



Official City Council Meeting & Public Hearing

August 20, 2018

COUNCIL CHAMBERS

2 PARK PLAZA- CITY HALL

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 tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta's Clerk's office during normal business hours.

I. CALL TO ORDER

❖ *Mayor Gilvin called the meeting to order at 6:30 p.m.*

II. ROLL CALL

- Council Members
 - Mayor Jim Gilvin
 - Mayor Pro Tem Donald F. Mitchell
 - Jason Binder
 - Ben Burnett
 - John Hipes
 - Dan Merkel
 - Karen Richard
- Staff
 - Bob Regus, City Administrator
 - Sam Thomas, City Attorney
 - James Drinkard, Asst. City Administrator
 - Peter Sewczwicz, Director of Public Works
 - John Robison, Deputy Director of Public Safety
 - Morgan Rodgers, Director of Recreation and Parks
 - Kathi Cook, Director of Community Development
 - Michael Woodman, Senior Planner

- Tom Harris, Director of Finance
- Shawn Mitchell, Budget Manager

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 7/23/2018 & 8/6/2018)

B. Alcoholic Beverage License Applications PH-18-AB-50

Shree & Shree LLC

d/b/a Shree & Shree
1670-A South Main
Street Alpharetta,
GA 30009

Purpose: Convenience Store
Beer, Wine, Liquor, Sunday Sales

Owner: Ritaben Brahmbhatt

Registered Agent: Ritaben Brahmbhatt

C. Financial Management Report: Month Ending June 30, 2018

- ❖ Council Member Binder offered a motion to approve the Consent Agenda
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously 7-0

V. OLD BUSINESS

A. Amendment to Alcohol Ordinance (2nd reading)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 4, ARTICLE II, SECTION 4-48 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA, TO ALLOW SUNDAY SALES BY THE DRINK BETWEEN 11:00 A.M. AND 12:30 P.M. CONDITIONAL ON APPROVAL IN A REFERENDUM ELECTION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

- City Attorney, Sam Thomas, read the Ordinance aloud constituting a second reading
- ❖ Council Member Merkel offered a motion to accept the 2nd reading of the amendment to the Alcohol Ordinance as read by the City Attorney
 - The motion received a second from Council Member Burnett
 - The motion was approved unanimously 7-0

VI. NEW BUSINESS

A. Department of Public Safety Headquarters Furniture Purchase.

- Director of Public Safety, John Robison, came forward to present this item on behalf of staff.

- Staff recommends that Council authorize the purchase of new office furniture for Public Safety Headquarters through CWC in an amount totaling \$83,952 and authorize the Mayor to execute all necessary documents.
- The Department of Public Safety is requesting authorization to fund the purchase of new office furniture for the new Public Safety Headquarters expansion. This funding will furnish one (1) large conference room (2nd floor), one (1) small conference room (1st floor), twelve (12) offices, five (5) workstations, two (2) office chairs, one (1) table & eight (8) chairs to the Records/lobby area and thirty (30) conference room chairs.
- The Department leveraged competitively-procured contracts through State Contract/GSA and contacted CWC (State Contract 060748) and National Business Furniture (NBF) and arranged for onsite consultations, measurements, and needs assessments. CWC was responsive throughout the process. After two months of slow-responses via email and missed deadlines, staff discontinued working with NBF and recommends moving forward with CWC.
- Upon further dialogue, staff was able to negotiate the pricing below that of the State Contract line-items. The figures below are reflective of the reduced pricing.
- Furniture components include the following:
 - Office furniture \$56,522
 - 5 Workstations \$11,247
 - Delivery & Installation \$ 5,868
 - Conference Rm chairs \$10,315
 - Total \$83,952**

Public Comment

None

- ❖ Council Member Hipes offered a motion to authorize the purchase of new office furniture for Public Safety Headquarters through CWC in an amount not to exceed \$83,952 and authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously 7-0

B. Downtown Alpharetta Walkability and Pedestrian Safety Study

- This item was removed from the agenda per Mayor Gilvin in order to allow for additional time for staff to answer questions from Mayor and Council

C. Emergency Repairs - Big Creek Greenway

- Director of Recreation & Parks, Morgan Rogers, came forward to present the item on behalf of staff.
- Staff requests council authorization to undertake emergency repairs to a section of the Big Creek Greenway and to expend funds in an amount not to exceed \$100,000 for engineering and construction services to execute the project.
- A section of the Big Creek Greenway located just south of Preston Ridge Road requires emergency repairs as a result of a sinkhole/erosion issue. The sinkhole/eroded area is approximately 50 feet in length, 3 to 4 feet in depth, and extends under the trail approximately 3 to 4 feet.

- The City secured the services of Pond Company to analyze the cause of the erosion issue and develop conceptual repair plans. Based upon geotechnical and topographic analysis, Pond advises the following to be the cause of the sinkhole.
 1. Based upon observation of the elevated water levels of Big Creek, Pond believes that the primary mechanism that lead to the sinkhole is the creek waters. The elevated water levels and flow velocity present during peak flow events likely caused erosion of surface soils and even soils within subsurface voids as described below.
 2. The large stump adjacent to the trail could have also contributed to the sinkhole. As the roots and stump shrink and decompose, they will create subsurface voids and gaps in the soil. These voids could cause a collapse by themselves over time, but could have also been worsened by the proximity of the creek. When the area is submerged by Big Creek, these voids will fill with water and then drain when the creek recedes, causing further erosion.
 3. Another issue which may have contributed to the sink hole is the runoff from the apartment complex upstream, either by surface flow impacts or by soaking into the flat floodplain area upstream of the trail and pushing its way through the subsurface soils under the trail to the creek. This could cause loss of soils, especially combined with the previous items.
- Based upon the determination, Pond recommends the following approach to repairing the issue.
 1. Remove existing tree stump and other debris from within the hole;
 2. Fill the void space under the trail with flowable fill;
 3. Place a gabion wall to help stabilize the slope;
 4. Back fill the area between the flowable fill and the gabion wall with structural soils that are properly compacted;
 5. Stabilize the creek bank below the gabion wall with surge stone and/or riprap; and
 6. Explore options for minor grading (adding swales and/or berms) to the upstream side of the trail, to help guide the upstream runoff to the existing culverts under the trail.
- Additional detail is provided in the attached report issued by Pond.
- The total estimated cost of construction is \$87,445; however, this is only Pond's opinion of the probable construction cost. Because of this and the probable need for additional engineering services associated with the project, Staff is requesting the allocation of funding in an amount not to exceed \$100,000.

Public Comment

None

- ❖ Council Member Binder offered a motion to authorize the undertaking of emergency repairs to a section of the Big Creek Greenway and to expend funds in an amount not to exceed \$100,000 for engineering and construction services to execute the project.
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously 7-0

D. Resolution Authorizing Eminent Domain - Intersection of Old Milton Pkwy and Morris Rd

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at the northeast corner of the intersection of Old Milton Parkway/SR 120 and Morris Road (0 Old Milton Parkway, Alpharetta, Georgia; Tax Parcel NO. 12-3110-0909-077-6) within the city of Alpharetta, Georgia, for road project- Morris Road operational improvements.

- City Administrator, Bob Regus, came forward to provide a brief overview on the items regarding eminent domain
- The City works very diligently with property owners to acquire right-of-way and is successful most of the time. Unfortunately, there are instances where we are unable to contact the property owner or come to an agreement and must use this process as a last resort to meet the deadline of the various road projects. The City will continue to attempt to negotiate with property owners up and until the condemnation is final.
- City Attorney, Sam Thomas, read the first full Resolution in its entirety aloud. The remaining were read into the Record by title.

Public Comment

None

- ❖ Mayor Pro Tem Mitchell offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at the northeast corner of the intersection of Old Milton Parkway/SR 120 and Morris Road (0 Old Milton Parkway, Alpharetta, Georgia; Tax Parcel NO. 12-3110-0909-077-6) within the city of Alpharetta, Georgia, for road project- Morris Road operational improvements.

- The motion received a second from Council Member Merkel
- The motion was approved unanimously 7-0

E. Resolution Authorizing Eminent Domain - 11975 Morris Rd

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 11975 Morris Road, Alpharetta, Georgia, for road project- Morris Road operational improvements.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Council Member Richard offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 11975 Morris Road, Alpharetta, Georgia, for road project- Morris Road operational improvements
- The motion received a second from Council Member Binder
- The motion was approved unanimously 7-0

F. Resolution Authorizing Eminent Domain - Intersection of Country Place and Morris Rd

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at the intersection of Country Place Court and Morris Road (0 Country Place Court, Alpharetta, Georgia; Tax Parcel NO. 12-2971- 0855-007-7) within the city of Alpharetta, Georgia, for road project- Morris Road Operational Improvements.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Council Member Burnett offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at the intersection of Country Place Court and Morris Road (0 Country Place Court, Alpharetta, Georgia; Tax Parcel NO. 12-2971- 0855-007-7) within the city of Alpharetta, Georgia, for road project- Morris Road Operational Improvements.

- The motion received a second from Council Member Merkel
- The motion was approved unanimously 7-0

G. Resolution Authorizing Eminent Domain - Intersection of North Point Pkwy and Kimball Bridge Rd

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at the southwest corner of the intersection of North Point Parkway and Kimball Bridge Road (0 North Point Parkway, Alpharetta, Georgia; Tax Parcel NOS. 12-2860-0807-032-8 and 12-2990-0849-052-9) within the city of Alpharetta, Georgia, for road project- Kimball Bridge Road Congestion Mitigation.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Council Member Binder offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at the southwest corner of the intersection of North Point Parkway and Kimball Bridge Road (0 North Point Parkway, Alpharetta, Georgia; Tax Parcel NOS. 12-2860-0807-032-8 and 12-2990-0849-052-9) within the city of Alpharetta, Georgia, for road project- Kimball Bridge Road Congestion Mitigation

- The motion received a second from Council Member Richard
- The motion was approved unanimously 7-0

H. Resolution Authorizing Eminent Domain - 3010 Royal Boulevard

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 3010 Royal Boulevard, Alpharetta, Georgia, for road project- Kimball Bridge Road Congestion Mitigation.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Council Member Merkel offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 3010 Royal Boulevard, Alpharetta, Georgia, for road project- Kimball Bridge Road Congestion Mitigation.

- The motion received a second from Council Member Burnett
- The motion was approved unanimously 7-0

I. Resolution Authorizing Eminent Domain - 3060 Royal Boulevard South

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 3060 Royal Boulevard South, Alpharetta, Georgia, for road project – Kimball Bridge Road Congestion Mitigation.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Council Member Hipes offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 3060 Royal Boulevard South, Alpharetta, Georgia, for road project – Kimball Bridge Road Congestion Mitigation
- The motion received a second from Council Member Merkel
- The motion was approved unanimously 7-0

J. Resolution Authorizing Eminent Domain - 3325 Kimball Bridge Rd

A Resolution of the Mayor and Council of the city of Alpharetta to authorize the use of eminent domain to acquire certain property located at 3325 Kimball Bridge Road, Alpharetta, Georgia (Tax Parcel NOS. 12-3140-0916-034-2 and 12-314-0916-033-4) for road project – Kimball Bridge Road Congestion Mitigation.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Council Member Burnett offered a motion to approve a Resolution of the Mayor and Council of the city of Alpharetta to authorize the use of eminent domain to acquire certain property located at 3325 Kimball Bridge Road, Alpharetta, Georgia (Tax Parcel NOS. 12-3140-0916-034-2 and 12-314-0916-033-4) for road project – Kimball Bridge Road Congestion Mitigation.
- The motion received a second from Council Member Mitchell
- The motion was approved unanimously 7-0

K. Resolution Authorizing Eminent Domain - 1240 Mayfield Rd

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 1240 Mayfield Road, Georgia, for road project- Bethany Road at Mayfield Road Intersection Improvements.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Mayor Pro Tem Mitchell offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 1240 Mayfield Road, Georgia, for road project- Bethany Road at Mayfield Road Intersection Improvements.
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously 7-0

L. Resolution Authorizing Eminent Domain - 1205 Mayfield Rd.

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 1205 Mayfield Road, Alpharetta, Georgia, for road project – Bethany Road at Mayfield Road Intersection Improvements.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Council Member Merkel offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 1205 Mayfield Road, Alpharetta, Georgia, for road project – Bethany Road at Mayfield Road Intersection Improvements.
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously 7-0

M. Resolution Authorizing Eminent Domain - 1245 Mayfield Rd

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 1245 Mayfield Road, Alpharetta, Georgia, for road project – Bethany Road at Mayfield Road Intersection Improvements.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Council Member Richard offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 1245 Mayfield Road, Alpharetta, Georgia, for road project – Bethany Road at Mayfield Road Intersection Improvements.
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously 7-0

N. Resolution Authorizing Eminent Domain - 1255 Mayfield Rd

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 1255 Mayfield Road, Alpharetta, Georgia, for road project – Bethany Road at Mayfield Road Intersection Improvements.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Council Member Binder offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 1255 Mayfield Road, Alpharetta, Georgia, for road project – Bethany Road at Mayfield Road Intersection Improvements.
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously 7-0

O. Resolution Authorizing Eminent Domain - 1175 Mid-Broadwell Rd

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 1175 Mid Broadwell Road, Alpharetta, Georgia, for road project – Bethany Road at Mid Broadwell Road Intersection Improvements.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Mayor Pro Tem Mitchell offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 1175 Mid-Broadwell Road, Alpharetta, Georgia, for road project – Bethany Road at Mid-Broadwell Road Intersection Improvements.
 - The motion received a second from Council Member Merkel

- The motion was approved unanimously 7-0

P. Resolution Authorizing Eminent Domain - 12450 Pindell Cir

A Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 12450 Pindell Circle, Alpharetta, Georgia, for road project – Bethany Road at Mid Broadwell Road Intersection Improvements.

- City Attorney, Sam Thomas, read the title of the Resolution into the record.

Public Comment

None

- ❖ Mayor Pro Tem Mitchell offered a motion to approve a Resolution of the Mayor and Council of the City of Alpharetta to authorize the use of eminent domain to acquire certain property located at 12450 Pindell Circle, Alpharetta, Georgia, for road project – Bethany Road at Mid Broadwell Road Intersection Improvements
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously 7-0

VII. WORKSHOP

A. Capital Funding Workshop

- Director of Finance, Tom Harris, came forward to provide a brief overview of possible items eligible for capital funding
- This item was considered for discussion purposes only and no formal action was taken.

B. Fall / Winter Special Event Update

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present the City's Event schedule for the remainder of the year and provide a brief overview of events to come in 2019.
- This item was considered for discussion purposes only and no formal action was taken.

VIII. PUBLIC COMMENT

None

IX. REPORTS

- City Administrator, Bob Regus, reported that Tech Alpharetta took on the idea of hosting a conference at the new Alpharetta Conference Center and as a result recently hosted the AgTech Conference in July. The City and the City's Development Authority each provided a \$25,000 sponsorship. Tech Alpharetta reported that after reconciling all the numbers following the Conference, they were at a deficit of \$24,000 and have approached the City regarding assistance to make up that shortfall. The City approached the Development Authority about a partnership where each entity would contribute \$12,000 to help offset the loss for Tech Alpharetta. The City's most recent budget includes a \$118,000 allocation for Tech Alpharetta and it was determined that the City's \$12,000 portion would come from that allocated amount. The Development Authority has also agreed to contribute \$12,000.
- Council Member Burnett expressed his disapproval of the City financially supporting the Tech

Alpharetta's conference deficit

- Council Member Hipes reminded everyone that the Alpharetta Mayor's Race is this Thursday at City Hall
- Council Member Gilvin announced his appointment of Dana Davis to the Recreation Commission per Council Member Richard's recommendation

X. ADJOURNMENT TO EXECUTIVE SESSION

❖ *Council Member Binder offered a motion to adjourn to Executive Session*

- *The motion received a second from Mayor Pro Tem Mitchell*
- *The motion was approved 6-1; Burnett no*

Respectfully submitted,

A handwritten signature in black ink that reads "Coty Thigpen". The signature is written in a cursive, flowing style.

Coty Thigpen, City Clerk