



Special Called
City Council Meeting & Public Hearing
JULY 23, 2025

OFFICIAL MINUTES
Office of the City Clerk

ALPHARETTA CITY HALL
COUNCIL CHAMBERS | 2 PARK PLAZA | 11:30 AM

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 11:30 a.m.

2. ROLL CALL

• Council Members

- Mayor Jim Gilvin
- Mayor Pro Tem Dan Merkel
- Donald F. Mitchell
- 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
- Deanna McKay, Public Communication & Engagement Coordinator
- Michael Woodman, Planning and Development Services Manager

3. PLEDGE TO THE FLAG

4. CONSENT AGENDA

A. City Council Meeting Minutes (Meeting of 6/23/2025 at 11:30 AM)

Consideration of approval of City Council Meeting Minutes from the meeting of June 23, 2025 at 11:30 am.

B. City Council Meeting Minutes (Meeting of 6/23/2025 at 6:30 PM)

Consideration of approval of City Council Meeting Minutes from the meeting of June 23, 2025 at 6:30 pm.

C. Financial Management Report (Month Ending May 31, 2025)

Consideration of approval of the Financial Management Report for the month ending May 31, 2025.

D. Conflict Waiver: City of Milton

Consideration of approval of a Waiver of Conflict regarding Jarrard & Davis, LLP's joint representation of the City of Alpharetta and the City of Milton related to preparing and approving a Memorandum of Agreement for the development of a North Fulton Comprehensive Transportation Plan and with authorization for the Mayor to execute all documents.

❖ Council Member Mitchell offered a motion to approve the Consent Agenda.

- Mayor Pro Tem Merkel seconded the motion.
- The motion was approved unanimously (6-0).

5. NEW BUSINESS

A. Resolution: Participation in an Amicus Brief

Consideration of the adoption of a Resolution authorizing the City to participate in an amicus brief in the Chang v. City of Milton Appeal pending before the Georgia Supreme Court.

- City Attorney, Molly Esswein, read the resolution title aloud and came forward to present this item.
- The City Attorney's Office has requested the City's permission to file an amicus brief (friend of the court legal brief) on the City's behalf in the pending matter before the Georgia Supreme Court referred to as Chang v. City of Milton.
- The case involves a claim of liability against the City of Milton for personal injuries due to a 2016 vehicle collision with a fixed obstruction (a masonry planter) located

on City-owned right of way where the obstruction was outside the motoring lanes of travel.

- Council Member Mitchell asked whether there was a financial contribution from the City of Alpharetta to support Milton's amicus brief is going to the Supreme Court.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member DeRito offered a motion to approve the Resolution authorizing the City to participate in an amicus brief in the Chang v. City of Milton Appeal pending before the Georgia Supreme Court.
 - Council Member Brady seconded the motion.
 - The motion was approved unanimously (6-0).

B. First Amendment to Intergovernmental Agreement: Mayfield Road Demolition

Consideration of approval of a First Amendment to Intergovernmental Agreement by and between the City of Milton and the City of Alpharetta Regarding a Demolition Project on Mayfield Road and with authorization for the Mayor to execute all necessary documents.

- Director of Recreation, Parks, & Cultural Services, Morgan Rodgers, came forward to present this item.
- The City of Milton and the City of Alpharetta entered into an Intergovernmental Agreement (IGA) on March 3, 2025 for the demolition of structures on property co-owned by the cities and located at 1470, 1480, and 1490 Mayfield Road.
- The IGA described that the parties would equally split the cost of the demolition services, and that Alpharetta would pay the contractor directly and then invoice Milton for its portion. The original cost of demolition services was \$110,109.00. However, additional services (asbestos abatement and pumping and closing septic tanks) increased the total costs to \$119,109.00 (an increase of \$9,000).
- As such, an amendment to the original March 3, 2025 IGA is necessary to increase the total cost of the project.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve a First Amendment to Intergovernmental Agreement by and between the City of Milton and the City of Alpharetta Regarding a Demolition Project on Mayfield Road and to authorize the Mayor to execute all necessary documents.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

C. Memorandum of Agreement: North Fulton Comprehensive Transportation Plan (NFCTP)

Consideration of approval of the Memorandum of Agreement between the five (5) North Fulton Cities (Sandy Springs, Roswell, Alpharetta, Milton, and Johns Creek) for an update of the NFCTP and with authorization for the Mayor to sign all necessary documents.

- Director of Community Development, Kathi Cook, came forward to present this item.
- As part of the Atlanta Regional Commission (ARC) Transportation Improvement Plan (TIP), funding is programmed for a County Comprehensive Transportation Plan (CTP) Assistance Program. This assistance program allows local governments to take the Transportation Elements of their Comprehensive Plans or a Transportation Master Plan, if applicable, and augment them to have a comprehensive evaluation and selection of projects within the Cities and the County. The program funded the original North Fulton Comprehensive Transportation Plan (NFCTP) in 2010 and the subsequent update to the plan in 2018. ARC typically programs funding to update these Countywide CTPs every five (5) years.
- As part of their FY2025 budget, ARC has identified funding for an update to the NFCTP in 2025. Typically, a CTP is managed at a county level with input from municipalities. Since there is no unincorporated area in North Fulton, the five (5) Cities have requested that ARC oversee the CTP process along with a Project Management Team (PMT) which will consist of one (1) city staff member from each of the five (5) cities. The Memorandum of Agreement (MOA) between the five (5) cities will establish management and a decision-making process for the CTP.
- ARC will be the project manager for the plan. They will be responsible for entering into a Project Framework Agreement with Georgia Department of Transportation (GDOT) for the federal funding for this project. ARC will be the recipient of any federal funding for this project and will award and manage any contract and/or subcontract necessary to perform the required planning associated with this project. All invoices will be handled by ARC.
- The City of Alpharetta would need to contribute \$42,880, which represents 17% of the local match.
- After authorization by Councils at all five (5) Cities, the MOA will be executed to begin the procurement process for a consultant to start working on the plan. The CTP plan update process is expected to take 12-18 months for completion between procurement of a consultant, assessment of existing and future transportation elements, community engagement and plan adoption by cities.

CITY COUNCIL DISCUSSION:

- Council Member DeRito inquired regarding the change from \$60,000 that was approved in the midyear budget to \$45,000 that was reflected in the staff report. The \$17,000 difference once the plan has been completed would move back to the capital budget.

- Council Member Brady asked if Johns Creek taking on administrative and financial roles in terms of this project meant that the City of Alpharetta would fund any gaps or delays in funding.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve the Memorandum of Agreement between the five (5) North Fulton Cities (Sandy Springs, Roswell, Alpharetta, Milton, and Johns Creek) for an update of the NFCTP and to authorize the Mayor to sign all necessary documents.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).

D. Request for Proposals 25-117: On-Call Electrical Services for Parks

Consideration of approval of the award of a contract to Meer Electrical for On-Call Electrical Services for Parks and with authorization for the Mayor to execute all necessary documents.

- Director of Recreation, Parks, & Cultural Services, Morgan Rodgers, came forward to present this item.
- The Parks System has five (5) Divisions with multiple ball fields and facilities that require electrical services (whether it is changing light bulbs, installing new electrical feeds for outlets, repairs to current systems or moving/installing light poles). Meer Electric has provided electrical services for the department since prior to 2010.
- An RFP was compiled and submitted to the Finance Department. RFP 25-117 was issued on May 9, 2025, with proposals received on June 12, 2025. The City received a total of two (2) responses which were submitted to the Evaluation Committee for review and ranking.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve the award of a contract to Meer Electrical for On-Call Electrical Services for Parks and authorize the Mayor to execute all necessary documents.
 - Council Member Brady seconded the motion.
 - The motion was approved unanimously (6-0).

E. Grant Agreement: Community Development Block Grant- ADA Accessibility Improvements to the Adult Activity Center Parking Lot

Consideration of approval of an agreement between Fulton County and the City of Alpharetta for the Community Development Block Grant Program in order to accept grant

funding for ADA accessibility improvements to the Adult Activity Center Parking Lot and with authorization for Mayor to execute all necessary documents.

- Director of Recreation, Parks, & Cultural Services, Morgan Rodgers, came forward to present this item.
- The United States Department of Housing and Urban Development (HUD) has determined that Fulton County is eligible as an “Urban County” to receive Entitlement CDBG (Community Development Block Grant) funds under Title I of the Housing and Community Development Act of 1974.
- On June 26, 2023, the Mayor and Council of the City of Alpharetta approved entering into a cooperative agreement for Fulton County’s CDBG Program for the federal fiscal years 2024, 2025, and 2026. The agreement allows the City to make an application to Fulton County for the allocation of CDBG funds for eligible programs.
- The scope of this project includes the expansion of ADA-accessible parking capacity, improvement of ADA accessibility facilities and accouterments, and the rehabilitation of parking facilities at the Alpharetta Adult Activity Center.
- The facility was constructed in 1988 and draws over 27,000 participants (average age 65-72) annually, who engage in age and ability-appropriate activities five days a week, year-round. The parking area is shared with an adjoining 12-court pickleball and three-court tennis center, estimated to attract over 4,000 participants of all ages annually. The high usage of the facilities places a strain on parking and leads to rapid deterioration of the parking lot. As the local population ages, we are seeing an increasing need for ADA-accessible parking, and improvements to the parking area are needed to ensure that it is safe and easily accessible for our older population.
- The grant has been awarded in the amount of \$110,000, and an agreement now needs to be approved to accept the grant and commit to the terms of the grant agreement. The total cost of the project is estimated to be \$257,359.00. The City’s matching portion of this project (\$147,359.00) will come from the City’s annual milling and resurfacing project account.
- City Administrator, Chris Lagerbloom, reaffirms Director Rodgers’ presentation regarding the grant.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Council Member Hipes offered a motion to approve of an agreement between Fulton County and the City of Alpharetta for the Community Development Block Grant Program in order to accept grant funding for ADA accessibility improvements to the Adult Activity Center Parking Lot and to authorize the Mayor to execute all necessary documents.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

F. First Renewal of a Professional Services Agreement Approval: Witt O'Brien's

Consideration of approval of a First Renewal of Professional Services Agreement between Witt O'Brien's, LLC and the City for grant management services and with authorization for the Mayor to execute all necessary documents.

- City Clerk, Lauren Shapiro, came forward to present this item.
- On October 16, 2023, the Mayor and Council approved a Cooperative Agreement for two resources to help expand the city's ability to find new grants and also more effectively manage grants, which includes: the cloud-based eCivis Grant Management Software and Witt O'Brien's Grant Consulting Services. In 2024, Council approved the renewal of both the Grants Network software and the grant consulting services with Witt O'Brien's.
- Since partnering with Witt O'Brien's, the City has utilized their services in drafting and submitting Congressionally Directed Spending applications to Senator Warnock, Senator Ossoff, and Representative McCormick's Offices, reviewed, researched, and drafted potential grant applications for opportunities through the Community Development Block Grant, Georgia Outdoor Stewardship Program Grant, Energy Efficiency and Conservation Block Grant Voucher Program, ARC's Transportation Improvement Program, and private funding through GM's Main Street Grant Program.
- If approved, the City would continue to use the grant management services of Witt O'Brien's through July 30, 2026.

PUBLIC COMMENTS:

- There were no public comments.

CITY COUNCIL DISCUSSION:

- Council Member Mitchell asked about the cost-benefit analysis of utilizing Witt O'Brien's and asked if they are familiar and staying in the loop with the current state of the House of Representatives and Senate policies. He also commented on the savings by using a firm versus using an in-house grant management person.
- Council Member Hipes applauded City Clerk Lauren Shapiro and the rest of the City Staff on initiation of diligently working to get grants and utilizing resources efficiently to complete projects and grant applications.
- Council Member DeRito commended the City Staff for utilizing city resources in evaluating grant funding.
- ❖ Mayor Pro Tem Merkel offered a motion to approve a First Renewal of Professional Services Agreement between Witt O'Brien's, LLC and the City for grant management services and to authorize the Mayor to execute all necessary documents.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

G. Resolution: Certified City of Ethics

Consideration of adoption of a resolution to adopt the five ethics principles set forth in the Georgia Municipal Association's Certified City of Ethics Program.

- City Attorney, Molly Esswein, read the resolution title aloud.
- In order to maintain the City of Alpharetta's status as a Certified City of Ethics, the Georgia Municipal Association ("GMA") requires each city to adopt (by resolution) GMA's five ethics principals as part of ethics program's recertification process. GMA requires cities to recertify as a City of Ethics every four (4) years.
- After adoption of this resolution, the City Clerk will send a cover letter, this resolution, and the current Ethics Ordinance (which was amended in 2023 by Ordinance 826) to GMA to request recertification.

PUBLIC COMMENTS:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve of the adoption of a resolution to adopt the five ethics principles set forth in the Georgia Municipal Association's Certified City of Ethics Program.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (6-0).

6. EXECUTIVE SESSION (IF NECESSARY)

- ❖ Council Member Brady offered a motion to recess to Executive Session.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (6-0).
- Mayor Gilvin recessed the meeting for an Executive Session at 12:02 pm for the purposes of litigation, cybersecurity, and personnel.
- ❖ Mayor Pro Tem Merkel offered a motion to reconvene the meeting.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (6-0).
- Mayor Gilvin reconvened the meeting at 1:15 pm.

7. WORK SESSION ITEMS

A. Flock Safety Drone as a First Responder Program

- Director of Public Safety, John Robinson, came forward to present this item.
- Alpharetta Department of Public Safety would like to partner with Flock Safety to provide a Drone as a First Responder program.

- The Drone as a First Responder program is an innovative public safety initiative that deploys drones to scenes before responders arrive, providing real-time aerial intelligence. By equipping responders with rapid airborne support, the department can enhance situational awareness, improve response times, and allow first responders to assess incidents more effectively, increasing safety for public safety responders and the community. By reducing risks, aiding in de-escalation, and optimizing resource allocation, DFR has become a valuable tool in modern public safety response.
- The program's cost for the first year is \$150,000, which will be funded by Asset Forfeiture and the General Fund—PS Fleet Replacement.

CITY COUNCIL DISCUSSION:

- Mayor Pro Tem Merkel asked about the liability of drone usage and the lease of equipment.
- Council Member Hipes asked about the difference between the drones currently owned by the City and these flock drones, about purchasing a drone as opposed to leasing it, and the level of monetary investment it requires.
- Council Member Brady asked about the liability of drones and additional costs that we might not be currently aware of (would like to see data from use) and asked why now has been identified as a good time to be an early adopter of drones.
- Council Member Mitchell reaffirms the fact that the funding for the drones can provide additional security for Public Safety officers and would be worth the investment. He also asked what the department would ask for regarding drones after the first year of the pilot program.
- Mayor Gilvin shared a success story of the usage of drones in the City of Dunwoody, Georgia and commented that he is in support of this program.

B. Alcohol Ordinance Amendments: Distance Requirements

- City Clerk, Lauren Shapiro, came forward to present this item.
- A copy of the proposed ordinance is attached hereto as "Exhibit A."
- The proposed ordinance adds definitions for clarity and application and amends distance requirements city-wide and in alignment with State rules and regulations.

CITY COUNCIL DISCUSSION:

- Council Member Mitchell asked about measuring distances in a straight line as opposed to measuring as a pedestrian would walk and how it would apply to current or future establishments in the downtown.
- Council Member Hipes shared that he would like for our city distance requirements to match state-law distance requirements as it applies to schools and to keep the 2,000 feet requirement from package store to package store.

C. Alpharetta Jail Update

- City Administrator, Chris Lagerbloom came forward to present this item.
- The Fulton County Sheriff has communicated that the Alpharetta Jail will cease operations on September 1, 2025.

CITY COUNCIL DISCUSSION:

- Council Member Hipes inquired about funding sources and grant opportunities, staffing numbers and staffing costs, as well as training.
- Council Member Mitchell shares that he would like to move forward with a cost analysis and is in support of this.
- Mayor Pro Tem Merkel shares that he supports this and would like to proceed with a cost analysis.
- Council Member Brady supports this item and thanks staff for their hard work on this.
- Council Member DeRito expresses gratitude for staff that have been diligently working to do a cost analysis and asks about the downsides of operating a jail.
- Mayor Gilvin expressed confidence in moving forward with this recommendation. He stated that it is imperative to provide this service for the residents of the City of Alpharetta and wants to know the costs versus revenues for running a city jail.

D. Downtown Street Lighting and Camera Replacement

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

CITY COUNCIL DISCUSSION:

- Council Member Mitchell shares his distaste towards the design of the streetlight, but understands the safety components. If we were going to use them, it would be best at the intersections or near the Town Green, but would not prefer 13 of these on each side of the corridor.
- Mayor Gilvin expresses concern regarding safety by providing adequate lighting in the downtown district.
- Council Member DeRito shares that it will likely look better when it is on a street pole in the City Center.
- Council Member Hipes shares information he found from Peachtree City implementing this lighting technology.

8. PUBLIC COMMENTS

- There were no public comments.

9. REPORTS

- There were no reports.

10. ADJOURNMENT

- ❖ Council Member Mitchell offered a motion to adjourn the meeting.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (6-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 3:32 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk

EXHIBIT A



AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 4 OF THE CODE OF THE CITY OF ALPHARETTA, REFERRED TO AS THE ALCOHOL ORDINANCE; TO PROVIDE FOR EFFECTIVE DATES; AND FOR OTHER PURPOSES.

WHEREAS, O.C.G.A. § 36-35-3(a) provides that the governing authority of each municipal corporation shall have power to adopt clearly reasonable ordinances, resolutions and regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of the City of Alpharetta, Georgia, the Mayor and City Council desires to amend, Chapter 4 of the Code of the City of Alpharetta, Georgia, referred to as the Alcohol Ordinance; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law;

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

Section 1. Section 4-1 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by adding, in alphabetical order, the following bold, and red underlined definitions:

College or college campus shall include such state, county, public or private educational institutions of higher learning and the grounds and buildings owned or occupied by such college. For purposes of this ordinance, the requirements are intended to apply to the main or primary campus or grounds of a college. A subordinate facility shall not be considered a college if all of the following conditions are met: (1) the college is occupying the subordinate facility as a tenant under a lease agreement; (2) the amount of square footage leased to the college at the subordinate facility is less than 20 percent of the cumulative square footage of the buildings occupied by the college at its primary facility; (3) the subordinate facility is located in a commercially-zoned district; and (4) The subordinate facility is not adjacent or contiguous to the primary facility of the college.

Downtown district shall refer to the area as follows: the area of the city bounded on the north by the northern right-of-way of Church Street, then traveling southward along the western right-of-way of Canton/Roswell Street to the intersection with Old Milton Parkway, then traveling along the northern right-of-way of Old Milton Parkway eastward to the intersection with State Route 9/Main Street, then traveling northward along the eastern boundary of State Route 9/Main Street to the southern

right-of-way of Marietta Street, then by a line drawn to the east to the intersection of Haynes Bridge Road and Thompson Street, then northward along the western right-of-way of Haynes Bridge Road to the intersection of Academy Street, then proceeding westward along the southern right-of-way of Academy Street to the intersection of State Route 9/Main Street, there to travel northward along the western right-of-way of State Route 9/Main Street to the intersection with Church Street. For the purposes of this definition, any licensed establishment, the property of which abuts the described boundaries, shall be considered to be located within the district.

Eating establishment for the purposes of on-premises consumption of alcohol means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total monthly gross food and beverage sales from the sale of prepared meals or food.

Mixed use development district shall mean a property which is zoned MU (Mixed Use) or DT-MU (Downtown Mixed-Use) and is minimum ten acres.

Premises means one physically identifiable place of business operated by the same ownership and overall management and the definite closed or partitioned-in locality where alcohol or alcoholic beverages are manufactured, sold, or offered for sale, whether a room, shop, suite, building, restaurant or club, wherein activities permitted by this chapter are conducted.

Retail package store means the licensed premises at which alcoholic beverages are sold in unbroken packages for consumption off the premises. This definition excludes manufacturers and wholesale dealers.

School or school grounds shall include only such state, county, city, church, private, or other schools that teach the subjects commonly taught in the common schools and colleges of this state and expressly exclude buildings used by school officials solely for administrative purposes in which school children are not regularly taught. For the purpose of this ordinance, schools, pre-kindergarten programs and childcare centers, that are either non-public or private, shall not be deemed a school unless the school, pre-kindergarten program or childcare center satisfies the requirements of O.C.G.A. § 20-2-690(b).

Treatment center means a facility that receives patients and provides services and care for alcoholics, intoxicated persons, drug dependent individuals, or drug abusers in either an outpatient or inpatient setting.

Section 2. Section 4-17 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by removing the strikethrough language and adding the following bold, underlined language:

(a) For purposes of this section, distances shall be measured as follows:

- (1) In a straight line from the primary door of the premises from which alcoholic beverages are sold or offered for sale;
- (2) To the primary door of the building of a public library, church, government-owned treatment center or a retail package store;
- (3) To the primary entry door for a private residence;
- (5) To the nearest property line of the real property being used for a public park, school or educational purposes;
- (6) To the point indicated by the county board of education as a school bus stop.
- (7) When measuring distances, obstacles added by the licensee or any other party, such as fences or other improvements or obstructions, added with the purpose of increasing the measurement of distance, and where removal of all such obstacles would result in the premises not satisfying any applicable distance requirement, will be ignored. In those instances, the distance shall be measured over or through any such obstacles, as the city deems appropriate, to obtain the proper distance measurement;

~~(a)~~(b) No ~~person, retailer, or~~ retail package store selling wine, beer, and/or malt beverages may sell or offer to sell alcoholic beverages:

- (1) Within 200 feet of any private residence, unless such residence is itself in a commercial district;
- (2) Within 300 feet of any public library or branch thereof;
- (3) Within 300 feet ~~of the property line~~ of any church, shrine, [or] chapel used exclusively for religious services, and any school grounds or college campus;
- (4) Within 300 feet of that portion of a public park which is habitually used for recreational purposes;
- (5) Within 200 feet of a regular stop as designated by the county board of education where a school bus for the transportation of school children in the public schools of the county shall take on or discharge school children; ~~or~~
- (6) Within 2,000 feet of any other retail package store selling wine, beer, malt beverages or distilled spirits; or

- (7) Within 300 feet of an alcoholic treatment center owned and operated by the State of Georgia or any county or municipal government therein.

~~The schools or colleges referred to herein shall include only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools and colleges of this state. A school bus stop is defined as a designated place where five or more children board the bus. The public parks referred to herein shall include all public parks, however, the Alphaloop and the Big Creek Greenway shall be excluded from that definition for the purposes of this Code section only.~~

- (c) No retail package store selling distilled spirits may sell or offer to sell alcoholic beverages:

- (1) Within 200 feet of any private residence, unless such residence is itself in a commercial district;
- (2) Within 300 feet of any public library or branch thereof;
- (3) Within 300 feet of any church, shrine, [or] chapel used exclusively for religious services;
- (4) Within 600 feet of any school grounds or college campus;
- (4) Within 300 feet of that portion of a public park which is habitually used for recreational purposes;
- (5) Within 200 feet of a regular stop as designated by the county board of education where a school bus for the transportation of school children in the public schools of the county shall take on or discharge school children;
- (6) Within 2,000 feet of any other retail package store selling wine, beer, malt beverages or distilled spirits; or
- (7) Within 300 feet of an alcoholic treatment center owned and operated by Georgia or any county or municipal government therein.

~~For premises that are located or proposed to be located in the central business district (as defined in section 1.4.2 of the Unified Development Code), distance shall be measured from such residence, library, property line, park or school bus stop by the straight line distance to the nearest public sidewalk, street or highway, then along such sidewalk, street or highway by the nearest route to the front door of the premises from which alcoholic beverages are to be sold. For premises that are located or proposed to be located in all other areas of the city, distance shall be measured from such residence, library, property line, park or school bus stop by the straight line~~

~~distance to the point of the premises nearest to such residence, library, property line, park or school bus stop. Every license application shall include a scale drawing of the location of the proposed premises, showing the distance of the uses described in this section and a certificate of a registered land surveyor or professional engineer that the location complies with these distance requirements.~~

- (e) ~~The distance requirements of this section pertaining to colleges are intended to apply to the main or primary campus or grounds of a college. For various reasons, a college may occasionally lease subordinate space away from its main campus or grounds to conduct its activities (a subordinate facility). For the purposes of determining compliance with the distance requirements of this section, a subordinate facility shall not be considered a college if all of the following conditions are met:~~

~~(1) The college is occupying the subordinate facility as a tenant under a lease agreement;~~

~~(2) The amount of square footage leased to the college at the subordinate facility is less than 20 percent of the cumulative square footage of the buildings occupied by the college at its primary facility;~~

~~(3) The subordinate facility is located in a commercially zoned district; and~~

~~(4) The subordinate facility is not adjacent or contiguous to the primary facility of the college.~~

~~Notwithstanding the foregoing, no license for the sale of alcoholic beverages shall be granted with respect to an establishment that is located in the same building as a subordinate facility or within 50 feet of a subordinate facility.~~

- ~~(d) The city council, after notice and a public hearing, may grant a variance to the minimum distance requirements between a private residence and an establishment seeking an on-premises consumption license if there exists one or more of the conditions set forth in subsection (d)(1) of this section, and all of the conditions set forth in subsection (d)(2) of this section:~~

~~(1) a. The establishment is designed to be an integral part of planned mixed use development;~~

~~b. The establishment is located within a shopping center with an aggregate leasable area of 50,000 square feet or more;~~

~~c. The primary entrance of the establishment is not directly visible along the line of measurement and is physically separated from the residence;~~

~~d. There are other licensed establishments of a similar nature in the immediate vicinity;~~

~~e. The residence is not a single family detached residence.~~

~~f. The establishment is a contributing historical building as defined by the historic preservation ordinance, and the property is zoned to allow for a use that is suitable for an alcohol license such as a restaurant and/or gourmet food store.~~

~~(2) a. There are practical or economic difficulties in carrying out the strict letter of the distance requirements;~~

~~b. The request is not based primarily on the desire to reduce the cost of developing the site;~~

~~c. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance;~~

~~d. The proposed variance will not be detrimental to the public health, safety or welfare, result in additional expense, or the creation of nuisances, or conflict with other applicable law.~~

~~(e) The city council, after notice and a public hearing, may grant a variance to the minimum distance requirements between a school grounds or college campus and an eating establishment (as the term "eating establishment" is used in section 4-47) seeking an on-premises consumption license, provided that all of the conditions set forth below exist:~~

~~(1) The location for which a license to sell alcoholic beverages for on-premises consumption is being sought has previously been operated as an eating establishment licensed by both the city and the state for the sale of alcoholic beverages for on-premises consumption within the five years immediately preceding the application for the new license;~~

~~(2) The primary entrance to the eating establishment is physically separated, either by a street, a fence, shrubbery, a parking lot, another building, or some other form of physical barrier, from the school grounds or college campus which is in close proximity to the eating establishment;~~

~~(3) There are practical or economic difficulties in carrying out the strict letter of the distance requirements, including the fact that the proposed premises from which alcoholic beverages for on-premises consumption would be sold already contains a commercial kitchen;~~

~~(4) — The request is not based primarily on the desire to reduce the cost of developing the site;~~

~~(5) — The proposed variance will not substantially diminish the property value in, nor alter the essential character of, the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance;~~

~~(6) — The proposed variance will not be detrimental to the public health, safety or welfare, result in additional expense, or the creation of nuisances, or conflict with other applicable law;~~

~~(7) — The proposed variance will have no material effect on the use of the property on which the school grounds or college campus is located as either a school grounds or college campus.~~

~~(d) The city council, after notice and a public hearing, may grant a variance to the local minimum distance requirements between any retail package stores and a school bus stop, school grounds or college campus, church, public park, or other retail package stores, provided that all of the conditions set forth below exist:~~

~~(1) The location for which a license to sell retail packages will not substantially diminish the property value, nor alter the essential character of the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance.~~

~~(2) The city council may also impose any conditions which it finds to be necessary to protect the best interest of the surrounding property of the city. Conditions may include, but not be limited to, the hours of operation, parking and landscaping.~~

~~(3) A location that has been granted a waiver or reduction of distance by the city council shall not be required to obtain a new waiver or reduction of distance as a result in change of tenancy, ownership or management, unless a change in use occurs for a time period of 12 months or more.~~

~~(4) The retail package store will meet all distance requirements set and required by the state of Georgia.~~

~~(f)~~(e) To the extent not otherwise prohibited by O.C.G.A. § 3-3-21 or other state law, the operator of a premises shall not be ineligible to receive, maintain, or renew a license due solely to the premises' noncompliance with the distance requirements set forth in section 4-17(a) if:

(1) A duly licensed licensee engaged in the sale or offer for sale of alcoholic beverages on the premises prior to the establishment of any use or activity described in section 4-17(a) that would otherwise make the premises ineligible for a license; and

(2) After establishment of any use or activity described in section 4-17(a), the sale or offer for sale of alcoholic beverages on the premises did not cease for a period of six months or more. Notwithstanding the foregoing, nothing contained in this subsection or elsewhere in this chapter shall be construed or interpreted to affect the status of a license under this chapter 4 as a mere grant or privilege to carry on the business during the terms of the license subject to all terms and conditions imposed by the city ordinances and state law.

Section 3. Section 4-398 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 4. Section 4-399 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 5. Section 4-400 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 6. Section 4-402 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 7. Section 4-450 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 8. Section 4-451 of Chapter 4 of the Code of Ordinances of the City of Alpharetta is hereby amended by striking the text in its entirety and leaving that Section as Reserved.

Section 9. Severability

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section hereof shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the Mayor and Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 10. Effective Date

This Ordinance shall be effective immediately upon adoption.

Section 11. Repealer

All ordinances or parts of ordinances found to be in conflict herewith are hereby repealed.

SO ORDAINED, this ____ day of _____ 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 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

First Reading: _____

Second Reading: _____