping center located on the west side of the building behind Wellstar. No exterior changes to the building or site are proposed. There are approximately 564 parking spaces existing on the property. The applicant's proposal is supported by a sufficient amount of parking.
 - Staff estimates that the proposed use will generate approximately thirteen (13) PM Peak Hour trips.
 - 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 no public comments were received.
 - A Community Zoning Information Meeting was held on December 11, 2024. There were no public comments
 - Staff has reviewed the applicant's proposal against the review criteria for a conditional use. The proposal would not adversely affect the existing use or usability of adjacent or nearby properties, which are primarily developed with a variety of commercial uses. The addition of an entertainment use to the Stonewood Village shopping center would draw additional customers to the center benefiting the existing businesses.

- Roi Shlomo (3235 Roswell Road, NE, Suite 901, Atlanta, GA 30305) 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-25-02 Kids Avenue/Stonewood Village, subject to the following conditions:
 1. 'Recreation Facilities, Indoor' shall be added as a conditional use at 670 North Main Street, Suite 115B and limited to no more than 8,819 square feet.
 2. Conditional use approval shall be limited to Kids Avenue; no additional 'Recreation Facilities, Indoor' use or subleasing shall be permitted within the approved space.
 3. 'Recreation Facilities, Indoor' shall be limited to an indoor playground and event space for children.
 4. Hours of operation shall be Monday – Friday 10:00 AM – 6:00 PM and Saturday – Sunday 8:00 AM – 6:00 PM.
 5. Exterior modifications to the side of the building shall be consistent with the existing storefront, subject to final approval by the Design Review Board (DRB).
 6. A designated sidewalk shall be provided along the side of the building connecting the existing storefront sidewalk to the protective barrier, shall be used to buffer the sidewalk from the drive aisle.
 - Council Member Mitchell seconded the motion.
 - Council Member Mitchell offered a friendly amendment that "The slow children crossing signs be added and the additional striping on the street to designate the in and out and also where the elevated sidewalk is."
 - Mayor Pro Tem Merkel accepted the friendly amendment.
 - The motion was approved (5-1; with Council Member Will in opposition).

E. PH-25-02 Unified Development Code Text Amendments – Third Party Inspections and Plan Review

FIRST READING

Consideration of text amendments to Section 4.4 Development Permitting and Construction of Article IV of the Unified Development Code (UDC) to add regulations pertaining to third party inspections and plan review.

- City Attorney, Molly Esswein, read the Ordinance title aloud.
- Director of Community Development, Kathi Cook, came forward to present this item.

- This item was considered at the January 9, 2025 Planning Commission meeting. There were no public comments. After discussion, the Commission recommended approval (vote 7-0).
- A draft of the Ordinance for the proposed text amendments is attached hereto as "Exhibit A."
- In 2021, the State of Georgia enacted regulations allowing for third party plan review and inspections, per O.C.G.A § 8-2-26(g). The State Act allows owners, developers, and contractors to submit inspection certifications by approved third party inspectors and plans review affidavits by approved third party plans reviewers to satisfy certain inspection and plans review requirements. Under the State Act, the City will only consider inspection certifications and plans review affidavits from individuals listed on the approved third-party inspector and plans reviewer list. Individuals wishing to be placed on the approved third-party inspectors and plans reviewer list as an approved third-party inspector and plans reviewer must submit an initial application, as well as an annual renewal, along with an application fee as established by the City of Alpharetta.
- Staff recommends text amendments to Unified Development Code (UDC) Article IV Procedures to establish a program and procedures for third party inspections and plan review in compliance with the State Act.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-25-02 Unified Development Code Text Amendments – Third Party Inspections and Plan Review.
 - Council Member Brady seconded the motion.
 - The motion was approved unanimously (6-0).

F. E-25-01 Angela Krause Sign Exception

Consideration of an exception to allow an additional wall sign and increase the size of the wall sign. The property is located at 1565 Mansell Road and is legally described as being located in Land Lots 560, 561, 589 & 590, 1st District, 2nd Section, Fulton County, Georgia.

- Planning and Development Services Manager, Michael Woodman, came forward to present this item.
- The applicant, Mike Hammond with Apollo Sign & Light, is requesting consideration of a sign exception to allow for a 2nd wall sign on a commercial building and increase to the total allowable sign copy area from 65 square feet to 294.34 square feet. The subject property is located at 1565 Mansell Road at the southeast corner of Kingswood Place and Mansell Road.
- Staff is recommending that Mayor and City Council approve E-25-01 Angela Krause Ford Sign Exception, subject to the following conditions:

1. Wall sign location, number, and illumination shall be limited to the submitted sign plans prepared by AGI, dated 9/24/24, except to comply with the conditions below, as approved by Staff.
 2. The total copy area of both wall signs shall not exceed 156 square feet, as approved by Staff.
 3. Developer shall assess site landscaping along Mansell Road and replace any missing, dead, or dying landscape material, as approved by Staff.
- The 7.37-acre property is zoned LI (Light Industrial) and is developed with a two (2) story, 24,280 square foot building formerly occupied by the Atlanta Humane Society. Angela Krause Ford recently acquired the subject property as part of an expansion of the car dealership. Surrounding properties are zoned LI.
 - For free-standing commercial establishments not located within a shopping center, Unified Development Code (UDC) Subsection 2.6.12(E) allows one (1) wall sign per road frontage no greater than one square foot (1 SF) of area per one linear foot (1 LF) of frontage. The building frontage facing Mansell Road is approximately 65'; therefore, one (1), 65 square foot wall sign is permitted on the north elevation of the building. In addition, UDC Subsection 2.6.8 (26) prohibits signs exceeding 156 square feet in copy area located on a commercial building. Exceptions cannot be granted to a prohibited sign.
 - The applicant requests a 2nd wall sign on the north elevation of a building which is set back approximately 500' from Mansell Road. As shown in the sign plan below, the existing wall sign is 64.69 square feet and the proposed 2nd wall sign is 229.65 square feet, for a total of 294.34 square feet. The existing sign is halo-lit, which is also proposed for the 2nd wall sign.
 - The Citizen Participation Plan Report submitted by the applicant states that adjacent property owners were contacted regarding the applicant's intent. The report states that no comments have been received.
 - A Community Zoning Information Meeting was held on December 11, 2024. There were no public comments.
 - Staff has reviewed the applicant's request against the review criteria for a sign exception. The proposal should not have significant impacts on surrounding properties, which are primarily developed with commercial uses. The property has exceptional conditions due to its large size and the building is setback approximately 500' from Mansell Road. Signage on the north elevation of the building would have limited visibility from Mansell Road. If approved, the total copy area of both wall signs should not exceed 156 square feet.
 - Mike Hammond (Appollo Signs) came forward to speak on behalf of this application.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to deny E-25-01 Angela Krause Sign Exception.
 - Council Member Hipes seconded the motion.
 - The motion was approved unanimously (6-0).

8. NEW BUSINESS

A. Invitation to Bid 25-008: Kimball Bridge Road Pedestrian Lighting

Consideration to award ITB 25-008 to NGT Group LLC for Kimball Bridge Road Pedestrian Lighting in an amount totaling \$247,685.13 and to authorize Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- The widening of Kimball Bridge Road from two to four lanes between Georgia 400 and North Point Parkway started by Georgia Department of Transportation and will be continued by True North 400. The scope of work with True North 400's work does not include pedestrian lighting.
- This procurement will provide for the installation of 31 pedestrian lights along Kimball Bridge Road from the bridge over Georgia 400 to approximately 400' north of North Point Parkway.
- The proposed lights will match the existing pole and fixture types currently utilized on the Kimball Bridge Road Corridor.
- The Department of Public Works, with guidance from the Finance Department, prepared ITB 25-008 which was issued on October 3, 2024. ITB 25-008 was advertised through the City's e-procurement site (Bonfire) as well as the Georgia Procurement Registry and resulted in over 757 vendor (firm) invites and 36 document takers. ITB 25-008 responses were received on October 31, 2024, and included bids from 5 firms.
- Staff recommends award of ITB 25-008 to NGT Group LLC as the low-cost responsive and responsible bidder.
- NGT Group LLC is an experienced contractor that has successfully completed projects of similar scopes throughout the region including work on multiple segments of the Atlanta Belt Line and on Forsyth County's Coal Mountain Connector project.
- Currently, True North 400 CID's contractor is waiting on utility relocations to occur before commencing construction of the roadway widening. Once construction begins, it is anticipated to be completed within four months.

PUBLIC COMMENTS:

- There were no public comments.

- ❖ Council Member Mitchell offered a motion to award ITB 25-008 to NGT Group LLC for Kimball Bridge Road Pedestrian Lighting in an amount totaling \$247,685.13 and to authorize Mayor to execute all necessary documents.
 - Council Member Brady seconded the motion.
 - The motion was approved (6-0).

B. Resolution and Interlocal Agreement: 2024 Byrne Justice Assistance Grant (JAG) Program Award

Consideration of adoption of a resolution and approval of an Interlocal Agreement between the City of Atlanta and the City of Alpharetta for the 2024 Byrne Justice Assistance Grant (JAG) Program Award.

- Director of Public Safety, John Robison, came forward to present this item.
- City Attorney, Molly Esswein, read the resolution title aloud.
- The Edward Byrne Memorial Justice Assistance Grant (JAG) Program is the primary provider of federal criminal justice funding to states and local governments.
- Grant award allocations are based on National Incident-Based Reporting System (NIBRS) reporting. Implemented to improve the overall quality of crime data collected by law enforcement, NIBRS captures details on each single crime incident—as well as on separate offenses within the same incident—including information on victims, known offenders, relationships between victims and offenders, arrestees, and property involved in crimes.
- Based upon those criteria, the City of Alpharetta has been awarded an allocation of \$13,927.00.
- For the 2024 JAG Program application, the City of Atlanta served as the applicant and fiscal agent representing all Fulton County municipalities. Per JAG Program requirements, Alpharetta must now execute an MOU or Interlocal Agreement with the City of Atlanta to receive program funds.
- The funds from the Bureau of Justice Assistance (BJA) FY24 Justice Assistance Grant will be used to purchase software which is needed for the City's inventory management. We need an inventory management module for Public Safety to manage our assets accurately using an electronic system rather than an Excel spreadsheet.
- The purchase will encumber the \$13,900 awarded to Alpharetta through the JAG Program. The Public Safety Department will use current FY25 funds to cover the additional \$1,850 for the upgrade.

PUBLIC COMMENTS:

- There were no public comments.

- ❖ Council Member Will offered a motion to adopt a resolution and approve an Interlocal Agreement between the City of Atlanta and the City of Alpharetta for the 2024 Byrne Justice Assistance Grant (JAG) Program award.
 - Council Member Hipes seconded the motion.
 - The motion was approved (6-0).

C. Emergency Medical Response Oversight Committee

Consideration of the Creation of the Emergency Medical Response Oversight Committee (EMROC) and Adopting Bylaws with the cities of Johns Creek, Milton, Roswell, and Sandy Springs.

- City Administrator, Chris Lagerbloom, came forward to present this item.
- City Attorney, Molly Esswein, read the resolution title aloud.
- The cities of Alpharetta, Johns Creek, Milton, Roswell and Sandy Springs entered into a contract with American Medical Response (AMR) earlier in the year. Subsequent to the adoption of that contract, it is necessary to establish contract oversight. Previously, the north Fulton cities participated in the Emergency Medical Response Oversight Committee (EMROC) to fulfill this requirement. With the addition of Sandy Springs, and the new adoption of the contract, the cities desire to re-form EMROC.
- If adopted, the bylaws (attached) will form the basis for the newly constituted EMROC.
- This item is being considered in each of the participating cities simultaneously.
- Finally, City Administrator Lagerbloom shared that he and City Attorney noticed that the numbering in the bylaw document is slightly off (Article 3, specifically) and if this were approved to ask for the authority to change the numbering within the document.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Will offered a motion to approve a resolution for the creation of the Emergency Medical Response Oversight Committee (EMROC) and Adopting Bylaws with the cities of Johns Creek, Milton, Roswell, and Sandy Springs along with the authority to change the incorrect numbering within the document.
 - Council Member Brady seconded the motion.
 - The motion was approved (6-0).

D. Ratification of Purchase Award: Greenway Emergency Washout Repairs

Consideration of approval of the ratification of a purchase award in order to repair Greenway Washout to Steele and Associates 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.

- On September 27th, the City of Alpharetta prepared for the arrival of Hurricane Helene. While the storm's impact on the City was not as severe as it was for our neighboring areas, it did cause significant damage to certain parts of the community. Among the most affected areas was Alpharetta's Big Creek Greenway, specifically the area south of Webb Bridge Road.
- This severe flooding threatened the root stability of a large tree in the area. When the tree ultimately fell, the high waters created a whirlpool effect between the root ball and creek banks. This swirling action caused the soil to become destabilized, leading to a washout along the Greenway.
- In 2016 and 2018, similar washouts occurred for the same reason: intense flooding destabilizing the root systems of nearby trees, which led to washouts and soil erosion along the creek. In each of these prior incidents, the city used a method call Gabion Baskets to restore the creek banks. This method proved to be both effective and sustainable for stabilizing the soil and preventing further erosion, and it was also economical.
- To proceed with the repairs, staff sought quotes from qualified vendors who have experience in installing Gabion Baskets for creek bank restoration, as they have successfully completed similar work in Alpharetta before.
- Three proposals were received from qualified companies, each offering a turnkey solution to complete the required work.
- After careful consideration, the decision was made by the City Administrator to move forward with a purchase order for the lowest bidder, Steele and Associates, allowing the repair work to begin prior to Council approval. The delay in waiting for Council approval would have been detrimental to this section of the Greenway's current condition.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the ratification of a purchase award in order to repair Greenway Washout to Steele and Associates and to authorize the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved (6-0).

E. Partnered Athletic Association's Annual Agreement Renewals

Consideration of approval of the renewal of annual agreements as partnered athletic associations with the City of Alpharetta's Recreation, Parks and Cultural Services Department: Alpharetta Ambush Youth Soccer Club, Inc., Alpharetta Youth Baseball Association, Inc., Alpharetta Youth Girls Softball Association, Inc., 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 City of Alpharetta Recreation, Parks & Cultural Services Department partners with three Youth Athletic Associations. The youth athletic league programs operate in Wills Park, Webb Bridge Park, North Park, and the Innovation Academy Sports Complex (Alpharetta Youth Baseball Association, Inc., Alpharetta Girls Youth Softball Association, Inc., and Alpharetta Ambush Soccer Club, Inc.).
- If this item is approved, the city would renew the annual Facility Use Agreements for each partnered Youth Athletic Association, January 1, 2025 - December 31, 2025.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the renewal of annual agreements as partnered athletic associations with the City of Alpharetta's Recreation, Parks and Cultural Services Department: Alpharetta Ambush Youth Soccer Club Inc., Alpharetta Youth Baseball Association, Inc., Alpharetta Youth Girls Softball Association, Inc. (excluding Alpharetta Phoenix Rugby) and to authorize the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved (6-0).

F. Agreement for Exchange of Realty: 840 and 850 Old Rucker Road

Consideration of approval of an Agreement for Exchange of Realty between the City of Alpharetta and Jonna L. Beiletti for property referred to as 840 Old Rucker Road and 850 Old Rucker Road and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, came forward to present this item.
- If approved, this agreement would allow the City to dispose of 2,726 square feet of property located at 850 Old Rucker Road in exchange for 2,726 square feet of property located at 840 Old Rucker Road and owned by Jonna L. Beiletti.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve an Agreement for Exchange of Realty between the City of Alpharetta and Jonna L. Beiletti for property referred to as 840 Old Rucker Road and 850 Old Rucker Road and with authorization for the Mayor to execute all necessary documents.
 - Council Member Mitchell seconded the motion.
 - The motion was approved (6-0).

9. PUBLIC COMMENT

- There were no public comments.

10. REPORTS

- Council Member Will reported that January is firefighter cancer awareness month, and the city did recently lose one of our own retired firefighters, Shawn Webster. Last year, the city created a program for cancer screenings for fire employees. Additionally, this past Friday night, there was a report from Avalon that there was a significant car break-in and Officer Janke and K9 Maverick located and apprehended the suspect.
- Council Member Hipes reported that the Alpharetta Rotary Club's Annual Polar Bear Plunge is this upcoming weekend at Wills Park Pool. Currently, \$188,000 have been raised for various charities in Alpharetta or our immediate area.
- Mayor Pro Tem Merkel reported that the Public Safety Chili Cook Off was postponed to March 1st.
- Mayor Gilvin reported that the St. James United Methodist Church Martin Luther King, Jr. Day Celebration was a very powerful event, and the service is available to watch on YouTube.

11. EXECUTIVE SESSION (IF NECESSARY)

- There was not an executive session.

12. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.
 - Council Member Brady 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 8:30 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk

EXHIBIT A



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND ARTICLE IV OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ADD REGULATIONS PERTAINING TO THIRD PARTY INSPECTIONS AND PLAN REVIEW; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Alpharetta (the "City Council" or "Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta;

WHEREAS, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs;

WHEREAS, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City's operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta;

WHEREAS, the City Council desires to amend Article IV of the Unified Development Code for the foregoing purposes; and

WHEREAS, the City Council finds that the following amendments to the Unified Development Code promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta.

NOW THEREFORE, the Mayor and City Council of the City of Alpharetta hereby ordains, as follows:

Section 1: Article IV, Section 4.4 titled "Development Permitting and Construction" of the Unified Development Code is hereby amended by amending same as set forth in Exhibit "A" attached hereto as if fully set forth herein.

Section 2: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 3: This Ordinance shall be effective immediately upon its adoption by the City Council and the amendments made herein shall be incorporated into the Unified Development Code of the City of Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this ____ day of February ____.

CITY OF ALPHARETTA

By: _____
Jim Gilvin, Mayor

COUNCIL MEMBERS

Mayor Pro Tem Dan Merkel

Council Member Donald F. Mitchell

Council Member Brian Will

Council Member Douglas J. DeRito

Council Member John Hipes

Council Member Fergal Brady

(SEAL)

Attest:

Approved as to form and legal sufficiency:

Lauren Shapiro, City Clerk

[INSERT ATTORNEY], City Attorney

Exhibit "A"

4.4.10 Third party inspections and plan review.

A. *Definitions.* For purposes of this third-party inspection and plan review ordinance, the following definitions shall apply unless the context clearly indicates otherwise:

Approved third party inspectors and plans reviewer list. A list maintained by the Community Development Department comprised of the names of approved third party inspectors and plans reviewers that have complied with the application and renewal requirements of the City of Alpharetta Third Party Inspection and Plans Review Program and have been approved to perform third party inspections and plans review pursuant to this article of the City of Alpharetta Unified Development Code.

Approved third party inspector. A registered professional engineer, registered professional architect, or qualified inspector that has complied with the application and renewal requirements of the City of Alpharetta Third Party Inspection and Plans Review Program and has been approved to perform third party inspections pursuant to this article of the City of Alpharetta Unified Development Code. An approved third-party inspector is intended to constitute a "private professional provider" for the purposes of performing inspections as described in the State Act.

Approved third party plans reviewer. A registered professional engineer, registered professional architect, or qualified inspector that has complied with the application and renewal requirements of the City of Alpharetta Third Party Inspection and Plans Review Program and has been approved to perform third party plans review pursuant to this article of the City of Alpharetta Unified Development Code. An approved third-party plans reviewer is intended to constitute a "private professional provider" for the purpose of reviewing building construction plans as described in the State Act.

Complete Application. For purposes of processing applications in compliance with the State Act, an application submitted to the City of Alpharetta shall not be considered complete until all applicable fees have been paid, and all applicable reviewing agencies have received the application and provided any required approvals. For each permit type, the Community Development Department shall establish and publish the requirements of a complete application.

Convenience fees. Fees established by the Community Development Department to be paid to the City upon the election by an applicant to use a third-party inspector or third-party plans reviewer or despite the Community Development Department otherwise being able to provide inspection and plan review services within the time frames required by the State Act. Such fees shall be the same as any regulatory fees assessed by the City of Alpharetta for inspections and plan review services performed by the Community Development Department.

Department. The City of Alpharetta Community Development Department, or such other department as may be assigned by the City of Alpharetta City Administrator or his representative the responsibility of performing inspections and overseeing the third-party inspection and plans review system described herein.

Inspection. The observance of work and the performance of test for certain components and elements to establish conformance with City of Alpharetta approved construction documents, building codes and ordinances adopted by City of Alpharetta, and the requirements of the state minimum standards as adopted and amended by the Georgia Department of Community Affairs.

Inspection certification. A written statement signed by an approved third party inspector or his/her approved technician, which shall indicate that the item(s) being inspected, in the approved third party inspector's professional opinion and to the best of their knowledge, complies with City of Alpharetta approved construction documents, building codes and ordinances adopted by the City of Alpharetta, the requirements of the state minimum standards as adopted and amended by the Georgia Department of Community Affairs, and any other applicable inspections that are typically performed by inspectors employed by the City of Alpharetta.

Inspection field report. A written report prepared by an approved third-party inspector or a technician working under the direct supervision of an approved third-party inspector describing the work conducted and findings of an inspection performed by an approved third-party inspector or a technician working under the direct supervision of an approved third-party inspector.

Plans review affidavit. A written affidavit on a form adopted by the Georgia Department of Community Affairs that is completed and signed under oath by an approved third party plans reviewer, which shall indicate the plans which have been reviewed for the purpose of a building permit for the application in question, in the approved third party plans reviewer's professional opinion and to the best of their knowledge, complies with the regulatory requirements as designated by City of Alpharetta, including the Georgia State Minimum Standard Codes most recently adopted by the Department of Community Affairs and any locally adopted ordinances and amendments to such codes, applicable zoning ordinances and conditions, design standards, and any other applicable laws and regulations that would otherwise be required of staff employed by the City of Alpharetta Community Development Department.

Qualified inspector. A person who meets the definition of a qualified inspector as defined in O.C.G.A. § 8-2-26.1.

Registered professional architect. An individual that holds a certificate of registration issued under O.C.G.A. Title 43, Chapter 4.

Registered professional engineer. An individual that holds a certificate of registration issued under O.C.G.A. Title 43, Chapter 15.

Regulatory fees. All fees established by the City to be paid to the City for any regulatory action, inspection services, or plan review services as provided by the State Act and this article.

State act. O.C.G.A. § 8-2-26(g).

Technician. An individual that performs inspections under the direct supervision of an approved third-party inspector.

Third party inspection. Inspection performed in conformance with this program by approved third party inspectors.

Third party inspection and plans review program. The rules and procedures described in this third-party inspection and plans review ordinance.

Third party plans review. Building construction plans review performed in conformance with this program by approved third party plans reviewers.

B. Third Party Inspection and Plans Review Program

1. The department will establish and maintain an approved third-party inspectors and plans reviewers list from whom the department will accept third party inspections and third-party plans reviews in accordance with this third-party inspection and plans review ordinance.
2. In full compliance with the requirements of the State Act, the City of Alpharetta shall allow owners, developers, and contractors to submit inspection certifications by approved third party inspectors and plans review affidavits by approved third party plans reviewers to satisfy certain inspection and plans review requirements.
3. The department will only consider inspection certifications and plans review affidavits from individuals listed on the approved third-party inspector and plans reviewer list. The City of Alpharetta makes no representation concerning the approved third-party inspectors and approved third party plans reviewers other than that they have submitted evidence showing that they have met the minimum criteria necessary to qualify for the third-party inspection and plans review program described herein.
4. In order for an inspection certification or plans review affidavit to be accepted by the department for a particular project, an approved third-party inspector or approved third party plans reviewer must be independent of and must not be an employee of or otherwise affiliated with or

financially interested in the person, firm or corporation engaged in the construction project to be inspected.

5. The person, firm or corporation retaining an approved third party inspector or approved third party plans reviewer to conduct an inspection or plans review shall be required to pay to the City fifty percent (50%) of the regulatory fees and charges which would have been required had the inspection or plans review been conducted by a City inspector or City plan reviewer, irrespective of whether the City determines that the City could conduct a particular inspection or plans review in a time as determined by the State Act. Should the department determine that it can conduct a particular inspection, or plans review in a time as determined by the State Act, a convenience fee shall be paid to the City. Upon paying in full of the convenience fees associated with the complete application, the applicant may choose to retain, at its own expense, an approved third-party inspector or approved third party plans reviewer to provide the required inspection or plan review, subject to the requirements set forth in this Ordinance. Any regulatory fees or convenience fees paid to the City are nonrefundable.
6. All other fees and costs related to the performance of the third-party inspections, or third-party plans review are matters solely between the approved third-party inspector or approved third party plans reviewer and the person, firm, or corporation engaging the approved third-party inspector or approved third party plans reviewer.
7. Notwithstanding the submission of an inspection certification or plans review affidavit, the department retains the authority to make all code interpretations and to monitor the quality of all third-party inspections and third-party plans reviews and nothing in this article shall be construed as authorizing any approved third-party inspector or approved third party plans reviewer to issue a certificate of occupancy.
8. For purposes of processing applications in compliance with the State Act, an application submitted to the department shall not be considered complete until all applicable fees have been paid, and all applicable City departments have previously received the application and provided any required approvals.

C. Inspection Types.

1. The department will, at a minimum, accept third party inspections in compliance with the State Act for any construction inspections required by the City of Alpharetta Construction Code. A comprehensive list of the various inspection types, their allowed timing and other related details are established by department policy. This document is available from the department and is published on the City's website.
2. Approved third party inspectors shall be authorized to conduct any inspection required by the City necessary or required to determine compliance with all regulatory requirements and for the issuance of a building permit or certificate of occupancy, provided that the inspection being performed is within the scope of the approved third party inspector's area of competency; and further, that a qualified inspector acting as an approved third party inspector or as an approved third party plans reviewer shall only be empowered to perform a plan review or inspection within an area for which such qualified inspector has been issued a certification, license, or completion of training provided for in paragraph (2) of subsection (a) of O.C.G.A. § 8-2-26.1. However, nothing in this article shall be construed as authorizing third party inspections for compliance with state or local fire safety standards or erosion control standards.

D. Approved third party inspector requirements and qualifications.

1. Individuals wishing to be placed on the approved third-party inspectors and plans reviewer list as an approved third-party inspector must submit an initial application along with an application fee as established by the City of Alpharetta. Those individuals who are placed on the third-party inspectors and plans reviewer list must submit a renewal form no later than December 1 each year. Individuals that do not timely submit a renewal form shall be removed from the third-party inspectors and plans reviewer list.
2. In order to qualify as an approved third-party inspector, an individual must:
 - a. Be employed by or be a partner in an engineering or architect firm, in full compliance with the City of Alpharetta Unified Development Code, including timely payment of the occupational tax and registration required thereunder;

- b. Be a registered professional engineer, a registered professional architect, or a qualified inspector as defined in this article;
 - c. Otherwise, be in good standing with all pertinent certification and professional accreditation boards;
 - d. Possess and maintain minimum insurance as described herein; and
 - e. Demonstrate relevant experience of at least one (1) year.
3. An individual shall not be qualified to be placed on the approved third-party inspectors and plans reviewer list if he/she has had his/her authority to issue third party inspection certifications in any other jurisdictions revoked. If an individual previously qualified to be on the approved third-party inspectors and plans reviewer list and subsequently has his/her authority to issue third party inspection certifications revoked, the individual shall be removed from the approved third-party inspectors and plans reviewer list.
4. An approved third party inspector may not submit an inspection certification if the approved third party inspector is an officer or employee of the owner, developer, contractor, or other party or if the approved third party inspector is employed by or a partner in a firm that is affiliated with or financially interested in the owner, developer, contractor, or other party on whose behalf the inspection certification is submitted.
5. Technicians may perform inspections under the supervision of an approved third-party inspector provided that the technician has satisfied any specific requirements as may be designated by the building official if those same requirements are imposed on the municipal employees completing the plan review or inspection.
6. Technicians performing inspections under the supervision of an approved third-party inspector shall possess ICC certifications relevant to the types of inspections performed. For building inspections, technicians shall provide documentation demonstrating previous experience and/or training that includes general building construction, construction trades, and code enforcement/interpretation, or any equivalent combination of education, training, and experience to be determined in the discretion of the building official.
7. Approved third party inspectors shall obtain and maintain the following minimum insurance coverages and provisions, evidence of which shall be submitted to the department with the initial application:
- a. Professional liability insurance for errors and omissions in an amount of not less than \$1,000,000.00 per occurrence and \$1,000,000.00 in aggregate coverage for any project with a construction cost of \$5,000,000.00 or less. For any project with a construction cost of more than \$5,000,000.00, the amount of professional liability insurance for errors and omissions shall not be less than \$2,000,000.00 per claim and \$2,000,000.00 in aggregate coverage.
 - b. Such insurance may be a practice policy or may be project-specific coverage. If the insurance is a practice policy, it shall contain prior acts coverage for the approved third-party inspector. If the insurance is project-specific, it shall continue in effect for two years following the issuance of the final certificate of occupancy or certification of completion for the project.
 - c. The cancellation provision shall provide for 30 days' notice of cancellation.
 - d. The City of Alpharetta, Georgia, its officers, officials, employees, and representatives shall be named as additional insureds on the required insurance policies.
 - e. The required insurance coverages shall be provided by an insurance company licensed to do business in good standing with the Georgia Department of Insurance at all times.
 - f. Approved third party inspectors shall maintain the minimum insurance coverage as required above during which they are listed as approved third party inspectors. Approved third party inspectors shall provide the department with evidence of minimum insurance coverage and provisions on an annual basis prior to the expiration of any policy or coverage and upon request by the department. Should any insurance coverage or information change, the approved third-party inspector shall provide written notice of any such change to the City within ten (10) business days. If at any time an approved third-party inspector fails to maintain the required insurance coverage, the department may remove them from the approved third-party inspectors and plans reviewer list.
8. Suspension of technicians and approved third party inspectors:

- a. An individual who performs inspections under this article, whether a technician or an individual approved third-party inspector, shall be subject to suspension from the approved third-party inspector and plans reviewer list, and from submitting inspection field reports and inspection certifications for the following infractions:
- i. Providing inspections without appropriate license or certification.
 - ii. Providing inspection services prior to issuance of a valid building permit.
 - iii. Failing to identify any noncompliance with applicable codes governing individual and public safety and welfare (in compliance with Georgia Department of Community Affairs mandated construction code editions and amendments, approved plans, and City of Alpharetta Unified Development Code), as determined in the sole good faith discretion of the City Building Official. However, it is the express intent of the City not to impose sanctions on an individual under this article for failing to identify multiple instances of noncompliance in one inspection such as that each such failure constitutes an individual and separate infraction. Rather, multiple failures contained in a single inspection under this paragraph shall be treated as a single infraction.
 - iv. Authorizing any deviation from the approved permit.
 - v. Falsifying reports.
 - vi. Unauthorized employee performing inspections.
 - vii. Performing unauthorized types of inspections.
 - viii. Inspections passed with hold on project or under stop work order.
 - ix. Failure to identify noncompliance with any applicable code not captured in subsection (iii) above, upon identification of such failure by the City on multiple occasions, as determined in the sole good faith discretion of the City Building Official.
- b. Suspension for submitting inspection field reports and inspection certifications for infractions by a technician or individual approved third-party inspector shall be progressive based on the number of infractions in the previous 12-month period. For any combination of infractions within a 12-month period, the following actions, and suspensions against a technician or individual approved third-party inspector shall be assessed:
- i. First infraction: Warning letter.
 - ii. Second infraction: 7-Day suspension from eligibility to perform inspections and submit inspection field reports and inspection certifications.
 - iii. Third infraction: 30-day suspension from eligibility to perform inspections and submit inspection field reports and inspection certifications.
 - iv. Fourth infraction: 90-day suspension from eligibility to perform inspections and submit inspection field reports and inspection certifications.
 - v. Fifth infraction: One (1) year suspension from eligibility to perform inspections and submit inspection field reports and inspection certifications.
- c. An approved third-party inspector shall be subject to progressive action based on the number of infractions in the previous 24-month period by individuals performing inspections, including the individual approved third party inspector or any one or more technicians acting under the supervision of the approved third-party inspector (which shall include technicians serving as employees, independent contractors, agents, etc.). Violations under this paragraph shall accrue upon every third (3rd) infraction by an individual contemplated in paragraph (b) above, and shall subject approved third-party inspectors to the following actions and suspensions for any combination of infractions within a 24-month period:
- i. First violation (upon third individual infraction): Written letter of reprimand from the City of Alpharetta Community Development Director.
 - ii. Second violation (upon sixth individual infraction): Seven-day suspension from approved third party inspector and plans reviewer list.
 - iii. Third violation (upon ninth individual infraction): 30-day suspension from approved third party inspector and plans reviewer list.
 - iv. Fourth violation (upon 12th individual infraction): 90-day suspension from approved third party inspector and plans reviewer list.
 - v. Fifth violation (upon 15th individual infraction): One (1) year suspension from approved third party inspector and plans reviewer list.

The City shall send written notice to the approved third party inspector for each infraction as contemplated in paragraph (b) above, the purpose of which shall be to inform the approved third party inspector of the number of infractions accruing under paragraph (b), to put the approved third party inspector on notice of possible violations under this paragraph (c), and so the approved third party inspector has the opportunity to take any remedial action necessary to prevent future infractions and/or violations.

- d. Notwithstanding any other provision of this article, in the event a technician or individual approved third-party inspector is found to have violated subsection (8)(a)(v) – falsifying reports, the progressive actions and suspensions of this article may, in the discretion of the City, be bypassed with an immediate suspension and/or disqualification imposed.
- e. The appeal of a suspension and/or disqualification shall be processed through the Board of Zoning Appeals at its next scheduled meeting as an appeal of an administrative decision.

E. Procedures for Conducting Third Party Inspections.

- 1. An approved third-party inspector shall not suggest, direct, or authorize any deviation from approved construction documents without first obtaining approval from the department.
- 2. The following procedures shall apply to all third-party inspections:
 - a. To ensure quality control of the third-party inspection and plans review program, a copy of all inspection field reports and inspection certifications shall be provided to the department within two (2) business days from the date the inspection is performed.
 - b. All inspection field reports shall note the type of inspection and any deficiencies observed.
 - c. Final inspections will not be scheduled until all outstanding reinspection fees have been paid.
 - d. Prior to the scheduling of any final inspection, the third-party inspector shall sign and seal a completed Certificate of Compliance; summarizing the inspections performed, including a written representation, that states:
“To the best of my knowledge and belief, the third-party agency scope of work outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.”
 - e. When performing re-inspections for violations initially noted by department staff, each corrected item shall be addressed individually.
- 3. The department shall have a right of entry to any premises inspected by an approved third-party inspector or technician to ensure compliance with this article and the State Act.
- 4. Upon submission by the approved third party inspector of a copy of his or her inspection report to the City, the City shall accept the inspection of the approved third party inspector without the necessity of further inspection or approval by City inspectors or other personnel employed by the local governing authority, unless the City notifies the approved third party inspector within two (2) business days following the date of submission of the inspection report, that it finds the report incomplete or the inspection inadequate and has provided the approved third party inspector with a written description of the deficiencies and specific code regulatory requirements that have not been adequately addressed.

F. Approved third party plans reviewer requirements and qualifications.

- 1. Individuals wishing to be placed on the approved third-party inspectors and plans reviewer list as an approved plans reviewer must submit an initial application along with an application fee as established by the City of Alpharetta. Those individuals who are placed on the third-party inspectors and plans reviewer list must submit a renewal form no later than December 1 each year. Individuals that do not timely submit a renewal form shall be removed from the third-party inspectors and plans reviewer list.
- 2. In order to qualify as an approved third-party plans reviewer, an individual must:
 - a. Be a partner in or employed by an engineering or architect firm, in full compliance with chapter 20 of the City of Alpharetta, Georgia Code of Ordinances, including timely payment of the occupational tax and registration required thereunder;
 - b. Be a registered professional engineer, a registered professional architect, or a qualified inspector as defined in this article;

- c. Otherwise, be in good standing with all pertinent certification and professional accreditation boards;
 - d. Possess and maintain minimum insurance as described herein; and
 - e. Demonstrate relevant experience of at least one (1) year.
 - 3. An individual shall not be qualified to be placed on the approved third-party inspectors and plans reviewer list if he/she has had his/her authority to issue third party plans review affidavits in any other jurisdictions revoked. If an individual previously qualified to be on the approved third-party inspectors and plans reviewer list and subsequently has his/her authority to issue third party plans review affidavits revoked, the individual shall be removed from the approved third-party inspectors and plans reviewer list.
 - 4. An approved third party plans reviewer may not submit a plans review affidavit if the approved third party plans reviewer is an officer or employee of the owner, developer, contractor or other party or if the approved third party plans reviewer is employed by or a partner in a firm that is affiliated with or financially interested in the owner, developer, contractor or other party on whose behalf the plans review affidavit is submitted.
 - 5. Approved third party plans reviewers shall obtain and maintain the following minimum insurance coverages and provisions, evidence of which shall be submitted to the department with the initial application:
 - a. Professional liability insurance for errors and omissions in an amount of not less than \$1,000,000.00 per occurrence and \$1,000,000.00 in aggregate coverage for any project with a construction cost of \$5,000,000.00 or less. For any project with a construction cost of more than \$5,000,000.00, the amount of professional liability insurance for errors and omissions shall not be less than \$2,000,000.00 per claim and \$2,000,000.00 in aggregate coverage.
 - b. Such insurance may be a practice policy or may be project-specific coverage. If the insurance is a practice policy, it shall contain prior acts coverage for the private professional provider. If the insurance is project-specific, it shall continue in effect for two (2) years following the issuance of the final certificate of occupancy or certification of completion for the project.
 - c. The cancellation provision shall provide for 30 days' notice of cancellation.
 - d. City of Alpharetta, Georgia, its officers, officials, employees, and representatives shall be named as additional insureds on the required insurance policies.
 - e. The required insurance coverages shall be provided by an insurance company licensed to do business in good standing with the Georgia Department of Insurance at all times.
 - f. Approved third party plans reviewers shall maintain the minimum insurance coverage as required above during which they are listed as approved third party plans reviewers. Approved third party plans reviewers shall provide the department with evidence of minimum insurance coverages and provisions on an annual basis prior to the expiration of any policy or coverage and upon request by the department. Should any insurance coverage or information change, the approved third-party plans reviewer shall provide written notice of any such change to the City within ten (10) business days. If at any time an approved third-party plans reviewer fails to maintain the required insurance coverage, the department may remove them from the approved third-party inspectors and plans reviewer list.
 - 6. Suspension of approved third party plans reviewers:
 - a. An individual who performs plans review under this article shall be subject to suspension from the approved third-party inspector and plans reviewer list, and from submitting plans review affidavits for the following infractions:
 - i. Providing plans reviews without appropriate license or certification.
 - ii. Failing to identify any noncompliance with applicable codes governing individual and public safety and welfare (in compliance with Georgia Department of Community Affairs mandated construction code editions and amendments, approved plans, and City of Alpharetta Unified Development Code), as determined in the sole good faith discretion of the City Building Official. However, it is the express intent of the City not to impose sanctions on an individual under this article for failing to identify multiple instances of noncompliance in one inspection such as that each such failure constitutes an individual and separate infraction. Rather, multiple failures contained in a single inspection under this paragraph shall be treated as a single infraction.
 - iii. Falsifying plans review affidavits.

- iv. Performing unauthorized types of plan reviews.
- b. Suspension for submitting plans review affidavits for infractions by an approved third-party plans reviewer shall be progressive based on the number of infractions in the previous 12-month period. For any combination of infractions within a 12-month period, the following actions, and suspensions against an approved third-party plans reviewer shall be assessed:
- i. First infraction: Written letter of reprimand from the City of Alpharetta Community Development Director.
- ii. Second infraction: Seven (7) day suspension from approved third party inspector and plans reviewer list.
- iii. Third infraction: 30-day suspension from approved third party inspector and plans reviewer list.
- iv. Fourth infraction: 90-day suspension from approved third party inspector and plans reviewer list.
- v. Fifth infraction: One (1) year suspension from approved third party inspector and plans reviewer list.
- c. The City shall send written notice to the approved third-party plans reviewer for each infraction as contemplated in paragraph (b) above, the purpose of which shall be to inform the approved third-party plans reviewer of the number of infractions accruing under paragraph (b) and so the approved third-party plans reviewer has opportunity to take any corrective action necessary to prevent future infractions.
- d. Notwithstanding any other provision of this article, in the event an approved third-party plans reviewer is found to have violated subsection (6)(a)(iii) - falsifying plans review affidavits, the progressive actions and suspensions of this article may, in the discretion of the City, be bypassed with an immediate suspension and/or disqualification imposed.
- e. The appeal of a suspension and/or disqualification shall be processed through the Board of Zoning Appeals at its next scheduled meeting as an appeal of an administrative decision.
- G. Procedures for Conducting Third Party Plans Review.
1. Any plan review conducted by an approved third-party plans reviewer shall be no less extensive than plan reviews conducted by City personnel.
2. Plan reviews shall be within the scope of such approved third-party plan reviewer's area of competency.
3. The following procedures shall apply to all third-party plans review:
- a. To ensure quality control of the third-party inspection program, a copy of all plans review affidavits shall be provided to the department within five (5) business days of its completion.
- b. All plans review affidavits shall certify that:
- i. The plans were reviewed by the affiant who is duly authorized to perform plan review pursuant to the third-party inspection and plans review program;
- ii. The plans comply with all applicable regulatory requirements; and
- iii. The plans submitted for plan review are in conformity with plans previously submitted to obtain City approvals required in the plan submittal process and do not make any changes to the project reviewed for such approvals.
- H. Appeals
1. If the City of Alpharetta building official and the private professional provider are unable to resolve a dispute or meet within the time required by the State Act, the matter shall be referred to the Board of Zoning Appeals.
2. Appeals, hearings, and notice. All questions arising in connection with the interpretation and enforcement of this Ordinance shall first be presented to the city administrator or his designee, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the city administrator or his designee, and that from the decision of the Board of Zoning Appeals, recourse shall be as provided by state law. The city administrator or his designee shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed was taken.

3. Appeals to these regulations may be taken to the Board of Zoning Appeals by the City of Alpharetta building official, the approved third-party inspector or approved third party plans reviewer, or the owner of the subject building.
4. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notices to the officer from whom the appeal is taken, and on due cause shown.
5. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person, or by agent, or by attorney.
6. Nothing in this subsection shall limit the authority of the building official to issue a stop-work order for a building project or any portion of such project, which may go into effect immediately as provided by law, after giving notice and opportunity to remedy the violation, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare.