City Council Meeting & Public Hearing
APRIL 14, 2025
OFFICIAL MINUTES
Office of the City Clerk

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

OFFICIAL MINUTES

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

1. CALL TO ORDER
   - Mayor Gilvin called the meeting to order at 6:30 p.m.
2. ROLL CALL
   - Council Members
     - Mayor Jim Gilvin
     - Mayor Pro Tem Dan Merkel
     - Donald F. Mitchell
     - Brian Will
     - John Hipes
     - Fergal M. Brady
     - Douglas J. DeRito
   - Staff
     - Chris Lagerbloom, City Administrator
     - Molly Esswein, 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 C. Will, Municipal Court Judge
- Deanna McKay, Public Communication & Engagement Coordinator
- Zimri Prendes, Human Resources Generalist

3. PLEDGE TO THE FLAG

4. PRESENTATIONS & PROCLAMATIONS

A. Proclamation: Alexander Lidback, University of Michigan Football Champion

- Mayor Gilvin presented a proclamation to University of Michigan graduate and football champion, Alexander Lidback.

B. Proclamation: William Wagner, University of Michigan Football Champion

- Mayor Gilvin presented a proclamation to University of Michigan graduate and football champion, William Wagner.

5. WORK SESSION ITEMS

A. Municipal Court Tax Refund Intercept Program (TRIP)

Review and City Council work session discussion of the Municipal Court Tax Refund Intercept Program. This item is brought forward for work session discussion purposes, and a formal vote will not be requested or taken on this item.

- Director of Municipal Court, Brooke Lappin, and Municipal Court Judge David C. Will, came forward to present this item.
- The Administrative Office of the Courts (A.O.C.) offers access to the Tax Refund Intercept Program (T.R.I.P.) to recover unpaid court fines and fees. Eligible fines must have a disposition date within the past seven years and cannot have been converted to community service or time served.
- While the City is not required to use TRIP, it permits the court to access this program as an additional tool to support the collection of outstanding fines. This enhances the court's ability to recover funds owed without placing additional burden on local resources.
- There was a consensus for staff to bring forward this item as a new business item on a future City Council meeting agenda.

B. Union Hill Park and Ice Sports Including Hockey, Figure Skating, and Other Public Uses

Discussion seeking City Council direction on the future use of Union Hill Park for ice sports in a shared facility concept. This item is brought forward for work session discussion purposes, and a formal vote will not be requested or taken on this item.

- City Administrator, Chris Lagerbloom, came forward to present this item.

CITY COUNCIL DISCUSSION

- Council Member Hipes shared that the if this item would move forward, an agreement would need to be entered with a specific entity. He shared that he had concerns about providing a facility to a for-profit, private group, parking concerns, parks bond concerns, expense concerns, concerns with addressing scheduling conflicts and other interested groups having access to this facility, and concerns of interfering with the Home By Dark concert series.
- Council Member DeRito shared that if this were to go forward, he would like the hockey program to be called "Alpharetta Hockey Club."
- Mayor Pro Tem Merkel shared that he echoed the concerns of Council Member Hipes and Council Member DeRito and understood there is some urgency with making a decision based on the upcoming concert season and the hockey tryout season.
- Council Member Mitchell asked about the conversion of the ice for different events, the timeline for this to occur, and the number of people who would be affected by this.
- Council Member Brady shared that there are a lot of complexities with this.
- Council Member Will shared that there needs to be $2M raised and they cannot get funding until there is a decision by Council (two weeks) and asked if this would be enough time to make a decision and take action.
- Mayor Gilvin asked if Home By Dark was a non-profit organization.
- City Administrator Lagerbloom shared that he has appreciated the candor and time this organization has brought to working with the City and will provide an update to the Council on the steps forward (if any).

6. CONSENT AGENDA

A. City Council Planning Retreat Day #1 Minutes (Meeting of 1/17/2025)

Consideration of approval of the City Council Planning Retreat Day #1 meeting minutes from the meeting of January 17, 2025.

B. City Council Planning Retreat Day #2 Minutes (Meeting of 1/18/2025)

Consideration of approval of the City Council Planning Retreat Day #2 meeting minutes from the meeting of January 18, 2025.

C. City Council Meeting Minutes (Meeting of 3/24/2025)

Consideration of approval of the City Council meeting minutes from the meeting of March 24, 2025.

D. Private Development and Permanent Access Easement Agreements: The Maxwell

Consideration of approval of a Permanent Access Easement Agreement and Private Development Agreement between the City of Alpharetta and GRBK Devore, LLC for The Maxwell Development and with authorization for the Mayor to execute all necessary documents.

E. Quitclaim Deed and Permanent Easement: 2580 Westside Parkway

Consideration of approval of a Quitclaim Deed and Permanent Easements for the Construction of Maintenance and Drainage off Westside Parkway between the City of Alpharetta and Fulgent Genetics, Inc. and with authorization for the Mayor to execute all necessary documents.

F. Financial Management Report (Month Ending February 28, 2025)

Consideration of approval of the Financial Management Report for the month ending February 28, 2025.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member Mitchell offered a motion to approve the Consent Agenda.
  - Mayor Pro Tem Merkel seconded the motion.
  - The motion was approved unanimously (7-0).

7. PUBLIC HEARING

A. Ordinance: City Code Text Amendments – Massage and Spa Establishments

FIRST READING

Consideration of adoption of an ordinance to modify Chapter 10, Article IX of The Code of the City of Alpharetta to require enhanced identification and fingerprint background checks; to provide for additional requirements for applications for licensing and permitting; to provide for renewal applications; to amend regulations to authorize the denial of a license or permit; to repeal conflicting ordinances; and for other purposes.

- City Attorney, Molly Esswein, read the ordinance title aloud and came forward to present this item.
- The City Attorney's Office prepared a final version of proposed text amendments to Chapter 10, Article IX of The Code of the City of Alpharetta, pertaining to the City's Massage and Spa Establishments Ordinance.
- The proposed amendments will add a requirement for licensees to undergo a national background check and also provides for an abbreviated renewal for licenses that have no changes. A few minor amendments have been added to create additional requirements for licenses and permits and to provide general clean-up for the ordinance.
- The draft of the Massage and Spa Establishment Ordinance is attached hereto as "Exhibit A."

PUBLIC COMMENTS:

- There were no public comments.

- ❖ Mayor Pro Tem Merkel offered a motion to adopt an ordinance to modify Chapter 10, Article IX of The Code of the City of Alpharetta for Massage and Spa Establishments, including the redlined version provided by the City Attorney.
  - o Council Member Will seconded the motion.
  - o The motion was approved unanimously (7-0).

B. **Ordinance: City Code Text Amendments – Recreation Commission**

FIRST READING

Consideration of adoption of an ordinance to modify Chapter 2, Article III and Chapter 32, Article II of The Code of the City of Alpharetta regarding the creation, powers, duties, and obligations of the Recreation Commission; to repeal conflicting ordinances; and for other purposes.

- City Attorney, Molly Esswein, read the ordinance title aloud and came forward to present this item.
- As of 2025, the City of Alpharetta's Recreation Commission operates under guidelines established in the city's Code of Ordinances, specifically Chapter 32, which pertains to Recreation and Parks.
- In March 2025, the Recreation Commission held a work session to discuss various matters, including potential updates to the commission's structure and responsibilities. Additionally, an ordinance was adopted to amend Article I, Chapter 32 of the city's Code, reflecting changes to the commission's operations.
- The City Attorney has updated the Ordinances to match the current responsibilities of the Recreation Commission to exhibit more of an advisory board, like many of the other Boards and Commissions within the City of Alpharetta.
- The draft of the Massage and Spa Establishment Ordinance is attached hereto as "Exhibit B."

CITY COUNCIL DISCUSSION:

- Council Member Mitchell asked about the appointment process or these board members.
- There was a consensus of allotting 3 appointments for Mayor and 1 for each council member.

PUBLIC COMMENTS:

- There were no public comments.

- ❖ Council Member Hipes offered a motion to adopt an ordinance to modify Chapter 2, Article III and Chapter 32, Article II of The Code of the City of Alpharetta regarding the creation, powers, duties, and obligations of the Recreation Commission; to repeal conflicting ordinances; and for other purposes.

- Mayor Pro Tem Merkel seconded the motion.
- The motion was approved unanimously (7-0).

8. NEW BUSINESS

A. 2025-2026 City Wide Employee Health and Related Benefits

Consideration to award contracts for certain Employee Health and Related Benefits for Plan Year 2025-2026: City's group Medical and Dental coverage to Cigna; Vision coverage to Eye Med; Life and Disability coverage to New York Life; and Wellness Services to Engagement Health Group; and to authorize the Mayor to execute all necessary documents.

- Director of Finance, Tom Harris, came forward to present this item.
- The City's Broker of record, Alliant Insurance Services (8th largest global brokerage firm), solicited proposals from the market (Anthem, UHC, Aetna) for our medical and other related coverage.
- After months of negotiations, our current carrier, Cigna, is the recommended provider for both Medical (4.5% in rates) and Dental (0%) for plan year 2025-2026. Cigna will provide a $25k optional service fund and a $5k wellness fund, making the effective increase in premiums approximately 3.6%.
- This is an exceptional renewal given that the current year's loss ratio is at 114%, meaning claims paid by Cigna are exceeding premiums paid to Cigna by 14% and, based on trends of 7%, an increase in the range of 17% or more could be expected. Cigna's final proposal is indicative of their commitment to continue to serve the City of Alpharetta. It should be noted that the City's 5-year average increase has been 3.7% (3.2% with credits) compared to the trend of 7% for the same period.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member Brady offered a motion to approve the award contracts for certain Employee Health and Related Benefits for Plan Year 2025-2026: City's group Medical and Dental coverage to Cigna; Vision coverage to Eye Med; Life and Disability coverage to New York Life; and Wellness Services to Engagement Health Group; and to authorize the Mayor to execute all necessary documents.

- Council Member Will seconded the motion.
- The motion was approved unanimously (7-0).

B. Resolution: 2025 Americans with Disabilities Act Transition Plan

Consideration of adoption of a resolution of the Mayor and City Council of the City of Alpharetta, Georgia adopting the City of Alpharetta 2025 Americans With Disabilities Act Transition Plan.

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

- Director of Human Resources, Cris Randall, came forward to present this item.
- In accordance with Title II (28 C.F.R. §§ 35.105 and 35.150), the City of Alpharetta has conducted a comprehensive self-evaluation of its services, programs, activities, and facilities on public property and within public rights-of-way. Based on this assessment, the City has developed an ADA Transition Plan to outline the steps necessary to achieve compliance with accessibility requirements.
- Municipalities that receive federal aid or funds administered by the Georgia Department of Transportation (GDOT) must submit an updated ADA Transition Plan to GDOT to remain eligible for continued funding and assistance (42 U.S.C. § 12132). The City's Transition Plan ensures compliance with these federal and state requirements, demonstrating Alpharetta's commitment to accessibility and inclusion.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member Brady offered a motion to adopt a resolution adopting the City of Alpharetta 2025 Americans With Disabilities Act Transition Plan.
  - Council Member Hipes seconded the motion.
  - The motion was approved unanimously (7-0).

C. **Fiscal Year 2025 Task Order 2: On-Call Stormwater Construction Services**

Consideration of approval of task order 2 to CSTE, Inc. in the amount of $500,232.98 for stormwater construction services, under the City's On-Call Stormwater Construction Services contract and with authorization for the Mayor to execute all necessary documents.

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- During routine inspections of the City's stormwater infrastructure, maintenance needed to any structure, ditch line, curbing, or any other stormwater management infrastructure maintained by the City is noted and entered into the Public Works Asset Management System for repairs.
- There are currently over 200+ work orders in the system pertaining to stormwater structures and 400+ pipe repair and replacement work orders. These repairs include, but are not limited to, regular grouting maintenance of manholes, structure replacement, invert installations, pipe repairs/ replacement, catch basin top and throat replacement, curb and gutter replacement, and sidewalk replacement.
- The Department of Public Works prepared a unit rate sheet and specifications which included over 240 items pertaining to stormwater structure and drainage repairs and advertised for proposals on May 2, 2024.
- CSTE, Inc. was awarded the on-call stormwater construction services contract and has already completed task order 1 for FY 25 stormwater repairs.
- Task order 2 will consist of the following repairs:

- Spot repair to curb and gutter prior to FY26 Milling and resurfacing contract.
- Relocate underwater headwall at 385 Welwyn Walk.
- Raise buried junction box for pipelining at Seven Seas Court and Clipper Court.
- Catch basin replacements and curb and gutter repair along Rainwater Drive.
- Throat and top replacement throughout the city.
- Poured in place headwall and 180 LF of 72" pipe replacement along Morrison Parkway.

- The total estimated cost for the above projects is $500,232.98.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member DeRito offered a motion to approve the award of task order 2 to CSTE, Inc. in the amount of $500,232.98 for stormwater construction services, under the City's On-Call Stormwater Construction Services contract and to authorize the Mayor to execute all necessary documents.

- Council Member Mitchell seconded the motion.
- The motion was approved unanimously (7-0).

D. Service Agreement: Keep America Beautiful Grant Project

Consideration of approval of a Service Agreement between the City of Alpharetta and Keep America Beautiful for a volunteer planting event along the Alpha Loop and with authorization for the Mayor to execute all necessary documents.

- City Clerk, Lauren Shapiro, came forward to present this item.
- The City of Alpharetta was awarded up to $10,000.00 from Keep America Beautiful for the purposes of completing a volunteer planting project with members of our local, Alpharetta ADP Office (Automatic Data Processing).
- The project is scheduled for April 17, 2025 along a portion of the Alpha Loop near Northwinds Summit and Westside Parkway. New planting will be contiguous with existing planted areas and will include trees, shrubs, and ground covers of native plants. The project funds can be used for anything needed towards the project including materials, maintenance, lunch for the volunteers, etc.
- If approved, this contract will allow the City to move forward with receiving funds from Keep America Beautiful to offset the costs associated with this volunteer planting event with ADP.

PUBLIC COMMENTS:

- There were no public comments.

- ❖ Council Member DeRito offered a motion to approve a Service Agreement between the City of Alpharetta and Keep America Beautiful for a volunteer planting event along the Alpha Loop and with authorization for the Mayor to execute all necessary documents.
  - Council Member Hipes seconded the motion.
  - The motion was approved unanimously (7-0).

E. Resolution to Condemn - Parcel 1 of Cumming Street Corridor Improvements Project

Consideration of adoption of a Resolution to condemn property interest in Tax Parcel No. 22 498212540439 (Parcel Owner: Jill Bernard) of the Cumming Street Corridor Improvements Project (Parcel No. 01) and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, read the resolution title aloud and came forward to present this item.
- The City of Alpharetta has determined that it is necessary for the City to exercise its powers of eminent domain to acquire certain interests in this parcel in furtherance of the Cumming Street Corridor Improvements Project.
- Approval of this resolution will authorize the City Attorney's Office to acquire, through the use of Eminent Domain, the necessary property rights to, in, over, under, through and across the property identified as Parcel 1 of this Project in order to ensure the timely completion of the Cumming Street Corridor Improvements Project. The estimated just and adequate compensation: $15,400.00 for 0.02 acres of Fee Simple Right of Way; 1,593.86 square feet of Temporary Construction Easement.

PUBLIC COMMENTS:

- Jill Bernard, 145 Cumming Street, Alpharetta, GA 30009

- ❖ Mayor Pro Tem Merkel offered a motion to defer Resolution to Condemn for Parcel 1 of the Cumming Street Corridor Improvements Project to the April 28, 2025 City Council Meeting.
  - Council Member DeRito seconded the motion.
  - The motion was approved unanimously (7-0).

F. Resolution to Condemn - Parcel 2 of the Cumming Street Improvements Project

Consideration of adoption of a Resolution to condemn property interest in Tax Parcel No. 22 498212540199 (Parcel Owner: H&R Property Holdings, LLC) of the Cumming Street Corridor Improvements Project (Parcel No. 02) and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, read the resolution title aloud and came forward to present this item.

- The City of Alpharetta has determined that it is necessary for the City to exercise its powers of eminent domain to acquire certain interests in this parcel in furtherance of the Cumming Street Corridor Improvements Project.
- Approval of this resolution will authorize the City Attorney's Office to acquire, through the use of Eminent Domain, the necessary property rights to, in, over, under, through and across the property identified as Parcel 2 of this Project in order to ensure the timely completion of the Cumming Street Corridor Improvements Project. The estimated just and adequate compensation: $22,200.00 for 0.02 Acres of Fee Simple Right of Way; and 2,355.89 Square Feet of Temporary Construction Easement.

PUBLIC COMMENTS:

- There were no public comments.

❖ Mayor Pro Tem Merkel offered a motion adopt a Resolution to condemn property interest in Tax Parcel No. 22 498212540199 (Parcel Owner: H&R Property Holdings, LLC) of the Cumming Street Corridor Improvements Project (Parcel No. 02) and with authorization for the Mayor to execute all necessary documents.
  - Council Member DeRito seconded the motion.
  - The motion was approved unanimously (7-0).

G. Resolution to Condemn - Parcel 9 of the Cumming Street Corridor Improvements Project

Consideration of adoption of a Resolution to condemn property interest in Tax Parcel No. 22 498212540108 (Parcel Owner: Richard and Ashleigh Skuse) of the Cumming Street Corridor Improvements Project (Parcel No. 09) and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, read the resolution title aloud and came forward to present this item.
- The City of Alpharetta has determined that it is necessary for the City to exercise its powers of eminent domain to acquire certain interests in this parcel in furtherance of the Cumming Street Corridor Improvements Project.
- Approval of this resolution will authorize the City Attorney's Office to acquire, through the use of Eminent Domain, the necessary property rights to, in, over, under, through and across the property identified as Parcel 9 of this Project in order to ensure the timely completion of the Cumming Street Corridor Improvements Project. The estimated just and adequate compensation: $25,100.00 for 0.03 acres of Fee Simple Right of Way; 1,623.10 square feet of Temporary Construction Easement.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member DeRito offered a motion to adopt a Resolution to condemn property interest in Tax Parcel No. 22 498212540108 (Parcel Owner: Richard and Ashleigh

Skuse) of the Cumming Street Corridor Improvements Project (Parcel No. 09) and with authorization for the Mayor to execute all necessary documents.

  - Mayor Pro Tem Merkel seconded the motion.
  - The motion was approved unanimously (7-0).

H. **Resolution to Condemn - Parcel 17 of the Old Milton Parkway Improvement Project**

Consideration of adoption of a Resolution to condemn property interest in Tax Parcel No. 11 014300490289 (Parcel Owner: Joelle F. Williams and Anthony Alphonso Williams) of the Old Milton Parkway Project (Parcel No. 17) and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, read the resolution title aloud and came forward to present this item.
- The City of Alpharetta has determined that it is necessary for the City to exercise its powers of eminent domain to acquire certain interests in this parcel in furtherance of the Old Milton Parkway Improvement Project.
- Approval of this resolution will authorize the City Attorney's Office to acquire, through the use of Eminent Domain, the necessary property rights to, in, over, under, through and across the property identified as Parcel 17 of this Project in order to ensure the timely completion of the Old Milton Parkway Improvement Project. The estimated just and adequate compensation: $30,000.00 for 0.013 Acres of Fee Simple Right of Way; and 972.818 Square Feet of Temporary Easement for Construction of Slopes.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member Hipes offered a motion to adopt a Resolution to condemn property interest in Tax Parcel No. 11 014300490289 (Parcel Owner: Joelle F. Williams and Anthony Alphonso Williams) of the Old Milton Parkway Project (Parcel No. 17) and with authorization for the Mayor to execute all necessary documents.

  - Council Member Brady seconded the motion.
  - The motion was approved unanimously (7-0).

I. **Resolution to Condemn - Parcel 18 of Old Milton Parkway Improvements Project**

Consideration of adoption of a Resolution to condemn property interest in Tax Parcel No. 11 014300840012 (Parcel Owner: Richard Oliver Lewis, Jr.) of the Old Milton Parkway Project (Parcel No. 18) and with authorization for the Mayor to execute all necessary documents.

- City Attorney, Molly Esswein, read the resolution title aloud and came forward to present this item.

- The City of Alpharetta has determined that it is necessary for the City to exercise its powers of eminent domain to acquire certain interests in this parcel in furtherance of the Old Milton Parkway Improvement Project.
- Approval of this resolution will authorize the City Attorney's Office to acquire, through the use of Eminent Domain, the necessary property rights to, in, over, under, through and across the property identified as Parcel 18 of this Project in order to ensure the timely completion of the Old Milton Parkway Improvement Project. The estimated just and adequate compensation is $19,400.00 for 0.014 Acres of Fee Simple Right of Way.

PUBLIC COMMENTS:

- There were no public comments.

❖ Council Member Brady offered a motion to adopt a Resolution to condemn property interest in Tax Parcel No. 11 014300840012 (Parcel Owner: Richard Oliver Lewis, Jr.) of the Old Milton Parkway Project (Parcel No. 18) and with authorization for the Mayor to execute all necessary documents.
  - Council Member Will seconded the motion.
  - The motion was approved unanimously (7-0).

9. PUBLIC COMMENT

- There were no public comments.

10. REPORTS

- Council Member Will shared that this is National Public Safety Communications Week and would like to recognize the city's 911 staff and thank them for their service to the city.
- Council Member Mitchell shared that this past weekend he had the opportunity to attend Johnny Gilbert's retirement party, and would like to recognize and thank him for his 35 years of serving the city's fire department.

11. EXECUTIVE SESSION (IF NECESSARY)

❖ Council Member Will offered a motion to recess the meeting for an Executive Session.
  - Mayor Pro Tem Merkel seconded the motion.
  - The motion was approved unanimously (7-0).

- Mayor Gilvin recessed the meeting at 8:40 p.m. for an Executive Session for the purposes of litigation.

❖ Mayor Pro Tem Merkel offered a motion to reconvene the meeting.
  - Council Member Mitchell seconded the motion.
  - The motion was approved unanimously (7-0).

- Mayor Gilvin reconvened the meeting at 8:52 p.m.

12. ADJOURNMENT

- Council Member Mitchell offered a motion to adjourn the meeting.
  - Mayor Pro Tem Merkel seconded the motion.
  - The motion was approved unanimously (7-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 8:53 p.m.

Respectfully submitted,

Lauren Shapiro

Lauren Shapiro, City Clerk