



City Council Meeting & Public Hearing

FEBRUARY 10, 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 Pro Tem Merkel called the meeting to order at 6:30 p.m.

2. ROLL CALL

• Council Members

- Mayor Pro Tem Dan Merkel, serving as Chair
- Brian Will
- John Hipes
- Fergal M. Brady
- Douglas J. DeRito

• Absent

- Mayor Jim Gilvin
- Donald F. Mitchell

• Staff

- Chris Lagerbloom, City Administrator
- Melissa Tracy, City Attorney
- Lauren Shapiro, City Clerk
- 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, and Cultural Services

- Pete Sewczwicz, Director of Public Works
- Tom Harris, Director of Finance
- Bret Schroeder, Code Enforcement Manager
- David Cureton, Information Systems Manager
- Deanna McKay, Public Communication & Engagement Coordinator
- Suzanne Swain, Community Services Manager

3. PLEDGE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Proclamation: Arbor Day 2025

- Mayor Pro Tem Merkel presented a proclamation to members of the Natural Resources Commission, students and teachers involved with the Environmental Stewardship Club at Innovation Academy, and the City Arborist, David Shostak.

5. CONSENT AGENDA

A. Annual Renewal: Title VI Policy Statement and Agreement

Consideration of approval of the Title VI Policy Statement and Agreement and with authorization for the Mayor to execute all necessary documents.

B. Ratification of Consent Order and Final Judgment: Kanth and Varudhini Parcel for Douglas Road Drainage Improvements

Council ratification of Consent Order and Final Judgement (CAFN: 24CV002607) in the total amount of \$10,000.00 regarding Tax Parcel ED 21-5702-1232-151-5 of the Douglas Road Drainage Improvements Projects (Owners: Pragathi Kanth and Divya Varudhini).

C. Ratification of Consent Order and Final Judgment: Parcel 1 of Encore Greenway Park and Gateway Project

Council ratification of Consent Order and Final Judgment (CAFN:24CV012913) in the total amount of \$128,180.00 regarding parcel #1 of the Encore Greenway Park and Gateway Project (Owners: Blue Ventures, LLC).

D. Ratification of Consent Order and Final Judgment: Parcel 5 of Webb Bridge Road Bike & Pedestrian Improvements Project

Council ratification of Consent Order and Final Judgment (CAFN: 2023CV379405) in the total amount of \$50,500.00 regarding Parcel #5 of Webb Bridge Road Bike & Pedestrian Improvements Project (Owners: Amir A. Shash and Zubeda Idris).

E. Ratification of Consent Order and Final Judgment: Parcel 15 of Webb Bridge Road Bike & Pedestrian Improvements Project

Council ratification of Consent Order and Final Judgment (CAFN:24CV005288) in the total amount of \$15,000.00 regarding Parcel #15 of Webb Bridge Road Bike & Pedestrian Improvements Project (Owner: Tina A. Smith).

F. Quitclaim Deed and Permanent Easement: Old Milton Parkway Improvements – Parcel 5

Consideration of approval of a Quitclaim Deed between the City of Alpharetta (Grantor) to the Georgia Department of transportation (Grantee) conveying 958.055 square feet (0.022 acres) of fee simple right-of-way and approval of a Permanent Easement for the Construction and Maintenance of Slopes between the City of Alpharetta (Grantor) to the Georgia Department of Transportation (Grantee) conveying 9,270.381 square feet (0.213 acres) of permanent easement in connection with the SR120/Old Milton Parkway from North Point Parkway to Kimball bridge Road project for property interest in Tax Parcel # 12-3110-0911-046-7 (Parcel Owner: City of Alpharetta) and with authorization for the Maor to execute all necessary documents.

G. Quitclaim Deed: Old Milton Parkway Improvements – Parcel 7

Consideration of approval of a Quitclaim Deed between the City of Alpharetta to the Georgia Department of Transportation conveying 0.030 acres (1,301.185 square feet) of fee simple right-of-way in connection with the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road project for property interest in Tax Parcel # 11-0020-0003-021-6 (Parcel Owner: City of Alpharetta) and with authorization for the Mayor to execute all necessary documents.

H. Quitclaim Deed: Old Milton Parkway Improvements – Parcel 8

Consideration of approval of a Quitclaim Deed between the City of Alpharetta to the Georgia Department of Transportation conveying 0.085 acres (3,684.377 square feet) of fee simple right-of-way in connection with the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge project for property interest in Tax Parcel # 11-0011-0002-022-6 (Parcel Owner: City of Alpharetta) and with authorization for the Mayor to execute all necessary documents.

I. Permanent Easement: Old Milton Parkway Improvements – Parcel 9

Consideration of approval of a Permanent Easement for the Construction and Maintenance of Slopes between the City of Alpharetta to the Georgia Department of Transportation conveying 8,663.752 square feet (0.199 acres) of permanent easement in connection with the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road project for property interest in Tax Parcel # 11-0020-0002-027-4 (Parcel Owner: City of Alpharetta) and with authorization for the Mayor to execute all necessary documents.

J. Letter Submission to Georgia Department of Transportation for Bonding Requirements

Consideration of approval of submission of an annual bonding requirement letter to the Georgia Department of Transportation for permitted projects within the City of Alpharetta 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 DeRito seconded the motion.
- The motion was approved unanimously (5-0).

6. WORK SESSION ITEMS

A. Article IX of The Code of the City of Alpharetta Massage and Spa Establishments

This item is for work session purposes only. This item will be presented to the City Council by the City Attorney to discuss possible text amendments to the City's Massage and Spa Establishments Ordinance.

- City Attorney, Molly Esswein, came forward to present this item.
- A draft of the proposed text amendments is attached hereto as "Exhibit A."
- Council Member DeRito asked if there have been any violations or unscrupulous activities at these type of establishments in the city or by applicants.
 - Code Enforcement Manager, Bret Schroeder, shared that the city has not denied any applications this year, but 2 businesses applied for an exemption, which is allowed by the Director. Code Enforcement completes semi-annual inspections at each establishment.

7. NEW BUSINESS

A. Ordinance: Fiscal Year 2025 Mid-Budget Amendment

FIRST READING

Consideration of an Ordinance to adopt a Mid-Year Fiscal 2025 Budget for certain funds of the City of Alpharetta, Georgia, appropriating the amounts shown in each budget as expenditures, adopting the item of revenue anticipation, prohibiting expenditures to exceed appropriations, and prohibiting expenditures to exceed actual funding available.

- City Attorney, Molly Esswein, read the Ordinance title aloud.
- Director of Finance, Tom Harris, came forward to present this item.
- A draft of the proposed budget amendment is attached hereto as "Exhibit B."

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Brady offered a motion to adopt an Ordinance for the Mid-Year Fiscal 2025 Budget for certain funds of the City of Alpharetta, Georgia, appropriating the amounts shown in each budget as expenditures, adopting the item of revenue anticipation, prohibiting expenditures to exceed appropriations, and prohibiting expenditures to exceed actual funding available.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (5-0).

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

SECOND READING

The first reading of this item occurred during the January 27, 2025, City Council Meeting and Public Hearing.

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.
- There have been no changes since the first reading.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ **Council Member Hipes offered a motion to adopt an Ordinance for 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.**
 - **Council Member Brady seconded the motion.**
 - **The motion was approved unanimously (5-0).**

C. Reallocation of North Point Parkway TSPLOST

Consideration of approval of reallocation of North Point Parkway corridor TSPLOST funds to the Alpha Link project, development of a TSPLOST II Alpha Link Project, and authorization of the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff seeks approval to reallocate TSPLOST 2 funds associated with the North Point Parkway Corridor Improvements to the Alpha Link project and create a TSPLOST II Alpha Link project.
- The City Council conducted its Annual Planning Retreat on Friday, January 17, and Saturday, January 18, 2025. During the Planning Retreat, there was discussion to reallocate TSPLOST 2 funds associated with North Point Parkway corridor improvements to Alpha Link project. The North Point Parkway corridor is on the tier 1 list of the TSPLOST 2 projects.
- The Alpha Link project will be locally funded without requiring applying for federal grants. Reallocating the North Point Parkway TSPLOST funds to the Alpha Link project would enable staff to accelerate the remaining phases of the Alpha Link project such as design, right of way acquisition, and construction. Additionally, the City would be

forgoing Federal and GDOT funds associated with the North Point Corridor and Alpha Link Projects.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve a reallocation of North Point Parkway corridor TSPOLST funds to the Alpha Link project, development of a TSPLOST II Alpha Link Project, and to authorize the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (5-0).

D. Request for Proposals (RFP) 25-109: Public Safety Vehicle Upfitting

Consideration to award a contract for Request for Proposal 25-109 to Dana Safety Supply and Prologic for Public Safety vehicle upfitting and with authorization for the Mayor to execute all necessary documents.

- Director of Public Safety, John Robison, came forward to present this item.
- The Department of Public Safety annually up-fits new vehicles with emergency lights, sirens, radios, cages, etc. The City's current vehicle up-fitting contract expired in October 2024. With this RFP, it is the City's intent to award a 5-year non-exclusive contract to the two vendor(s) that best met the requirements listed in the RFP.
- The Department of Public Safety, with guidance from the Finance Department, prepared RFP 25-109, which was issued on October 17, 2024. RFP 25-109 was advertised through the City's e-procurement site (Bonfire) as well as the Georgia Procurement Registry. RFP 25-109 responses were received on November 14, 2024, at 10:00 AM and included proposals from three firms.
- Historically, the City has contracted with two vendors to ensure timely delivery of vehicles ready for deployment. Staff's recommendation is to contract with both Prologic and Dana Supply.
- We based the estimated cost for FY25 on the purchase of 25 vehicles, each with approximately a \$25,000 upfit. The upfit can differ depending on the type of vehicle. 25 Vehicles at \$25,000 upfit each = \$625,000.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Will offered a motion to award a contract for Request for Proposals 25-109 to Dana Safety Supply and Prologic for Public Safety vehicle upfitting and to authorize the Mayor to execute all necessary documents.
 - Council Member Brady seconded the motion.
 - The motion was approved (5-0).

E. Memorandum of Understanding: Home By Dark

Consideration of approval of a Memorandum of Understanding between the City of Alpharetta and Home By Dark to approve the City's Summer Concert Series with Home By Dark at Brooke Street Park from April to September 2025 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 Brooke Street Park concerts have been taking place since 2018 and originally began with different talent performances each month. By 2020, Home By Dark and the City of Alpharetta had developed a strong working relationship, and the community embraced the performances led by James Casto and his network of musicians. Since 2020, the five or six-show series has been a highlight of each month's schedule in Brooke Street Park. These concerts are free to the public, and people bring blankets, chairs, and picnics.
- The proposed concert dates in calendar year 2025 are April 26th, May 10th, June 14th, July 12th, August 9th, and September 13th.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve a Memorandum of Understanding between the City of Alpharetta and Home By Dark to approve the City's Summer Concert Series with Home By Dark at Brooke Street Park from April to September 2025 and to authorize the Mayor to execute all necessary documents.
 - Council Member Brady seconded the motion.
 - City Administrator, Chris Lagerbloom, asked the Mayor and City Council for an amendment to the motion that would remove the reference to any language within the contract that states "Troubadours at Twilight."
 - Council Member Hipes offered an amendment to his original motion "the contract will omit the reference to Troubadours at Twilight."
 - Council Member Brady agrees to this amendment and keeps the second to the motion.
 - The motion was approved unanimously (5-0).

F. Resolution: Authorizing the Use of Eminent Domain for Old Milton Parkway Improvements – Parcel 3

Consideration of adoption of a resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 12-3110-0911-021-0 (Parcel Owners: Drew & Co.) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, explained that she would read the resolution one time for agenda items F through L, as they are related to the same project, but are different parcels and have the same resolution title.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Will offered a motion to adopt a resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 12-3110-0911-021-0 (Parcel Owners: Drew & Co.) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and to authorize the Mayor to execute all necessary documents.
 - Council Member Hipes seconded the motion.
 - The motion was approved (5-0).

G. Resolution: Authorizing the Use of Eminent Domain for Old Milton Parkway Improvements – Parcel 11

Consideration of adoption of a Resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 002000440175 (Parcel Owners: PSC Holdings-Alpharetta, LLC) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, came forward to present this item.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to adopt a resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 002000440175 (Parcel Owners: PSC Holdings-Alpharetta, LLC.) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and to authorize the Mayor to execute all necessary documents.
 - Council Member Will seconded the motion.
 - The motion was approved (5-0).

H. Resolution: Authorizing the Use of Eminent Domain for Old Milton Parkway Improvements – Parcel 13

Consideration of adoption of a Resolution to authorize the use of eminent domain to acquire a property interest in Parcel 13 (Parcel Owners: Camden Pond Condominium Association, Inc.) of the SR 120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, came forward to present this item.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to adopt a Resolution to authorize the use of eminent domain to acquire a property interest in Parcel 13 (Parcel Owners: Camden Pond Condominium Association, Inc.) of the SR 120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and to authorize the Mayor to execute all necessary documents.
 - Council Member Hipes seconded the motion.
 - The motion was approved (5-0).

I. Resolution: Authorizing the Use of Eminent Domain for Old Milton Parkway Improvements – Parcel 14

Consideration of adoption of a Resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 014000490985 (Parcel Owners: Marfam Enterprises, Inc.) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, came forward to present this item.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Brady offered a motion to adopt a Resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 014000490985 (Parcel Owners: Marfam Enterprises, Inc.) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and to authorize the Mayor to execute all necessary documents.
 - Council Member DeRito seconded the motion.
 - The motion was approved (5-0).

J. Resolution: Authorizing the Use of Eminent Domain for Old Milton Parkway Improvements – Parcel 15

Consideration of adoption of a Resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 014000490993 (Parcel Owners: 102-104 Greenwich Street Manhattan) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, came forward to present this item.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to adopt a Resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 014000490993

(Parcel Owners: 102-104 Greenwich Street Manhattan) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and to authorize the Mayor to execute all necessary documents.

- Council Member Brady seconded the motion.
- The motion was approved (5-0).

K. Resolution: Authorizing the Use of Eminent Domain for Old Milton Parkway Improvements – Parcel 20

Consideration of adoption of a Resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 025000900401 (Parcel Owners: Wealth Migrate Medical 3 Holdings, LLC) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, came forward to present this item.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Will offered a motion to adopt a Resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 025000900401 (Parcel Owners: Wealth Migrate Medical 3 Holdings, LLC) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and to authorize the Mayor to execute all necessary documents.
 - Council Member Hipes seconded the motion.
 - The motion was approved (5-0).

L. Resolution: Authorizing the Use of Eminent Domain for Old Milton Parkway Improvements – Parcel 21

Consideration of adoption of a Resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 025001210537 (Parcel Owners: Clock Tower Investments, LLC) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, came forward to present this item.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to adopt a Resolution to authorize the use of eminent domain to acquire a property interest in Tax Parcel # 11 025001210537 (Parcel Owners: Clock Tower Investments, LLC) of the SR120/Old Milton Parkway from North Point Parkway to Kimball Bridge Road and to authorize the Mayor to execute all necessary documents.

- Council Member Brady seconded the motion.
- The motion was approved (5-0).
 - During the motion, the City Administrator, Chris Lagerbloom, shared that there is clarification needed for what was provided in the agenda staff report; the compensation for this parcel should have been listed as \$79,300.

8. PUBLIC COMMENT

- There were no public comments.

9. REPORTS

- Mayor Pro Tem Merkel reported that City Administrator, Chris Lagerbloom, was recently inducted into the Milton High School Hall of Fame.

10. EXECUTIVE SESSION (IF NECESSARY)

- There was not an executive session.

11. ADJOURNMENT

- ❖ Council Member Hipes offered a motion to adjourn the meeting.
 - Council Member Will seconded the motion.
 - The motion was approved unanimously (5-0).
- With there being no further items to consider or discuss, Mayor Pro Tem Merkel adjourned the meeting at 7:14 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk

EXHIBIT A

ARTICLE IX. MESSAGE AND SPA ESTABLISHMENTS¹

Sec. 10-275. Purpose and legislative findings.

The Georgia General Assembly has declared that the practice of massage therapy is an activity affecting the public interest and involving the health, safety, and welfare of the public, and that the practice of massage therapy by a person who is not licensed under the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.) is a public nuisance, and harmful to the public health, safety, and welfare. The city council agrees with those findings. Furthermore, the city council finds that, for many massage establishments, the business in fact is sexual conduct or the intimation of sexual conduct, rather than lawful massage therapy. Such establishments offer massage services as a subterfuge for prostitution, masturbation for hire, and other paid sexual contact, which are harmful to the public health, safety, and welfare. There is difficulty and expense in conclusively distinguishing between such establishments and legitimate massage establishments, but one rational distinction is whether the establishment has a relationship with a corporate or franchising hierarchy, which would tend to safeguard against unlawful sexual activities on the massage establishment premises. It is a purpose of this article to impose licensing requirements to help prevent illegal massage, prostitution, and related sex crimes, yet without hindering legitimate massage establishments operating under a business structure with external oversight that serves that purpose. Pursuant to O.C.G.A. § 43-24A-22 (allowing local regulation of massage businesses and of persons not licensed by the state), it is the purpose of this article to regulate the operation of massage establishments and spa establishments, and to regulate employees of such establishments who are not licensed as massage therapists by the state, as an exercise of the city's police power in order to protect the health, safety and general welfare of the citizens of the city.

(Ord. No. 723, § 12-161, 4-4-2016)

Sec. 10-276. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person, firm, corporation, or other legal entity applying for a license to operate a massage establishment or spa establishment, as defined herein, or a person applying for a work permit, as provided for herein.

Employee means any person who performs any service on the premises of a massage establishment or spa establishment, on a full-time, part-time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, apprentice, trainee, or otherwise. The term "employee" does not include a person who is licensed or provisionally permitted pursuant to the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.), or a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Hearing officer means the city administrator, or his/her designee, appointed to conduct hearings under this article.

Massage or massage therapy means the manipulation and/or treatment of soft tissues of the body, including, but not limited to, the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of

¹State law reference(s)—Massage therapy practice, O.C.G.A. § 43-24A-22 et seq.

motion stretches, a system of structured touch, pressure, movement, and holding to the soft tissue of the body, and any other soft tissue manipulation whether manual or by use of massage apparatus, and may include the use of water, oils, lotions, creams, lubricants, salt glows or scrubs, hydrotherapy, heliotherapy, hot packs, cold packs or other topical preparations. Such business shall be located within a zoning category allowing retail use, shall not occupy more than 4,000 square feet and shall not be closer than 2,000 feet to a comparable business. The term "massage" or "massage therapy" shall not include diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, or any service or procedure when performed by a person who is licensed by the state to practice chiropractic, physical therapy, podiatry or medicine. Further, the term "massage" or "massage therapy" shall not include the following when lawfully performed by a natural person licensed or certified by the state board of cosmetology while engaged in the practice authorized by such state license (or certificate of registration) in accordance with, and as further regulated by, the state licensing laws set forth in O.C.G.A. § 43-10-1 et seq.:

- (1) Touching of the scalp or face by a state-licensed barber or cosmetologist;
- (2) Touching of the hands or feet by a state-licensed nail technician or cosmetologist; and
- (3) Touching of the face, neck, décolletage, or arms by a state-licensed esthetician or cosmetologist.

It shall be unlawful to establish a massage establishment in the city, unless said establishment is located:

- (1) At least 300 feet from State Route 9;
- (2) At least 300 feet from State Route 120; and
- (3) At least 300 feet from any parcel occupied by a house of worship, public or private elementary or secondary school, public park, state-licensed day care facility, or any residence.

The foregoing minimum distance requirements shall not apply to any massage establishment located within a mixed use development in the MU district. For the purpose of this subsection, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest point on a boundary line of the massage establishment parcel to the closest point on the State Route 9 or State Route 120 right-of-way, or to the closest point on a boundary line of any parcel containing a house of worship, public or private elementary or secondary school, public park, or residence.

Massage apparatus means any manual, mechanical, hydraulic, hydrokinetic, electric or electronic device or instrument or any device or instrument operated by manual, mechanical, hydraulic, hydrokinetic or electric power for the purpose of administering a massage.

Massage establishment means a commercial establishment where any person offers or engages in massage or massage therapy. The term "massage establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the state.

Premises means the real property, or portion thereof, upon which the massage establishment or spa establishment is located, including, but not limited to, the establishment and the grounds, private walkways, and parking lots and/or parking garages under the ownership or control of the establishment.

Spa establishment means a business that provides services requiring a customer to disrobe, which may include non-medical massage, other personal services such as skin, nail, hair treatments, hair removal/waxing, and may have the sale of associated retail products. Such business shall be located within a zoning category allowing retail use, shall not occupy more than 4,000 square feet and shall not be closer than 2,000 feet to a comparable business. The term "spa establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the state.

It shall be unlawful to establish a spa establishment in the city, unless said establishment is located:

- (1) At least 300 feet from State Route 9;
- (2) At least 300 feet from State Route 120; and

-
- (3) At least 300 feet from any parcel occupied by a house of worship, public or private elementary or secondary school, public park, state-licensed day care facility, or any residence.

The foregoing minimum distance requirements shall not apply to any spa establishment located within a mixed use development in the MU district. For the purpose of this subsection, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest point on a boundary line of the spa establishment parcel to the closest point on the State Route 9 or State Route 120 right-of-way, or to the closest point on a boundary line of any parcel containing a house of worship, public or private elementary or secondary school, public park, or residence.

Specified criminal activity means any of the following specified crimes:

- (1) Illegal gambling;
- (2) Prostitution, keeping a place of prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, sodomy, aggravated sodomy, rape, child molestation, sexual assault, sexual battery, aggravated sexual assault, aggravated sexual battery, or public indecency;
- (3) Obscenity, disseminating or displaying matter harmful to a minor, or use of a child in a sexual performance;
- (4) Any offense related to any massage establishment or spa establishment or which is related to the regulatory purposes of this article, including controlled substance offenses, tax violations, racketeering, crimes involving sex, crimes involving prostitution, or crimes involving obscenity;
- (5) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- (6) Any offense in another jurisdiction that, had the predicate act been committed in Georgia, would have constituted any of the foregoing offenses.

(Ord. No. 723, § 12-162, 4-4-2016; Ord. No. 804 , § 2(Exh. B), 8-10-2020)

Sec. 10-277. Penalties.

Any person violating any of the provisions of this article shall be punished as provided in section 1-8. Nothing in this section and no action taken hereunder shall be held to exclude such other civil, criminal, or administrative proceedings as may be authorized by other provisions of this Code or any of the laws in force in the city, or to exempt anyone violating this Code or any part of said laws from any penalty which may be incurred.

(Ord. No. 723, § 12-163, 4-4-2016)

Sec. 10-278. Scope of regulations.

- (a) All licenses and work permits issued under this article shall constitute a mere privilege to operate or work at the establishment specified in the license or work permit during the term of the license or work permit only, and shall be subject to all terms and conditions imposed by the city, the county and the state.
- (b) This article shall not be enforced against:
 - (1) Any natural person who is a physician, chiropractor, physical therapist, or similar professional licensed and regulated by or through the state while engaged in the practice of the profession for which the person is licensed by the state;
 - (2) Any hospital or other professional health care establishment, including a physician's, physical therapist's, or chiropractor's office, separately licensed as such by the state;

-
- (3) Any natural person who is a massage therapist licensed by the state under the Georgia Massage Therapy Practice Act (O.C.G.A. § 43-24A-1 et seq.) while engaged in the practice of massage therapy as authorized and regulated under said Act; notwithstanding the foregoing exception, the provisions of this article regulating massage establishments and spa establishments and the operation of such establishments shall be enforced against any such person to the extent such person owns, operates or manages a massage establishment or spa establishment or supervises the employees thereof, unless otherwise expressly excepted herein; or
 - (4) Any other individual or entity expressly exempted from local legislation by the laws of the state.
 - (c) Licenses and work permits issued before the adoption of the ordinance from which this article is derived shall continue in effect for their original terms, subject to the regulations provided herein, including the revocation provisions in section 10-284, as amended.
 - (d) All massage establishments, spa establishments, and their employees shall comply with this article upon its adoption, including those that hold a license or a work permit issued before the adoption of the ordinance from which this article is derived.
 - (e) The director of community development may exempt a massage establishment or a spa establishment and its employees from the licensing requirements of sections 10-279 through 10-281 for a specified calendar year. An exemption under this subsection expires on December 31 of the year for which it was granted. Upon the expiration of an exemption, the establishment and its employees are subject to all requirements of sections 10-279 through 10-281. Any request for an exemption shall be submitted in writing to the director of community development and is automatically rejected unless the director of community development grants the exemption. An exemption, if granted by the director of community development, shall be in writing and shall be based upon evaluation of the request according to the following standards:
 - (1) Whether the establishment is part of a chain that operates in multiple locations under common ownership, franchise agreements, or a similar arrangement that involves centralized control or corporate supervision;
 - (2) Whether persons who provide services to customers at the establishment hold state licenses;
 - (3) The establishment's, its owners', and its managers' histories relative to compliance with massage establishment or spa establishment licensing requirements;
 - (4) Whether the location used by the establishment has been free from association with unlawful activity for the last 12 months; and
 - (5) Whether the establishment is managed and operated by a person who has been continually licensed pursuant to the Georgia Massage Therapy Practice Act for at least seven years.

(Ord. No. 723, § 12-164, 4-4-2016; Ord. No. 804 , § 2(Exh. B), 8-10-2020)

Sec. 10-279. Massage/spa establishment license required; application.

- (a) *Massage/spa establishment license required.* It shall be unlawful for any person or legal entity to operate a massage establishment or a spa establishment in the city without a valid massage/spa establishment license or exemption therefrom. This license requirement is in addition to obtaining an occupation tax certificate pursuant to article III of chapter 42 pertaining to taxation.
- (b) *Application.* An applicant for a massage/spa establishment license shall file in person at the city department of community development a completed application made on a form provided by the city. The application must be executed by the person primarily responsible for the operation of the establishment. If the applicant is a partnership, limited liability company, corporation, or other legal entity, the application must also be

executed by an officer, member, partner or shareholder, as applicable. Signatures on the application shall be notarized. An application shall be considered complete when it contains the information and/or items required in this subsection, accompanied by the annual regulatory fee:

- (1) The applicant's full legal name and any other names used by the applicant in the preceding five years.
- (2) A signed and sworn affidavit verifying the applicant's lawful presence in the United States as required by O.C.G.A. § 50-36-1. If the applicant is a partnership, limited liability company, corporation, or other legal entity, a signed and sworn affidavit verifying the lawful presence of each person who executes the application on behalf of the applicant.
- (3) A signed and sworn affidavit attesting that the applicant either uses the federal work authorization program in accordance with federal regulations or that the applicant employs fewer than 11 people or otherwise does not fall within the requirements of O.C.G.A. § 36-60-6.
- (4) Current business address and residential mailing address for the applicant.
- (5) The business name, location, legal description, mailing address and telephone number of the establishment.
- (6) If the applicant is a sole proprietor, written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government.
- (7) If the applicant is not a sole proprietor, then the partnership, limited liability company, corporation, or other legal entity shall submit a complete list of the legal entity's:
 - a. Officers;
 - b. Directors;
 - c. Partners, members, or shareholders (natural persons) holding a ten percent or greater ownership interest in such legal entity, or if there is no shareholder (natural person) with at least a ten percent interest, the ten shareholders with the greatest ownership interest;
 - d. Employee or agent primarily responsible for operation of the massage or spa establishment; and
 - e. Written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government for each person listed in subsections (b)(7)a through d of this section.
- (8) A statement of whether the applicant or any person listed in response to subsection (b)(7) of this section has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; ~~or~~
 - b. Had its license to operate a massage establishment or a spa establishment revoked;
 - c. Engaged in or allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment; or
 - d. Has allowed, been convicted of, or plead guilty or entered a plea of nolo contendere to three or more violations of this article within a 12-month period.
- (9) A statement of whether the applicant or any person listed in response to subsection (b)(7) of this section has within the previous five years been arrested for, convicted of, or pleaded guilty or entered a plea of nolo contendere to a specified criminal activity as defined in this article, and if so, each

specified criminal activity involved, including the date, place, and jurisdiction of each such arrest and/or conviction.

- (10) A statement of whether the applicant or a person listed in response to subsection (b)(7) of this section has in the previous 12 months resided with someone who has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
- Been declared by a court of law to be a nuisance; or
 - Had its license to operate a massage establishment or a spa establishment revoked;
 - Engaged in or allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment; or
 - Has allowed, been convicted of, or plead guilty or entered a plea of nolo contendere to three or more violations of this article within a 12-month period.
- (11) If the applicant is a partnership, limited liability company, corporation or other legal entity required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, such corporation must be chartered under the laws of the state or authorized by the secretary of state to do business in the state and must submit copies of the certificate of organization or incorporation, as applicable, and articles of organization or incorporation, as applicable.
- (12) A sworn and notarized statement of a registered agent who is a resident of the county and who is at least 18 years of age, required to be designated by a licensee to receive any process, notice or demand required or permitted by law or under this article to be served upon the applicant.
- (13) A statement as to whether the applicant is the owner of the premises wherein the establishment will be operated or the holder of a lease thereon for the period to be covered by the license. If the applicant is a lease holder, the following shall be submitted with the license application:
- A copy of the lease; and
 - The written consent of the owner of the real property upon which the premises are located which demonstrates knowledge and acceptance of the applicant's proposed operation of a massage establishment or spa establishment on the subject property, grants permission to the applicant to submit the subject application, and acknowledges and represents that such real property owner has read and fully understands the requirements of this article, including, but not limited to, the provisions set forth in section 10-288.
- (14) A survey (dated no more than 180 days prior to submission of the application to the city), certified by a registered surveyor of this state, showing a scaled drawing of the premises to be licensed and the distance in feet from State Route 9, State Route 120, and any parcel occupied by a house of worship, public or private elementary or secondary school, public park, state-licensed day care facility, or any residence, unless the establishment to be licensed is located within a mixed use development in the MU district. For the purpose of this subsection, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest point on a boundary line of the massage establishment or spa establishment parcel to the closest point on the State Route 9 or State Route 120 right-of-way, or to the closest point on a boundary line of any parcel containing a house of worship, public or private elementary or secondary school, public park, or residence.
- (15) For every person on the premises who offers, or will offer, services for which a license under O.C.G.A. § 43-24A-1 et seq. is required, a copy of the state license for each such person as well as a color photograph, no smaller than two inches by two inches, showing the face, neck, and shoulders of each such person; or, if there are none, a statement certifying that the application is for the operation of a

spa establishment only and that neither the establishment nor any person on the premises offers, or will offer, massage or services for which said person is required to be licensed by the State of Georgia pursuant to O.C.G.A. § 43-24A-1, et seq.

- (16) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints for all persons required to sign the application to be forwarded to the Georgia Bureau of Investigation and to the Federal Bureau of Investigation, as specified under O.C.G.A. § 35-3-35(a)(1) and Federal Public Law 92-544. By filing such application, the applicant consents to the City obtaining their criminal history record information (CHRI) from the Georgia Crime Information Center (GCIC) and the Federal Bureau of Investigation (FBI).
- a. The applicant shall bear the cost of: (1) an administrative fingerprinting fee to be charged by the City, which shall be the maximum allowed by statute, which is currently \$20.00, which fee shall include fingerprinting when carried out by the City; and (2) the charge by the GBI and the FBI for the CHRI history at their latest rate, paid to the City by certified or cashier's check, money order, or credit card.
 - b. Once an application, accompanying documents, fingerprints, and the required fees are filed with the City, the City shall transmit said fingerprints and appropriate fees to the GCIC. As provided by law, the GCIC will compare the subject's fingerprints against its criminal file and submit the fingerprints to the FBI for a comparison with nation-wide records, unless submission to the FBI is automatic pursuant to the use of live-scan. The results of the FBI check will be returned based on its current procedure, presently being directly to the City if submissions are made manually to the GCIC, or electronically from both the GBI and FBI where submissions are made electronically to the GCIC.
 - c. In compliance with Federal law 95-544, which provides for the rendering of a "fitness determination," the City shall decide whether the applicant has been convicted of, or is under pending indictment for enumerated disqualifiers, as set forth within this chapter.
 - d. A person who has consented to the City for a criminal history based on fingerprinting record may request and receive a copy of the criminal history record report from the City at no additional charge. Should the person seek to amend or correct the record, he or she shall be responsible for contacting the GCIC as to Georgia records and/or the FBI concerning records from other jurisdictions maintained in its file.

The information provided pursuant to subsection (b) of this section shall be supplemented in writing by certified mail, return receipt requested, to the city department of community development within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

- (c) *Confidentiality.* The information provided by an applicant in connection with an application for a license under this article shall be maintained by the city department of community development on a confidential basis, and such information may be disclosed to the public only as required under governing law. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to any required disclosure under the Georgia Open Records Act or other applicable law.
- (d) *Issuance of license.* Upon the filing of a completed massage/spa establishment license application, the city shall cause to be conducted a ~~National (FBI)~~ criminal background investigation, as set forth above, of the applicant and shall transmit a summary of the investigation results to the director of community development or his/her designee. Within 60 days of the filing of the application, the director of community development, or his/her designee, shall either issue a license to the applicant or issue a written notice of intent to deny the license to the applicant. The director of community development, or his/her designee, shall issue the license unless:

-
- (1) The applicant or a person listed in response to subsection (b)(7) of this section is less than 21 years of age.
 - (2) The applicant has failed to provide information required by this article for issuance of a license or has falsely answered a question or request for information on the application form.
 - (3) The applicant is neither the owner of the premises wherein the establishment will be operated, nor the holder of a lease thereon for the period to be covered by the license.
 - (4) The annual regulatory fee required by this article has not been paid.
 - (5) The establishment is not in compliance with the location requirements of this article or of any part of the Code. This provision shall not be grounds to deny a license to a massage establishment or spa establishment that was, in all respects, lawfully operating at the premises prior to the adoption of the location requirements of the ordinance from which this article is derived and that has continued to lawfully operate at the premises.
 - (6) The city has revoked a massage/spa establishment license at the premises within the previous 12 months.
 - (7) The applicant or a person listed in response to subsection (b)(7) of this section has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked;
 - c. Engaged in or allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment; or
 - d. Has allowed, been convicted of, or plead guilty or entered a plea of nolo contendere to three or more violations of this article within a 12-month period.
 - (8) The applicant or a person listed in response to subsection (b)(7) of this section has within the previous five years been convicted of, or pleaded guilty or entered a plea of nolo contendere to, a specified criminal activity, as defined in this article.
 - (9) The establishment does not comply with all applicable building, health, and life safety codes, or the building to be occupied does not have a valid, current certificate of occupancy.
 - (10) The applicant or a person listed in response to subsection (b)(7) of this section has in the previous 12 months resided with someone who has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked;
 - c. Engaged in or allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment; or
 - d. Has allowed, been convicted of, or plead guilty or entered a plea of nolo contendere to three or more violations of this article within a 12-month period.
 - (11) Reserved.

-
- (12) The applicant is a partnership, limited liability company, corporation or other legal entity that is required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, but is not so chartered or authorized.
- (e) *License display.* A license, if issued, shall be issued in the name of the applicant. The license shall be posted in a conspicuous place at or near the entrance to the establishment so that it may be read at any time that the establishment is occupied by patrons or is open to the public.
- (f) *Employee permit display.* Massage establishments and spa establishments shall post each employee's work permit issued by the city in a conspicuous place at or near the entrance to the establishment so that it may be read at any time that the establishment is occupied by patrons or is open to the public.

(Ord. No. 723, § 12-165, 4-4-2016; Ord. No. 804 , § 2(Exh. B), 8-10-2020)

Sec. 10-280. Regulatory fee; expiration.

- (a) There shall be an annual regulatory fee, consisting of a non-refundable investigative fee and a license fee, for each massage and spa establishment licensed within the city. The investigative and license fees shall be set by the director of community development. The full regulatory fee shall be paid with the license application and shall not be prorated under any circumstances. If the applicant withdraws the application or the license is denied, the applicant shall be refunded the full license fee paid. No refund shall be allowed once the license has been issued.
- (b) All licenses granted hereunder shall be for the calendar year and expire on December 31 of each year. Each subsequent renewal application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held, except that renewal applications for which the applicant certifies there are no changes to information and data contained in the original application shall not be required to include information or documents specified in Section 10-279(b)(7), (11), (12), (13), or (14). Existing licensees shall file renewal applications by November 1 of each year for the following license year. Applications received after November 1 shall be subject to a ten percent late fee.
- (c) No license issued pursuant to this article shall be transferable. Upon change of ownership, even if only in part, a new application will be completed and submitted along with all necessary fees.

(Ord. No. 723, § 12-166, 4-4-2016; Ord. No. 804 , § 2(Exh. B), 8-10-2020)

Sec. 10-281. Employee work permits required.

- (a) Massage/spa establishment work permit required. It shall be unlawful for any person to be an employee, as defined in this article, of a massage establishment or spa establishment in the city without a valid massage/spa establishment work permit issued under the terms of this article, except that a person who holds a valid massage/spa establishment license or who is listed in response to section 10-279(b)(7)a through c in relation to a valid massage/spa establishment license shall not be required to also obtain a massage/spa establishment work permit to be an employee at that particular licensed establishment. A person who works at more than one establishment shall obtain a separate work permit for each establishment. No applicant for a massage/spa establishment work permit shall work at a massage establishment or a spa establishment in the city until the applicant receives, and the establishment posts, the employee's work permit as required by this article. A receipt issued by the city is not a valid massage/spa establishment work permit and does not authorize the person to work in a massage establishment or spa establishment.
- (b) Application. An applicant for a massage/spa establishment work permit shall file in person at the city department of public safety, records division, a completed application made on a form provided by the city.

The application must be signed and notarized. Applicants shall make themselves available for photographing. An application shall be considered complete when it contains the information and/or items required in this subsection (b), accompanied by the work permit fee:

- (1) The applicant's full legal name and any other names used by the applicant in the preceding five years.
- (2) Current business address or another mailing address for the applicant.
- (3) Written proof of age, in the form of a driver's license or a picture identification document containing the applicant's date of birth issued by an agency of a state or of the federal government.
- (4) A signed and sworn affidavit verifying the applicant's lawful presence in the United States as required by O.C.G.A. § 50-36-1.
- (5) The name and address of the massage establishment or spa establishment for which the applicant seeks to obtain the work permit.
- (6) A statement of whether the applicant has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked;
 - c. Engaged in or allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment; or
 - d. Has allowed, been convicted of, or plead guilty or entered a plea of nolo contendere to three or more violations of this article within a 12-month period.
- (7) A statement of whether the applicant has within the previous five years been arrested for, convicted of, or pleaded guilty or entered a plea of nolo contendere to a specified criminal activity as defined in this article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each such arrest and/or conviction.
- (8) A statement of whether the applicant has in the previous 12 months resided with someone who has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked;
 - c. Engaged in or allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment; or
 - d. Has allowed, been convicted of, or plead guilty or entered a plea of nolo contendere to three or more violations of this article within a 12-month period.

~~A copy of the applicant's state massage therapy license and proof of continuing education credit.~~

The information provided pursuant to subsection (b) of this section shall be supplemented in writing by certified mail, return receipt requested, to the city department of public safety, records division, within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

-
- (c) The information provided by an applicant in connection with an application for a work permit under this article shall be maintained by the city department of public safety, records division, on a confidential basis, and such information may be disclosed to the public only as required under governing law. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to any required disclosure under the Georgia Open Records Act or other applicable law.
- (d) Issuance of work permit. Upon the filing of a completed massage/spa establishment work permit application, the city shall cause to be conducted a criminal background investigation of the applicant and shall transmit a summary of the investigation results to the director of public safety or his/her designee. Within 30 days of the filing of a completed massage/spa establishment work permit application, the director of public safety or his/her designee shall either issue a work permit to the applicant or issue a written notice of intent to deny the work permit to the applicant. The director of public safety, or his/her designee, shall issue the work permit unless:
- (1) The applicant is less than 18 years of age.
 - (2) The applicant has failed to provide information required by this article for issuance of a work permit or has falsely answered a question or request for information on the application form.
 - (3) The work permit fee required by this article has not been paid.
 - (4) The establishment for which the applicant seeks a work permit does not have a valid massage/spa establishment license from the city.
 - (5) The applicant has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked;
 - c. Engaged in or allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment; or
 - d. Has allowed, been convicted of, or plead guilty or entered a plea of nolo contendere to three or more violations of this article within a 12-month period.
 - (6) The applicant has within the previous five years been convicted of, or pleaded guilty or entered a plea of nolo contendere to, a specified criminal activity, as defined in this article.
 - (7) The applicant has in the previous 12 months resided with someone who has been an owner, director, officer, partner, member, or shareholder of a massage establishment or spa establishment that has, in the previous five years (and at a time during which the person was so related to the establishment):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Had its license to operate a massage establishment or a spa establishment revoked;
 - c. Engaged in or allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment; or
 - d. Has allowed, been convicted of, or plead guilty or entered a plea of nolo contendere to three or more violations of this article within a 12-month period.

-
- (e) The work permit, if issued, will be valid for a period of one year from the date it is issued. The replacement and additional work permit shall be issued upon payment of one-half of the fee charged for a work permit and will expire the same date as the then-current work permit. A massage establishment or spa establishment employee shall provide the employee's work permit to the establishment for which it was issued to be posted on the premises pursuant to this article.
 - (f) The director of public safety, or his/her designee shall issue a written notice of intent to revoke an employee's work permit, following notice and hearing pursuant to this article, and demand its return if the employee has violated the provisions of this article, any state law or applicable local ordinance.
 - (g) It shall be unlawful for an employee whose work permit has been revoked to refuse to return the work permit to the city department of public safety, records division, or to alter, conceal, deface, or destroy the work permit.
 - (h) The permit fee for a massage/spa establishment work permit shall be established by the director of public safety.

(Ord. No. 723, § 12-167, 4-4-2016; Ord. No. 804 , § 2(Exh. B), 8-10-2020)

Sec. 10-282. General operating provisions.

- (a) Massage establishments and spa establishments shall keep on file, on the premises of the establishment, a list of all persons who perform any service on the premises of the establishment, their home addresses and home or mobile telephone numbers, their duties and services performed for the massage or spa establishment, whether such persons have massage/spa establishment work permits issued by the city, and whether such persons have licenses or provisional permits issued by the state pursuant to the Georgia Massage Therapy Practice Act. The holder of a massage/spa establishment license must also keep on file, on the premises of the establishment, a copy of the establishment's two most recent license applications. A list of all employees, and most recent copies of their state licenses (if so licensed) and certifications shall be provided to the city department of community development no later than January 15 of each year.
- (b) Massage establishments and spa establishments shall maintain correct and accurate records of each instance that a service is provided, the type of service provided, and the name of the person at the establishment who provided the service. The records shall be subject to inspection by the city manager, the chief of police, and their designees during those times when the establishment is occupied by patrons or is open to the public.
- (c) No massage establishment or spa establishment shall allow any person required to have any state-mandated licenses, or a massage/spa establishment work permit pursuant to this article, to perform any service on the premises until such person has procured such license or work permit. Licensees and all managers and/or supervisors of any massage or spa establishment are required by this article to inspect and verify that each person who performs services on the premises who is required to have a valid state license or city work permit, has the required license or work permit on the establishment premises at all times, and failure to do so shall be a violation of this article.
- (d) Each massage establishment and spa establishment shall have an owner, manager or supervisor on the premises at all hours that the establishment is occupied by patrons or is open to the public. Further, each massage establishment shall have a state-licensed massage therapist on the premises at all hours that the establishment is occupied by patrons or is open to the public. No massage establishment shall hold itself out as being open for business at any time when there is no state-licensed massage therapist on the premises. In addition to the other penalties and remedies provided herein, if during an inspection there is no owner, manager, or supervisor, or, if applicable, state-licensed massage therapist on the premises, the establishment must cease operations and close until an owner, manager or supervisor or state-licensed massage therapist, as applicable, is on the premises.

-
- (e) Records required to be maintained under this article shall be kept for a minimum of two years. Records shall be made available to the director of community development or his/her designee, during business hours, at the establishment's business location in the city.
 - (f) All employees and other persons on the premises, with the exception of customers receiving a massage from a state-licensed massage therapist, shall be completely clothed. For the purposes of this article, the term "completely clothed" means having on the upper portion of the body appropriate undergarments and either a blouse or shirt which shall cover all the upper body, save the arms and neck, and shall mean having on the lower body appropriate undergarments plus either pants or a skirt, and said pants or skirt must cover from the waist down to a point at least two inches above the knee. All clothes worn in compliance with this article shall be entirely non-transparent.
 - (g) No customer receiving a massage from a state-licensed massage therapist shall expose his/her genitals, pubic area, anus, buttocks, or the female breast to another person on the premises of a massage establishment or spa establishment. This prohibition does not apply to the showing of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel, provided the areola is not exposed in whole or in part.
 - (h) No massage establishment or spa establishment shall be or remain open for business between the hours of 9:00 p.m. and 7:00 a.m. No person shall be or remain inside a massage establishment or spa establishment between the hours of 10:00 p.m. and 6:00 a.m. No massage establishment or spa establishment shall hold itself out as open at a time that the establishment is prohibited, under this subsection, from being open for business.
 - (i) A readable sign shall be posted at the main entrance identifying the establishment. Signs shall comply with the sign requirements of this Code.
 - (j) Minimum lighting shall be provided in accordance with the building code, as adopted by the city council, and at least one artificial light of not less than 40 watts (or equivalent illumination) shall be provided in each enclosed room or booth.
 - (k) Ordinary beds or mattresses shall not be permitted in any massage establishment or spa establishment.
 - (l) No massage establishment or spa establishment shall knowingly or recklessly allow any minor (i.e., a person under the age of 18 years) to be or remain inside the massage establishment or spa establishment unless the minor is accompanied by his/her parent, legal guardian, or a person who is at least 21 years of age and has been entrusted with the minor by the minor's parent or legal guardian.
 - (m) No person shall knowingly or recklessly touch, manipulate, fondle, or handle in any manner the sexual organs, genital area, or anus of any other person on the premises of a massage establishment or spa establishment.
 - (n) Massage establishments and spa establishments shall post and maintain a copy of the human trafficking notice available on the Georgia Bureau of Investigation internet website (as per O.C.G.A. § 16-5-47) in each public restroom for the establishment and in another conspicuous location in clear view of the public and employees where similar notices are customarily posted.
 - (o) It shall be unlawful to operate a massage establishment or spa establishment with storefront windows that have material and glazing applied or affixed that reduce light transmission through the windows to less than 32 percent, plus or minus three percent, or increase light reflectance to more than 20 percent.
 - (p) Massage establishments, spa establishments, and their employees shall ensure that storefront windows are not blocked by curtains, blinds, posters, advertisements, or any other screening material.
- (Ord. No. 723, § 12-168, 4-4-2016; Ord. No. 804 , § 2(Exh. B), 8-10-2020)

Sec. 10-283. Inspection.

Massage establishments, spa establishments, and their employees shall permit the city manager, director of community development, and/or their designees or agents to inspect, from time to time on an occasional basis, any portion of the establishment premises where patrons are permitted, for the purpose of ensuring compliance with the regulations of this article, during those times when the establishment is occupied by any patron or is open to the public. This section shall be narrowly construed by the city to authorize reasonable inspections of the licensed premises pursuant to this article.

(Ord. No. 723, § 12-169, 4-4-2016; Ord. No. 804 , § 2(Exh. B), 8-10-2020)

Sec. 10-284. Revocation of license or work permit.

- (a) Revocation for specific violations. The director of public safety and/or community development, or his/her designee shall issue a written notice of intent to revoke a massage/spa establishment license or a massage/spa establishment work permit, as applicable, if:
- (1) The licensee or work permit holder has failed to maintain the qualifications for holding a license or work permit;
 - (2) The licensee or work permit holder has recklessly given false information in the application for the license or the employee work permit or has failed to supplement the application information as required by section 10-279(b) or 10-281(b) after a change of circumstances that rendered the information originally submitted false or incomplete;
 - (3) The licensee or work permit holder has failed to maintain correct and accurate records as required by this article;
 - (4) The licensee or work permit holder has engaged in or recklessly allowed possession, use, or sale of controlled substances on the premises of the establishment;
 - (5) The licensee or work permit holder has engaged in or recklessly allowed prostitution on the premises of the establishment;
 - (6) The licensee or work permit holder has engaged in or recklessly allowed sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, or disorderly conduct to occur in or on the premises of the establishment;
 - (7) The licensee or work permit holder has knowingly or recklessly allowed a person under the age of 21 years to consume alcohol on the premises of the establishment;
 - (8) The licensee or work permit holder has violated section 10-282(c);
 - (9) The licensee or work permit holder has knowingly or recklessly allowed any minor (i.e., a person under the age of 18 years) to be or remain inside the massage establishment or spa establishment unless the minor is accompanied by his/her parent, legal guardian, or a person who is at least 21 years of age and has been entrusted with the minor by the minor's parent or legal guardian; or
 - (10) The licensee or work permit holder has recklessly allowed three or more violations of this article within a 12-month period.
- (b) When a notice of intent to revoke a license or employee work permit has been issued, the licensee, any person listed on the licensee's application, or the work permit holder, as the case may be, shall not apply for or be issued any new license or permit under chapter 4, chapter 28, or chapter 42, until such notice has been withdrawn or, if revocation has become effective, until two years after the effective date of revocation.

-
- (c) When any person listed on a massage/spa establishment license application, any employee of the establishment, or any person who performs massage at the establishment, is arrested for unlawful sexual conduct of any kind alleged to have occurred at the massage establishment or spa establishment, no person listed on the establishment's license application and no employee of the establishment may apply for or be issued any new license or permit for that location under chapter 4, chapter 28, or chapter 42, until the arrestee is cleared or until 90 days following the arrest have passed, whichever occurs sooner.

(Ord. No. 723, § 12-170, 4-4-2016; Ord. No. 804 , § 2(Exh. B), 8-10-2020)

Sec. 10-285. Hearing; license denial, revocation; appeal.

- (a) When the director of public safety and/or community development, or his/her designee, issues a written notice of intent to deny or revoke a license or employee work permit, the director of public safety and/or community development or his/her designee shall immediately send such notice, which shall include the specific grounds under this article for such action, to the applicant or licensee/work permit holder (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the city department of public safety, records division, and/or community development for the respondent. The notice shall also set forth the following: The respondent shall have ten days after the delivery of the written notice to submit, at the office of the director of public safety and/or community development, or his/her designee, a written request for a hearing. If the respondent does not request a hearing within said ten days, the city manager's written notice shall become a final denial or revocation, as the case may be, on the 30th day after it is issued.
- (b) If the respondent does make a written request for a hearing within said ten days, then the director of public safety and/or community development, or his/her designee shall, within ten days after the submission of the request, send a notice to the respondent indicating the date, time, and place of the hearing. The hearing shall be conducted not less than ten days nor more than 20 days after the date that the hearing notice is issued.
- (c) The city administrator or his/her designee shall serve as the hearing officer for any such appeal.
- (d) At the hearing, the respondent shall have the opportunity to present all relevant arguments and to be represented by counsel, present evidence and witnesses on his/her behalf, and cross-examine any of the city's witnesses. The respondent shall bear the burden of proving entitlement to the license. The hearing shall take no longer than one day, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a final written decision, including specific reasons for the decision pursuant to this article, to the respondent within five days after the hearing.
- (e) If the decision is to deny or revoke the license, the decision shall advise the respondent of the right to appeal such decision to a court of competent jurisdiction, and the decision shall not become effective until the 30th day after it is rendered. If the hearing officer's decision finds that no grounds exist for denial or revocation of the license, the hearing officer shall, contemporaneously with the issuance of the decision, order the director of public safety and/or community development to immediately withdraw the intent to deny or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the director of public safety and/or community development shall contemporaneously therewith issue the license or work permit to the applicant.
- (f) If any court action challenging a licensing or work permitting decision is initiated, the city shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings.

(Ord. No. 723, § 12-171, 4-4-2016; Ord. No. 804 , § 2(Exh. B), 8-10-2020)

Sec. 10-286. Reserved.

Editor's note(s)—Ord. No. 804 , § 2(Exh. B), adopted Aug. 10, 2020, repealed § 10-286, which pertained to location and distance requirements, and derived from Ord. No. 723, § 12-172, adopted Apr. 4, 2016.

Sec. 10-287. Remedies.

- (a) Any premises, building, dwelling, or other structure in which a massage establishment or spa establishment is operated or maintained in violation of this article is declared to be a public nuisance, and harmful to the public health, safety, and welfare. The city's legal counsel may bring an action in the county superior court to restrain, prohibit, and/or enjoin the use of such premises as a massage establishment or spa establishment in the county superior court.
- (b) The operation of a massage establishment or spa establishment by a partnership, limited liability company, corporation, or other legal entity in violation of this article is declared to be a public nuisance, and harmful to the public health, safety, and welfare. The city's legal counsel may bring an action in the county superior court to restrain, prohibit, and/or enjoin such operation of a massage establishment or spa establishment.
- (c) The operation of a massage establishment by a person in violation of this article is declared to be a public nuisance, and harmful to the public health, safety, and welfare. The city's legal counsel may bring an action in the county superior court to restrain, prohibit, and/or enjoin such operation of a massage establishment or spa establishment.
- (d) It shall not be necessary, in order to obtain an injunction under this section, to allege or prove that there is no adequate remedy at law or to allege or prove any special injury.
- (e) If the court declares a massage establishment or spa establishment to be a nuisance, or if the court issues an injunction against a massage establishment or spa establishment pursuant to this article, the city shall be entitled, on motion, to recover its reasonable attorney's fees and costs incurred in bringing the action.

(Ord. No. 723, § 12-173, 4-4-2016)

Sec. 10-288. Real property used for illegal sexual activity; property owner responsibility.

- (a) In accordance with O.C.G.A. § 41-3-13, the municipal court shall have jurisdiction to hear and determine the question of the existence of the nuisance provided for in O.C.G.A. § 41-3-1 and as further defined herein, and, if found to exist, to order its abatement.
- (b) As used in this subsection, the term:
 - (1) "Sex crime-related arrest" means an arrest for unlawful sexual conduct of any kind alleged to have occurred at the massage establishment or spa establishment, including, but not limited to, and citation, summons, accusation or indictment for violations of state laws concerning lewdness, prostitution, sodomy, the solicitation of sodomy, or masturbation for hire; provided, however, that any such arrests which result directly from cooperation between the real property owner and a law enforcement agency shall not be considered a sex crime-related arrest for purposes of this section.
 - (2) "Substantial illegal sexual activity" means activity comprised of three or more separate incidents resulting in sex crime-related arrests within a 24-month period on the same parcel of real property.
- (c) Any owner of real property, regardless of whether such owner is the occupant of the subject premises, who has knowledge that substantial illegal sexual activity is being conducted on such property, shall be guilty of maintaining a nuisance, and such real property shall be deemed a nuisance and may be abated as provided by law.

-
- (d) The owner of real property shall be deemed to have knowledge of illegal sexual activity occurring on a parcel of real property if the city notifies the owner in writing of two or more separate incidents occurring on the same premises within a 24-month period that result in sex crime-related arrests and, after the receipt of such notice and within 24 months of the first of the incidents resulting in a sex crime-related arrest, one or more separate incidents occur which result in a sex crime-related arrest.
 - (e) The provisions of this section are cumulative of any other remedies and shall not be construed to repeal any other existing remedies for related nuisances. Nothing in this section and no action taken hereunder shall be held to exclude such other civil, criminal, or administrative proceedings as may be authorized by other provisions of this Code or any of the laws in force in the city, or to exempt anyone violating this Code or any part of said laws from any penalty which may be incurred.

(Ord. No. 723, § 12-174, 4-4-2016)

Secs. 10-289—10-309. Reserved.

EXHIBIT B

ORDINANCE NUMBER:



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO ADOPT A FISCAL 2025 BUDGET AMENDMENT FOR CERTAIN FUNDS OF THE CITY OF ALPHARETTA, GEORGIA APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES, ADOPTING THE ITEM OF REVENUE ANTICIPATION, PROHIBITING EXPENDITURES TO EXCEED APPROPRIATIONS, AND PROHIBITING EXPENDITURES TO EXCEED ACTUAL FUNDING AVAILABLE.

WHEREAS, the Director of Finance has presented a proposed fiscal year 2025 budget amendment to the City Council on certain funds of the City; and

WHEREAS, each of these proposed amendments will adjust expenditures and revenues originally appropriated in the fiscal year 2025 budget and subsequent amendments; and

WHEREAS, each of these mid-year amendments represent a balanced budget, so that anticipated revenues for each fund equal or exceed proposed expenditures.

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

- that this budget amendment, "Exhibit A" attached hereto and by this reference made a part hereof this ordinance shall be the City of Alpharetta's fiscal year 2025 budget amendment for these certain funds for the fiscal year 2025; and
- that this budget amendment be and is hereby approved and the revenue items shown in the budget for each fund in the amount anticipated are adopted and that the several amounts shown in the budget for each fund as proposed expenditures are hereby appropriated to the departments named in each fund; and
- that the expenditures shall not exceed the appropriations authorized by this mid-year budget or amendments thereto provided; and that expenditures shall not exceed actual funding available.

SO ORDAINED, this _____ day of February 2025.

CITY OF ALPHARETTA

By: _____

Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]
[SIGNATURES CONTINUED FROM PRECEDING PAGE]

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 M. Brady

(SEAL)

Attest:

Approved as to form and legal sufficiency:

Lauren Shapiro, City Clerk

Molly Esswein, City Attorney



City of Alpharetta, Georgia
Fiscal Year 2025
Budget Amendment Request

The purpose of the Fiscal Year (FY) 2025 Budget Amendment is to amend the base budget as adopted by City Council for targeted initiatives that have already occurred (e.g., during the first seven months of the fiscal year) or are planned to occur before fiscal year-end.

General Fund

This Fund is the principal operating fund of the city and includes governmental activities such as police, fire, recreation, transportation, and other general government functions that are primarily funded with property taxes, franchise fees, state shared revenues, and charges for services such as recreation program fees. State law requires that the city's budget be balanced: revenues = expenditures.

The budgetary legal level of control resides at the department level (e.g., City Administration, Recreation, Parks, and Cultural Services, etc.). A given department has the operational flexibility to reallocate appropriations within specific line-items to achieve its mission but cannot exceed its overall appropriation level as approved by City Council. Furthermore, the Adopted Budget approves the staffing level (i.e., authorized full-time equivalent staffing level) for each department. The FY 2025 Budget Amendment adjusts departmental budgets to fund/authorize the targeted initiatives discussed in detail over the following pages.

EXHIBIT A
Fiscal Year 2025 Budget Amendment Requests

GENERAL FUND			
LEGAL LEVEL OF CONTROL			
	Fiscal Year 2025		
	Current Budget	Budget Amendment	Revised Budget
Revenues by Source:			
Property Taxes	\$ 37,437,000	\$ -	\$ 37,437,000
Local Option Sales Taxes	22,250,000	-	22,250,000
Other Taxes	18,185,300	-	18,185,300
Licenses and Permits	3,196,500	-	3,196,500
Intergovernmental Revenue	370,926	-	370,926
Charges for Services	1,503,100	-	1,503,100
Recreation/Special Event Fees	3,725,980	108,000	3,833,980
Fines and Forfeitures	2,605,000	-	2,605,000
Investment Earnings	1,100,000	-	1,100,000
Other/Miscellaneous	238,811	-	238,811
Other Financing Sources			
Transfer-in from Hotel/Motel Fund	3,468,750	-	3,468,750
Budgeted Fund Balance	9,447,780	-	9,447,780
Total Revenues	\$103,529,147	\$ 108,000	\$103,637,147
Expenditures by Department:			
Mayor and City Council	\$ 394,044	\$ -	\$ 394,044
City Administration	3,025,435	-	3,025,435
Finance	4,124,713	-	4,124,713
City Attorney	1,000,000	-	1,000,000
Information Technology	2,543,961	-	2,543,961
Human Resources	1,065,277	-	1,065,277
Municipal Court	1,362,008	-	1,362,008
Public Safety	43,735,476	13,105	43,748,581
Public Works	11,462,030	-	11,462,030
Recreation, Parks, and Cultural Services	14,587,491	108,000	14,695,491
Community Development	4,733,725	-	4,733,725
subtotal	\$ 88,034,160	\$ 121,105	\$ 88,155,265
General Government:			
Insurance Premiums	\$ 966,800	\$ -	\$ 966,800
Gwinnett Tech Bond (P&I)	286,978	-	286,978
Transfer to Capital Project Fund	11,843,416	-	11,843,416
Transfer to Stormwater Capital Fund	1,604,364	-	1,604,364
Contingency	713,629	66,695	780,324
Operating Initiatives (Reserve)	79,800	(79,800)	-
subtotal	\$ 15,494,987	\$ (13,105)	\$ 15,481,882
Total Expenditures	\$103,529,147	\$ 108,000	\$103,637,147

EXHIBIT A
Fiscal Year 2025 Budget Amendment Requests

The following section provides, by department, the associated detail/justification for each targeted initiative requested through the FY 2025 Budget Amendment.

Public Safety

Initiative: **Administrative Assistant II Position (1 FTE; reclassification from two existing part-time positions)**

Funding Request: \$13,105 (FY 2025); \$31,000 annualized (FY 2026 and beyond)

This request involves reclassifying the existing 0.5 FTE Police Officer part-time position and 0.5 FTE Records Clerk position into one full-time (1.0 FTE) Administrative Assistant II position to, amongst other tasks, help with Public Safety Training needs. Primary difference in costs consists of benefits offered to full-time positions (e.g., medical, dental, vision insurance).

Recreation, Parks, and Cultural Services

Initiative: **Wills Park Pool Maintenance (est. impact of new contract costs; fees have been adjusted accordingly)**

Funding Request: \$33,000 (\$33,000 additional revenue; \$33,000 additional expenses)

This request is for additional maintenance funding (cleaning, chemicals, etc.) for the Wills Park Pool. Specifically, an RFP for maintenance of the Pool was awarded after adoption of the FY 2025 Budget. Much like many labor-intensive and chemical-intensive contracts, inflationary pressures have resulted in increased costs. This request is to increase the existing funding (\$48,000) to cover the current cost trends for fiscal year 2025 (\$81,000). Fees will be adjusted moving forward to recover the additional costs. The preliminary budget for Fiscal Year 2026 has been adjusted accordingly.

Initiative: **Wills Park Equestrian Center Stall Cleaning (est. impact of new contract costs; fees have been adjusted accordingly)**

Funding Request: \$75,000 (\$75,000 additional revenue; \$75,000 additional expenses)

This request is for additional maintenance funding (stall cleaning including removal of shavings/manure) for the Wills Park Equestrian Center. Specifically, an RFP for maintenance of the Wills Park Equestrian Center stalls was awarded after adoption of the FY 2025 Budget. Much like many labor-intensive contracts, inflationary pressures have resulted in increased costs. This request is to increase the existing funding (\$200,000) to cover the current cost trends for fiscal year 2025 (\$275,000). Fees will be adjusted moving forward to recover the additional costs. The preliminary budget for Fiscal Year 2026 has been adjusted accordingly.

General Government

Initiative: **Contingency and Operating Initiatives Reserve**

Funding Request: (\$13,105) (net)

This request removes the reserve for Operating Initiatives that was included in the FY 2025 Budget (\$79,800) and reallocates \$66,695 to Contingency. The difference of \$13,105 is being reallocated to the Public Safety Department budget to cover the additional costs related to the Administrative Assistant II Position reclassification detailed above.

EXHIBIT A
Fiscal Year 2025 Budget Amendment Requests

Capital Project Fund

This Fund accounts for the acquisition and construction of major items such as buildings, infrastructure, parks, streets, and other major capital facilities. The budgetary legal level of control resides at the project level.

CAPITAL PROJECT FUND			
LEGAL LEVEL OF CONTROL (Impacted Line-Items)			
	Fiscal Year 2025		
	Current Budget	Budget Amendment	Revised Budget
Expenditures by Project:			
Community Development			
North Fulton Comprehensive Transportation Plan (Alpharetta share)	\$ -	\$ 60,000	\$ 60,000
Recreation, Parks, and Cultural Services			
Parks Repairs/Improvements	197,117	30,000	227,117
Public Works			
Striping and Signage (add'l funding)	252,829	60,000	312,829
Traffic Signal System Maintenance (reallocation)	123,832	(30,000)	93,832
Traffic Control Equipment (reallocation)	145,477	(30,000)	115,477
General Government			
Non-Allocated	2,547,316	(90,000)	2,457,316
Net Budget Adjustments	\$ 3,266,571	\$ -	\$ 3,266,571

Community Development

Initiative: North Fulton Comprehensive Transportation Plan (Alpharetta share)

Funding Request: \$60,000

The Atlanta Regional Commission is pursuing an update to the 2018 North Fulton Comprehensive Transportation Plan (NFCTP) that will start in 2025, in collaboration with the collective North Fulton cities (Alpharetta, Johns Creek, Mountain Park, Milton, Roswell, and Sandy Springs). Total funds requested is City of Alpharetta's fair share allocation.

Executing the NFCTP will provide an opportunity to inform the regional transportation planning process on establishing a vision for North Fulton's transportation future that addresses economic prosperity and quality of life improvements through a variety of transportation solutions oriented around roadway, bicycle, pedestrian, and transit projects.

Recreation, Parks, and Cultural Services

Initiative: Parks Repairs/Improvements

Funding Request: \$30,000

This request is for an increase of \$30,000 to offset expenses for lights/fixtures that were installed on the Baseball, Lower Soccer Field, and Tennis Courts at Webb Bridge Park. Specifically, the original lighting fixtures, which became inoperable, were installed in 1999 and are no longer manufactured. These fixtures are being retro fitted with NuGen LED fixtures/lamps. These

EXHIBIT A
Fiscal Year 2025 Budget Amendment Requests

replacements were made to ensure safe and effective playing fields for our customers. Where possible, future replacements are being put on hold pending the City's facility assessment and maintenance plan currently being conducted by McKinstry.

Public Works

Initiative: **Striping of City Roads (additional funding through a reallocation of existing appropriations)**

Funding Request: \$0 (net)

This request is for additional funding for striping of City roads. Specifically, white lines at various sections on Windward Parkway from Windward Plaza to McGinnis Ferry Road along with several crosswalks and stop bars. Funding for this request is being reallocated from several existing traffic accounts (Traffic Signal System Maintenance and Traffic Control Equipment).

General Government

Initiative: **Decrease in Non-Allocated**

Funding Request: \$90,000

The net funding request from the Non-Allocated account totals \$90,000 leaving an estimated balance of \$2.5 million available for future appropriation by the City Council.

TSPLOST-I Capital Project Fund

This fund accounts for the collection of T-SPLOST 1 (Transportation Special Purpose Local Option Sales Taxes) revenue and the expenditure on eligible transportation improvements and congestion mitigation initiatives. Fund appropriations are perpetual with only new appropriations recognized in the annual budget. This tax was imposed for the period of April 1, 2017, through March 31, 2022. The budgetary legal level of control resides at the project level.

TSPLOST-I CAPITAL PROJECT FUND			
LEGAL LEVEL OF CONTROL (Impacted Line-Items)			
	Fiscal Year 2025		
	Current Budget	Budget Amendment	Revised Budget
Revenue by Source:			
Investment Earnings	\$ 500,000	\$ 350,000	\$ 850,000
Net Budget Adjustments	\$ 500,000	\$ 350,000	\$ 850,000
Expenditures by Project:			
Non-Allocated	\$ 154,763	\$ 350,000	\$ 504,763
Net Budget Adjustments	\$ 154,763	\$ 350,000	\$ 504,763

EXHIBIT A
Fiscal Year 2025 Budget Amendment Requests

General Government

Initiative: Increase in Non-Allocated

Funding Request: \$350,000

The increase in Non-Allocated is funded through the appropriation of anticipated investment earnings on the City's cash balances. Non-Allocated account balances are available for future appropriation by the City Council. As discussed at the 2025 City Council Retreat, potential future uses of the non-allocated balance include completion of the Webb Bridge Road Corridor project, inclusive of the Morris Road to North Point Parkway section.

TSPLOST-II Capital Project Fund

This fund accounts for the collection of T-SPLOST (Transportation Special Purpose Local Option Sales Taxes) revenue and the expenditure on eligible transportation improvements and congestion mitigation initiatives. Fund appropriations are perpetual with only new appropriations recognized in the annual budget. This tax is imposed for the period of April 1, 2022, through March 31, 2027. The budgetary legal level of control resides at the project level.

TSPLOST-II CAPITAL PROJECT FUND			
LEGAL LEVEL OF CONTROL (Impacted Line-Items)			
	Fiscal Year 2025		
	Current Budget	Budget Amendment	Revised Budget
Revenue by Source:			
TSPLOST-II Tax Revenue (85% to 90% of GSU forecast)	\$ 18,883,508	\$ 3,061,913	\$ 21,945,421
Investment Earnings	300,000	150,000	450,000
Net Budget Adjustments	\$ 19,183,508	\$ 3,211,913	\$ 22,395,421
Expenditures by Project:			
Public Works			
Tradewinds Ripple Effect Improvements	\$ 3,062,985	\$ (1,500,000)	\$ 1,562,985
Webb Bridge Rd Improvements (PH 4; NPP-Greenway)/Morris-AHS	7,435,301	500,000	7,935,301
North Point Parkway Improvements	7,486,201	(7,046,559)	439,642
North Point Parkway Improvements (STBG Construction Grant Match)	1,250,000	(1,250,000)	-
North Point Parkway Improvements (TIP Construction Grant Match)	1,000,000	(1,000,000)	-
AlphaLink Design/Construction (\$10M total allocation including Impact Fees & TSPLOST-2)	-	7,937,063	7,937,063
Non-Allocated	1,918,622	5,571,409	7,490,031
Net Budget Adjustments	\$ 22,153,109	\$ 3,211,913	\$ 25,365,022

EXHIBIT A
Fiscal Year 2025 Budget Amendment Requests

Public Works

Initiative: Tradewinds Ripple Effect Improvements

Funding Reallocation: -\$1,500,000

Tradewinds Ripple Effect Improvements was originally funded at \$6.5 million. Approximately \$3 million of this total is being funded towards the Dryden Road extension. Of the remaining funding, an additional \$2 million is reserved to cover traffic improvements associated with the Tradewinds interchange. The remaining \$1.5 million is being reallocated to other allowable TSPLOST-II projects and Non-Allocated (for future appropriation by the City Council).

Initiative: Webb Bridge Road Improvements (PH 4)

Funding Request: \$500,000 (additional)

Webb Bridge Road improvements within TSPLOST-II was originally funded at \$13 million. Design changes, including widening the sidewalks along Morris Road to North Point Parkway, result in an additional forecasted funding need of \$500,000.

Initiative: North Point Parkway Improvements

Funding Reallocation: -\$9,296,559 (multiple accounts: \$7,046,559, \$1,250,000, and \$1,000,000)

The City is revisiting the lane reduction design that was a basis for the North Point Parkway Improvements project given development potential along the corridor coupled with escalating cost requirements in excess of identified appropriations. Funding is being reallocated to (1) the AlphaLink project (see below) which is anticipated to have a major beneficial impact on redevelopment along the North Point corridor, and (2) Non-Allocated (for future appropriation by the City Council). Please note: the referenced grants in the table above have not been accepted, and no grant funds were spent, leaving the matching funds available for reallocation as proposed herein.

Initiative: AlphaLink (design/construction)

Funding Request: \$7,937,063 (\$10M total when combined with the Impact Fee Fund)

The Alpha Link is a 12' wide lighted multi-use trail connection from Haynes Bridge Road to Encore Parkway, approximately 1.2 miles. More specifically, this segment connects the Big Creek Greenway (via Encore Parkway) to the Alpha Loop at Haynes Bridge Road. The AlphaLink is open 24/7, illuminated, and allows for multiple modes of transportation including pedestrian, bicycle, scooter, e-bike, etc.

The City was awarded funding from the Atlanta Regional Commission (ARC) to assist with Phase-1 of the project which includes concept plan development, survey, and environmental studies only. This phase is complete. Phase 2 involves the design and construction of the improvements as well as project management services. Costs for this phase are estimated at \$10 million. Funding is proposed through TSPLOST-II (\$7.9 million) and Transportation Impact Fees (\$2.1 million).

EXHIBIT A
Fiscal Year 2025 Budget Amendment Requests

General Government

Initiative: Increase in Non-Allocated

Funding Request: \$5,571,409

Funding Source: \$3,061,913 (TSPLOST-II Tax Revenue; 85% to 90% of GSU Forecast)
\$150,000 (additional investment earnings)
\$2,359,496 (project funding reallocations)

The increase in Non-Allocated is funded through additional TSPLOST revenues (based on current trends), anticipated investment earnings on the City's cash balances, and the net reallocation of project balances discussed above.

TSPLOST-II Fund appropriations currently reflect tax revenues at 85% of the original forecasted revenue collections over the life of the 5-year tax (or \$52 million, as provided by Georgia State University). For comparison purposes, TSPLOST-I collections trended at over 90% of forecasted revenue collections. Life-to-date collections for TSPLOST-II have trended at 110% of the original forecasted revenue estimates. Staff recommends increasing the tax revenue forecast within the TSPLOST-II Fund to 90% of the GSU forecast which results in an additional \$3.1 million. This tax revenue will likely be increased in the future if current collection trends continue. Non-Allocated account balances are available for future appropriation by the City Council.

Impact Fee Fund

This fund accounts for fees assessed upon development activity. These fees are collected to pay for system improvements (recreation/parks, streets, and public safety) as detailed within the city's impact fee ordinance. The budgetary legal level of control resides at the project level.

IMPACT FEE FUND				
LEGAL LEVEL OF CONTROL (Impacted Line-Items)				
	Fiscal Year 2025			
	Current Budget	Budget Amendment	Revised Budget	
Revenue by Source:				
Impact Fees (Parks)	\$ -	\$ 110,000	\$	110,000
Impact Fees (Roads)	-	100,000		100,000
Impact Fees (Public Safety)	-	18,000		18,000
Net Budget Adjustments	\$ -	\$ 228,000	\$	228,000
Expenditures by Project:				
North Point Parkway (STBG ROW Grant Match)	\$ 1,250,000	\$ (1,250,000)	\$	-
AlphaLink Design/Construction (\$10M total allocation including Impact Fees & TSPLOST-2)	-	2,062,937		-
Non-Allocated (Parks)	919,038	110,000		1,029,038
Non-Allocated (Roads)	712,937	(712,937)		-
Non-Allocated (Public Safety)	50,526	18,000		68,526
Net Budget Adjustments	\$ 2,932,501	\$ 228,000	\$	1,097,564

EXHIBIT A
Fiscal Year 2025 Budget Amendment Requests

Public Works

Initiative: North Point Parkway Improvements

Funding Reallocation: -\$1,250,000

The City is revisiting the lane reduction design that was a basis for the North Point Parkway Improvements project given development potential along the corridor coupled with escalating cost requirements in excess of identified appropriations. Funding is being reallocated to (1) the AlphaLink project (see below) which is anticipated to have a major beneficial impact on redevelopment along the North Point corridor, and (2) Non-Allocated (for future appropriation by the City Council). Please note: the referenced grant in the table above has not been accepted, and no grant funds were spent, leaving the matching funds available for reallocation as proposed herein.

Initiative: AlphaLink (design/construction)

Funding Request: \$2,062,937 (\$10M total with the Impact Fee Fund)

The Alpha Link is a 12' wide lighted multi-use trail connection from Haynes Bridge Road to Encore Parkway, approximately 1.2 miles. More specifically, this segment connects the Big Creek Greenway (via Encore Parkway) to the Alpha Loop at Haynes Bridge Road. The AlphaLink is open 24/7, illuminated, and allows for multiple modes of transportation including pedestrian, bicycle, scooter, e-bike, etc.

The City was awarded funding from the Atlanta Regional Commission (ARC) to assist with Phase-1 of the project which includes concept plan development, survey, and environmental studies only. This phase is complete. Phase 2 involves the design and construction of the improvements as well as project management services. Costs for this phase are estimated at \$10 million. Funding is proposed through TSPLOST-II (\$7.9 million) and Transportation Impact Fees (\$2.1 million). Specifically, Impact Fee funding is coming through the reallocation of North Point Parkway Improvement appropriations (discussed above) coupled with available Impact Fee monies.

General Government

Initiative: Increase in Non-Allocated

Funding Request: \$110,000 (Parks Non-Allocated)
\$18,000 (Public Safety Non-Allocated)

Funding Source: \$110,000 (Parks Impact Fees)
\$18,000 (Public Safety Impact fees)

The increase in Non-Allocated is funded through the appropriation of impact fees received for each system improvement category. Balances within the Non-Allocated account is available for future appropriation by the City Council.

EXHIBIT A
Fiscal Year 2025 Budget Amendment Requests

Assets Forfeiture Fund (DEA)

The DEA Fund accounts for revenues received from the enforcement of drug laws and the confiscation of property from drug offender's arrests that can be used by public safety to aid in drug enforcement activity. The budgetary legal level of control resides at the department level (Public Safety) for operations/minor capital and project level for targeted initiatives.

ASSETS FORFEITURE FUND (DEA)				
LEGAL LEVEL OF CONTROL (Impacted Line-Items)				
		Fiscal Year 2025		
		Current Budget	Budget Amendment	Revised Budget
Revenue by Source:				
Asset Forfeiture		\$ -	\$ 29,935	\$ 29,935
Net Budget Adjustments		\$ -	\$ 29,935	\$ 29,935
Expenditures by Project:				
Non-Allocated		\$ 265,126	\$ 29,935	\$ 295,061
Net Budget Adjustments		\$ 265,126	\$ 29,935	\$ 295,061

General Government

Initiative: Increase in Non-Allocated

Funding Request: \$29,935

The increase in Non-Allocated is funded through the appropriation of asset forfeiture collections. The balance within the Non-Allocated account is available for future funding in accordance with asset forfeiture guidelines.

Fiscal Year 2025 Budget Amendment Requests

OPEB Health Benefit Fund

This Fund represents activity associated the other post-employment benefit plan (OPEB). Historically, eligible retirees were offered the same health and prescription drug coverage as active employees. However, recent updates to the Plan, previously approved by City Council, have removed this option for employees ending service with the City on or after July 1, 2023. Available resources above the actuarially determined retiree liability is being transferred to the OPEB Reimbursement Health Benefit Fund to augment this important post-retirement benefit for our employees.

OPEB HEALTH BENEFIT FUND			
LEGAL LEVEL OF CONTROL (Impacted Line-Items)			
	Fiscal Year 2025		
	Current Budget	Budget Amendment	Revised Budget
Expenditures by Project:			
Non-Allocated/Reserve	\$ 667,382	\$ (216,579)	\$ 450,803
Transfer Out to the OPEB Reimbursement Health Benefit Fund	-	216,579	216,579
Net Budget Adjustments	\$ 667,382	\$ -	\$ 667,382

OPEB Reimbursement Health Benefit Fund

This Fund accounts for the post-employment healthcare benefit and is funded through City operations (increased from 2% to 2.5% of payroll in fiscal year 2024). Additionally, as detailed above, available resources above the actuarially determined OPEB Health Benefit Fund retiree liability is being transferred to the OPEB Reimbursement Health Benefit Fund to augment this important post-retirement benefit for our employees. Specifically, this request involves the transfer of actuarially determined resources within the OPEB Health Benefit Fund (\$216,579) to the OPEB Reimbursement Health Benefit Fund.

OPEB REIMBURSEMENT HEALTH BENEFIT FUND			
LEGAL LEVEL OF CONTROL (Impacted Line-Items)			
	Fiscal Year 2025		
	Current Budget	Budget Amendment	Revised Budget
Revenue by Source:			
Transfer In from OPEB Health Benefit Fund	\$ -	\$ 216,579	\$ 216,579
Net Budget Adjustments	\$ -	\$ 216,579	\$ 216,579
Expenditures by Project:			
Non-Allocated/Reserve	\$ 5,618,099	\$ 216,579	\$ 5,834,678
Net Budget Adjustments	\$ 5,618,099	\$ 216,579	\$ 5,834,678