



# City Council Meeting & Public Hearing

## AUGUST 26, 2019

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

### I. CALL TO ORDER

### II. ROLL CALL

### III. PLEDGE TO THE FLAG

### IV. PROCLAMATIONS

#### A. National Payroll Week Proclamation

### V. CONSENT AGENDA

#### A. Council Meeting Minutes (Meeting of 8/19/2019)

### VI. PUBLIC HEARING

#### A. V-19-07 Northwest Exterminating Variance

*Consideration of variance requests to allow parking between the building and the road, reduce the required 50' undisturbed buffer at the rear of the property and allow a dumpster enclosure within 50' of the public right-of-way. The property is located at 193 North Main Street is legally described as being located in Land Lot 1253, 2nd District, 2nd Section, Fulton County, Georgia.*

#### B. MP-19-01/Z-19-02/CU-19-03 Old Milton Vape

*Consideration of a master plan amendment, rezoning and conditional use permit to allow a Vape Store for Xhale City. The property is located at 3630 Old Milton Parkway, Suite 160 and is legally described as being located in Land Lots 44 & 45, 1st District, 1st Section, Fulton County, Georgia.*

#### C. V-19-11 Jekyll Brewery Exterior Material Variance

*Consideration of a variance request to allow metal as an exterior building material in the Downtown Overlay. The property is located at 15 Academy Street and is legally described as being located in Land Lot 1268, 2nd District, 2nd Section, Fulton County, Georgia.*

### VII. OLD BUSINESS

#### A. Ordinance Amendment - Chapter 20 of the Code of the City of Alpharetta (2nd Reading)

*AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO ADD PROVISIONS PERTAINING TO THE MAINTENANCE AND REPORTING OF RECORDS FOR FIRE AND LIFE SAFETY SYSTEMS IN CHAPTER 20 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES*

#### B. PH-19-05 Changes to the City Code of Alpharetta Alcohol Ordinance (2nd Reading)

**Council Sponsor: Dan Merkel**

*AN ORDINANCE TO AMEND CHAPTER 4 ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES OF THE CITY OF ALPHARETTA, GEORGIA; TO CHANGE THE REGULATING AUTHORITY FROM PUBLIC SAFETY TO COMMUNITY DEVELOPMENT; TO AMEND THE DEFINITION OF MIXED USE DEVELOPMENT DISTRICT; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES*

### VIII. NEW BUSINESS

#### A. Purchase of one MCC 7500C IP Dispatch Console for the 911 Center

**B. Vehicle Exhaust Systems for Fire Stations 85 and 86**

**C. Purchase of 2019 Defender Ford 550 Passenger Vehicle**

**D. Purchase and Installation of a Precast Restroom (Windward Development)**

**E. Resolution Authorizing Correspondence To The Georgia Department Of Transportation  
Regarding The Georgia 400 Express Lanes Project**

**IX. WORKSHOP**

**A. Update on the Food Well Alliance Partnership**

**X. PUBLIC COMMENT**

**XI. REPORTS**

**XII. ADJOURNMENT**





# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: City Clerk

Submitted By: Erin Cobb

Sponsored By:

Meeting Date: August 26, 2019

**I. AGENDA ITEM TITLE:** COUNCIL MEETING MINUTES (MEETING OF 8/19/2019)

**II. RECOMMENDATION:**

**III. BUDGET IMPLICATIONS:**

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

| <u>ACCOUNT TITLE/NUMBER</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------------|----------------------|
|                             |                      |

EXTERNAL FUNDING SOURCES:

| <u>ACCOUNT TITLE/NUMBER</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------------|----------------------|
|                             |                      |

**IV. REPORT IN BRIEF:**

**V. ALTERNATIVES:**

**VI. ATTACHMENTS:**

City Council Meeting draft minutes 8-19-2019 (002)



City Council Meeting  
August 19, 2019  
Office of the City Clerk  
CITY HALL 2 PARK PLAZA  
6:30 PM

*This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by Council, but not quoted or paraphrased. This document includes limited presentation by Council and invited speakers in summary form. This is not an official record of the Alpharetta City Council Meeting proceedings. Official Minutes are recorded and available for review.*

I. CALL TO ORDER

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

II. ROLL CALL

- Council Members
  - o Mayor Jim Gilvin
  - o Mayor Pro Tem Donald F. Mitchell
  - o Jason Binder
  - o Ben Burnett
  - o John Hipes
  - o Dan Merkel
  - o Karen Richard
- Staff
  - o Bob Regus, City Administrator
  - o Sam Thomas, City Attorney
  - o James Drinkard, Asst. City Administrator
  - o Peter Sewczwicz, Director of Public Works
  - o John Robison, Director of Public Safety
  - o Morgan Rodgers, Director of Recreation, Parks & Cultural Services
  - o Kathi Cook, Director of Community Development
  - o Matthew Thomas, Economic Development Manager
  - o Tom Harris, Director of Finance

### III. PLEDGE TO THE FLAG

### IV. PROCLAMATIONS AND PRESENTATIONS

#### A. Citizen Life Saving Award

- This item was deferred by Staff and will be presented at a later date.

### V. CONSENT AGENDA

#### A. Council Meeting Minutes (Meeting of 8/5/2019)

- ❖ Council Member Burnett offered a motion to approve the consent agenda
  - The motion received a second from Council Member Merkel
  - The motion was approved (6-0); Mayor Pro Tem Mitchell abstained

### VI. PUBLIC HEARING

#### A. PH-19-05 Changes to the City Code of Alpharetta Alcohol Ordinance (**1st Reading**) Council Sponsor: Dan Merkel

- Director of Community Development, Kathi Cook, came forward to present this item.
- Presented for approval by City Council are proposed changes to Chapter 4 Alcoholic Beverages pertaining to City department enforcement and the definition of mixed-use development district.
- Staff recommends Mayor and Council approve the ordinance to amend Chapter 4 Alcoholic Beverages of the Code of Ordinances of the City of Alpharetta, Georgia; to change the regulating authority from Public Safety to Community Development; to amend the definition of mixed use development district; to repeal conflicting ordinances; and for other purposes.

#### Public Comment:

- No Public Comment
- ❖ Council Member Merkel offered a motion to approve PH-19-05 Changes to the City Code of Alpharetta Alcohol Ordinance; to amend Chapter 4 Alcoholic Beverages of the Code of Ordinances of the City of Alpharetta, Georgia; to change the regulating authority from Public Safety to Community Development; to amend the definition of mixed use development district; to repeal conflicting ordinances; and for other purposes.
  - The motion received a second from Council Member Richard
  - The motion was approved unanimously (7-0)

## VII. OLD BUSINESS

### A. Ordinance to Amend Chapter 46 of the Code of the City of Alpharetta (2nd Reading)

- Director of Public Safety, John Robison, came forward to present this item.
- Staff recommends Mayor and Council adopt the ordinance to amend Chapter 46 of the Code of the City of Alpharetta by adding a new Article VI entitled "Automated Traffic Enforcement Safety Systems".
- In order to comply with State requirements and to begin to use automated traffic enforcement safety devices within our school zones, the City must approve an Ordinance authorizing such use. Along with meeting other requirements set forth by the State, the proposed ordinance sets the times of operation; establishes a 30 day grace period before issuing citations; requires the posting of warning signs; requires sending photographic evidence to violators and a website that can be accessed by the public; requires Police review of all violations; establishes that violations are civil cases and may be contested; sets local courts as the jurisdiction to hear contested notices; and establishes fines with the 1st offense fine to be \$75.00 and subsequent offenses are \$125.00, along with a \$25.00 electronic processing fee.
- RedSpeed's Senior Vice President of Business Development and Government Relations, Greg Parks, came forward to address questions from Mayor and Council.
- City Attorney, Sam Thomas, read the ordinance aloud.

#### Public Comment:

- Don Nahser, 305 Karen Drive, Alpharetta, came forward with questions regarding the cameras being in use during school events that take place outside of normal school hours.
- ❖ Council Member Hipes offered a motion to approve the ordinance to amend Chapter 46 of the Code of the City of Alpharetta by adding a new Article VI entitled "Automated Traffic Enforcement Safety Systems" with the following change to Section 46-130 Subsection A; the fee associated with the electronic processing of such civil monetary penalty which shall not exceed ~~\$25.00~~ \$10.00
  - The motion received a second from Council Member Binder
  - The motion was approved (6-1); Council Member Burnett voting in opposition

## VIII. NEW BUSINESS

### A. Tech Alpharetta's Funding Request

- City Administrator, Bob Regus, came forward to introduce the CEO of Tech Alpharetta.
- CEO of Tech Alpharetta, Karen Cashion, will come forward to present this item.
- Staff recommends Mayor and Council's approval to extend its funding of Tech Alpharetta for two additional years, for fiscal years 2020-2021 and 2021-2022, at the

current funding rate of \$100,000.00 annually.

**Public Comment:**

- John Courtney, 120 Woodfield Lane, Alpharetta, came forward with a concern regarding the actual economic impact that Tech Alpharetta is making.
- ❖ Council Member Burnett offered a motion to approve the funding of Tech Alpharetta for two additional years, for fiscal years 2020-2021 and 2021-2022, at the current funding rate of \$100,000.00 annually.
  - The motion received a second from Council Member Binder
  - The motion was approved (5-2); Mayor Pro Tem Mitchell and Council Member Hipes voting in opposition

**B. North Fulton CID Bus Shelter Initiative**

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff recommends Mayor and Council agree to a maintenance commitment of 3 bus shelters to be located at:
  - o Windward Parkway west of the GA 400 interchange
  - o North Point Parkway in front of Mansell Crossing Shopping Center (between North Point Parkway and Encore Parkway)
  - o Haynes Bridge Road at Westside/Morrison Parkway
- Over the last year Staff and a few Council have been working with the North Fulton CID to develop a standard bus shelter design. The CID also developed a program. Presently, few bus shelters exist in the area relative to the number of bus stops and many stops only consist of a signpost. Existing shelters lack consistency, either following the typical MARTA design or having been installed as a condition of zoning.
- The CID hired Kimley-Horn to review MARTA bus shelters within the City of Alpharetta and hold a working session with a committee comprised of CID staff, City of Alpharetta Community Development staff, 2 City Council Members, and MARTA to identify bus shelter needs; review potential shelter designs; and identify a preferred shelter design that would fit the district character, be of a suitable quality with limited maintenance needs, and be cost effective. Once a consensus was reached regarding the basic design, Kimley-Horn began to analyze existing bus stop usage within the district to identify stops with more than 15 average daily boarding's within the CID boundary.
- This analysis yielded 8 stops within the district; 4 of which have shelters today, 1 of which has a shelter required as a condition of zoning, and 3 priority shelters. Including the one referenced, there are four future bus shelters required as a condition of zoning: Haynes Bridge Road just west of GA 400, North Point Mall (2

shelters), and along Old Milton Parkway at Westside Parkway.

- Kimley-Horn refined the shelter design by reviewing landscape and hardscape elements based on CID Board input to value engineer and reduce the overall cost of the shelter design from an estimated \$80,000 per installation to approximately \$60,000 per installation. The City of Alpharetta has a memorandum of understanding in place with MARTA prohibiting advertising on bus shelters within the City limits.
- The CID also created a fund where CID members who are required to or choose to improve existing or planned bus stops on or adjacent to their property may apply for CID reimbursement for up to \$40,000 per installation to reimburse hardscape and landscape elements associated with the CID standard bus shelter design.
- The CID approved \$350,000 at their August meeting which includes a budget of up to \$190,000 to install the three shelters (\$60,000 per shelter plus a \$10,000 construction contingency) and \$160,000 to establish the reimbursement fund (up to 4 shelters at \$40,000 reimbursement each).
- The CID is requesting the City maintain the 3 new shelters within the City right-of-way, some of which the City already maintains the trash cans and cuts the grass.
- Director of Public Works, Pete Sewczwicz, came forward to address questions from Mayor and Council regarding the cost to maintain the 3 bus shelters.

**Public Comment:**

- Dennis Carman, 1075 Plantation Drive, Roswell, representing Bike Alpharetta, came forward in support of this item.
- John Courtney, 120 Woodfield Lane, Alpharetta, came forward in support of this item.

❖ Council Member Merkel offered a motion to approve the maintenance commitment of 3 bus shelters to be located at Windward Parkway west of the GA 400 interchange; North Point Parkway in front of Mansell Crossing Shopping Center (between North Point Parkway and Encore Parkway); and Haynes Bridge Road at Westside/Morrison Parkway

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

**C. Speed Detection Camera System for School Zones (RFP 20-103)**

- Director of Public Safety, John Robison, came forward to present this item.
- Staff recommends Mayor and Council award RFP 20-103 to RedSpeed for the implementation and installation of School Zone Speed Detection Camera systems and authorize the Mayor to execute all necessary documents.

- The Department of Public Safety receives complaints daily regarding speeding in school zones. Providing enforcement capabilities at each of the nine (9) schools in the City is extremely manpower and resource intensive.
- During the 2017-2018 legislative session, The Georgia General Assembly passed HB 978, which has been signed into law, allowing the use of photo/video enforcement in school zones under State Statutes 40-6-163 and 40-14-18. The law also set requirements for local legislation, school board endorsement, state permitting, execution, and the implementation of camera enforcement.
- With this legislative change in mind, the Department of Public Safety proposed to address the constant school zone speeding complaints in nine (9) school zones by using technology vs manpower with the objectives to increase student safety, change driver behavior and reduce complaints. Some of the expected benefits of using currently available technology include: a constant enforcement presence in school zones, traffic data collection, Automated License Plate Reading (ALPR) capabilities and the enforcement system is completely violator funded. The vendor company will incur all equipment installation, calibration, and maintenance costs as well as all costs associated with collecting and distribution of fines.
- This year a study was conducted by a vendor which showed that on one day there were over 3557 speeding violations in six (6) school zones during a 9-10-hour period (violations were not measured in all locations or directions of travel). These violations were at least 11 mph over the posted speed limit.
- With this data and the desire to improve school zone safety, Public Safety staff, in conjunction with Finance staff, prepared RFP 20-103 and advertised in June 2019. Proposals were received on June 20, 2019 and consisted of three (3) responses which were submitted to the Evaluation Committee for review and ranking. This Committee consisted of Public Safety personnel.
- The Evaluation Committee met on June 24, 2019 to tabulate the overall scores. Each proposal was evaluated based on the following criteria: Timeline (37%); Features (30%) Experience/References (30%); and Local Vendor preference (3%). The resulting scores were as follows (ranking of "1" to "5" with "5" being the highest):
  - o RedSpeed: 4.37
  - o Sensys America: 3.44
  - o Verra Mobility: 3.24
- Reference checks were conducted on RedSpeed and substantiated what the Evaluation Committee found through their proposal review. As set forth in the RFP, this program is to be 100% violator funded. All proposals were competitive from a revenue sharing standpoint with RedSpeed providing the City with 67% (with no ALPR technology) to 65% (with ALPR Technology) of each paid citation. These funds will be used exclusively for Public Safety activities. With these factors in mind, staff recommends award of RFP 20-103 to RedSpeed.
- RedSpeed's Senior Vice President of Business Development and Government Relations, Greg Parks, came forward to address questions from Mayor and Council.

**Public Comment:**

- Clifford Martin, 700 Anna Lane, Alpharetta, came forward in opposition of the LPR cameras and the storage of the information gathered by the cameras. Additionally, Mr. Martin was in support of ticketing the speeders.

- ❖ Council Member Hipes offered a motion to approve the RFP 20-103 to RedSpeed for the implementation and installation of School Zone Speed Detection Camera systems and authorize the Mayor to execute all necessary documents; with the following change to Exhibit A Paragraph 25; REDSPEED is authorized to charge, collect and retain fees associated with the electronic processing. Such fees shall not exceed ~~\$25.00~~ \$10.00 per violation.
  - The motion received a second from Mayor Pro Tem Mitchell
  - Council Member Binder offered a friendly amendment to remove the license plate reader (LPR) adder within the contract allowing it to be added at anytime during the term of the contract
  - Council Member Hipes did not accept the friendly amendment made by Council Member Binder
  - Council Member Burnett offered a substitute motion to approve the speed detection camera system for school zones with the administrative fee not the exceed \$10.00 excluding the license plate reader provision
  - The motion received a second by Council Member Binder
  - The substitute motion offered by Council Member Burnett failed (5-2); Council Member Burnett and Council Member Binder voting yes
  - The original motion made by Council Member Hipes was approved (6-1); Council Member Burnett voting in opposition

#### **D. Police Patrol Rifle System**

- Director of Public Safety, John Robison, came forward to present this item.
- Staff recommends Mayor and Council approve the purchase of 70 Patrol Rifles for the Police Department through Gulf States Distributors under State of Georgia Contract (99999-001-SPD0000157-0004) and authorizing the Mayor to execute all necessary documents.
- As approved in the Fiscal Year 2020 Budget, the Public Safety Department is requesting approval to purchase 70 Patrol Rifles for the Police Department through Gulf States Distributors under State of Georgia Contract (99999-001-SPD0000157-0004) in an amount totaling \$59,150.00.
- Specifically, the Department will purchase sixty (60) Sig Sauer, M400 Pro, 5.56 caliber rifles with 16-inch barrels and ten (10) Sig Sauer, M400 SBR, 5.56, rifle with 11inch barrels. The competitively procured State Contract price per rifle is \$845.
- Funding for this initiative will come from Federal DEA Seizures. Additional component costs may be incurred to place the weapons into service, but total overall costs will be significantly less than budget estimates (\$130,000) which will free up all remaining funds for future public safety initiatives that are allowable under asset forfeiture guidelines.



**Public Comment:**

- No Public Comment
- ❖ Council Member Hipes offered a motion to approve the purchase of 70 Patrol Rifles for the Police Department through Gulf States Distributors under State of Georgia Contract (99999-001-SPD0000157-0004) in an amount not to exceed \$59,150.00 and authorizing the Mayor to execute all necessary documents.
  - The motion received a second from Council Member Merkel
  - The motion was approved unanimously (7-0)

**E. Ordinance Amendment - Chapter 20 of the Code of the City of Alpharetta (1st Reading)**

- Director of Public Safety, John Robison, came forward to present this item.
- Staff recommends Mayor and Council Adopt the amendment to Chapter 20 of the City Code and authorize the City to contract with Brycer to provide software for use in the City of Alpharetta to collect, organize, and store all code-required third-party inspection, testing, and maintenance records using The Compliance Engine (the "Software").
- The Public Safety Department is requesting to amend Chapter 20 of the Code of the City of Alpharetta to add provisions pertaining to the maintenance and reporting of records for fire and life safety systems.
- Currently the Fire Marshal's Office conducts fire and life safety inspections throughout the City. Part of these inspections entails ensuring all parties have documented that they have properly inspected, tested, and maintained systems. These types of inspections are currently paper-based and can cause delays if the proper paperwork is not available during the inspection. This causes additional delays and inspections at a later date to ensure compliance.
- In an effort to leverage technology to improve the work flow and reduce repeat inspections, the Department is requesting Chapter 20 of the City Code be amended by adding Article IV to provide for adoption of a records reporting system through the use of a third-party inspection reporting software program; and to contract with a third-party for an inspection reporting system to provide a service to all commercial occupancies in the City of Alpharetta to collect, organize, and store all code-required third-party inspection, testing, and maintenance records.
- The single-source provider is Brycer's "The Compliance Engine". It is a simple, internet-based tool for the Fire Marshal's Office to track and drive code compliance, reduce false alarm activity, and provide a safer community. It provides a secure cloud environment in which third party contractors that inspect, test, and maintain fire protections systems, can submit their reports via Brycer's web portal direct to the Fire Marshal's Office, facilitating a more efficient review, tracking, and follow-up process with occupants to correct deficiencies and maintain systems. Brycer also provides a proactive service that includes hard and soft copy notifications to help increase testing and maintenance activity. Hundreds

of cities across the US have partnered with Brycer including Sandy Springs and Peachtree City with great success. There is no charge to the City for this software service. Costs will be incurred by the commercial user and is capped at \$20 per system, per annum.

- Brycer is the Single Source for The Compliance Engine software and a Single Source justification has been approved by the City Attorney and the Finance Department.
- City Attorney, Sam Thomas, read the ordinance aloud.

**Public Comment:**

- No Public Comment

❖ Council Member Hipes offered a motion to adopt the amendment to Chapter 20 of the City Code and authorize the City to contract with Brycer to provide software for use in the City of Alpharetta to collect, organize, and store all code-required third-party inspection, testing, and maintenance records using The Compliance Engine (the "Software").

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

**F. ITB #:20-003 Fire Station Renovations**

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff recommends Mayor and Council award the contract for the kitchen and bathroom renovations at Fire Stations 81, 82, 83, and 84 to Rick B. General Contractors in the amount of \$162,051.00 and authorize the Mayor to execute all necessary documents. Approval of this requisition executes an expenditure authorized as part of the FY19, and FY20 Capital Budget.
- There have been minimal upgrades to any of the Fire Stations since their construction. Public Safety and Public Works have been working collaboratively to develop a program of improvements that consist mainly of renovations to the two most used rooms, kitchens and bathrooms. The completion of these improvements is projected to take multiple years.
- Award of this contract is for the renovations of Fire Stations 81, 82, 83, and 84. Fire Station 81 renovations will include upgrades to the existing kitchen. Renovations will include new flooring, cabinetry, cove base, and new appliances. Fire station 82 renovations will include upgrades to the bathrooms including but not limited to; new toilets, vanities, lighting and plumbing fixtures, CMU wall repair/painting, mirrors, and flooring. Fire Station 84 will be receiving renovations to the kitchen and bathrooms to include but not limited to; new toilets, sinks, vanities, shower insert, cabinets, light fixtures, plumbing fixtures, and refurbishing of kitchen cabinetry.

- The project included various alternates to the base bid. These alternates consisted of brand-new cabinetry in lieu of refurbishing the cabinets, adding soft close hardware, and installing new carpet within the Battalion Chief's office at Fire Station 83.
- The project was advertised for competitive bids on June 6th, 2019. An addendum was issued on June 28th, 2019 for alternates requested by the Fire Department. Budget allows for all alternates requested and the City will move forward with the alternate requests. Bids were received on July 11th, 2019 and the City received a total of four bids from the following:
  - o Rick B. General Contractors:
    - Base Bid \$139,851.00
    - Alternative Bid \$45,100.00
    - Total Bid \$184,951.00
  - o K-Team Engineering and Construction
    - Base Bid \$178,245.00
    - Alternative Bid \$32,170.00
    - Total Bid \$210,415.00
  - o Prime Contractors
    - Base Bid \$181,833.50
    - Alternative Bid \$43,660.04
    - Total Bid \$225,493.54
  - o SOCO Contracting Company
    - Base Bid \$323,142.35
    - Alternative Bid \$107,035.00
    - Total Bid \$430,177.35
- Award of the cabinet upgrade alternate to Rick B General Contractor's will result in a reduction of \$22,900. This cost is the total of the line items associated with refurbishing the cabinetry. Total cost of the Fire Station Renovations Project will be \$162,051.00

**Public Comment:**

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to award the contract for the kitchen and bathroom renovations at Fire Stations 81, 82, 83, and 84 to Rick B. General Contractors in an amount not to exceed \$162,051.00 and authorize the Mayor to execute all necessary documents.
  - The motion received a second from Council Member Burnett
  - The motion was approved unanimously (7-0)

## **G. On-Call Storm Structure and Drainage Repairs**

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff recommends Mayor and Council approve funding in an amount not to exceed \$650,000.00 to Butch Thompson Enterprises, Inc. for the On-Call Stormwater Structure and Drainage Repairs contract and authorize the Mayor to execute all necessary documents.
- The award of this funding is for on-call storm structure and drainage repairs throughout the City.
- During routine inspections of the City's stormwater infrastructure, maintenance needed to any structure, ditch line, curbing, or 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 700 work orders in the system pertaining to stormwater structures and drainage repairs. These repairs include but are not limited to; regular grouting of manholes, invert installations, top and throat replacements, headwall repairs, sink holes around pipes, curb and gutter replacements, and sidewalk replacement due to settled panels located behind an improperly sealed catch basin.
- The Department of Public Works prepared a unit rate sheet and specifications, which included numerous line items pertaining to stormwater structure and drainage repairs and advertised for proposals on May 19, 2016. The contract was awarded to Butch Thompson Enterprises, Inc. This is year four of a five-year contract with Butch Thompson Enterprises, Inc. As funding allows, tasks will be assigned to the contractor throughout the year to help supplement Public Works Stormwater maintenance crews with the completion of work orders entered into the Asset Management System for repairs throughout the City. The initial list is as follows:
  1. Lantern Ridge – Pipe and structure replacement – WO 17970 and WO 5035
  2. Lynne Circle – Pipe and structure replacement – WO 18428
  3. Meadow Drive – Pipe and structure replacement – WO 17259 and WO 17599 and WO 4907
  4. Rillridge Court – Pipe and structure repair / replacement due to sinkhole – WO 46422
  5. Crestwood Court – Pipe and structure repair / replacement due to sinkhole – WO 46421
- The remaining funds will be utilized throughout the year based on emergencies that may occur and or continue working through

### **Public Comment:**

- No Public Comment

- ❖ Mayor Pro Tem Mitchell offered a motion to approve funding in an amount not to exceed \$650,000.00 to Butch Thompson Enterprises, Inc. for the On-Call Stormwater Structure and Drainage Repairs contract and authorize the Mayor to execute all necessary documents.

- The motion received a second from Council Member Hipes

- The motion was approved unanimously (7-0)

#### **H. On-Call Storm Pipe Cleaning**

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff recommends Mayor and Council approve funding in an amount not to exceed \$100,000.00 to Southern Hydro Vac, Inc., to perform stormwater pipe cleaning and stormceptor maintenance services for the City and authorize the Mayor to execute all necessary documents.
- The City has a continued need for a reliable and responsive stormwater pipe cleaning contractor. Stormwater pipe cleaning services are needed to supplement City resources in providing quick proactive storm pipe flushing to prevent flooding and possible damage to property in the event of a clogged storm pipe during storm events. The stormwater pipe cleaning contractor will be available on an as needed basis.
- The Department of Public Works with guidance from the Department of Finance prepared a Request for Proposals (RFP) and advertised for proposals in August of 2014. The City received three proposals on September 22, 2014 from Southern Hydro Vac, Inc., Chase Plumbing, and Mechanical, and Pipe Logistics. Staff from the Department of Public Works reviewed and scored the proposals. The Evaluation Committee met October 1, 2014 to tabulate the overall scores. Each proposal was evaluated based on related experience (30 points), average response time (30 points), and cost (40 points).
- The high scoring firm, Southern Hydro Vac, Inc., was awarded the contract. The City entered into a two (2) year agreement with an option for three additional one-year renewals. We are currently in the final year renewal under the contract with Southern Hydro Vac, Inc. The attached work order list identifies the initial tasks Southern Hydro vac will accomplish. The remaining funds are utilized throughout the year when the Department receives calls concerning clogged drains.

#### **Public Comment:**

- No Public Comment

- ❖ Mayor Pro Tem Mitchell offered a motion to approve the funding in an amount not to exceed \$100,000.00 to Southern Hydro Vac, Inc., to perform stormwater pipe cleaning and stormceptor maintenance services for the City and authorize the Mayor to execute all necessary documents.

- The motion received a second from Council Member Hipes

- The motion was approved unanimously (7-0)

## **I. On-Call Stormwater Pipe Lining Services - IPR**

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff recommends Mayor and Council approve funding in an amount not to exceed \$1,000,000.00 to IPR Southeast for the On-Call Stormwater Pipe Lining Services contract and authorize the Mayor to execute all necessary documents.
- The life expectancy for corrugated metal pipes (CMP) is approximately 25 years. Due to the age of much of the City's stormwater infrastructure, many of our pipes have met or exceeded their life expectancy and are in need of repair.
- During routine inspections of the City's stormwater pipe conveyance infrastructure, pipe condition is evaluated and ranked, and work orders are entered into the Public Works Asset Management System for repairs.
- Pipe maintenance falls into two categories; full replacement and repairs in place. When pipes are in need of repair but are not to the point of complete failure or replacement, the City has a unique opportunity of extending pipe life expectancy through trenchless lining of the pipe. The trenchless system of lining pipes has been recognized as being the most efficient and cost-effective way of making repairs while minimizing the impacts on our roads, parking lots, and residents.
- On July 18, 2016, the City approved three 5-year pipe lining contracts. Each contract is for a specific variation of pipe lining. The contracts allow the City to follow-up our inspections by making necessary repairs prior to pipe reaching failure. The City currently has over 200 pipe lining work orders in the queue. Most of the pipes that have been identified meet the criteria necessary for repairs through the on-call contract with IPR Southeast. The award of this funding will provide for pipe lining throughout the City on our most critical pipes. We anticipate that this funding will cover between 4,000 and 5,000 linear feet of pipe lining. The attached work order list identifies the pipes to be lined by IPR.

### **Public Comment:**

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to approve funding in an amount not to exceed \$1,000,000.00 to IPR Southeast for the On-Call Stormwater Pipe Lining Services contract and authorize the Mayor to execute all necessary documents.
- The motion received a second from Council Member Richard
- The motion was approved unanimously (7-0)

## **J. On-Call Stormwater Pipe Lining Services - UAM**

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff recommends Mayor and Council approve funding in an amount not to exceed \$500,000.00 to Utility Asset Management, Inc. for the On-Call Stormwater Pipe Lining Services contract and authorize the Mayor to execute all necessary documents.
- The life expectancy for corrugated metal pipes (CMP) is approximately 25 years. Due to the age of much of the City's stormwater infrastructure, many of our pipes have met or exceeded their life expectancy and are in need of repair.
- During routine inspections of the City's stormwater pipe conveyance infrastructure, pipe condition is evaluated and ranked, and work orders are entered into the Public Works Asset Management System for repairs.
- Pipe maintenance falls into two categories; full replacement and repairs in place. When pipes are in need of repair but are not to the point of complete failure or replacement, the City has a unique opportunity of extending pipe life expectancy through trenchless lining of the pipe. The trenchless system of lining pipes has been recognized as being the most efficient and cost-effective way of making repairs while minimizing the impacts on our roads, parking lots, and residents.
- On July 18, 2016, the City approved three 5-year pipe lining contracts. Each contract is for a specific variation of pipe lining. The contracts allow the City to follow-up our inspections by making necessary repairs prior to pipe reaching failure. The City currently has over 200 pipe lining work orders in the queue. Larger pipes or those that remain inundated by streams require use of the spin cast method for pipe lining. The on-call contract with Utility Asset Management, Inc. (UAM) covers this method. The award of this funding will provide for pipe lining throughout the City on our most critical pipes. We anticipate that this funding will cover between 1,000 and 2,000 linear feet of pipe lining.

### **Public Comment:**

- No Public Comment
- 
- ❖ Mayor Pro Tem Mitchell offered a motion to approve funding in an amount not to exceed \$500,000.00 to Utility Asset Management, Inc. for the On-Call Stormwater Pipe Lining Services contract and authorize the Mayor to execute all necessary documents.
  - The motion received a second from Council Member Burnett
  - The motion was approved unanimously (7-0)

#### **K. Design Services - Hopewell Road at Vaughan Drive Roundabout**

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff recommends Mayor and Council approve AECOM Technical Services, Inc.'s proposal in an amount not to exceed \$117,034.00 for design of the Hopewell Road at Vaughan Drive Roundabout and authorize the Mayor to execute all necessary documents.
- The FY 2020 Capital Budget allocated funds for the design of a roundabout (approximately 104' in diameter) at the intersection of Hopewell Road and Vaughan Drive. The roundabout would serve three primary purposes:
  - o Aid in slowing traffic entering into the Downtown area.
  - o Assist in turning onto/off of Vaughan Drive.
  - o Act as a gateway treatment entering into the City.
- Design of the roundabout will also incorporate modifications to the entrance to the Baxley Subdivision (currently under construction). During the permitting process, the developers of Baxley Subdivision provided right of way necessary from their property for construction of the roundabout.
- The Department of Public Works requested proposals from the City's three on-call engineering firms and received the following costs:

|                                  |              |
|----------------------------------|--------------|
| o AECOM Technical Services, Inc. | \$117,034.00 |
| o Pond & Company                 | \$176,856.00 |
| o Tetra Tech                     | \$198,600.00 |
- Once approved, AECOM can begin design immediately and anticipates having plans completed within 255 days. AECOM will provide the City with a construction cost estimate by January 2020 for use in planning for the FY 2021 capital budget. AECOM is currently under contract (Contract #16-1009B) to provide on-call engineering services.

#### **Public Comment:**

- No Public Comment
  
- ❖ Mayor Pro Tem Mitchell offered a motion to approve the AECOM Technical Services, Inc.'s proposal in an amount not to exceed \$117,034.00 for design of the Hopewell Road at Vaughan Drive Roundabout 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)



- Mayor Gilvin requested a 5-minute recess

## **IX. WORKSHOP**

### **A. Mid-Block Left Turn Treatment on Highway 9**

- Director of Public Works, Pete Sewczwicz, came forward to present this workshop.
- Direct left turns from northbound Highway 9 into the South Main Street Shops, located at 131 Highway 9 just north of Old Milton Parkway, has increased over time. This is considered as an unsafe traffic maneuver which causes significant number of conflict points.
- In order to address the issue, staff evaluated multiple left turn restriction scenarios. Extending the existing concrete median would limit Highway 9 southbound left turn lanes capacity, which is not recommended.
- An alternative to concrete median is a series of flexible delineators mounted on plastic curbing with reflective materials which is an effective technique to limit direct left-turns. The proposed treatment provides an added benefit of improved traffic flow on Highway 9. Georgia Department of Transportation has approved the delineators and Public Works will be responsible for maintenance. Total cost for materials and installation is around \$7,500.00 and funds are available within Public Works Budget.

#### **Public Comment:**

- No Public Comment

### **B. Georgia 400 Express Lanes**

- Director of Public Works, Pete Sewczwicz, came forward to present this workshop.
- The current plan for the GA 400 Express lanes within the City Limits of Alpharetta call for a dedicated interchange from a new overpass located north of Webb Bridge Road, commonly referred to as Webb+. Webb+ would tie into Westside Parkway to the west and Morris Road to the east.
- In addition to the dedicated interchange to the Express Lanes, there will be an access point onto the Express Lanes along GA 400 at Haynes Bridge Road. Also included with the GA 400 EL project is adding two inline Bus Rapid Transit Stations. One station will be north of Encore Parkway and one station will be south of Old Milton Parkway. Lastly, the current plan proposes a BRT fly over ramp into and out of the existing MARTA Park and Ride at Windward Parkway.
- Representatives of the City have been working on an alternative to the above concept. The ideas discussed are removing Webb+ altogether and constructing Encore Parkway into a full EL Interchange. In lieu of in-line BRT stations along GA 400, install BRT flyovers to stations connected to parking decks at North Point Mall and Gwinnett Tech. Finally, eliminate the BRT flyover at Windward Parkway to stay consistent with the North Fulton Transit Plan.

- Representatives from Pond came forward to address questions from Mayor and Council.

**Public Comment:**

- Valerie Manley, 5140 South Lake Drive, Alpharetta, came forward in support of this item.

**C. Greenway Funding**

- Director of Finance, Tom Harris, came forward to present this workshop.
- Director of Finance, Tom Harris, presented a discussion regarding funding for the Greenway Extension to Forsyth County.

**Public Comment:**

- Don Nahser, 305 Karen Drive, Alpharetta, came forward in support of this item.

**X. PUBLIC COMMENT**

- No Public Comment

**XI. REPORTS**

- Council Member Binder announced the following upcoming events:
  - o Mid-Broadwell Park Design Community Input Session on Wednesday, August 21<sup>st</sup> at 4:00 – 7:00 PM at 1480 Mid Broadwell Road
  - o Mayor's Corporate Challenge is Thursday, August 22<sup>nd</sup> at the Alpharetta City Center starting at 4:30 PM
  - o Alpharetta's Music at Twilight is on Friday, August 23<sup>rd</sup> featuring Sylvia Rose Novak starting at 8:30 PM
  - o Old Rucker Park has a workday from 9:00 – 11:00 AM on Saturday, August 24<sup>th</sup> and plant & seed pick-up from 11:00 AM – 1:00 PM.
  - o Alpharetta Art Center will have a new baby grand piano which was donated by Council Member John Hipes brother-in-law.
  - o Brooke Street Park Summer Concert Series continues Saturday, August 24<sup>th</sup> at 7:30 PM
- Mayor Pro Tem Mitchell announced they had a great meeting on Thursday night with the Farmhouse Settlement featuring a documentary that will be posted on the City's website.
- Mayor Gilvin complimented the new walls surrounding the Equestrian Center Arena at Wills Park.
- Council Member Hipes thanked his brother-in-law for donating the baby grand piano to the Alpharetta Arts Center, which happens to be shaped like a grand piano.

## **XII. ADJOURNMENT TO EXECUTIVE SESSION**

- ❖ Council Member Burnett offered a motion to adjourn to Executive Session
  - The motion received a second from Mayor Pro Tem Mitchell
  - The motion was approved (6-1); Council Member Burnett voting in opposition
- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 9:23 PM

Respectfully submitted,

A handwritten signature in cursive script that reads "Erin Cobb".

Erin Cobb, City Clerk



# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By:

Sponsored By:

Meeting Date: August 26, 2019

## I. AGENDA ITEM TITLE: V-19-07 NORTHWEST EXTERMINATING VARIANCE

*CONSIDERATION OF VARIANCE REQUESTS TO ALLOW PARKING BETWEEN THE BUILDING AND THE ROAD, REDUCE THE REQUIRED 50' UNDISTURBED BUFFER AT THE REAR OF THE PROPERTY AND ALLOW A DUMPSTER ENCLOSURE WITHIN 50' OF THE PUBLIC RIGHT-OF-WAY. THE PROPERTY IS LOCATED AT 193 NORTH MAIN STREET IS LEGALLY DESCRIBED AS BEING LOCATED IN LAND LOT 1253, 2ND DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA.*

## II. RECOMMENDATION:

Approve V-19-07 Northwest Exterminating/193 North Main Street Variance request to allow parking areas between a building and the street and to reduce the 50' undisturbed buffer. Also, deny variance request to allow a dumpster within the building setback along North Main Street, subject to the following conditions:

1. Property shall be developed substantially in accordance with submitted plan, dated 6/11/2019, except for modifications required to comply with the conditions below.
2. Parking shall be limited to no more than nine (9) spaces. Parking area shall be laid out to have the least impact to existing trees (on- and off-site), as approved by Staff. New parking areas (drive aisles and parking stalls) shall be constructed of pervious pavers.
3. Pedestrian connection shall be provided from front door to the public sidewalk.
4. Minimum 10' landscape strip along North Main Street shall be installed and shall be exclusive of overhead utilities and utility easements. If landscape material is removed during Hwy 9 construction, property owner shall be required to reinstall any lost vegetation.
5. Minimum 15' heavily planted buffer shall be provided along the rear property line.
6. Property owner shall install required parking lot screening shrubs, minimum 2' tall at installation, around the perimeter of parking areas, as approved by Staff. If shrubs are removed during Hwy 9 construction, property owner shall be required to reinstall any lost vegetation.
7. Property owner shall obtain a land disturbance permit (LDP).
8. All previous zoning conditions included in CU-03-04 shall remain in effect, except where previous conditions conflict with the conditions above.

## III. BUDGET IMPLICATIONS:

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST:

APPROPRIATIONS:

| ACCOUNT TITLE/NUMBER | DOLLAR AMOUNT |
|----------------------|---------------|
|                      |               |

EXTERNAL FUNDING SOURCES:

| <u>ACCOUNT TITLE/NUMBER</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------------|----------------------|
|                             |                      |

**IV. REPORT IN BRIEF:**

**V. ALTERNATIVES:**

**VI. ATTACHMENTS:**

Northwest Exterminating N Main Variance CC Staff Report, Aerial Map, CZIM NW Exterminating, 2019-7-1  
Citizens Part B (printed), Public Notification Letter, CombineApplicationforPacket7.10.19



# CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

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## I. AGENDA ITEM TITLE: V-19-07 NORTHWEST EXTERMINATING/193 NORTH MAIN STREET VARIANCE

CITY COUNCIL:

JULY 22, 2019

## II. RECOMMENDATION:

Approve V-19-07 Northwest Exterminating/193 North Main Street Variance request to allow parking areas between a building and the street and to reduce the 50' undisturbed buffer and Deny variance request to allow a dumpster within the building setback along North Main Street, subject to the following conditions:

1. Property shall be developed substantially in accordance with submitted plan, dated 6/11/2019, except for modifications required to comply with the conditions below.
2. Parking shall be limited to no more than nine (9) spaces. Parking area shall be laid out to have the least impact to existing trees (on- and off-site), as approved by Staff. New parking areas (drive aisles and parking stalls) shall be constructed of pervious pavers.
3. Pedestrian connection shall be provided from front door to the public sidewalk.
4. Minimum 10' landscape strip along North Main Street shall be installed and shall be exclusive of overhead utilities and utility easements. If landscape material is removed during Hwy 9 construction, property owner shall be required to reinstall any lost vegetation.
5. Minimum 15' heavily planted buffer shall be provided along the rear property line.
6. Property owner shall install required parking lot screening shrubs, minimum 2' tall at installation, around the perimeter of parking areas, as approved by Staff. If shrubs are removed during Hwy 9 construction, property owner shall be required to reinstall any lost vegetation.
7. Property owner shall obtain a land disturbance permit (LDP).
8. All previous zoning conditions included in CU-03-04 shall remain in effect, except where previous conditions conflict with the conditions above.

## III. REPORT IN BRIEF:

The applicant, Max Searan on behalf of Northwest Exterminating, is requesting a variance to allow a drive aisle between a building and the street, allow a dumpster enclosure within the front building setback along North Main Street and reduce the 50' undisturbed buffer at the rear of the property to allow for parking. GDOT's North Main Street project will result in the loss of an existing parking area, which is currently located in the front yard. The subject property is located at 193 North Main Street on the east side of North Main Street just south of Mayfield Road.

## DISCUSSION

The submitted request, if approved, would allow a drive aisle between a building and the street, a dumpster enclosure within the front building setback along North Main Street and a reduction in the 50' undisturbed buffer at the rear of the property. GDOT's North Main Street project impacts the existing parking lot, which is located in the front yard of the property. The subject property is located at 193 North Main Street on the east side of North Main Street just south of Mayfield Road.

The property is developed with a 1-story, 2,737 square foot structure that was formerly used as a residence before being converted to offices for Northwest Exterminating. The subject property is zoned C-1 (Neighborhood Commercial) and is located in the Downtown Overlay. Surrounding properties are zoned C-1 to the north, west and south and DT-R (Downtown Residential) to the east. Taylor Morrison is developing a single-family detached subdivision to east, \$20 Chiropractic Everyday is located to the south, CVS is located to the west, and Morningside of Alpharetta Senior Living is located to the north.

As described below, the applicant is requesting three (3) variances from Unified Development Code (UDC):

1. UDC Appendix A: Alpharetta Downtown Code, Subsection 2.4.6, Vehicle Access and Parking Locations to allow a drive aisle between a building and the closest street.
2. UDC Appendix A: Alpharetta Downtown Code, Section 2.6 Neighborhood Compatibility, to reduce the 50' undisturbed buffer at the rear of the property.
3. UDC Subsection 2.2.14(D) C-1 District Regulations, to allow a dumpster enclosure within the front setback along North Main Street.

Northwest Exterminating received conditional use approval in 2003 to allow the pest control business on the C-1 property. In order to accommodate additional parking at that time, a variance was requested to encroach into the 50' undisturbed buffer at the rear of the property. However, the applicant withdrew the variance request upon notification that the property owner to the rear opposed the requested buffer reduction. The conditional use application indicated that Northwest Exterminating consisted of ten (10) employees with hours of operation from 7:30 AM to 5:00 PM Monday – Friday. City Council conditions were placed on the conditional use approval prohibiting a dumpster and outdoor storage. In 2008, the applicant submitted a similar variance request to reduce the 50' undisturbed buffer at the rear of the property and to allow a gravel parking lot in order to expand parking (11 additional spaces) for the pest control business. The request was ultimately denied by City Council.

The property currently has nine (9) parking spaces located in the front yard and under the carport. GDOT's Main Street project will impact the applicant's existing parking lot, resulting in most of the parking being lost. To address the loss of parking, the applicant proposes to add a one-way drive aisle around the building including thirteen (13) parking spaces at the rear and north side of the property, as well as in the carport. 'Office' use in the Downtown Overlay requires three (3) parking spaces per 1,000 square feet, or eight (8) spaces. If approved, conditions are recommended limiting the number of parking spaces to no more than nine (9) spaces.

## **SITE PLAN**

The applicant's site plan depicts the 2,737 square foot structure surrounded by a one-way drive aisle with parking at the rear and side, as well as a dumpster enclosure in the northwest corner of the site. Thirteen (13) parking spaces are depicted, including ten (10) angled parking spaces within 10' of the east (rear) property line, two (2) parallel spaces within 5' of the north (side) property line and one (1) space in the existing carport. A 10' landscape buffer is proposed at the rear of the property.

The tree information on the site plan depicts several trees on the property that would be impacted by the applicant's proposal, as currently shown. Existing trees are primarily located

around the perimeter of the property. If approved, conditions are recommended requiring parking areas be constructed of pervious pavers to protect the CRZ of existing trees.

## **VARIANCE REVIEW CRITERIA**

The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a variance. The ordinance specifically states..."a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or

*Response: Generally, the variance requests are related to impacts to the property, or a loss of parking, resulting from GDOT's Main Street project. However, the business is currently served by nine (9) parking spaces and the Downtown Code would require eight (8) parking spaces for the use. Therefore, the applicant's site plan, which depicts a total of 13 parking spaces, should be redesigned to include no more than nine (9) parking spaces. In addition, the parking area should be laid out to have the least impact on the existing tree canopy and a dumpster should be prohibited.*

(2) The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

*Response: Generally, the variance requests are related to impacts to the property, or a loss of parking, resulting from GDOT's Main Street project. However, the business is currently served by nine (9) parking spaces and the Downtown Code would require eight (8) parking spaces for the use. Therefore, the applicant's site plan, which depicts a total of 13 parking spaces, should be redesigned to include no more than nine (9) parking spaces. In addition, the parking area should be laid out to have the least impact on the existing tree canopy and a dumpster should be prohibited.*

(3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

*Response: Generally, the variance requests are related to impacts to the property, or a loss of parking, resulting from GDOT's Main Street project. However, the business is currently served by nine (9) parking spaces and the Downtown Code would require eight (8) parking spaces for the use. Therefore, the applicant's site plan, which depicts a total of 13 parking spaces, should be redesigned to include no more than nine (9) parking spaces. In addition, the parking area should be laid out to have the least impact on the existing tree canopy and a dumpster should be prohibited.*

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the City of Alpharetta ordinances.

*Response: Approval of the requested variances should not cause substantial detriment to the public good, if conditions are approved prohibiting a dumpster and limiting the number of parking spaces to no more than nine (9) spaces.*



## **CONCURRENCES**

Staff has reviewed the applicant's proposal and finds that it can generally support the variances to allow a drive aisle between the building and the street and to reduce the 50' undisturbed buffer. However, the variance to allow a dumpster within the front building setback along North Main Street is not supported given past Council conditions on the property, which limit garbage pick-up to residential service. If approved, conditions are recommended requiring a minimum 15' heavily planted buffer at the rear of the property, as well as parking lot screening.

The variance requests are generally related to impacts to the property, or a loss of parking, resulting from GDOT's Main Street project. However, the business is currently served by nine (9) parking spaces and the Downtown Code would require eight (8) parking spaces for the use. Therefore, the applicant's site plan, which depicts a total of 13 parking spaces, should be redesigned to include no more than nine (9) parking spaces. In addition, the parking area should be laid out to have the least impact on the existing tree canopy.

## **CITIZEN PARTICIPATION PLAN**

The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that the applicant spoke with a representative from Taylor Morrison, who is developing a residential subdivision to the rear of the subject property. There were no objections expressed by Taylor Morrison.

## **COMMUNITY ZONING INFORMATION MEETING**

The CZIM was held on June 12, 2019. There were two (2) public comments on the sign-in sheet with no objection to the variance requests.

### **IV. ATTACHMENTS:**

- Site Plan





V-19-07

Pine Grove Drive

Pinebrook Court

Canton Street

Mayfield Road

North Main Street

Manning Drive

Powers Place

Future Development:  
Manning on the Sqaure

**LEGEND**

-  Case Number
-  Tax Parcels

Downtown  
Overlay District

V-19-07

D/LL: 2/2/1252, 1253

CC Date: 7/22/19

Aerial Map  
Northwest Exterminating Variance  
193 North Main St.

Location Map Provided by:  
Community Development - GIS





**Please Sign-In with comments or concerns.**

## Northwest Exterminating Variance

[illegible]

# CITIZEN PARTICIPATION FORM - PART B

*This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.*

Public Hearing or Project Name: V-19-07 Northwest Exterminating Variance

Contact Name: Max J. Searan

Telephone: 678-205-2026

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

Two people inquired about the project and variances during the citizens participation meeting at city hall. See attached sign in sheet. Applicant and Owner's representative discussed the project, variances and design intent. Comments from visitors were positive and there were no objections.

Adjoining property to east - Taylor Morrison - Contact: Thad Higgins. Applicant provided project information to Taylor Morrison and discussed variances and design intent. Also discussed the buffer reduction and proposed planting and fencing within the buffer. Coordinated proposed buffer planting with approved Tree Protection and Replacement drawing provided by Taylor Morrison. No objections to proposed variances were expressed by Taylor Morrison.(email correspondence attached)

Adjoining property to North - Notification letter was mailed. Applicant attempted to contact director of Design and Construction at Five Star Living Senior Living corporate office by phone to answer any questions related to the variances. Left Message.

Adjoining property to South - Notification letter was mailed. Applicant attempted to contact property Owner by phone to answer any questions related to the variances. Left message.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*



Letter



Personal Visits



Telephone



Group Meeting



Email



Other (Please Specify) \_\_\_\_\_

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

See attached list of all people notified.

*I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.*

Signature of Authorized Agent: \_\_\_\_\_



Date: \_\_\_\_\_

Print Form



Land Planning ♦ Site Development ♦ Landscape Architecture

5901 Peachtree Dunwoody Rd.  
Building A, Suite 310  
Sandy Springs GA 30328

5/23/2019

Dear Property Owner,

We have filed a Public Hearing Application with the City of Alpharetta for consideration of three Variance requests. As you may be aware, The Georgia Department of Transportation is acquiring additional right-of-way on Main Street for improvements including a 12' wide Multi-Use path.

The variances will help alleviate the loss of parking for Northwest Exterminating located at 193 N. Main Street. The Variances will allow the lost parking spaces to be recovered and new parking added by relocating them behind the existing building. It will also allow for the addition of a new dumpster enclosure.

The Case # is V-19-07 Northwest Exterminating Variance. This item will be considered by the City Council on Monday, July 22, 2019 in Council Chambers at City Hall at 6:30 p.m.

The Community Zoning Information Meeting for this item will be Wednesday, June 12, 2019 from 6:00 p.m. to 7:00 p.m. in the Multi-Purpose Room at City Hall.

If you have any questions, please reach out to us at 678-205-2026

Sincerely,

Max J. Searan

A handwritten signature in blue ink, appearing to read "Max Searan", with a stylized flourish at the end.

Site Development Consultants, Inc.

Phone: 678-205-2026

## NOTIFICATION LIST

| PARCEL ID       | OWNER                                                                                                                                                               | ADDRESS                          |                                                     |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-----------------------------------------------------|
| 22 481411970656 | LOWER LATIGO GROUP LLC                                                                                                                                              | 244 N MAIN ST                    | ALPHARETTA GA 30009                                 |
| 22 481411970847 | HAYMEADOW GROUP LLC                                                                                                                                                 | 244 N MAIN ST                    | ALPHARETTA GA 30009-3625                            |
| 22 481411970862 | STONEWALK MAYFIELD CORNERS LLC                                                                                                                                      | 660 GLENOVER DR                  | ALPHARETTA GA 30004                                 |
| 22 481411970870 | CITY OF ALPHARETTA                                                                                                                                                  | 2 SOUTH MAIN ST                  | ALPHARETTA GA 30004                                 |
| 22 481411970888 | MAX AUTO REAL ESTATE LLC                                                                                                                                            | 1101 MONROE ST                   | TOLEDO OH 43604                                     |
| 22 482212520161 | MAYFIELD LLC                                                                                                                                                        | 11785 NORTHFALL LN STE 510       | ALPHARETTA GA 30009                                 |
| 22 482212520765 | O DONNELL ROBERT J & CHERYL C                                                                                                                                       | 134 N MAIN ST                    | ALPHARETTA GA 30004-1623                            |
| 22 482212520914 | SUMMERS DOLLEH KIM                                                                                                                                                  | 1660 HAMIOTA RDG                 | ALPHARETTA GA 30004                                 |
| 22 482212521011 | COLE CV ALPHARETTA LLC                                                                                                                                              | P.O. BOX 4900 DEPT 604           | SCOTTSDALE AZ 85261-4900                            |
| 22 482212521037 | COLE CV ALPHARETTA LLC                                                                                                                                              | P.O. BOX 4900 DEPT 604           | SCOTTSDALE AZ 85261-4900                            |
| 22 482212521045 | GENERAL CONVENIENCE STORE LLC                                                                                                                                       | 501 N CENTRAL AVE                | ATLANTA GA 30354                                    |
| 22 482212521102 | WHITMAN ARNOLD M                                                                                                                                                    | 3500 LENOX RD NE STE 510         | ATLANTA GA 30326                                    |
| 22 482212521110 | WHITMAN ARNOLD M                                                                                                                                                    | 3820 MANSELL RD SUITE 280        | ALPHARETTA GA 30022                                 |
| 22 482212521128 | WHITMAN ARNOLD                                                                                                                                                      | 3500 LENOX RD NE STE 510         | ATLANTA GA 30326                                    |
| 22 482212521136 | MC MANES A SPENCER & A SPENCER JR                                                                                                                                   | 1015 POWERS PL                   | ALPHARETTA GA 30004                                 |
| 22 482212521144 | LEE ANGELA D                                                                                                                                                        | 959 BRIDGEGATE DR                | MARIETTA GA 30066                                   |
| 22 482212521151 | MERIDIAN GROUP INC THE                                                                                                                                              | 1050 POWERS PL                   | ALPHARETTA GA 30004                                 |
| 22 482212521169 | BERMIC RPROPERTIES LLC                                                                                                                                              | 1040 POWERS PL                   | ALPHARETTA GA 30009                                 |
| 22 482212521177 | SBLD PROPERTIES LLC                                                                                                                                                 | 1030 POWERS PL                   | ALPHARETTA GA 30004                                 |
| 22 482212521185 | COLLINS MARINE GROUP LLC                                                                                                                                            | 88 ROSWELL ST                    | ALPHARETTA GA 30009                                 |
| 22 482212521193 | BUTTS ROBERT R                                                                                                                                                      | 5360 FRANKLIN GOLDMINE RD        | CUMMING GA 30028                                    |
| 22 482212521201 | GEISEL PAMELA A                                                                                                                                                     | 1000 POWERS PL                   | ALPHARETTA GA 30004                                 |
| 22 482212521219 | SOLLEY ROBERT A                                                                                                                                                     | 1105 POWERS PL                   | ALPHARETTA GA 30004                                 |
| 22 482212521227 | HI RIVER PROPERTIES LLC                                                                                                                                             | 7917 SONATA BAY POINT            | LAKE WORTH FL 33467-7067                            |
| 22 482212521235 | LORVEN PROPERTIES LLC                                                                                                                                               | 1125 GOLDENROD LANE              | SUWANEE GA 30024                                    |
| 22 482212521268 | OBEROI MADANJIT OBEROI MADHU                                                                                                                                        | 205 W SMOKETREE TER              | ALPHARETTA GA 30005                                 |
| 22 482212521276 | EHORSE L L C                                                                                                                                                        | 1070 POWERS PL                   | ALPHARETTA GA 30004                                 |
| 22 497411960125 | 212 MANNING DRIVE LLC                                                                                                                                               | P O BOX 2033                     | ALPHARETTA GA 30023-2033                            |
| 22 497511960306 | MATHEWSON SCOTT & SONYA B                                                                                                                                           | 820 PINEBROOK CT                 | ALPHARETTA GA 30004                                 |
| 22 497511960314 | MARKSTIN LLC                                                                                                                                                        | 830 PINEBROOK CT                 | ALPHARETTA GA 30009                                 |
| 22 497511960322 | HERSHORAN JUSTIN M                                                                                                                                                  | 831 PINEBROOK CT                 | ALPHARETTA GA 30004                                 |
| 22 497511960330 | GUSALOV SERGEY E & GUSALOVA ANNA                                                                                                                                    | 821 PINEBROOK CT                 | ALPHARETTA GA 30009                                 |
| 22 497511960348 | COLE AMBER N & WALDEN DAVID C                                                                                                                                       | 811 PINEBROOKE CT                | ALPHARETTA GA 30004                                 |
| 22 497511960355 | MC KEE BETH QUEEN & INGRAM SUSAN                                                                                                                                    | 801 PINEBROOK CT                 | ALPHARETTA GA 30004                                 |
| 22 498112530027 | TAYLOR MORRISON - THAD HIGGINS PM                                                                                                                                   | Contacted by Email Only          | ADJOINING PROPERTY TO EAST                          |
| 22 498112530035 | HEARTHSTONE PROPERTY MANAGEMEN                                                                                                                                      | 810 COOPER SANDY CV              | ALPHARETTA GA 30004                                 |
| 22 498112530043 | FARR MARY                                                                                                                                                           | 192 MANNING DR                   | ALPHARETTA GA 30009                                 |
| 22 498112530050 | WILLIAMS HERMAN T & SANDRA P                                                                                                                                        | 180 MANNING DR                   | ALPHARETTA GA 30004-1617                            |
| 22 498112530068 | CONNELL MICHAEL A & BONE ANDREW J                                                                                                                                   | 12460 CRABAPPLE RD SUITE 202-647 | ALPHARETTA GA 30004                                 |
| 22 498112530076 | TUDOR WAYMOND B & PATRICIA J                                                                                                                                        | 160 MANNING DR                   | ALPHARETTA GA 30004-1617                            |
| 22 498112530464 | HAYWOOD T ASHLEY                                                                                                                                                    | P O BOX 485                      | ALPHARETTA GA 30009                                 |
| 22 482212520989 | PHILLIPS ALPHARETTA LLC                                                                                                                                             | 830 KENNESAW AVE NW              | MARIETTA GA 30060                                   |
| 22 482212520666 | BELL LINDA REESE & JONES ELLON W                                                                                                                                    | 159 NORTH MAIN ST                | ALPHARETTA GA 30009                                 |
| 22 482212520591 | LIGHT INVESTMENTS LLC                                                                                                                                               | 145 N MAIN ST                    | ALPHARETTA GA 30009                                 |
| 22 482212520708 | KIM KON & SOON JA<br>Contacted by mail. Also attempted<br>phone Contact to Kim Kon.                                                                                 | 1160 ALPHARETTA ST               | ROSWELL GA 30075<br><br>ADJOINING PROPERTY TO SOUTH |
| 22 497011950047 | SNH AL GEORGIA LLC                                                                                                                                                  | 255 WASHINGTON ST                | NEWTON MA 02458                                     |
| 22 481411960855 | SNH AL GEORGIA LLC                                                                                                                                                  | 255 WASHINGTON ST                | NEWTON MA 02458                                     |
| 22 481411970813 | SNH AL GEORGIA LLC<br>Contacted by mail. Also attempted phone contact with Matthew Martin Director<br>of Design & Constr. Five Star Senior Living corporate office. | 255 WASHINGTON ST                | NEWTON MA 02458<br><br>ADJOINING PROPERTY TO NORTH  |
| 22 482212521359 | MAIN STREET COMMONS OFFICE PARK C                                                                                                                                   | 1102 ABBEY CT                    | ALPHARETTA GA 30004                                 |

**Please Sign-In with comments or concerns.**

## Northwest Exterminating Variance

[illegible]



Max Searan <msearan@gmail.com>

Variance Notification NW Exterminating

3 messages

Max Searan <msearan@gmail.com>  
To: thiggins@taylormorrison.com

Thu, May 30, 2019 at 3:00 PM

Thad,  
I enjoyed talking to you a couple weeks ago and do appreciate your assistance and support on this. Please see the attached variance notification letter. The tax records show Sarah manning as the property Owner so please confirm Taylor Morrison owns 40 Cumming Street.

Also Thad I am working on a planting plan that shows how we intend to treat the buffer and I will send this to you when complete.

Feel free to call me to discuss the application in more detail if needed.

Thanks Again,  
Max J. Searan

Site Development Consultants, Inc.  
678-205-2026

This e-mail, including any attached files, may contain confidential and privileged information for the sole use of the intended recipient. Any review, use, distribution, or disclosure without authorization from the sender is strictly prohibited. If you are not the intended recipient (or authorized to receive information for the intended recipient), please contact the sender by reply e-mail and delete all copies of this message.

 2019-5-23 Public Hearing Notification Letter.pdf  
218K

Thad Higgins <thiggins@taylormorrison.com>  
To: Max Searan <msearan@gmail.com>

Tue, Jun 11, 2019 at 11:53 AM

Here are pages from our approved TRP for your use.

Thad Higgins

thiggins@taylormorrison.com

Cell: 810.459.9755

Office: 770.741.0228

From: Max Searan [mailto:msearan@gmail.com]  
Sent: Thursday, May 30, 2019 3:00 PM  
To: Thad Higgins <thiggins@taylormorrison.com>  
Subject: Variance Notification NW Exterminating

*This message originated from outside of Taylor Morrison*

[Quoted text hidden]

 Pages from 1633400 - TPR - 05-03-2018.pdf  
9748K

Max Searan <msearan@gmail.com>  
To: Thad Higgins <thiggins@taylormorrison.com>

Tue, Jun 11, 2019 at 1:40 PM

Thad I do appreciate it. Your proposed planting looks great.  
I will show your proposed planting on our plan. With the addition of our tall evergreens a very thorough buffer will be provided. The combined width will be 25'.

Thank You,  
Max J. Searan  
678-523-4918  
[Quoted text hidden]

--  
Thank You,  
[Quoted text hidden]





Max Searan &lt;msearan@gmail.com&gt;

**NW Exterminating Rendering**

2 messages

**Max Searan** <msearan@gmail.com>

Fri, Jun 21, 2019 at 10:12 AM

To: Thad Higgins &lt;thiggins@taylormorrison.com&gt;

Thad,  
Please see attached rendering of the proposed site plan and feel free to contact me if you need additional information. The Senior Planner, Michael Woodman at the City indicated that the planted buffer area on your side may actually be a bio-swale instead. Please let me know if the planting will change as a result.

Thanks for all your efforts.  
Max J. Searan

Site Development Consultants, Inc.  
678-205-2026

**This e-mail, including any attached files, may contain confidential and privileged information for the sole use of the intended recipient. Any review, use, distribution, or disclosure without authorization from the sender is strictly prohibited. If you are not the intended recipient (or authorized to receive information for the intended recipient), please contact the sender by reply e-mail and delete all copies of this message.**



**2019-6-12 NW EXT RENDERING.jpg**  
3140K

**Max Searan** <msearan@gmail.com>

Fri, Jun 28, 2019 at 12:58 PM

To: Thad Higgins &lt;thiggins@taylormorrison.com&gt;

Hello Thad,  
I just wanted to see if you have any questions about our proposed plan.  
Also you mentioned that you have no objections to our variance application which we are glad to hear. Do you mind replying to this email confirming you have no objections? I am going to submit the citizens participation report Monday morning and would love to include it.

Thank You,  
Max J. Searan  
678-523-4918  
[Quoted text hidden]

—  
Thank You,  
[Quoted text hidden]

DATE 5/23/2019

Dear Property Owner,

We have filed a Public Hearing Application with the City of Alpharetta for consideration of three Variance requests. As you may be aware, The Georgia Department of Transportation is acquiring additional right-of-way on Main Street for improvements including a 12' wide Multi-Use path.

The variances will help alleviate the loss of parking for Northwest Exterminating located at 193 N. Main Street. The Variances will allow the lost parking spaces to be recovered and new parking added by relocating them behind the existing building. It will also allow for the addition of a new dumpster enclosure.

The Case # is V-19-07 Northwest Exterminating Variance. This item will be considered by the City Council on Monday, July 22, 2019 in Council Chambers at City Hall at 6:30 p.m.

The Community Zoning Information Meeting for this item will be Wednesday, June 12, 2019 from 6:00 p.m. to 7:00 p.m. in the Rotunda at City Hall.

If you have any questions, please reach out to us at 678-205-2026

Sincerely,

Max J. Searan

Site Development Consultants, Inc.

Phone: 678-205-2026

# CITY OF ALPHARETTA

## PUBLIC HEARING APPLICATION

Northwest Exterminating Variance

V-19-07

FOR OFFICE USE ONLY

Case #: \_\_\_\_\_

☐ Fee Paid Initial: \_\_\_\_\_

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

### Contact Information:

Contact Name: Max Searan Telephone: 678-205-2026

Address: 5901 Peachtree Dunwoody Rd, BLDG -A Suite: 310

City: Sandy Springs State: GA Zip: 30328 Fax: \_\_\_\_\_

Mobile Tel: 678-523-4918 Email: msearan@gmail.com

### Subject Property Information:

Address: 193 N. Main ST Current Zoning: C-1

District: 2nd Section: 2nd Land Lot: 1252, 1252 Parcel ID: 22 482212520989

Proposed Zoning: C-1 Current Use: Office

### This Application For (Check All That Apply):

- |                                                       |                                                    |                                    |
|-------------------------------------------------------|----------------------------------------------------|------------------------------------|
| <input type="checkbox"/> Conditional Use              | <input type="checkbox"/> Master Plan Amendment     | <input type="checkbox"/> Exception |
| <input type="checkbox"/> Rezoning                     | <input type="checkbox"/> Master Plan Review        |                                    |
| <input checked="" type="checkbox"/> Variance          | <input checked="" type="checkbox"/> Public Hearing |                                    |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Other (Specify): _____    |                                    |

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# APPLICANT REQUEST AND INTENT

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## Northwest Exterminating Variance

What is the proposed use(s) of the property?

The use of the property will not change. The current use of the property is an office for Northwest Exterminating.

Applicant's Request (Please itemize the proposal):

Variance 1: To reduce the existing rear 50' Undisturbed Buffer to a 10' Landscape Buffer with opaque fence and vegetative screening. This will allow for the parking to be placed behind the building.

Variance 2: To allow the new driveway to be placed between the building and Main Street. This will allow for efficient and safe vehicular circulation about the site for employees as well as the fire department.

Variance 3: To allow for the Dumpster Enclosure to be located within 50' of the right of way. This will allow for the dumpster to be properly tied to sanitary sewer as required. The site is sewered to Main Street and placing the dumpster behind the building will not allow for the required connection.

Applicant's Intent *(Please describe what the proposal would facilitate).*

As you are aware, GDOT has acquired additional right of way along our frontage on Main Street which will negatively impact the property and our available parking. The new right of way will encroach upon the property approximately 17.5' and will result in a loss of much needed parking as well as create great difficulty for vehicles to safely maneuver in and out of the property. There simply will not be enough room available to allow for adequate vehicular flow.

My intent with the three variances I am seeking is to relocate all of the parking, except for the handicap space, from the front of the building to the back and north side of the building. It will allow for very much needed additional parking spaces and adequate vehicular flow around the site. Also, the addition of a dumpster enclosure is proposed. The parking areas and dumpster enclosure will be accessed by a new looped one-way driveway configuration. The proposed design will utilize green infrastructure practices with the use of permeable pavers.

PROPERTY OWNER AUTHORIZATION  
Northwest Exterminating Variance**Property Owner Information:**

Contact Name: Steve Phillips Telephone: 770-231-9938

Address: 830 Kennesaw Avenue Suite: \_\_\_\_\_

City: Marietta State: GA Zip: 30060 - \_\_\_\_\_

**Authorization:**

*I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.*

*As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.*

- |                                               |                                          |
|-----------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Annexation           | <input type="checkbox"/> Special Use     |
| <input type="checkbox"/> Rezoning             | <input type="checkbox"/> Conditional Use |
| <input checked="" type="checkbox"/> Variance  | <input type="checkbox"/> Master Plan     |
| <input type="checkbox"/> Land Use Application | <input type="checkbox"/> Other           |

**Identify Authorized Applicant:**

Name of Authorized Applicant: Max J. Searan Telephone: 678-205-2026

Address: 5901 Peachtree Dunwoody Rd, BLDG -A Suite: Suite 310

City: Sandy Springs State: GA Zip: 30328 - \_\_\_\_\_

**So Sworn and Attested:**

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Notary:**

Notary Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# DISCLOSURE FORM

*The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1)*

*Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.*

Name of Applicant or Opponent: Steve Phillips

Subject Public Hearing Case: \_\_\_\_\_

## Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution has been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below

Name of Official \_\_\_\_\_ Position \_\_\_\_\_

Description of Contribution n/a Value \$0

Description of Contribution \_\_\_\_\_ Value \_\_\_\_\_

Description of Contribution \_\_\_\_\_ Value \_\_\_\_\_

Description of Contribution \_\_\_\_\_ Value \_\_\_\_\_

Description of Contribution \_\_\_\_\_ Value: \_\_\_\_\_

## Campaign Contribution Information:

*I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1*

Signature: Steve Phillips

Date: 6/30/19

# BOARD OF ZONING APPEALS REVIEW CRITERIA

Northwest Exterminating Variance

Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

There are extraordinary conditions pertaining to the subject property particularly the small size of the parcel which is .46 acres in size. The conditions are amplified by the additional right of way acquired by GDOT. The new right of way will encroach upon the property approximately 17.5' and will result in a loss of much needed parking as well as create great difficulty for vehicles to safely maneuver in and out of the property. There simply will not be enough room available to allow for adequate vehicular flow.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

Yes, a hardship will be created by application of the zoning code standards in conjunction with the additional right of way acquired by GDOT. We are asking for three variances to help satisfy the City's requirements and to mitigate the hardships to the property owner related to parking and vehicular circulation. Application of the required rear 50' undisturbed buffer prevents the business from relocating all of the parking, except for the handicap space, from the front of the building to the back and north side of the building. The buffer reduction and permission to have the new drive between the building and main street will help us meet the City's desire to not have parking in front of the building and allow for adequate vehicular flow around the site. By utilizing an opaque fence and vegetative screening, an improved visual buffer will be provided within the 10' landscape buffer above and beyond the current 50' undisturbed buffer. The majority of the current buffer is fescue lawn and a few trees, and is providing very little screening. (Pictures of the buffer are provided with the application.) With respect to the allowing the dumpster enclosure within 50' of the right of way. This will allow for the dumpster to be properly tied to sanitary sewer as required. The site is sewer to Main Street and placing the dumpster behind the building will not allow for the required connection. Measures will be taken to adequately screen the dumpster from main street.

Are there conditions that are peculiar to the subject property? Please describe them in detail.

As stated above, the peculiar conditions are related to the small size of the parcel and the additional right of way acquired by GDOT currently as well as in the past. This most current acquisition, once finalized will create a deficiency of parking and further limit the ability to maneuver in and out of the property.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

If relief is granted, it would not cause severe detriment to the public good nor would it impair the intent of the zoning code. The ability to request a variance is written into the code for situations exactly like this one. It exemplifies the willingness of the City of Alpharetta to work with the business community and private citizens to resolve issues and to capitalize on opportunities that promote smart growth. It shows the ability to work together to reach common goals.

The proposed improvements will create a safer condition for employees, visitors and emergency vehicles as they move about the property. The use of green infrastructure practices will help reduce impervious surfaces and runoff. Visually, the property will look better from main street because the parking will be at the rear of the building. Also and front 10' landscape strip will be planted to further enhance the property. The visual screening of the buffer will be improved even though the size is being reduced.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.



# CITIZEN PARTICIPATION FORM - PART A

## Northwest Exterminating Variance

*This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.*

Public Hearing or Project Name: Northwest Exterminating Variance Request

Contact Name: Max J. Searan Telephone: 678-205-2026

*The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.*

22 481411970656 LOWER LATIGO GROUP LLC 244 N MAIN ST ALPHARETTA GA 30009

22 482212521011 COLE CV ALPHARETTA LLC P.O. BOX 4900 DEPT 604 SCOTTSDALE AZ 85261-4900

22 481411970847 HAYMEADOW GROUP LLC 244 N MAIN ST ALPHARETTA GA 30009-3625

22 482212521037 COLE CV ALPHARETTA LLC P.O. BOX 4900 DEPT 604 SCOTTSDALE AZ 85261-4900

22 481411970862 STONEWALK MAYFIELD CORNERS LLC 660 GLENOVER DR ALPHARETTA GA 30004

22 482212521045 GENERAL CONVENIENCE STORE LLC 501 N CENTRAL AVE ATLANTA GA 30354

22 481411970888 MAX AUTO REAL ESTATE LLC 1101 MONROE ST TOLEDO OH 43604

22 482212521102 WHITMAN ARNOLD M 3500 LENOX RD NE STE 510 ATLANTA GA 30326

22 482212520161 MAYFIELD LLC 11785 NORTHFALL LN STE 510 ALPHARETTA GA 30009

22 482212521110 WHITMAN ARNOLD M 3820 MANSELL RD SUITE 280 ALPHARETTA GA 30022

22 482212520765 O DONNELL ROBERT J & CHERYL C 134 N MAIN ST ALPHARETTA GA 30004-1623

22 482212521128 WHITMAN ARNOLD 3500 LENOX RD NE STE 510 ATLANTA GA 30326

22 482212520914 SUMMERS DOLLEH KIM 1660 HAMIOTA RDG ALPHARETTA GA 30004

22 482212521136 MC MANES A SPENCER & A SPENCER JR 1015 POWERS PL ALPHARETTA GA 30004

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

☒

Letter

☐

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other *(Please Specify)*

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

The individuals will have the opportunity to respond and ask questions in a group meeting to be scheduled at a local, nearby location.

# CITIZEN PARTICIPATION FORM - PART A

Northwest Exterminating Variance

*This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.*

Public Hearing or Project Name: Northwest Exterminating Variance Request

Contact Name: Max J. Searan Telephone: 678-205-2026

*The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.*

22 482212521144 LEE ANGELA D 959 BRIDGEGATE DR MARIETTA GA 30066

22 482212521219 SOLLEY ROBERT A 1105 POWERS PL ALPHARETTA GA 30004

22 482212521151 MERIDIAN GROUP INC THE 1050 POWERS PL ALPHARETTA GA 30004

22 482212521227 HI RIVER PROPERTIES LLC 7917 SONATA BAY POINT LAKE WORTH FL 33467-7067

22 482212521169 BERMIC RPROPERTIES LLC 1040 POWERS PL ALPHARETTA GA 30009

22 482212521235 LORVEN PROPERTIES LLC 1125 GOLDENROD LANE SUWANEE GA 30024

22 482212521177 SBLD PROPERTIES LLC 1030 POWERS PL ALPHARETTA GA 30004

22 482212521268 OBEROI MADANJIT OBEROI MADHU 205 W SMOKETREE TER ALPHARETTA GA 30005

22 482212521185 COLLINS MARINE GROUP LLC 88 ROSWELL ST ALPHARETTA GA 30009

22 482212521276 EHORSE L L C 1070 POWERS PL ALPHARETTA GA 30004

22 482212521193 BUTTS ROBERT R 5360 FRANKLIN GOLDMINE RD CUMMING GA 30028

22 497411960125 212 MANNING DRIVE LLC P O BOX 2033 ALPHARETTA GA 30023-2033

22 482212521201 GEISEL PAMELA A 1000 POWERS PL ALPHARETTA GA 30004

22 497511960306 MATHEWSON SCOTT & SONYA B 820 PINEBROOK CT ALPHARETTA GA 30004

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

☒

Letter

☐

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐
Other *(Please Specify)*

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

The individuals will have the opportunity to respond and ask questions in a group meeting to be scheduled at a local, nearby location.

# CITIZEN PARTICIPATION FORM - PART A

## Northwest Exterminating Variance

*This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.*

Public Hearing or Project Name: Northwest Exterminating Variance Request

Contact Name: Max J. Searan Telephone: 678-205-2026

*The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.*

22 497511960314 MARKSTIN LLC 830 PINEBROOK CT ALPHARETTA GA 30009

22 498112530043 FARR MARY 192 MANNING DR ALPHARETTA GA 30009

22 497511960322 HERSHORAN JUSTIN M 831 PINEBROOK CT ALPHARETTA GA 30004

22 498112530050 WILLIAMS HERMAN T & SANDRA P 180 MANNING DR ALPHARETTA GA 30004-1617

22 497511960330 GUSALOV SERGEY E & GUSALOVA ANNA M 821 PINEBROOK CT ALPHARETTA GA 30009

22 498112530068 CONNELL MICHAEL A & BONE ANDREW J 12460 CRABAPPLE RD SUITE 202-647 ALPHARETTA GA 30004

22 497511960348 COLE AMBER N & WALDEN DAVID C 811 PINEBROOKE CT ALPHARETTA GA 30004

22 498112530076 TUDOR WAYMOND B & PATRICIA J 160 MANNING DR ALPHARETTA GA 30004-1617

22 497511960355 MC KEE BETH QUEEN & INGRAM SUSAN E 801 PINEBROOK CT ALPHARETTA GA 30004

22 498112530464 HAYWOOD T ASHLEY P O BOX 485 ALPHARETTA GA 30009

22 498112530027 MANNING SARAH P 40 CUMMING ST ALPHARETTA GA 30004-1610

22 482212520666 BELL LINDA REESE & JONES ELLON W 159 NORTH MAIN ST ALPHARETTA GA 30009

22 498112530035 HEARTHSTONE PROPERTY MANAGEMENT LLC 810 COOPER SANDY CV ALPHARETTA GA 30004

22 482212520591 LIGHT INVESTMENTS LLC 145 N MAIN ST ALPHARETTA GA 30009

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

☒

Letter

☐

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other *(Please Specify)*

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

The individuals will have the opportunity to respond and ask questions in a group meeting to be scheduled at a local, nearby location.

# CITIZEN PARTICIPATION FORM - PART A

Northwest Exterminating Variance

*This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.*

Public Hearing or Project Name: Northwest Exterminating Variance Request

Contact Name: Max J. Searan Telephone: 678-205-2026

*The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.*

22 482212520708 KIM KON & SOON JA 1160 ALPHARETTA ST ROSWELL GA 30075

22 497011950047 SNH AL GEORGIA LLC 255 WASHINGTON ST NEWTON MA 02458

22 482212521359 MAIN STREET COMMONS OFFICE PARK OWNERS ASSOCIATION INC 1102 ABBEY CT ALPHARETTA GA 30004

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*



Letter



Personal Visits



Telephone



Group Meeting



Email

Other *(Please Specify)*

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

The individuals will have the opportunity to respond and ask questions in a group meeting to be scheduled at a local, nearby location.

# CITIZEN PARTICIPATION FORM - PART B

## Northwest Exterminating Variance

*This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.*

Public Hearing or Project Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- |                                    |                                                              |
|------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Letter    | <input type="checkbox"/> Personal Visits                     |
| <input type="checkbox"/> Telephone | <input type="checkbox"/> Group Meeting                       |
| <input type="checkbox"/> Email     | <input type="checkbox"/> Other <i>(Please Specify)</i> _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

*I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.*

Signature of Authorized Agent: \_\_\_\_\_ Date: \_\_\_\_\_

Print Form

April 30, 2019

Steve Phillips  
Northwest Exterminating  
830 Kennesaw Avenue  
Marietta, GA 30060

Mike Woodman – Senior Planner  
Community Development, Planning & Zoning  
2 Park Plaza  
Alpharetta, GA 30009

**RE: Letter of Intent, Variance Application for Northwest Exterminating**

Dear Mike,

Thank You for meeting with my design consultant a few weeks ago for the pre-application meeting. I look forward to working with you throughout the variance process. Northwest Exterminating is a thriving business located at 193 North Main Street within the City of Alpharetta and continues to offer a very important service to the community and surrounding areas.

As you are aware, GDOT has acquired additional right of way along our frontage on Main Street which will negatively impact the property and our available parking. The new right of way will encroach upon the property approximately 17.5' and will result in a loss of much needed parking as well as create great difficulty for vehicles to safely maneuver in and out of the property. There simply will not be enough room available to allow for adequate vehicular flow.

We have realized that we are in need of a new site design with additional parking and better vehicular circulation to operate efficiently and effectively. I believe the proposed site plan along with the approval of the requested variances, allows for a design solution that will satisfy the City and will resolve many if not all of our site related issues. Also, this site plan incorporates comments we received from the Fire Marshall's office.

My intent with the three variances I am seeking is to relocate all of the parking, except for the handicap space, from the front of the building to the back and north side of the building. It will allow for very much needed additional parking spaces and adequate vehicular flow around the site. Also, the addition of a dumpster enclosure is proposed. The parking areas and dumpster enclosure will be accessed by a new looped one-way driveway configuration. The proposed design will utilize green infrastructure practices with the use of permeable pavers.

The first variance is to reduce the existing rear 50' Undisturbed Buffer to a 10' Landscape Buffer with opaque fence and vegetative screening. This will allow for the parking to be placed behind the building. The second variance is to allow the new driveway to be placed between the building and Main Street. This will allow for efficient and safe vehicular circulation about the site for employees as well as the fire department. The third variance is to allow for the Dumpster Enclosure to be located within 50' of the right of way. This will allow for the dumpster to be

## Northwest Exterminating Variance

properly tied to sanitary sewer as required. The site is sewered to Main Street and placing the dumpster behind the building will not allow for the required connection.

The existing 50' undisturbed buffer consists mostly of lawn with some trees near the property line. I have included some site photographs that show the condition of the buffer as well as other areas of the property. The property behind us to the east is currently cleared and being developed. The view into the subject property from the adjacent property to the rear will not be substantially altered as a result of the parking. As an added measure, a 6' tall wooden opaque fence and evergreen screen planting will be added along the rear property line.

Chris Barneycastle of Barneycastle Forestry Services, Inc. has visited the site and has evaluated the existing trees. His report and photographs are included with the application. With regards to specimen trees, there are two that are of specimen size although according to Barneycastle Forestry, they are not of specimen quality. I understand the City Arborist will have to make the final determination.

Once again, I believe our proposed site design is a great solution that will satisfy the City while allowing Northwest Exterminating to operate efficiently and effectively. We appreciate your consideration, and your assistance with this matter and ask that you approve the request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Phillips".

Steve Phillips



# PROPERTY OWNER AUTHORIZATION

## Property Owner Information:

Contact Name: Steve PhillipsTelephone: 770-231-9938Address: 830 Kennesaw Avenue

Suite: \_\_\_\_\_

City MariettaState GAZip: 30060

## Authorization:

*I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.*

*As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.*

- |                                               |                                          |
|-----------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Annexation           | <input type="checkbox"/> Special Use     |
| <input type="checkbox"/> Rezoning             | <input type="checkbox"/> Conditional Use |
| <input checked="" type="checkbox"/> Variance  | <input type="checkbox"/> Master Plan     |
| <input type="checkbox"/> Land Use Application | <input type="checkbox"/> Other           |

## Identify Authorized Applicant:

Name of Authorized Applicant: Max J. SearanTelephone: 678-205-2026Address: 5901 Peachtree Dunwoody Rd, BLDG -ASuite: Suite 310City Sandy SpringsState: GAZip: 30328

## So Sworn and Attested:

Owner Signature: Steve PhillipsDate: 4/30/19

## Notary:

Notary Signature: Tiffany Davis

4-3019



**Legal Description**

All that tracts or parcels of land lying and being in Land Lots 1252 and 1253 of the 2<sup>nd</sup> District, 2<sup>nd</sup> section, Fulton County, Georgia, and being more particular described as follows:

Commencing at a point formed by the intersection of the common land lot line formed by land lots 1252 and 1197, and the East right of way of North Main Street;

Thence in a Southerly direction along the East right of way of North Main Street for a distance of 58.71' to the point of beginning;

thence North 89 Degrees 17 Minutes 26 Seconds East a distance of 145.56 feet to a point;

thence South 01 Degrees 10 Minutes 00 Seconds East a distance of 140.13 feet to a point;

thence North 88 Degrees 40 Minutes 59 Seconds East a distance of 104.88 feet to a point;

thence South 88 Degrees 08 Minutes 05 Seconds East a distance of 31.96 feet to a point;

thence South 04 Degrees 44 Minutes 56 Seconds East a distance of 140.15 feet to the point of Beginning.

Tract containing 0.46 acres more or less.



193 NORTH MAIN STREET  
ALL 1252 & 1253, DISTRICT 2, SECTION 2  
CITY OF ALPHARETTA  
FULTON COUNTY GEORGIA

**J.A. EVANS & ASSOCIATES**  
3279 POWDER SPRINGS ROAD  
POWDER SPRINGS, GA. 30127  
SURVEY FOR PH. (770)943-0000

IN MY OPINION, THIS PLAT IS A  
CORRECT REPRESENTATION OF THE  
LAND PLATTED AND HAS BEEN  
PREPARED IN CONFORMITY WITH  
THE MINIMUM STANDARDS AND  
REQUIREMENTS OF LAW.

**GEORGIA REGISTERED LAND SURVEYOR**



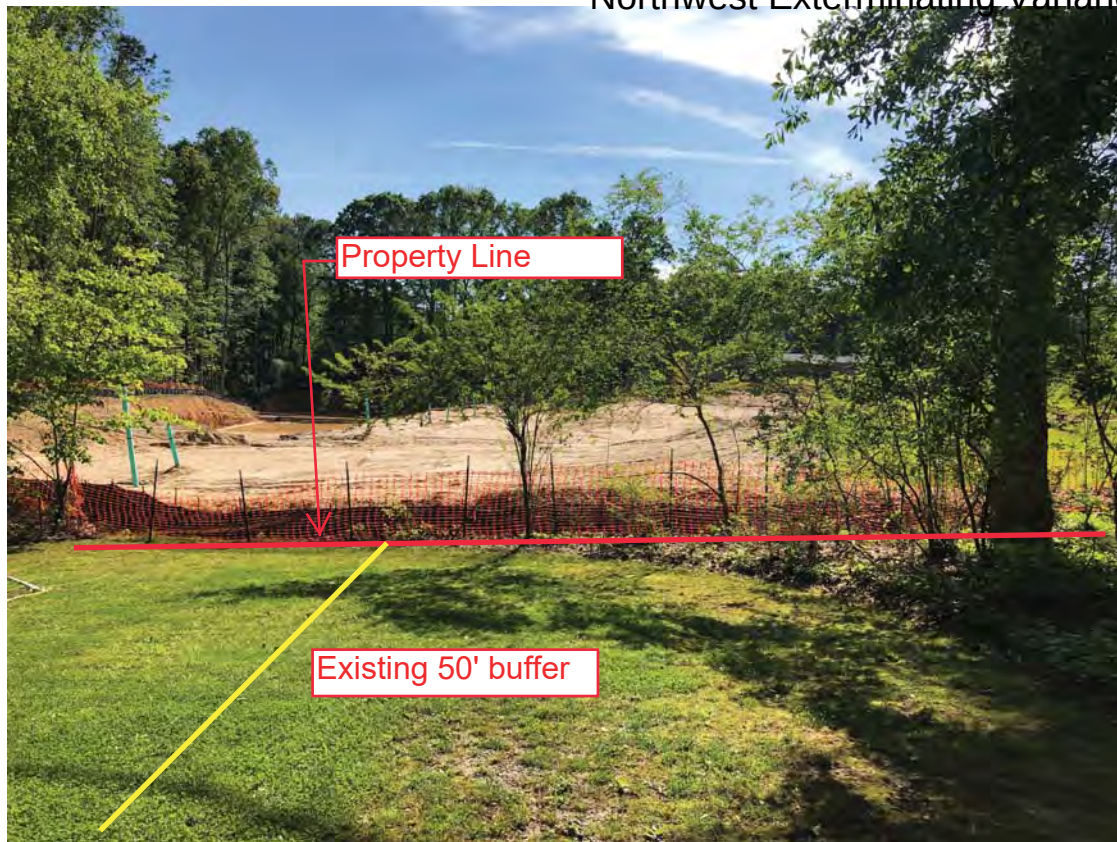


NORTHWEST EXTERMINATING



NEW R/W LOCATION &amp; IMPACTS TO PARKING





Existing 50' Buffer and Adjacent Development to the East



Existing 50' Buffer and Adjacent Development to the East





View of Existing 50' Buffer

## DISCLOSURE FORM

*The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).*

*Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.*

Name of Applicant or Opponent: Steve Phillips

Subject Public Hearing Case: \_\_\_\_\_

### Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution has been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: \_\_\_\_\_ Position: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

### Campaign Contribution Information:

*I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Steve Phillips*

*4-30-19*



**BARNEYCASTLE**  
**FORESTRY SERVICES, INC.**

ARBORICULTURE &amp; FORESTRY CONSULTING

chris@barneycastle.net • 678.386.8623 • www.barneycastleforestry.com

April 29, 2019

Max Searan  
Site Development Consultants, Inc.  
4432 Ormond Trace  
Marietta, GA 30066

Dear Max:

Per your request, on April 24, I inspected and evaluated the trees at the 193 North Main Street parking remediation project in Alpharetta.

During our on-site meeting, you showed me the approximately location of the new GDOT right of way and landscape strip. It appears that the 7 trees denoted on the site plan located in the ROW and landscape strip will be removed by GDOT.

Regarding specimen trees, there are only 2 on the property that are specimen size. The tree denoted as the 33" OAK MULTI is a water oak that is 33 inches in diameter (measured at 4.5 feet above ground). The tree has co-dominant stems with very narrow angles between the stems that fork at 2 feet above ground. One of the stems forks again at 7 feet and the angle is narrow. It is my opinion that this tree does not meet the condition requirements for a specimen tree. I marked this tree with a metal tag numbered #131. I have attached some photos of the tree.

The tree denoted as the 25" OAK is a water oak that is 24 inches in diameter. Almost all of this oak's crown is on the parking lot side of the tree. Two large limbs have been cut from the tree on the parking lot side as well. There is epicormic branching on the tree as well. It is my opinion that this tree does not meet the condition criteria for specimen tree status. This tree has been marked with a #130 metal tag. I have attached photos of this tree as well.

Attached is a spreadsheet listing these and the other trees on the property by description on site plan, species, DBH, and condition status.

Please call me for questions or further assistance.

Sincerely,

  
Chris Barneycastle, CA, RF

LISTING OF TREES AT 193 NORTH MAIN STREET PROPOSED PARKING REMEDIATION SITE IN ALPHARETTA

| Description on Site Plan   | Species       | DBH      | Condition                                                           |
|----------------------------|---------------|----------|---------------------------------------------------------------------|
| 25"OAK SPECIMEN SIZE       | Water oak     | 24"      | All crown on parking lot side. Epicormic branching. Fair condition. |
| 33"OAK MULTI SPECIMEN SIZE | Water oak     | 33" @ 2' | Co-dominant stems with narrow angles. Fair condition.               |
| 15" OAK                    | Water oak     | 15"      | Leaning to right. Fair condition.                                   |
| 21" OAK                    | Water oak     | 21"      | Ivy into crown. Fair condition.                                     |
| 30" PINE SPECIMEN SIZE     | Loblolly pine | 29"      | Does not meet size criteria for specimen tree. Good condition.      |
| 16" OAK                    | Water oak     | 19"      | Good condition.                                                     |
| 19" OAK                    | Water oak     | 23"      | Good condition.                                                     |
| 15" OAK                    | Water oak     | 16"      | Lean to left. Fair condition.                                       |
| 21" OAK                    | Water oak     | 21"      | Good condition.                                                     |
| 23" POP                    | Sweetgum      | 23"      | Good condition.                                                     |
| 23.7" OAK                  | Water oak     | 23"      | Good condition.                                                     |
| 15" OAK                    | White oak     | 15"      | Good condition.                                                     |
| 15" POP                    | No tree       | N/A      | N/A                                                                 |
| 27" POP                    | Yellow poplar | 27"      | Good condition.                                                     |

Notes - DBH is diameter at breast height measured at 4.5 feet above ground. Trees with co-dominant stems that fork below 4.5 feet were measured at the narrowest point below the fork.

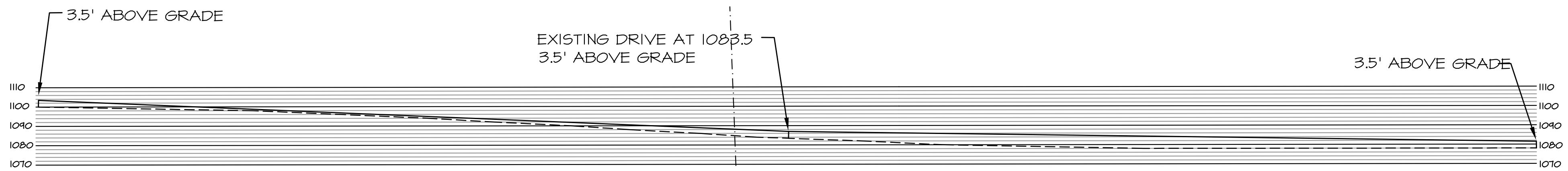
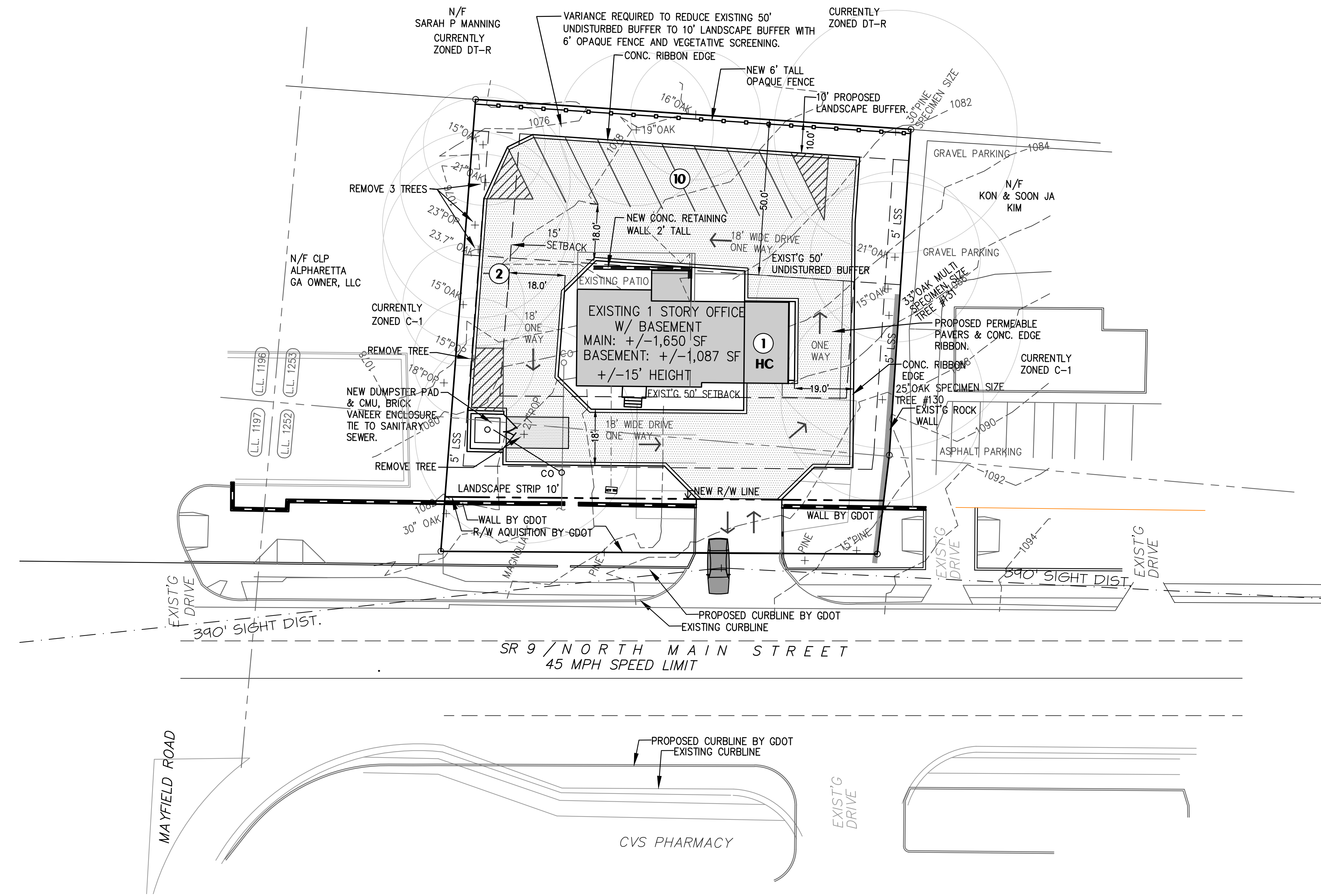












SIGHT DISTANCE PROFILE  
VERT: 1"=40'  
HORZ: 1"=40'

**Site Development Consultants, Inc.**  
Land Planning • Site Development • Landscape Architecture  
5901 Peachtree Dunwoody Rd., Bldg A Suite 310  
Sandy Springs GA 30328, Tel 678-205-2026



LOCATION MAP NTS.

PROJECT DATA

|                                    |                             |
|------------------------------------|-----------------------------|
| SITE INFORMATION                   |                             |
| CURRENT ZONING                     | C-1 NEIGHBORHOOD COMMERCIAL |
| SITE AREA                          | .46 ACRES                   |
| R/W ACQUIRED GDOT                  | .06 ACRES                   |
| NET SITE AREA                      | .40 ACRES                   |
| AREA OF DISTURBANCE:               | 12,000 SF                   |
| BUILDING INFORMATION               |                             |
| EXIST'G BUILDING GROSS FLOOR SPACE |                             |
| MAIN FLOOR:                        | +/-1,650 SF                 |
| LOWER FLOOR:                       | +/-1,087 SF                 |
| TOTAL                              | +/-2,737 SF                 |
| BUILDING HEIGHT                    | +/-15'                      |
| PARKING INFORMATION                |                             |
| PARKING REQUIRED: 1SP/250SF        | 11 SPACES                   |
| PARKING REQUIRED: 1SP/250SF        | 11 SPACES                   |
| EXISTING PARKING                   |                             |
| STANDARD PARKING                   | 8 SPACES                    |
| HC PARKING                         | 1 SPACES                    |
| TOTAL                              | 9                           |
| PROPOSED PARKING                   |                             |
| STANDARD PARKING (PERVIOUS)        | 12 SPACES                   |
| HC PARKING                         | 1 SPACES                    |
| TOTAL                              | 13 SPACES                   |
| DRAINAGE INFORMATION               |                             |
| PRE DEVELOPMENT IMPERVIOUS:        | +/-5560 SF                  |
| POST DEVELOPMENT IMPERVIOUS:       | +/-3,650 SF                 |
| NET REDUCTION IMPERVIOUS:          | +/- 1,910 SF                |
| PERVIOUS PAVING INFORMATION        |                             |
| PROPOSED PERMEABLE PAVING +/-      | 8,762 S.F. PAVERS           |
| CONCRETE EDGE RIBBON RESTRAINT:    | +/-641 LF.                  |

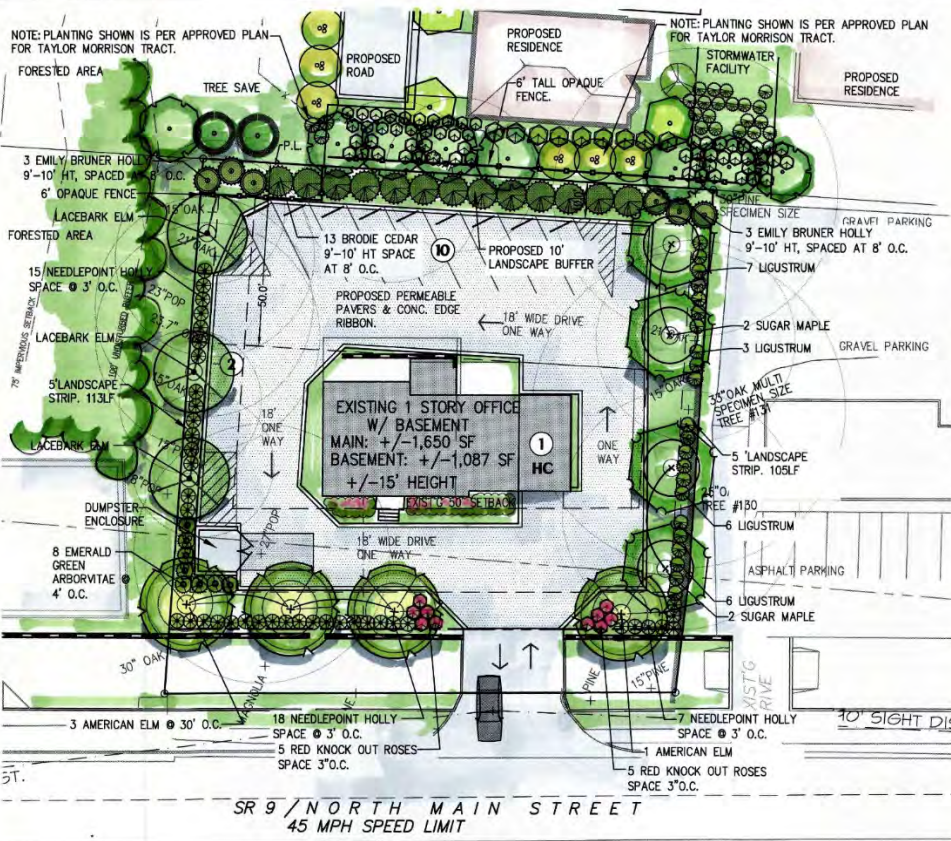
- VARIANCES REQUIRED
1. A variance is required to reduce the existing rear 50' Undisturbed Buffer to a 10' Landscape Buffer with opaque fence and vegetative screen.
  2. A variance is required to allow the new driveway to be placed between the building and Main Street.
  3. A variance is required to allow for the Dumpster Enclosure to be located within 50' of the right of way.

  
**Northwest Exterminating**  
**ALPHARETTA OFFICE**  
**PARKING REMEDIATION**  
**193 N. MAIN STREET**

**VARIANCE SITE PLAN**  
**(FOR REVIEW ONLY - NOT**  
**FOR CONSTRUCTION)**  
**APRIL 29, 2019**

SITE LOCATED IN LAND LOTS 1253 AND 1252  
OF THE 2ND DISTRICT, 2ND SECTION, FULTON COUNTY, GA.  
PROPERTY DOES NOT LIE WITHIN THE 100 YR FLOOD ZONE  
PER FEMA PANEL 13121C0058F DATED: 09/18/2013





**TREE DENSITY REQUIREMENTS**

PROJECT IS AN EXISTING OFFICE

SITE AREA: 0.46 ACRES

MINUS R/W ACQUIRED BY GDOT: 0.06 +/- ACRES

0.40 ACRES

130" INCHES PER ACRE OF TREES REQUIRED ON SITE

SDF = 130 X 0.40 = 51.5 INCHES

EXISTING TREES APPLIED TO EDF: 0 UNITS

REPLACEMENT DENSITY FACTOR INCHES: RDF = 56.00 - 0 = 56.00 INCHES

REPLACEMENT DENSITY FACTOR: NEWLY PLANTED TREES: 56.00 INCHES

TOTAL TREE CALIPER INCHES ON SITE: 56.00 INCHES

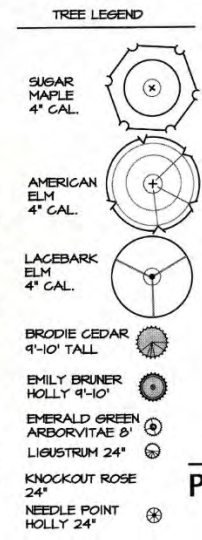
**PROJECT DENSITY OF 51.5 CALIPER INCHES HAS BEEN SATISFIED**

**PLANT LIST**

| TREES | COMMON NAME              | BOTANICAL NAME                           | REMARKS              | CAL. SIZE (INCHES) | QUANT. | INCH TOTALS |
|-------|--------------------------|------------------------------------------|----------------------|--------------------|--------|-------------|
|       | Harvest Moon Sugar Maple | Acer saccharum x barbatum 'Sandersville' | B&B                  | 4                  | 4      | 16          |
|       | *Emily Bruner Holly      | Ilex x Emily Bruner                      | 9' to 10' HT. Buffer | 2                  | 6      | 0           |
|       | *Brodie cedar            | Juniperus Virginiana Silicicola          | 9' to 10' HT. Buffer | 2                  | 13     | 0           |
|       | Emerald green arbovitae  | Thuja occidentalis 'smarged'             | 8' TALL MIN          | 1.5                | 8      | 12          |
|       | American Elm             | Ulmus Americana 'Princeton'              | B&B                  | 4                  | 4      | 16          |
|       | Lace Bark Elm            | Ulmus Parvifolia 'Emer II'               | B&B                  | 4                  | 3      | 12          |
|       |                          |                                          |                      |                    |        | 56.00       |

\* Buffer trees are not counted towards RDF

| SHRUBS | COMMON NAME          | BOTANICAL NAME           | SIZE   | QUANT. |
|--------|----------------------|--------------------------|--------|--------|
|        | Needle point Holly   | Ilex Cornuta Needlepoint | 24" ht | 40     |
|        | wax Leaf Ligustrum   | Ligustrum Japonicum      | 24" ht | 22     |
|        | Knock Out Rose 'Red' | Rosa Knockout 'Red'      | 24" ht | 10     |



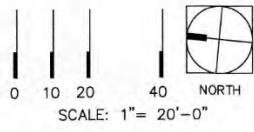
**ALPHARETTA OFFICE  
PARKING REMEDIATION**  
193 N. MAIN STREET

**PRELIMINARY LANDSCAPE PLAN**  
(FOR REVIEW ONLY - NOT  
FOR CONSTRUCTION)

JUNE 11, 2019

SITE LOCATED IN LAND LOTS 1253 AND 1252  
OF THE 2ND DISTRICT, 2ND SECTION, FULTON COUNTY, GA.  
PROPERTY DOES NOT LIE WITHIN THE 100 YR FLOOD ZONE  
PER FEMA PANEL 13121C0058F DATED: 09/18/2013

**Site Development  
Consultants, Inc.**  
Land Planning • Site Development • Landscape Architecture  
3901 Peachtree Dunwoody Rd., Bldg A Suite 370  
Sandy Springs GA 30328, Tel 678-205-2026





# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By:

Sponsored By:

Meeting Date: August 26, 2019

---

**I. AGENDA ITEM TITLE:** MP-19-01/Z-19-02/CU-19-03 OLD MILTON VAPE

*CONSIDERATION OF A MASTER PLAN AMENDMENT, REZONING AND CONDITIONAL USE PERMIT TO ALLOW A VAPE STORE FOR XHALE CITY. THE PROPERTY IS LOCATED AT 3630 OLD MILTON PARKWAY, SUITE 160 AND IS LEGALLY DESCRIBED AS BEING LOCATED IN LAND LOTS 44 & 45, 1ST DISTRICT, 1ST SECTION, FULTON COUNTY, GEORGIA.*

**II. RECOMMENDATION:**

**III. REPORT IN BRIEF:**

Consideration of a master plan amendment, rezoning and conditional use permit to allow a Vape Store for Xhale City. The property is located at 3630 Old Milton Parkway, Suite 160 and is legally described as being located in Land Lots 44 & 45, 1st District, 1st Section, Fulton County, Georgia.

**IV. ALTERNATIVES:**

**V. ATTACHMENTS:**

Alpharetta Vape Shops Only Map, Xhale City Website Info, Aerial Map, Future Land Use, Zoning Map, Location Map, Fw\_ Old Milton, new vape shop rezoning\_Redacted, Complete Citi Part B Old Milton Vape, CompleteOldMiltonVapeApp4.1



# Alpharetta

## Smoke Shops with Vape Sales

**Big Bang Vape Co.**

800 N. Main St. Ste. 210

**V8P Bar Alpharetta**

875 North Main St Ste. 356

**Alpha Smoke**

1805 Hembree Rd

**Water Cloud Vapor Co.**

3710 Old Milton Pkwy Ste. 103

**Cigar Plus**

4055 Old Milton Pkwy Ste. 8





# XHALE

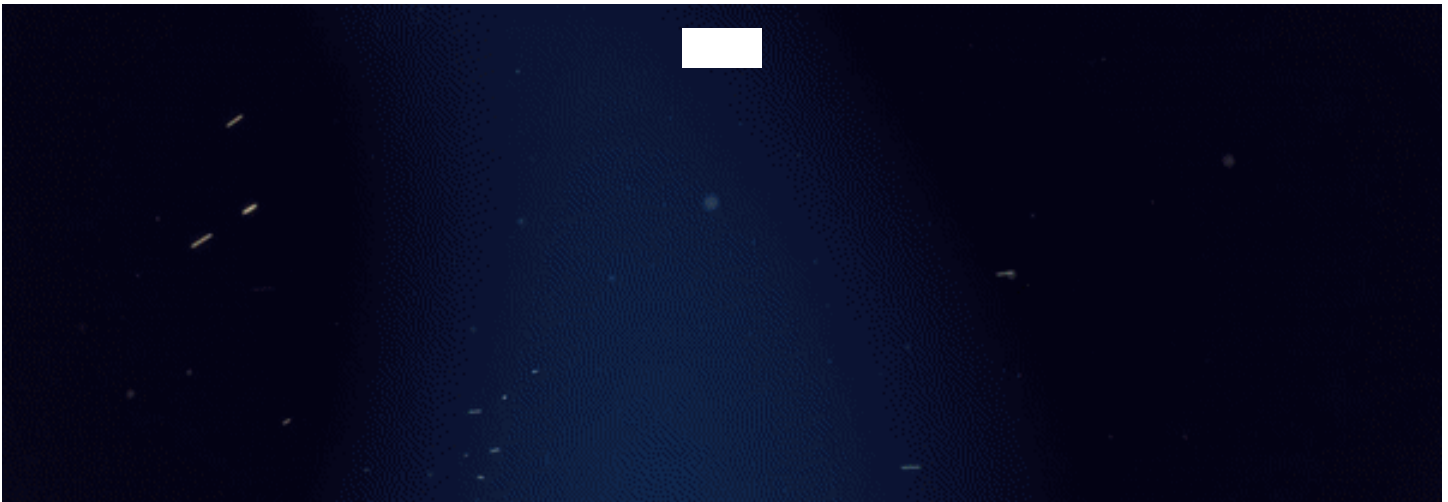
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 Menu

 HOME  SHOP  SALES EVENTS  LOCATION  CAREERS

 WHOLESALE SIGN UP  CONTACT US 





**SMOK<sup>®</sup>**

# Rolo Badge

SMOK ROLO BADGE ULTRA-PORTABLE SYSTEM

**FEATURES**

- 1 ROLO BADGE MOD
- 2 ROLO BADGE CARTRIDGE
- 1 MICROUSB CABLE
- INSTRUCTIONAL MANUAL

Three SMOK Rolo Badge mods are displayed side-by-side. They have a shield-like shape with a black top half and a bottom half in different colors: black, rainbow, and silver. Each mod features a small, clear, diamond-shaped window in the center of the colored section. They are set against a dark purple background with a glowing blue grid floor and wispy white smoke at the base.The logo for Beard Vape Co. features a stylized white beard and mustache on a black background, with the word "BEARD" in large, bold, white letters and "Vape Co." in a smaller, cursive font below it.

**BEARD**  
Vape Co.

*E-Liquid*  
50MG

30 ML

\$19.99

Five white e-liquid bottles are shown in a row at the bottom of the advertisement. They have white caps and are set against a background of a brown brick wall.





### Featured products





IMREN 21700 3750mAh 25A Battery

\$29.99



## SMOK Priv M17, 60W Starter Kit

\$45.99



## VGOD Elite RDA

\$44.99



VGOD PRO DRIP RDA

From \$39.99 - \$44.99



TARTZ BY AIR FACTORY E-LIQUID 100ML - Grape

\$24.99

SOLD OUT





SMOK H-PRIV 2 225W TC Kit With TFV12 Big Baby Prince Tank

\$79.99

# MYLÉ

PODS



VGOD MYLÉ PODS 4PK 50MG

\$17.99





ZOOR Pod System With USB Charger

\$29.99





Frost Factory E-Liquid 100ml

\$24.99

SOLD OUT



7 PIPE TWISTY GLASS BLUNT

\$24.99





Naked Ice E-Liquid 60ML

\$19.99

SOLD OUT



Nasty Juice Tobacco Series E-Liquid 60ML

\$19.99

## Vapes

SOLD OUT





Red

Gold

Sapphire  
Blue

Silver

Black



### Uwell Hypercar 80W TC Kit

\$79.99

SOLD OUT



Black



Red



White



Yellow



Blue



Purple



### Smok X - Force Kit

\$34.99

SOLD OUT





Vaporesso Luxe 220W &amp; SKRR Tank Kit

\$84.99

SOLD OUT



Vaporesso Drizzle Fit 1400Mah Kit

\$36.99

SOLD OUT



Vaporesso ORCA Solo Aio Pen Kit

\$19.99

SOLD OUT



Black Red

Prism Chrome and Black

Red Black

Prism Blue and Black



### Smok Mag Grip Kit

\$79.99

SOLD OUT



CAMO & GUNMETAL



BLACK & RED



BLACK & GREEN



STEALTH BLACK



BLACK & BLUE



### Geekvape Aegis Mini 80W Kit

\$0.00

SOLD OUT







## ***RunAbout Pod Vape Kit***

Joyetech Runabout Pod System Kit

\$26.99

SOLD OUT



PERKEY Lov Transformable Pod System Kit 320mAh & 1.6ML

\$29.99

SOLD OUT



OBS Cube 80W Kit 3000mAh

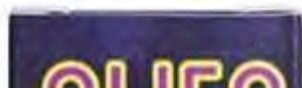
\$59.99

## E-liquid



ADE E LIQUID 60ML

\$19.99





60ml Alien Piss III

\$19.99







60ml Alien Piss II

\$19.99



60ml Alien Piss

\$19.99

SOLD OUT





BOMB SAUCE E-LIQUID CLASSIC PEPPERMINT 60ML

\$19.99

SOLD OUT



7 Daze Magnetic E Liquid 60ml

\$19.99



100ml Custard Shoppe E-Liquid

\$24.99



ELYSIAN E LIQUID 60 ML

\$19.99



SVRF E-LIQUID 60ML

\$19.99

SOLD OUT







Nasty Juice E-Liquid 60ML

\$19.99

Glass Water Pipe



Nugg Life 14" 8 Arm Tree Perc Beaker

\$109.99





**Nugg Life 11" Swiss Perc to Matrix Perc Fab Egg Water Pipe**

**\$119.99**

SOLD OUT



**Nugg Life 8" Yellow Fume Banger Hanger**

**\$99.99**





Nugg Life 10" full Color Beaker

\$79.99



Nugg Life Showerhead Perc 9.5" Water Pipe

\$89.99





Nugg Life 10" 9mm Straight Shooter Water Pipe

\$89.99





Nugg Life 10" Straight Shooter Full Color Water Pipe

\$79.99



Nugg Life 9mm 10" Beaker with Ice Pinch

\$89.99





Nugg Life 5mm 8" Straight Shooter with Ice Pinch

\$49.99



Nugg Life 5mm 8" Beaker with Ice Pinch

\$49.99

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### Explore

---

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Career

Return and Refund

Privacy Policy

Terms & Conditions

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About

---

*Established in 2014, Xhale City is deep-seated in Atlanta, Georgia. Known as one of the largest Smoke and Vape supply outlets in the Southeast, Xhale City offers the newest products at top quality and leading prices. Visit one of our 17 locations to experience first hand service from our expert staff. Our employees set the bar in product knowledge and can assist in finding the ideal Vapes, E-Juice or Glass Pipes for your needs. Our mission is to be the premier in delivering the hottest trending products at the best prices in the market.*

*Visit any one of our newly renovated stores or visit our online store to see the difference.*







MP-19-01 / Z-19-02 / CU-19-03

Greenway

Whitestone Ridge

Whitestone Place

Old Milton Parkway

Waters Ferry Way

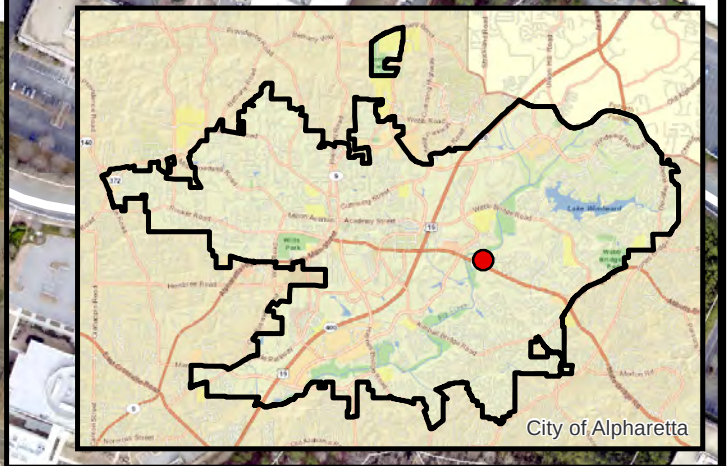
Cotton Creek Entry

Cotton Mill Path

Avalon Drive

LEGEND

- Case Number
- Tax Parcels



Aerial Map  
Old Milton Vape/Camden Pond MP  
3630 Old Milton Parkway

MP-19-01 / Z-19-02 / CU-19-03

D/LL: 1/1/0044, 0045

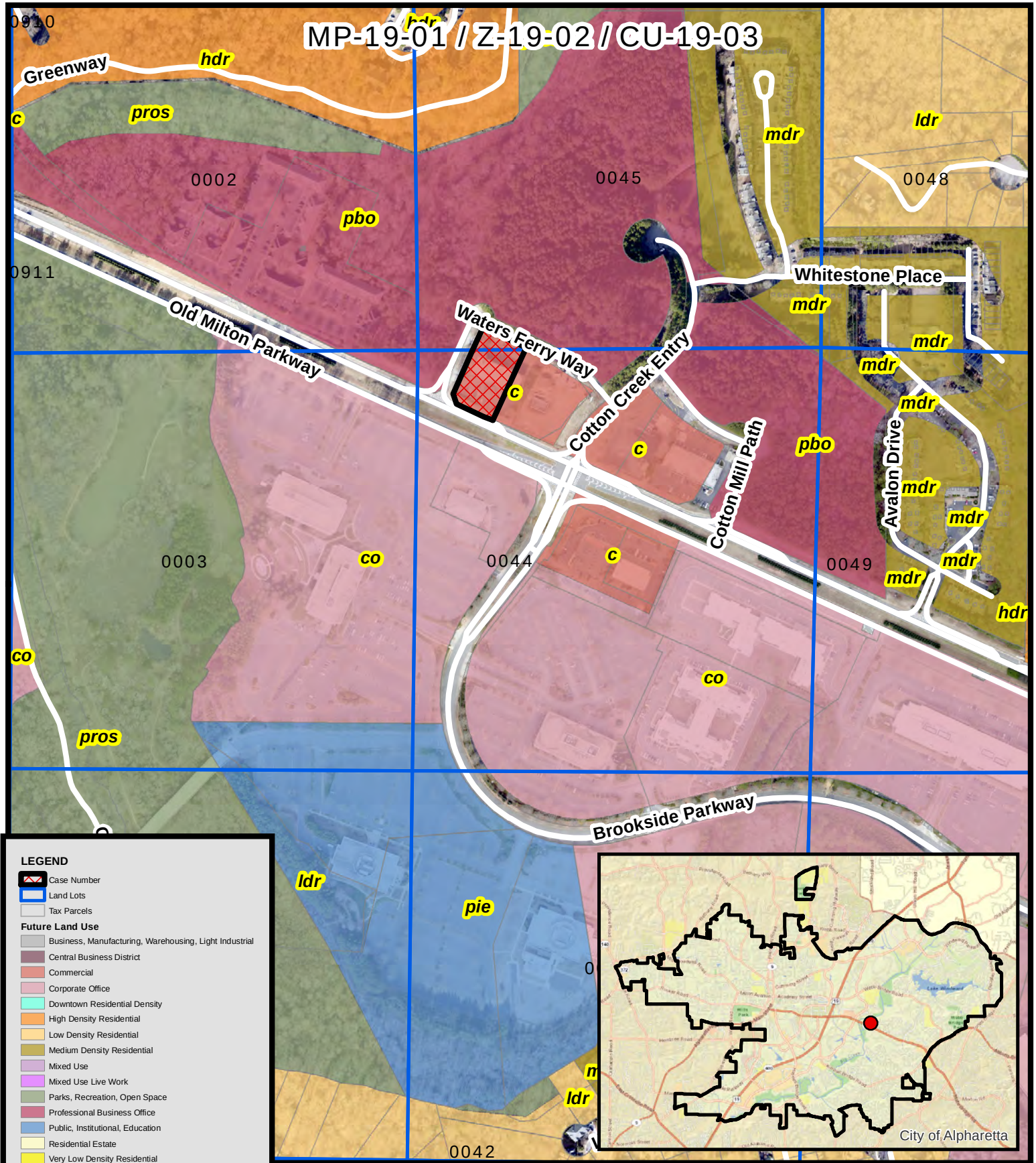
PC: 8/01/19

CC: 8/26/19

Location Map Provided by:  
Community Development - GIS



MP-19-01 / Z-19-02 / CU-19-03



**LEGEND**

Case Number

Land Lots

Tax Parcels

**Future Land Use**

Business, Manufacturing, Warehousing, Light Industrial

Central Business District

Commercial

Corporate Office

Downtown Residential Density

High Density Residential

Low Density Residential

Medium Density Residential

Mixed Use

Mixed Use Live Work

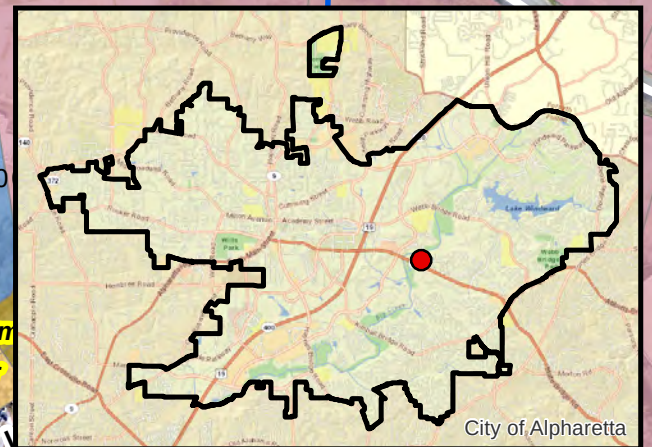
Parks, Recreation, Open Space

Professional Business Office

Public, Institutional, Education

Residential Estate

Very Low Density Residential



Future Land Use  
Old Milton Vape/Camden Pond MP  
3630 Old Milton Parkway

MP-19-01 / Z-19-02 / CU-19-03

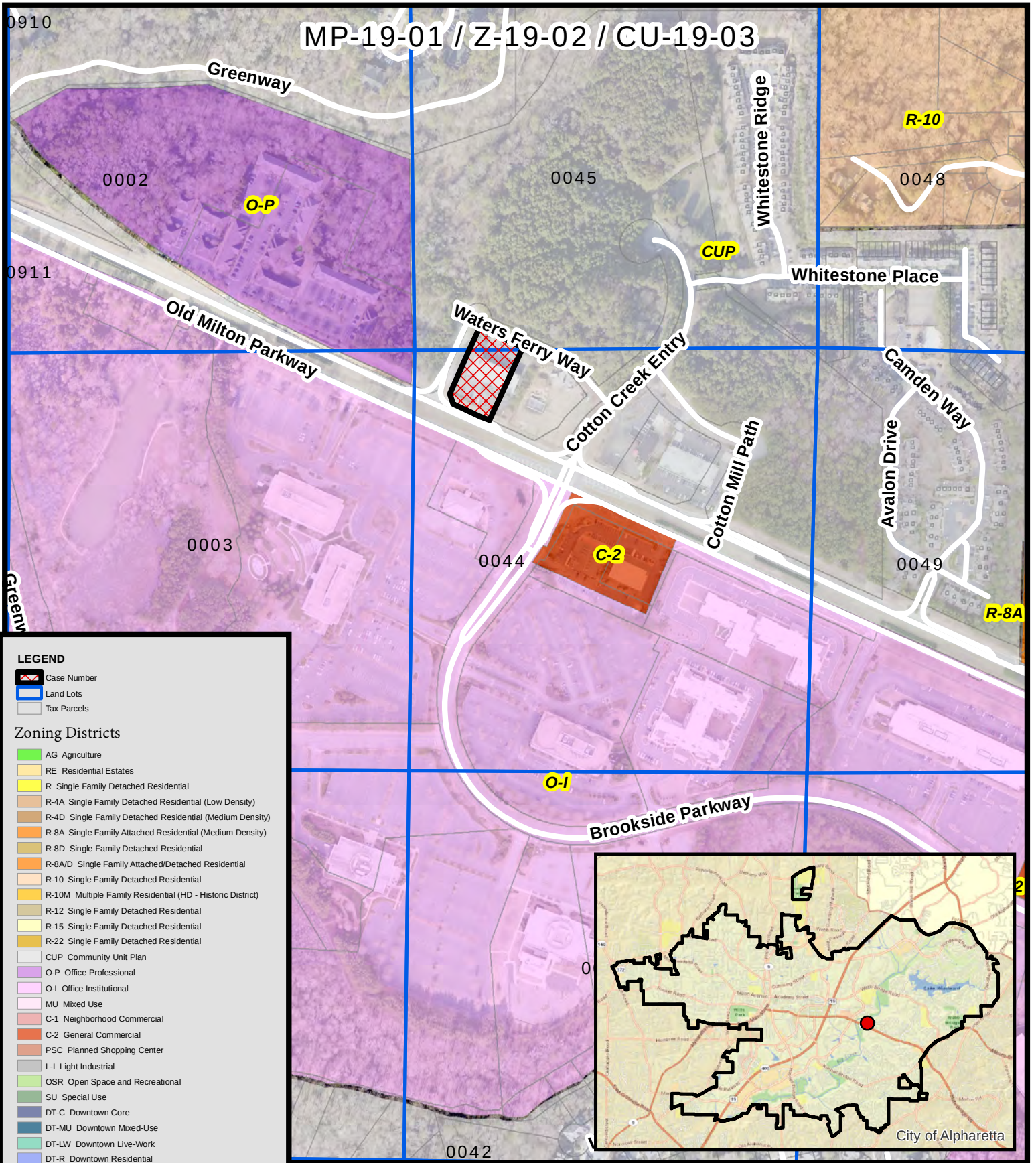
D/LL: 1/1/0044, 0045

PC: 8/01/19

CC: 8/26/19

Location Map Provided by:  
Community Development - GIS





# Zoning Map Old Milton Vape/Camden Pond MP 3630 Old Milton Parkway

MP-19-01 / Z-19-02 / CU-19-03

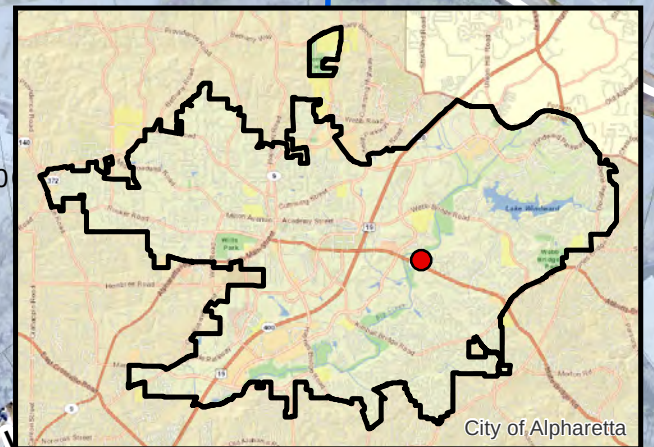
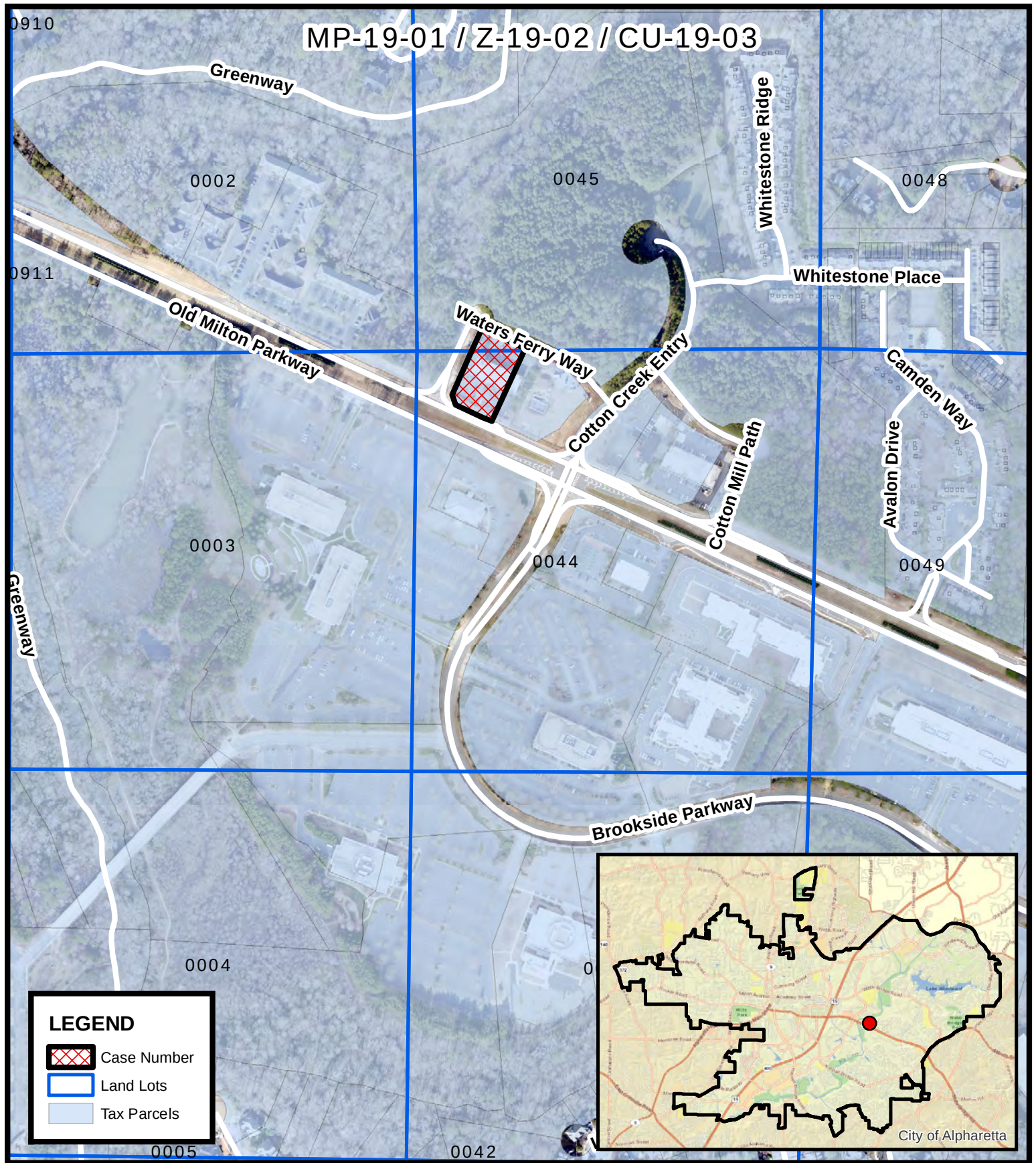
D/LL: 1/1/0044, 0045

PC: 8/01/19

CC: 8/26/19

Location Map Provided by:  
Community Development - GIS





Location Map  
Old Milton Vape/Camden Pond MP  
3630 Old Milton Parkway

MP-19-01 / Z-19-02 / CU-19-03

D/LL: 1/1/0044, 0045

PC: 8/01/19

CC: 8/26/19

Location Map Provided by:  
Community Development - GIS

**From:** [Borden, Brian](#)  
**To:** [Woodman, Michael](#); [Taylor, Elicia](#)  
**Subject:** Fw: Old Milton, new vape shop rezoning  
**Date:** Thursday, July 25, 2019 10:32:28 AM

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**From:** Venessa Collins [REDACTED]  
**Sent:** Thursday, July 25, 2019 9:50 AM  
**To:** Borden, Brian <bborden@alpharetta.ga.us>  
**Subject:** Old Milton, new vape shop rezoning

I live in Camden Pond and wanted to express my objection to the application to rezone for another vape shop. There is already one in the next strip over...this is unnecessary and not something that we need in the community. Are you the correct person to send this to?

### **MP-19-01 / Z-19-02 / CU-19-03: Old Milton Vape**

The property is located at 3630 Old Milton Parkway, Suite 160 and is legally described as being located in Land Lots 44 & 45, 1st District, 1st Section, Fulton County, Georgia.

Consideration of a master plan amendment, rezoning and conditional use permit to allow a Vape Store for Xhale City. The property is located at 3630 Old Milton Parkway, Suite 160 and is legally described as being located in Land Lots 44 & 45, 1st District, 1st Section, Fulton County, Georgia.

### **Meeting Schedule:**

Thursday, August 01, 2019  
Planning Commission

*This item will be heard at a public hearing held by the Planning Commission on Thursday, August 1, 2019 commencing at 6:30 PM in the Alpharetta City Hall Council Chambers, 2 Park Plaza, Alpharetta, Georgia.*

Monday, August 26, 2019  
City Council

*Items forwarded to City Council will be considered on Monday, August 26, 2019 commencing at 6:30 PM in the Alpharetta City Hall Council Chambers, 2 Park Plaza, Alpharetta, Georgia.*

**Case Files:**

[CompleteOldMiltonVapeApp4.1](#)

Sincerely,  
Venessa Collins  
3091 Camden Way  
Alpharetta, GA 30005

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This e-mail message (including attachments, if any) is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, proprietary, confidential and exempt from disclosure. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender and erase this e-mail message immediately.



# CITIZEN PARTICIPATION FORM - PART B

*This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.*

Public Hearing or Project Name: 3630 Old Milton Vape

Contact Name: Tiffany Spradley

Telephone: 770-899-9872

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

No comments received

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*



Letter



Personal Visits



Telephone



Group Meeting



Email



Other (Please Specify) \_\_\_\_\_

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

*I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.*

Signature of Authorized Agent: \_\_\_\_\_



Date: 7-1-19

Print Form





Suite205, 6062 Buford Hwy, Norcross Ga 30071 TEL404 597 6745/ELMINAENGINEER@GMAIL.COM

May 22, 2019

George Awuku, P.E.

Design Engineer

DATE: May 28, 2019

Dear Property Owner,

We have filed a Public Hearing Application with the City of Alpharetta for consideration of a Master Plan Amendment to the Camden Pond Master Plan, a rezoning from CUP to C1 and a Conditional Use in order to allow a Vape Shop, Xhale City. The property is located at 3630 Old Milton Parkway Alpharetta, Ga.

The Case # is MP-19-01/Z-19-02/CU-19-03 Old Milton Vape/Camden Pond Master Plan. This item will be considered by the Planning Commission on Thursday, August 1, 2019 and City Council on Monday, August 26, 2019 in Council Chambers at City Hall at 6:30 p.m.

.

The Community Zoning Information Meeting for this item will be Wednesday, July 10, 2019 from 6:00 p.m. to 7:00 p.m. in the Rotunda at City Hall.

If you have any questions, please reach out to us 404-597-7674.

Best Regards,

George Awuku,

PE

CAH HOLDINGS LLC  
1521 E THIRD ST  
CHARLOTTE NC 28204

EMPYREAN LLC  
178 SOUTH MAIN ST STE 250  
ALPHARETTA GA 30009

GOETHE JANET  
P O BOX 813068  
SMYRNA GA 30081

IPX BROOKSIDE INVESTORS LLC  
1500 MARKET ST  
PHILADELPHIA PA 19102

LOYALTY OLD MILTON PROPERTY LLC  
3324 PEACHTREE RD # 3005  
ATLANTA GA 30326

OLD MILTON FESTIVAL L L C  
3350 RIVERWOOD PKWY STE 450  
ATLANTA GA 30339

OLD MILTON INVESTMENT PROPERTY LLC  
4941 PIPPEN DR  
ACWORTH GA 30101

TNR OLD MILTON LLC  
1505 LAKES PKWY SUITE 190  
LAWRENCEVILLE GA 30043

TOUCHMARK NATIONAL BANK  
3651 OLD MILTON PKWY  
ALPHARETTA GA 30005

4/1/19  
CITY OF ALPHARETTA  
PUBLIC HEARING APPLICATION

MP-19-01/Z-19-02/CU-19-03

PHA190010

OLD MILTON PARKWAY  
FOR OFFICE USE ONLY

Case #: \_\_\_\_\_

☐ Fee Paid Initial: \_\_\_\_\_

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

**Contact Information:**

Contact Name: George Awuku

Telephone: 404-597-6745

Address: 6062 Buford Hwy

Suite: 205

City Norcross

State: Ga

Zip: 30071

Fax: \_\_\_\_\_

Mobile Tel: 404-597-6745

Email: elminaengineer@gmail.com

**Subject Property Information:**

Address: 3630 Old Milton Parkway

Current Zoning: CUP

District: 11

Section: 002

Land Lot: 0044

Parcel ID: 11 002 000 440 191

Proposed Zoning: C1

Current Use: retail

**This Application For (Check All That Apply):**

☒ Conditional Use

☒ Master Plan Amendment

☐ Exception

☒ Rezoning

☐ Master Plan Review

☐ Variance

☐ Public Hearing

☐ Comprehensive Plan Amendment

☐ Other (Specify): \_\_\_\_\_

4/1/19

APPLICANT REQUEST AND INTENT  
PHA190010 OLD MILTON VAPE

What is the proposed use(s) of the property?

The existing 12,798 s.f. building has 7 units and is housing a Dunkin Doughnuts, a Wingsville Cafeteria, Cafe India, a Barber Shop, a Hollywood Manicure and Spa, and a Dry Cleaners.

The remaining unit is proposed to be a Vape Shop.

Applicant's Request (Please itemize the proposal):

- 1) Rezone the property from CUP to C1
- 2) Obtain Conditional Use to have a Vape shop located on the property.

Applicant's Intent *(Please describe what the proposal would facilitate).*

If rezoning and conditional use are both granted the subject property will be able to house a Vape Shop.



4/1/19

PHA190010

OLD MILTON VAPE

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# ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

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How will this proposal be compatible with surrounding properties?

The surrounding area is a melting pot of commercial businesses. The property is surrounded by properties zoned CUP, OI, and there is a property zoned C2 across the street. There is also another Vape shop located on a property zoned CUP approximately 0.10 miles east of the subject property.

How will this proposal affect the use and value of the surrounding properties?

The proposed rezoning and conditional use for a vape shop will not affect the use of other properties near by. There is no foreseen impact to surrounding property values.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

There is no redevelopment being proposed, it would not be cost effective to redevelop the property when it is already a well established business. It would be more economical to be able to offer more services out of the existing establishment.

What would be the increase to population and traffic if the proposal were approved?

Due to the nature of a vape shop, the increase to traffic in the area would mimic that of other small retail shops. It shouldn't cause an increase to population.

What would be the impact to schools and utilities if the proposal were approved?

The proposed Vape shop will have minimal impact on utilities or schools.

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

The future land use map calls for the area to be commercial, a vape shop is retail and there for commercial.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

The existing conditions of the surrounding area support issuing a conditional use for a vape shop due to the variety of commercial uses in the neighborhood and the success of another vape shop located less than a quarter mile away.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

4/1/19

PHA190010  
CITIZEN PARTICIPATION FORM - PART A

OLD MILTON VAPE

*This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.*

Public Hearing or Project Name: Rezoning of 3630 Milton Parkway

Contact Name: George Awuku

Telephone: 404-597-6745

*The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.*

Touchmark National Bank

RB Preston Ridge Co Tenant LLC & P

Georgia State University Foundation

Old Milton Festival LLC

City of Alpharetta

Goethe, Janet

Development Authority of Apharetta

Old Milton Investment Property LLC

IPX Brookside Investors, LLC

Vesta Moore LLC

Drew & Co

Empyrean LLC

Greenstone Preston Ridge Lp

Flying Monkeys Production, LLC

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

☒

Letter

☐

Personal Visits

☐

Telephone

☐

Group Meeting

☐

Email

☐

Other (Please Specify)

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

Individuals will be provided a return mailing address, a phone number, and email to contact the applicant with questions or concerns.

4/1/19

PHA190010

MP-19-01/Z-19-02/CU-19-03  
OLD MILTON VAPE



Suite205, 6062 Buford Hwy, Norcross Ga 30071 TEL404 597 6745/ELMINAENGINEER@GMAIL.COM

March 29,2019

Planning Commission  
City of Alpharetta  
2 Park Plaza  
Alpharetta, GA30009

Dear Board Members;

3630 Old Milton Parkway rezoning and conditional use.

The Applicant, El Mina Inc, respectfully submits to the Board of Planning Commissioners a request to rezone the above reference property. The property, currently zoned CUP, is currently leasing to several types of commercial businesses including; restaurants, salons, and a dry cleaner. Rezoning the property to C1 will allow the current businesses to remain while allowing the property owner to offer other types of retail establishments the chance to operate and serve the local community. The unit in which the vape shop is proposed has remained vacant for a substantial amount of time due to the competition between the limited business models allowed in the CUP zoning.

With the rezoning the property owner would like to also request a Conditional use permit to allow for a Vape Shop. We believe this request is in line with the future land use map (site is designated for future commercial use), and is in line with the current businesses in the area (including a vape shop approximately 0.10 miles from the subject property).

Thank you for your time and the consideration of our request. The applicant is opened to working with Staff and Board Members to achieve the successful implementation of this project.





EXHIBIT "A"**LEGAL DESCRIPTION**

All that tract of land lying and being in Land Lots 44 & 45, 1<sup>st</sup> District, 1<sup>st</sup> Section, City of Alpharetta, Fulton County, Georgia, containing 1.255 acres and being more particularly described as follows:

Beginning at an iron pin set at the intersection of the northerly right of way of Old Milton Parkway, right of way varies, (Formerly State Bridge Road, aka Georgia State Route 120) and the easterly right of way of Waters Ferry Drive, right of way varies at this point, said iron pin being 72.85 feet from the construction centerline of said Old Milton Parkway and being the southern most end of a miter on Waters Ferry Drive;

THENCE running along the right of way of said Waters Ferry Drive along a miter of North 20 degrees 31 minutes 24 seconds west a distance of 28.29 feet to an iron pin set, said right of way being 50 feet at this point;

THENCE continuing along said right of way of Waters Ferry Drive North 24 degrees 28 minutes 39 seconds east a distance of 217.15 feet to a mag nail set in a concrete sidewalk on the southerly right of way of Waters Ferry Way, (50 foot right of way);

THENCE running along the southerly right of way of Waters Ferry Way south 65 degrees 31 minutes 20 seconds east a distance of 213.43 feet to a point on the top edge of an electric transformer;

THENCE leaving said right of way and running South 24 degrees 28 minutes 40 seconds west of a distance of 237.15 feet to an iron pin set on the northerly right of way of said Old Milton Parkway, said iron pin being 72.85 feet from the construction centerline;

THENCE running along said right of way North 65 degrees 31 minutes 27 seconds west a distance of 211.42 feet to an iron pin set on the easterly right of way of Waters Ferry Drive, said iron pin being the point of beginning.

public participation mail list

MP-19-01/Z-19-02/CU-19-03

4/1/19

PHA190010

OLD MILTON VAPE

TOUCHMARK NATIONAL BANK  
3651 OLD MILTON PKWY  
ALPHARETTA GA 30005

CITY OF ALPHARETTA  
2 SOUTH MAIN ST  
ALPHARETTA GA 30004

OLD MILTON INVESTMENT PROPERTY LLC  
4941 PIPPEN DR  
ACWORTH GA 30101

GEORGIA STATE UNIVERSITY FOUNDATION  
1 PARK PL S # 533  
ATLANTA GA 30303

GREENSTONE PRESTON RIDGE LP  
3301 WINDY RIDGE PKWY # 320  
ATLANTA GA 30339

VESTA MOORE LLC  
9580 ROD RD  
ALPHARETTA GA 30022

CITY OF ALPHARETTA  
2 SOUTH MAIN ST  
ALPHARETTA GA 30004

RB PRESTON RIDGE CO TENANT LLC & P  
OINTE AT PRESTON  
3520 PIEDMONT RD STE 410  
ATLANTA GA 30305

CITY OF ALPHARETTA  
2 SOUTH MAIN ST  
ALPHARETTA GA 30004

CITY OF ALPHARETTA  
287 SOUTH MAIN ST  
ALPHARETTA GA 30004

EMPYREAN LLC  
178 SOUTH MAIN ST STE 250  
ALPHARETTA GA 30009

DEVELOPMENT AUTHORITY OF ALPHARETT  
A GA  
3445 PEACHTREE RD NE  
ATLANTA GA 30326

OLD MILTON FESTIVAL L L C  
3350 RIVERWOOD PKWY STE 450  
ATLANTA GA 30339

FLYING MONKEYS PRODUCTION LLC  
3655 OLD MILTON PKWY  
ALPHARETTA GA 30005

CITY OF ALPHARETTA  
2 SOUTH MAIN ST  
ALPHARETTA GA 30004

GOETHE JANET  
P O BOX 813068  
SMYRNA GA 30081

IPX BROOKSIDE INVESTORS LLC  
1500 MARKET ST  
PHILADELPHIA PA 19102

CAH HOLDINGS LLC  
1521 E THIRD ST  
CHARLOTTE NC 28204

CITY OF ALPHARETTA THE  
2 S MAIN ST  
ALPHARETTA GA 30009

HPT IHG PROP TRUST  
P.O. BOX 56607  
ATLANTA GA 30343

CITY OF ALPHARETTA THE  
2 S MAIN ST  
ALPHARETTA GA 30009

NORTH POINT OAKS LLC  
605 LINCOLN RD STE 320  
MIAMI FL 33139

DREW & CO  
3610 CHAMBLEE TUCKER RD  
ATLANTA GA 30341

TRIFORM LLC  
P.O. BOX 3475  
TULSA OK 74101-3475

# PROPERTY OWNER AUTHORIZATION

## Property Owner Information:

Contact Name: Old Milton Investment  
(Soo Hong Lee) Telephone: 404-259-2424

Address: 530 Highland Station Dr Suite: 2001

City: Suwanee State: GA Zip: 30024

## Authorization:

*I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.*

*As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.*

- |                                               |                                          |
|-----------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Annexation           | <input type="checkbox"/> Special Use     |
| <input type="checkbox"/> Rezoning             | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Variance             | <input type="checkbox"/> Master Plan     |
| <input type="checkbox"/> Land Use Application | <input type="checkbox"/> Other _____     |

## Identify Authorized Applicant:

Name of Authorized Applicant: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ Suite: \_\_\_\_\_

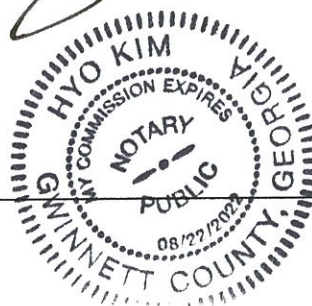
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

## So Sworn and Attested:

Owner Signature: [Signature] Date: Feb. 12, 2019

## Notary:

Notary Signature: [Signature] Date: 2/12/2019



# DISCLOSURE FORM

*The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).*

*Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.*

Name of Applicant or Opponent: \_\_\_\_\_

Subject Public Hearing Case: \_\_\_\_\_

## **Campaign Contribution Information:**

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: \_\_\_\_\_ Position: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

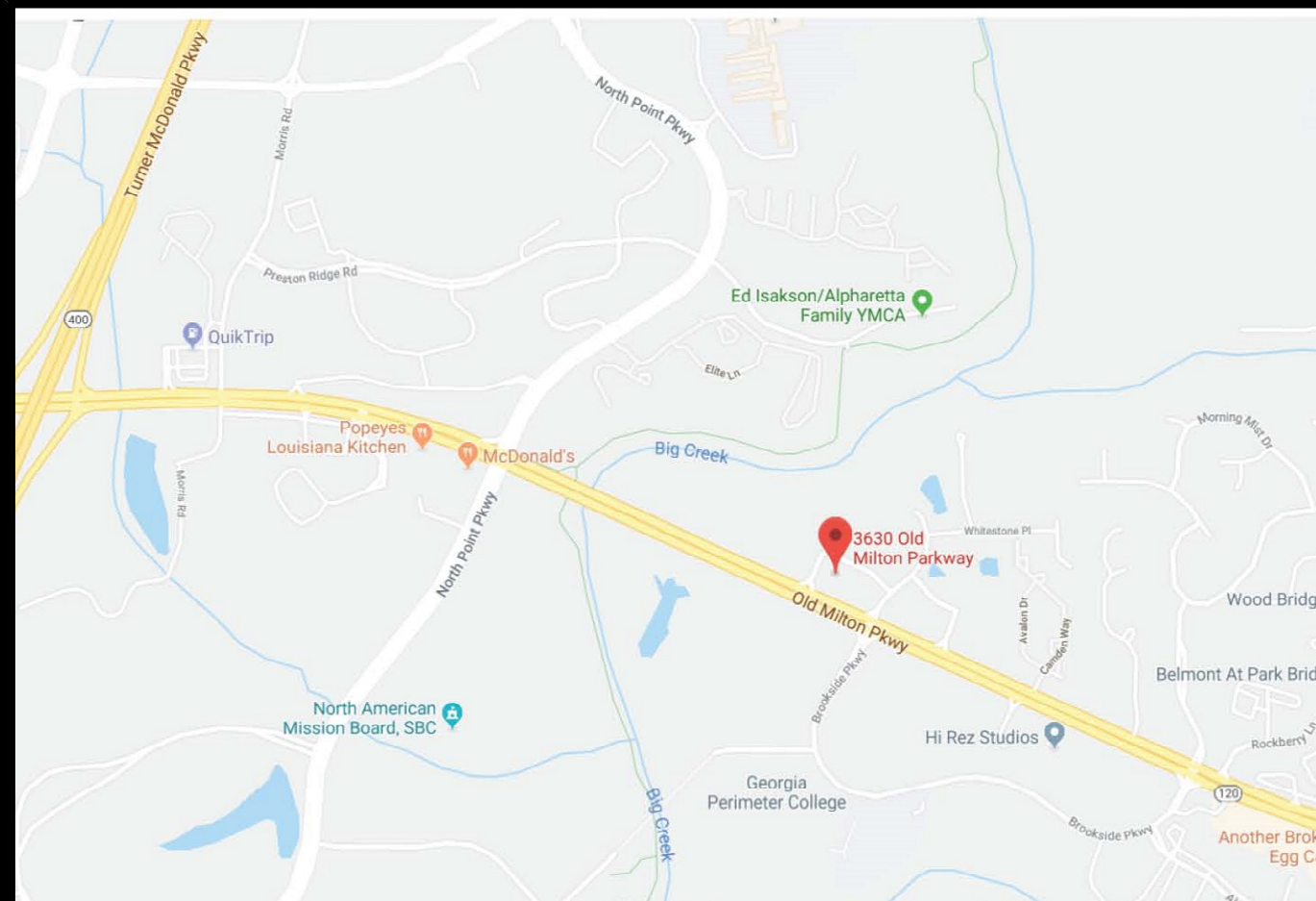
## **Campaign Contribution Information:**

*I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.*

Signature: \_\_\_\_\_

Date: Mar. 20, 2019





**SITE ANALYSIS**  
PROPOSED ZONING: C1  
ACRES=1.255  
FRONT SETBACK = 50 FEET  
SIDE SETBACK = 15 FEET  
REAR SETBACK = 15 FEET  
MAX BLDG HT = 35 FEET

**PARKING ANALYSIS**  
RETAIL SHOPPING CENTER:  
(LESS THAN 50,000 S.F.)  
REQUIRED: 1 SPACE PER 200 S.F.  
12,798/200= 63.99 (64)  
EXISTING PARKING SPACES: 66  
INCLUDING 3 H.C. SPACES

11 001100020226  
3562 OLD MILTON PARKWAY  
ZONED: O-P

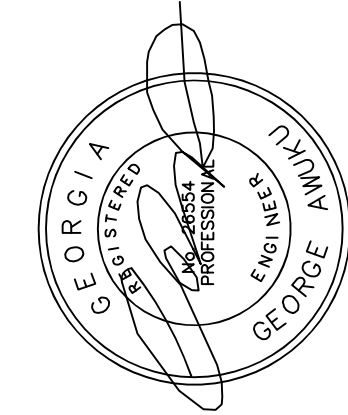
**WATERS FERRY ROAD**  
50' R/W

N 24°27'32" E  
217.18'

N 20°25'17" W  
28.25'

**OLD MILTON PARKWAY / S.R. 120**  
(FORMERLY STATE BRIDGE ROAD)  
R/W VARIES

THERE ARE NO SITE IMPROVEMENTS PROPOSED.  
ALL FEATURES SHOWN ARE EXISTING.



**EL MINA, INC**  
SUITE 205, 6062 BUFORD HWY.  
NORCROSS, GA 30071

**REZONING OF**  
3630 OLD MILTON PARKWAY  
ALPHARETTA, GA 30005

**SITE PLAN**

**SHEET TITLE**

**LEGEND**

IPS = IRON PIN SET  
IPF = IRON PIN FOUND  
OTP = OPEN TOP PIPE  
CTP = CRIMP TOP PIPE  
C/L = CENTERLINE  
P/L = PROPERTY LINE  
BOC = BACK OF CURB  
EP = EDGE OF PAVEMENT  
GM = GAS METER  
GV = GAS VALVE  
MH = MANHOLE  
JB = JUNCTION BOX  
CI = CURB INLET  
DI = DROP INLET  
WI = WEIR INLET  
HW = HEADWALL  
SWCB = SINGLE WING CATCH BASIN  
DWCB = DOUBLE WING CATCH BASIN  
FH = FIRE HYDRANT  
WV = WATER VALVE  
— = WATER LINE  
— = SANITARY SEWER LINE  
— = STORM DRAIN LINE  
— = FENCE LINE  
— = OVERHEAD ELECTRIC  
N/F = NOW OR FORMERLY  
D.B./PG. = DEED BOOK AND PAGE  
P.B./PG. = PLAT BOOK AND PAGE  
FFE = FINISH FLOOR ELEVATION  
A.E. = ACCESS EASEMENT  
D.E. = DRAINAGE EASEMENT

**SIGHT DISTANCE CERTIFICATION:**  
I, THE UNDERSIGNED, HEREBY CERTIFY THE SIGHT DISTANCE FOR THE PROJECT IS DESIGNED WITH ADEQUATE DISTANCE. THE REGULATED SPEED LIMIT ON THE APPROACHING THOROUGHFARE IS 45 MPH. THE DESIGNED SIGHT DISTANCE PROVIDES VISIBILITY OF 500 FT. TO THE LEFT AND RIGHT.  
THE SIGHT DISTANCE MEASURED FROM A POINT OF 15 FT. FROM THE EDGE OF PAVEMENT AND 3.5 FT. IN HEIGHT ABOVE THE ROADWAY.

GEORGE AWUKU, P.E.  
3/29/2019

**OWNER:**  
NURUDDIN WADAWANIA  
3630 OLD MILTON PKWY, SUITE 160  
ALPHARETTA, GA 30005  
**CONTRACTOR/24 HR CONTACT:**  
PK CONSTRUCTION GROUP, LLC  
P.O. BOX 1045  
SUWANEE, GA 30024  
PH: (678) 559-7143  
**ENGINEER:**  
EL MINA, INC  
STE 205, 6062 BUFORD HWY  
NORCROSS, GA 30071  
PH: (404) 597-6745  
ELMINAENGINEER@GMAIL.COM  
CONTACT: GEORGE AWUKU, P.E.  
**ARCHITECT OF RECORD:**  
JOSEPH KELINTAK NA, AIA  
12 BASEKETS, LLC  
2742 APPLE ORCHARD TRAIL  
SNELLVILLE, GA 30078  
PH: (404) 520-1343



NOTES:

1. NO PORTION OF THIS PROPERTY LIES WITHIN FLOOD ZONE "A", AREAS OF 100 YEAR FLOOD, PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR FULTON COUNTY, GEORGIA, COMMUNITY PANEL NUMBER 13121C0059F, WITH AN EFFECTIVE DATE OF SEPTEMBER 18, 2013.

2. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

3. THE HORIZONTAL AND VERTICAL DATUM IS BASED ON REAL TIME KINEMATIC GLOBAL POSITIONING, USING A CHAMPION TKO DUAL FREQUENCY RECEIVER AND ADJUSTED TO THE EGPS NETWORK. THE EGPS NETWORK IS NAD83 (2011) HORIZONTAL DATUM AND NAVD 88 VERTICAL DATUM (GEOID 2012A).

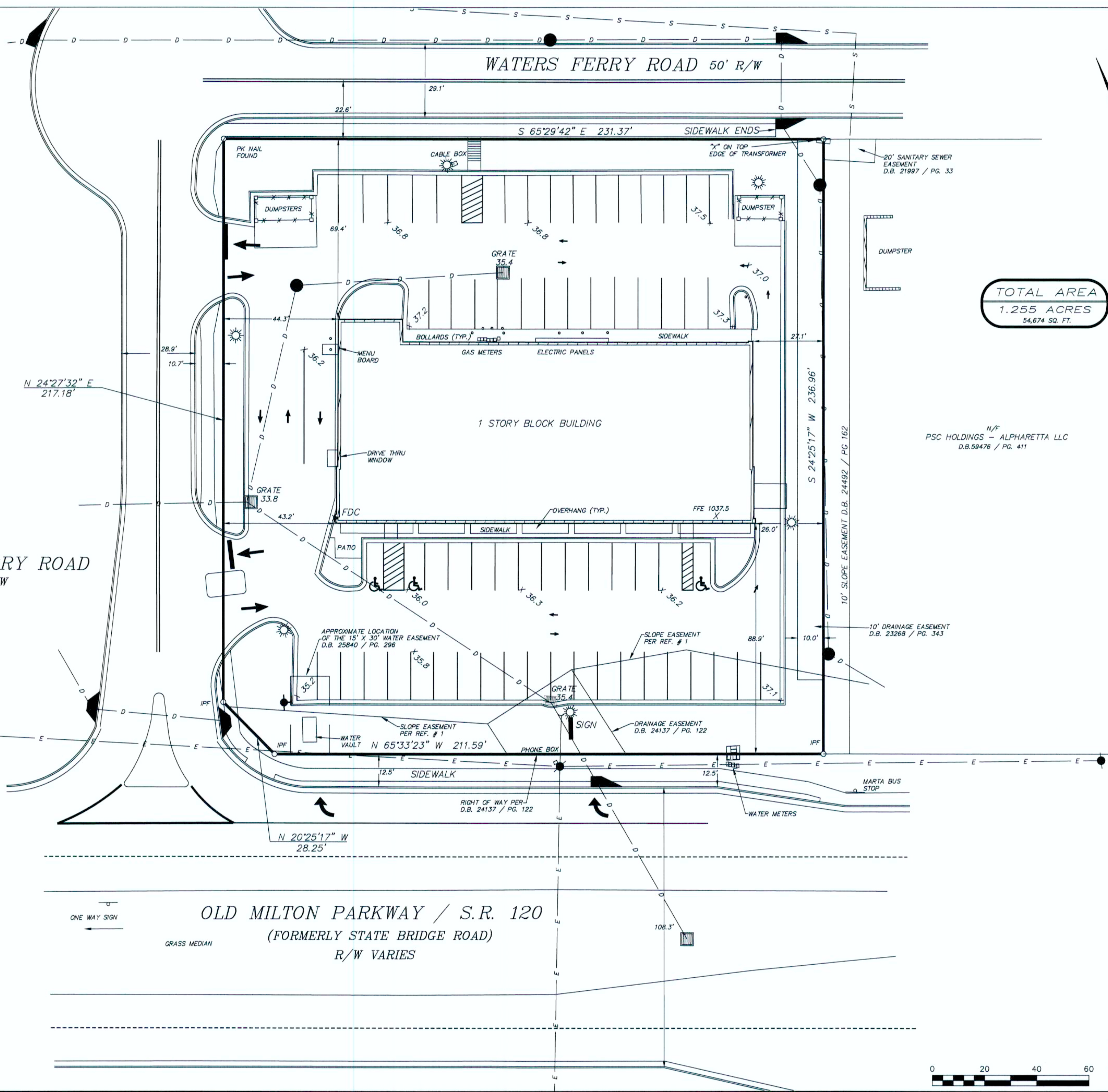
4. A SOKKIA CX105 TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

5. THE FIELD DATA WHICH THE PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 17,157 FEET AND AN AN ANGULAR ERROR OF 12" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES ADJUSTMENT RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 177,437 FEET.

6. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE ABSTRACT, EASEMENTS AND ENCUMBRANCES MAY EXIST THAT COULD BURDEN OR BENEFIT THE PROPERTY.

7. DEED BOOK 26156, PAGE 223 IS A RIGHT OF WAY EASEMENT, 30 FEET IN WIDTH TO PROVIDE ELECTRIC SERVICE TO OLD MILTON PROMENADE, NO WRITTEN DESCRIPTION OR SKETCH WAS ATTACHED TO SHOW THE LOCATION.

8. PER THE CITY OF ALPHARETTA ZONING MAP, THE PROPERTY IS ZONED CUP (COMMUNITY UNIT PLAN), NO SETBACK INFORMATION WAS FOUND. VERIFY ANY ZONING REQUIREMENTS WITH THE CITY PRIOR TO ANY DESIGN OR CONSTRUCTION.



- LEGEND
- IPS = IRON PIN SET
  - IPF = IRON PIN FOUND
  - OTF = OPEN TOP PIPE
  - CTP = CRIMP TOP PIPE
  - C/L = CENTERLINE
  - P/L = PROPERTY LINE
  - BOC = BACK OF CURB
  - EP = EDGE OF PAVEMENT
  - GM = GAS METER
  - GV = GAS VALVE
  - MH = MANHOLE
  - JB = JUNCTION BOX
  - CI = CURB INLET
  - DI = DROP INLET
  - WI = WEIR INLET
  - HW = HEADWALL
  - SWCB = SINGLE WING CATCH BASIN
  - DWCB = DOUBLE WING CATCH BASIN
  - WV = WATER VALVE
  - WL = WATER LINE
  - SSL = SANITARY SEWER LINE
  - SL = STORM DRAIN LINE
  - F = FENCE LINE
  - OE = OVERHEAD ELECTRIC
  - N/F = NOW OR FORMERLY
  - D.B./PG. = DEED BOOK AND PAGE
  - P.B./PG. = PLAT BOOK AND PAGE
  - FTE = FINISH FLOOR ELEVATION
  - A.E. = ACCESS EASEMENT
  - D.E. = DRAINAGE EASEMENT

- REFERENCES
1. DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS, PROJECT FR-189-1(9) DATED JAN. 20, 1989, LAST REVISED 1/12/93.
  2. ROAD DEDICATION PLAT FOR JANET GOETHE RECORDED IN PLAT BOOK 198, PAGE 37, FULTON COUNTY RECORDS.
  3. ROAD DEDICATION PLAT FOR JANET GOETHE RECORDED IN PLAT BOOK 202, PAGE 37, FULTON COUNTY RECORDS.

N/F  
PSC HOLDINGS - ALPHARETTA LLC  
D.B.59476 / PG. 411

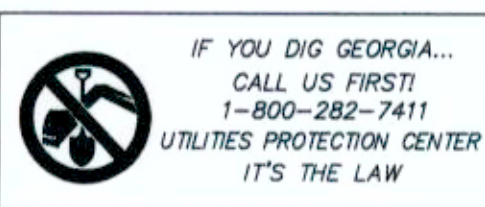
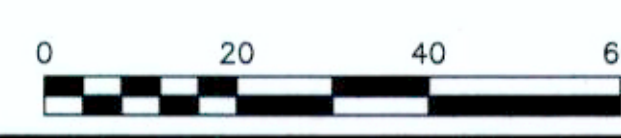
TOTAL AREA  
1.255 ACRES  
54,674 SQ. FT.



SIGNATURE IS VALID ONLY IF ORIGINAL AND IN A CONTRASTING COLOR OF INK.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH ON THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

| REVISION |  |
|----------|--|
|          |  |
|          |  |
|          |  |
|          |  |



CORNERSTONE SURVEYING  
SERVICES, LLC  
269 SOMERSET ROSE LANE  
SUGAR HILL, GEORGIA 30058  
678-644-7705 C.O.A. # LSP001166

3630 OLD MILTON PARKWAY

LAND LOT: 44 & 45 1ST DISTRICT 1ST SECTION CITY OF ALPHARETTA FULTON COUNTY GEORGIA

DRAWN BY: WHK  
DATE: 3/13/2019  
SCALE: 1"= 20'  
JOB NUMBER: 19030.00

ASBUILT SURVEY





# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By:

Sponsored By:

Meeting Date: August 26, 2019

---

**I. AGENDA ITEM TITLE:** V-19-11 JEKYLL BREWERY EXTERIOR MATERIAL VARIANCE

*CONSIDERATION OF A VARIANCE REQUEST TO ALLOW METAL AS AN EXTERIOR BUILDING MATERIAL IN THE DOWNTOWN OVERLAY. THE PROPERTY IS LOCATED AT 15 ACADEMY STREET AND IS LEGALLY DESCRIBED AS BEING LOCATED IN LAND LOT 1268, 2ND DISTRICT, 2ND SECTION, FULTON COUNTY, GEORGIA.*

**II. RECOMMENDATION:**

Approve V-19-11 Jekyll Brewery Material Variance, subject to the following conditions:

1. Airstream trailer shall be placed on the rooftop restaurant as depicted on the plans prepared by Place Maker Design, dated 8/5/2019, with final approval by the Design Review Board.

**III. REPORT IN BRIEF:**

Consideration of a variance request to allow metal as an exterior building material in the Downtown Overlay. The property is located at 15 Academy Street and is legally described as being located in Land Lot 1268, 2nd District, 2nd Section, Fulton County, Georgia.

**IV. ALTERNATIVES:**

**V. ATTACHMENTS:**

Jekyll Brewery Material Variance CC Staff Report, Aerial Map, Location Map, Combined Application Jekyll Brewing Variance



# CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

## **I. AGENDA ITEM TITLE: V-19-11 JEKYLL BREWERY MATERIAL VARIANCE**

CITY COUNCIL: AUGUST 26, 2019

## **II. RECOMMENDATION:**

Approve V-19-11 Jekyll Brewery Material Variance, subject to the following conditions:

1. Airstream trailer shall be placed on the rooftop restaurant as depicted on the plans prepared by Place Maker Design, dated 8/5/2019, with final approval by the Design Review Board.

## **III. REPORT IN BRIEF:**

The applicant, Jekyll Brewery, is requesting consideration of a variance to the Downtown Overlay regulations to allow metal exterior material for an Airstream trailer on a rooftop restaurant. The trailer would serve as a bar feature for Jekyll Brewery's rooftop restaurant. The subject property is located at 15 Academy Street near the southeast corner of South Main Street and Academy Street and within the City Center mixed-use development.

## **DISCUSSION**

The submitted request, if approved, would allow metal as an exterior material in the Downtown Overlay. The applicant proposes to place a modified Airstream trailer on a rooftop restaurant within the City Center mixed-use development. The Airstream would serve as a bar feature for a new restaurant concept for Jekyll Brewery. The subject property is located at 15 Academy Street near the southeast corner of South Main Street and Academy Street.

The property is zoned MU (Mixed Use) and is subject to the City Center Master Plan, which was approved in May 2015. City Center is limited to 104,400 square feet of retail/restaurant space. The applicant's business is proposed within the upper floors of a 2-story, multi-tenant building with rooftop restaurant, called out as Parcel 1D/E on the City Center Master Plan.

Unified Development Code (UDC) Appendix A: Alpharetta Downtown Code Subsection 2.8.5(B)(1) states, "Exterior finish materials on walls visible from a street or civic space must be limited to brick, manufactured stone, architectural block, natural stone, wood siding, cement-based siding, cement-based panels, and/or hard coat stucco." The submitted plans depict the metal Airstream trailer on the rooftop level of the building with half of the feature enclosed within the rooftop structure and half outside the structure. The Airstream extends four-feet (4') outside of the structure and two-feet (2') over the roofline. In order to screen the Airstream, the applicant proposes two (2), four-foot (4') louvered wing walls at both ends of the Airstream.

The Downtown Consultant reviewed the request and generally likes the unusual character of the Airstream trailer, since it is located at the top of the building and is utilized for only a small



portion of the overall built walls. However, the Consultant stated that the supports for the string lights should be architectural and fit in with the building, not just an add-on.

## **EXCEPTION REQUIREMENTS**

The City of Alpharetta Unified Development Code Article II, Section 4.5.4. outlines the criteria set forth for granting an exception to the sign regulations. The ordinance specifically states..."an exception may be granted upon a finding that":

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of size, shape or topography; or

*Response: There are no extraordinary or exceptional conditions pertaining to the property due to size, shape or topography. The applicant desires a unique feature that would add to the character of the Downtown and City Center experience. However, the placement is at the top-level facing interior to the development limiting visibility.*

2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

*Response: Application of the Ordinance would require the Airstream to be completely enclosed within the rooftop structure.*

3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

*Response: There are not conditions that are peculiar to the property. The applicant desires a unique feature that would add to the character of the Downtown and City Center experience.*

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

*Response: The variance would not cause substantial detriment to the public good, if conditions are approved requiring that the Airstream trailer be placed on the rooftop structure as depicted on the applicant's submitted plans.*

## **CONCURRENCES**

Staff has reviewed the application and is in general agreement with the requested variance, if conditions are approved requiring that the Airstream trailer be placed on the rooftop structure as depicted on the submitted plans.

## **CITIZEN PARTICIPATION PLAN**

The applicant notified adjacent property owners of the sign variance request and intent for the property. The citizen participation report states that no comments were received.

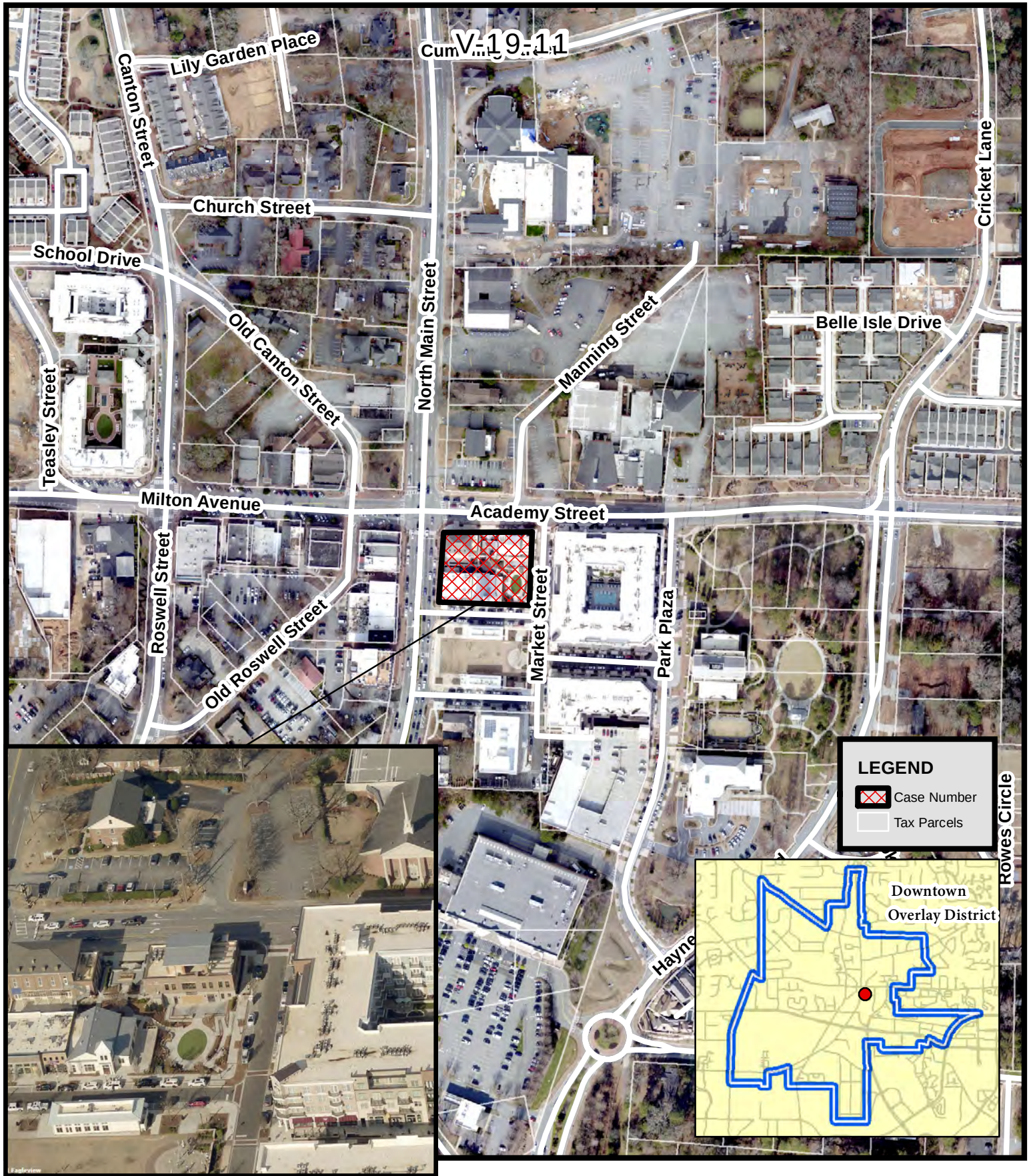
## **COMMUNITY ZONING INFORMATION MEETING**

The CZIM was held on July 10, 2019. There were no public comments on the sign-in sheet.

#### **IV. ATTACHMENTS:**

- Floor Plan
- Renderings





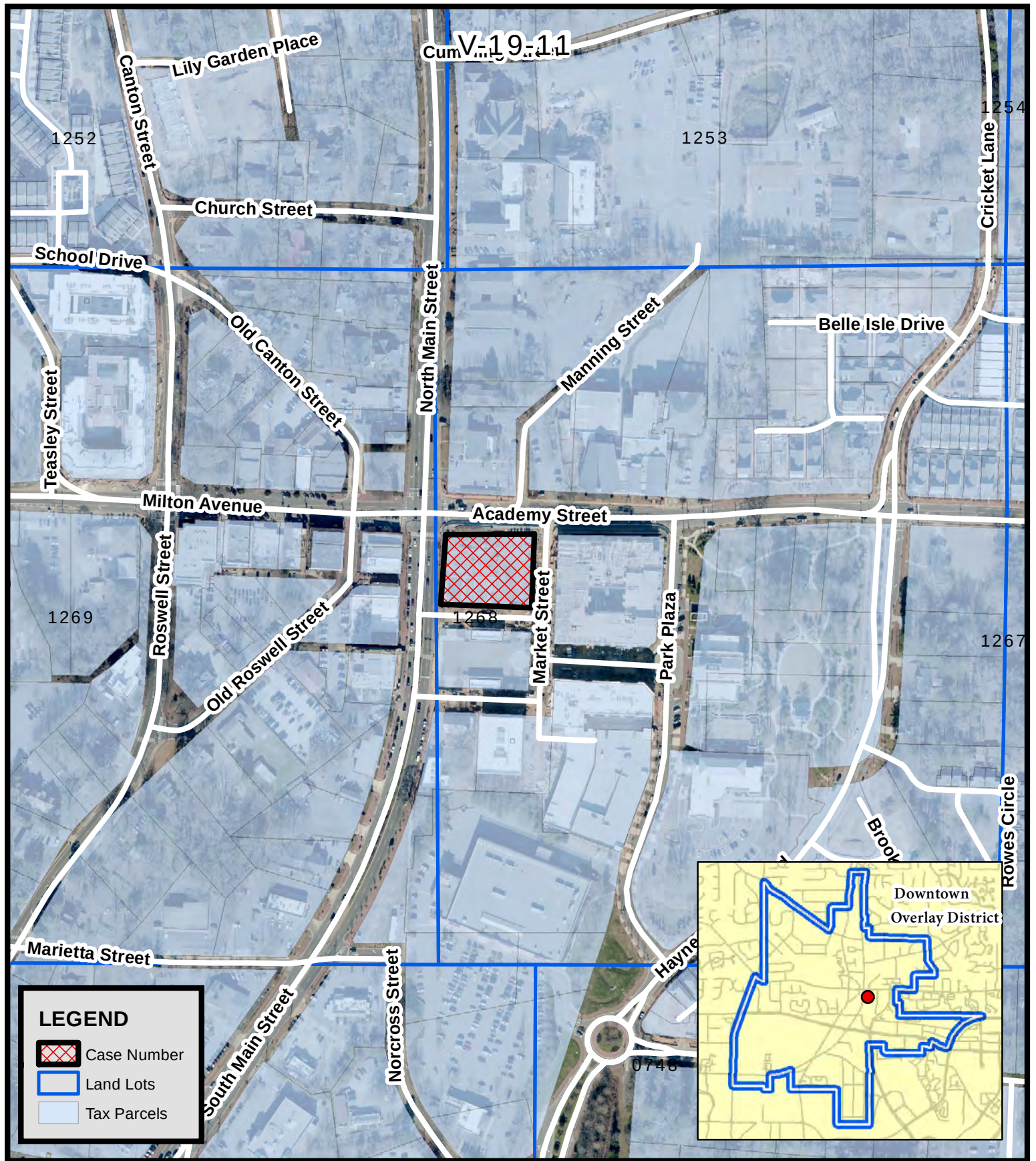
Aerial Map  
Jekyll Brewery  
15 Academy Street

V-19-11  
D/LL: 2/2/1268  
CC Date: 8/26/19



Location Map Provided by:  
Community Development - GIS





Location Map  
Jekyll Brewery  
15 Academy Street

V-19-11  
D/LL: 2/2/1268  
CC Date: 8/26/19

Location Map Provided by:  
Community Development - GIS



# CITY OF ALPHARETTA

## PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: \_\_\_\_\_

☐ Fee Paid Initial: \_\_\_\_\_

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

### Contact Information:

Contact Name: Michael Lundmark

Telephone: 770-596-8788

Address: 2855 Marconi Drive

Suite: \_\_\_\_\_

City Alpharetta

State: GA

Zip: 30005

Fax: \_\_\_\_\_

Mobile Tel: \_\_\_\_\_

Email: michael@jekyllbrewing.com

### Subject Property Information:

Address: 15 Academy Street

Current Zoning: \_\_\_\_\_

District: \_\_\_\_\_

Section: \_\_\_\_\_

Land Lot: \_\_\_\_\_

Parcel ID: \_\_\_\_\_

Proposed Zoning: \_\_\_\_\_

Current Use: Restaurant

### This Application For (Check All That Apply):

☐ Conditional Use☐ Master Plan Amendment☐ Exception☐ Rezoning☐ Master Plan Review☒ Variance☐ Public Hearing☐ Comprehensive Plan Amendment☐ Other (Specify): \_\_\_\_\_

---

Jekyll Brewing  
APPLICANT REQUEST AND INTENT

---

What is the proposed use(s) of the property?

The proposed use of the property is a restaurant and brewery for Jekyll Brewing

Applicant's Request (Please itemize the proposal):

Our request is to allow the use of metal on the building exterior. This would specifically be for Jekyll to use a modified Airstream trailer as a bar element on the exterior of the building.

Applicant's Intent *(Please describe what the proposal would facilitate):*

Our intent is to use a modified Airstream trailer as an exterior bar feature/element on the rooftop patio

## PROPERTY OWNER AUTHORIZATION

### Property Owner Information:

Contact Name: Cheri Morris as ALTA 1-2-3 LLC Telephone: 404-625-1403  
Address: 4940 Long Island Dr Suite: n/a  
City: Atlanta State: Ga Zip: 30327

### Authorization:

*I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.*

*As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.*

- |                                               |                                          |
|-----------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Annexation           | <input type="checkbox"/> Special Use     |
| <input type="checkbox"/> Rezoning             | <input type="checkbox"/> Conditional Use |
| <input checked="" type="checkbox"/> Variance  | <input type="checkbox"/> Master Plan     |
| <input type="checkbox"/> Land Use Application | <input type="checkbox"/> Other _____     |

### Identify Authorized Applicant:

Name of Authorized Applicant: Jekyll Brewing, Michael Lundmark Telephone: 770-596-8788  
Address: 2855 Marconi Dr Suite: 350  
City: Alpharetta State: GA Zip: 30005

### So Sworn and Attested:

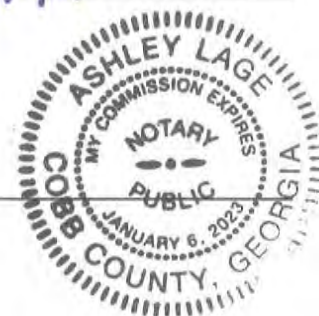
Owner Signature: [Signature]

Date: 6/7/19

### Notary:

Notary Signature: Ashley LAGE 6/7/19

Date: \_\_\_\_\_



# Jekyll Brewing DISCLOSURE FORM

*The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).*

*Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.*

Name of Applicant or Opponent: Michael Lundmark

Subject Public Hearing Case: Jekyll Brewing - ACC

## Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: N/A

Description of Contribution: N/A Value: N/A

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

Description of Contribution: \_\_\_\_\_ Value: \_\_\_\_\_

## Campaign Contribution Information:

*I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.*

Signature: Michael Lundmark

Date: 6/7/19



---

# ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

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How will this proposal be compatible with surrounding properties?

The proposal is to just use an Airstream as a bar feature. The building itself complies with all zoning requirements. The Airstream bar would be a unique feature adding to the character and vitality of the new city center experience.

How will this proposal affect the use and value of the surrounding properties?

The proposal should have no effect on the surrounding properties at all.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

Not applicable. The zoning is not an issue.

What would be the increase to population and traffic if the proposal were approved?

Not applicable.

What would be the impact to schools and utilities if the proposal were approved?

Not applicable

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

Not applicable

Are there existing or changing conditions which affect the development of the property and support the proposed request?

Not applicable

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

---

Jekyll Brewing  
BOARD OF ZONING APPEALS REVIEW CRITERIA

---

Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

There are no exceptional conditions due to the property.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

There zoning code standards are fully met by the existing property. The tenant is merely requesting a variance for a non-approved building material to be used around an exterior bar.

Are there conditions that are peculiar to the subject property? Please describe them in detail.

There are no peculiar conditions relating to the property. The property is located in the new city center an is an existing building. The zoning variance we are seeking is only to use a non-approved building material.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

The relief would cause no detriment to the public good. It would actually work to create a unique situation that would further enhance the vibrant feel of city center

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

# Jekyll Brewing CITIZEN PARTICIPATION FORM - PART A

*This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.*

Public Hearing or Project Name: Jekyll Brewing

Contact Name: Michael Lundmark Telephone: 770-596-8788

*The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.*

See attached document

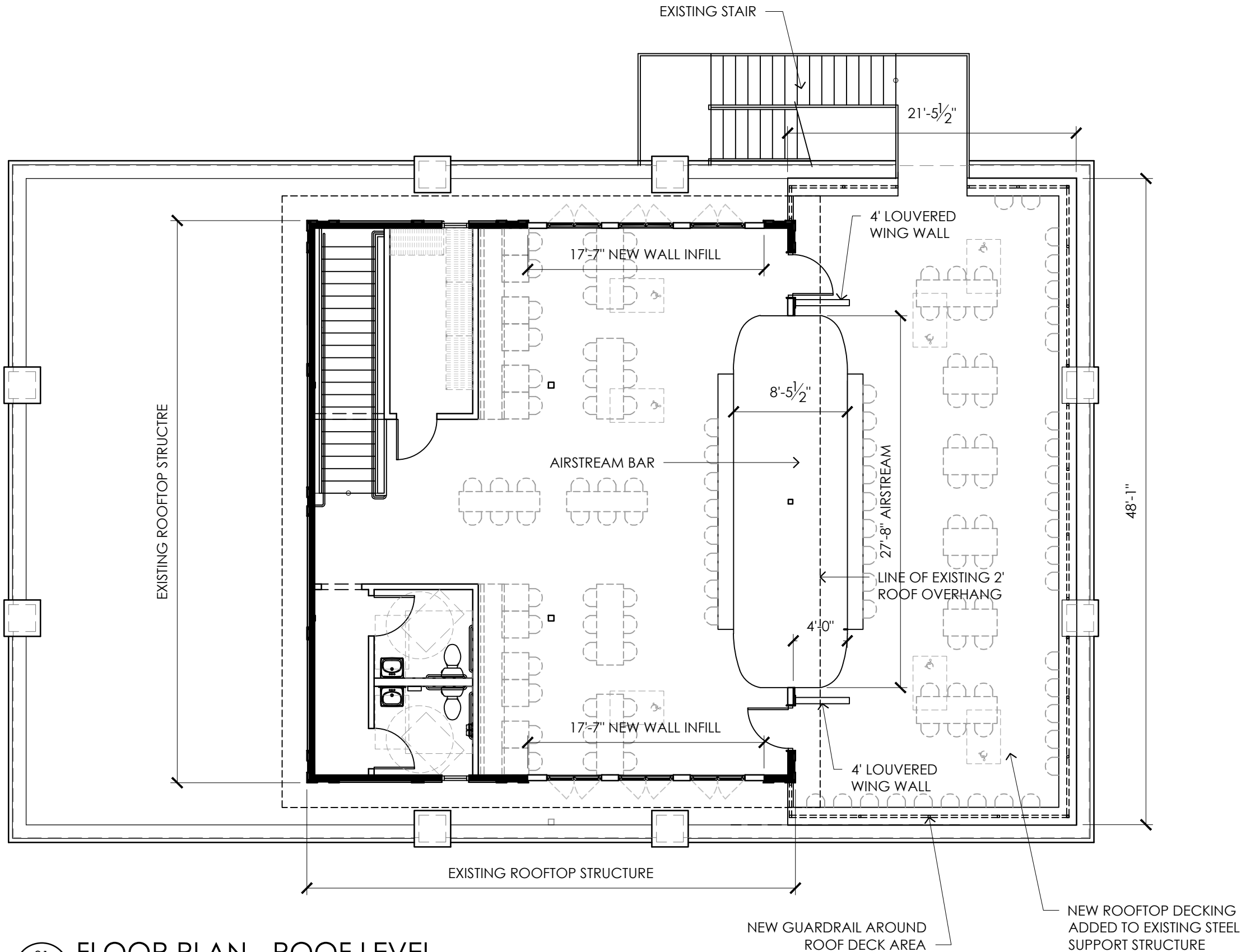
Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- |                                            |                                                       |
|--------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> Letter | <input type="checkbox"/> Personal Visits              |
| <input type="checkbox"/> Telephone         | <input type="checkbox"/> Group Meeting                |
| <input type="checkbox"/> Email             | <input type="checkbox"/> Other (Please Specify) _____ |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

Individuals will have the ability to contact Jekyll through email or telephone. Both will be provided in the letter.

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01 FLOOR PLAN - ROOF LEVEL  
A-2 1/8" = 1'-0"



PLACE  
MAKER  
DESIGN

| REV # | DATE | DESCRIPTION |
|-------|------|-------------|
|       |      |             |
|       |      |             |
|       |      |             |

JEKYLL BREWING  
@ ACC  
ALPHARETTA, GEORGIA  
JEKYLL BREWING

PLACE MAKER DESIGN  
1000 CIRCLE 75 PARKWAY  
SUITE 400  
ATLANTA, GEORGIA 30339  
404.549.4499

|            |          |
|------------|----------|
| ISSUE DATE | 08/05/19 |
| DRAWN BY   | TMV      |
| CHECKED BY | TMV      |
| PMD PROJ # | 18003    |

SHEET TITLE  
FLOOR PLAN  
ROOF LEVEL

SHEET #  
A-2





LOUVERED WING WALL

LOUVERED WING WALL

VIEW FROM ROOFTOP  
08/05/19





VIEW FROM S BROAD @ MARKET (BEFORE)  
08/05/19





VIEW FROM S BROAD @ MARKET (AFTER)  
08/05/19





VIEW FROM N BROAD @ MARKET (BEFORE)  
08/05/19





VIEW FROM N BROAD @ MARKET (AFTER)  
08/05/19





VIEW FROM N BROAD (AFTER)  
08/05/19





VIEW FROM N BROAD (AFTER)  
08/05/19





VIEW FROM N BROAD @ MARKET (AFTER)  
08/05/19





VIEW FROM MARKET  
08/05/19





VIEW FROM ACADEMY & MARKET (AFTER)  
08/05/19



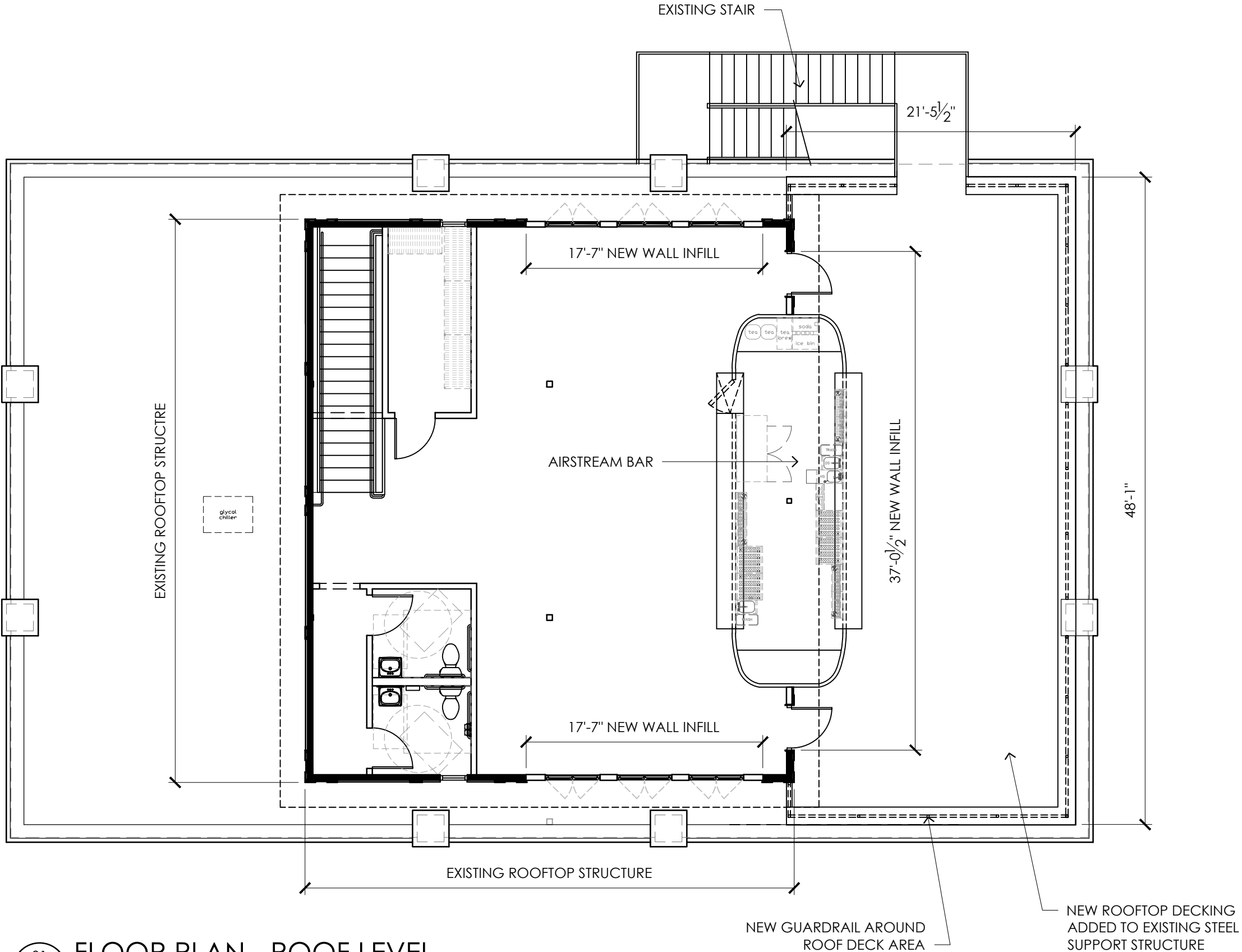


VIEW FROM COMMERCE  
08/05/19



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6.7.19



01 FLOOR PLAN - ROOF LEVEL  
A-2 1/8" = 1'-0"



| REV # | DATE | DESCRIPTION |
|-------|------|-------------|
|       |      |             |
|       |      |             |
|       |      |             |

JEKYLL BREWING  
@ ACC  
ALPHARETTA, GEORGIA  
JEKYLL BREWING

PLACE MAKER DESIGN  
1000 CIRCLE 75 PARKWAY  
SUITE 400  
ATLANTA, GEORGIA 30339  
404.549.4499

|            |          |
|------------|----------|
| ISSUE DATE | 06/03/19 |
| DRAWN BY   | TMV      |
| CHECKED BY | TMV      |
| PMD PROJ # | 18003    |

SHEET TITLE  
FLOOR PLAN  
ROOF LEVEL

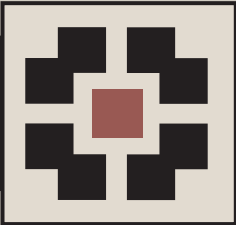
SHEET #  
A-2



EXISTING SOUTH ELEVATION

DRB

05/30/19



**PLACE MAKER DESIGN**

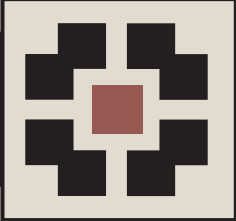
1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

**Jekyll Brewing**  
Alpharetta, Georgia





PROPOSED SOUTH ELEVATION



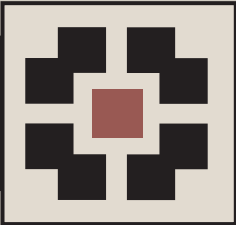




EXISTING EAST ELEVATION

DRB

05/30/19



**PLACE MAKER DESIGN**

1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

**Jekyll Brewing**  
Alpharetta, Georgia

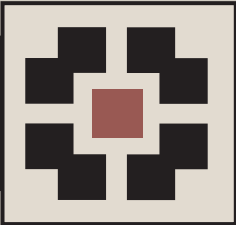




PROPOSED EAST ELEVATION

DRB

05/30/19



**PLACE MAKER DESIGN**

1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

**Jekyll Brewing**  
Alpharetta, Georgia

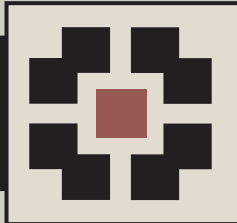




EXISTING CONDITION

DRB

05/30/19



**PLACE MAKER DESIGN**

1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

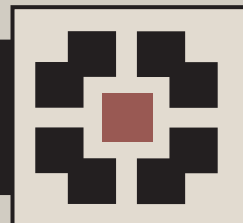
**Jekyll Brewing**  
Alpharetta, Georgia





PROPOSED MODIFICATION

DRB  
05/30/19



**PLACE MAKER DESIGN**  
1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

**Jekyll Brewing**  
Alpharetta, Georgia

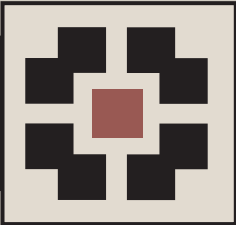




EXISTING CONDITION

DRB

05/30/19



**PLACE MAKER DESIGN**

1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

**Jekyll Brewing**  
Alpharetta, Georgia

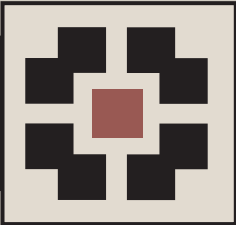




PROPOSED MODIFICATION

DRB

05/30/19



**PLACE MAKER DESIGN**

1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

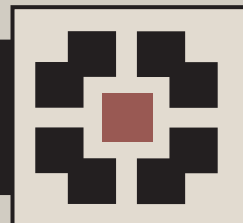
**Jekyll Brewing**  
Alpharetta, Georgia





EXISTING CONDITION

DRB  
05/30/19



**PLACE MAKER DESIGN**  
1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

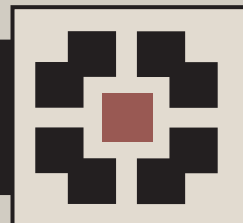
**Jekyll Brewing**  
Alpharetta, Georgia





PROPOSED MODIFICATION

DRB  
05/30/19



**PLACE MAKER DESIGN**  
1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

**Jekyll Brewing**  
Alpharetta, Georgia





EXISTING ELEVATION

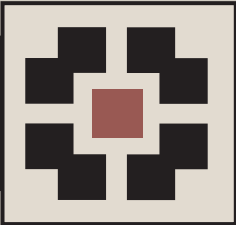




PROPOSED MODIFICATION

DRB

05/30/19



**PLACE MAKER DESIGN**

1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

**Jekyll Brewing**  
Alpharetta, Georgia

# V-19-11

## Jekyll Brewing

PIEDMONT BANK THE  
1625 EXECUTIVE DRIVE SOUTH NW  
DULUTH GA 30096

BUNCH DEREK  
1255 RIVERSIDE RD  
ROSWELL GA 30076

55 ROSWELL ST LLC  
15144 TAYLOR RD  
MILTON GA 30004-3519

PIEDMONT BANK THE  
1625 EXECUTIVE DRIVE SOUTH NW  
DULUTH GA 30096

PIEDMONT BANK THE  
1625 EXECUTIVE DRIVE SOUTH NW  
DULUTH GA 30096

CITY OF ALPHARETTA  
2 SOUTH MAIN ST  
ALPHARETTA GA 30201

KOVEN ROBERT P & HARRIS ROBT T  
4398 PAPER MILL RD  
MARIETTA GA 30067

HARRIS R T & KOVEN ROBERT P  
4398 PAPER MILL RD  
MARIETTA GA 30067

KELL BUILDING PARTNERS LLC  
131 ROSWELL ST SUITE B201  
ALPHARETTA GA 30009

STONE MARTHA  
1525 HOLBROOK CAMPGROUND RD  
CUMMING GA 30040

PIEDMONT BANK THE  
1625 EXECUTIVE DRIVE SOUTH NW  
DULUTH GA 30096

ARIEL HOLDINGS LLC  
48 OLD ROSWELL ST  
ALPHARETTA GA 30009-7908

THIRTY FOUR THIRTY SIX CHURCH STREET LLC  
233 CANTON ST  
ALPHARETTA GA 30004

YOUTH MINISTRY RESOURCES INC  
31 CHURCH ST  
ALPHARETTA GA 30009

ARIEL HOLDINGS II FIFTY FOUR ROSWELL ST L L C  
54 ROSWELL ST  
ALPHARETTA GA 30009-1930

BEANIES PROP LLC  
233 CANTON ST  
ALPHARETTA GA 30004

EAST CANTON LLC  
11785 NORTHFALL LN SUITE 510  
ALPHARETTA GA 30009

DUANE JAMES G & EDITH E  
12460 CRABAPPLE RD SUITE 202 #317  
ALPHARETTA GA 30004

TROTTER HOLDINGS INC  
37 CHURCH ST  
ALPHARETTA GA 30004

WATERS BUILDING LLC THE  
241 LAKE FORREST LN  
ATLANTA GA 30342-3211

HEIGHT EQUITIES INC  
16 BROAD ST  
RED BANK NJ 07701

TROTTER HOLDINGS INC  
690 E MAIN ST  
CANTON GA 30114

LEAFE STEPHEN P  
30 MILTON AVE  
ALPHARETTA GA 30009

PALMER FAMILY INVESTMENTS LLC  
11460 ALPHARETTA HWY  
ROSWELL GA 30076-3801

ROBERTS JESSIE M  
P.O. BOX 535  
HOLLY SPRINGS GA 30142-0009

D & R MILLER HOLDINGS LLC  
980 BIRMINGHAM RD SUITE 501-391  
ALPHARETTA GA 30004

BLALOCK ESTATE HOLDINGS LLC  
7215 DONCASTER CT  
CUMMING GA 30040-7662

BUNCH DEREK  
1255 RIVERSIDE RD  
ROSWELL GA 30076

DELSON STORES INC  
3270 COCHISE DR  
ATLANTA GA 30339

28 NORTH MAIN STREET LLC  
3270 COCHISE DR SE  
ATLANTA GA 30339-4319



# V-19-11

## Jekyll Brewing

WATERS BUILDING LLC THE  
241 LAKE FORREST LN  
ATLANTA GA 30342-3211

CITY OF ALPHARETTA  
0 P.O. BOX 33275  
DECATUR GA 30033

PIXLEY JAMES W JR & LECAIN THOMAS K  
245 CRICKET LN  
ALPHARETTA GA 30009

HINES JAN C  
80 MILTON AVE  
ALPHARETTA GA 30009-1508

PHILLIPS ERMINE B  
205 SLATON CIR  
ROSWELL GA 30075

VAUGHAN JANET T  
262 CRICKET LN  
ALPHARETTA GA 30009-3661

CARLOS L BAGWELL REVOCABLE TRUST T  
HE  
40 ROSWELL ST  
ALPHARETTA GA 30009

WATERS BUILDING LLC THE  
241 LAKE FORREST LN  
ATLANTA GA 30342-3211

FIRST UNITED METHODIST CH OF ALPHA  
RETTA  
69 NORTH MAIN ST  
ALPHARETTA GA 30004-1620

CITY OF ALPHARETTA GEORGIA  
2 PARK PLZ  
ALPHARETTA GA 30009

PARSONS ACE HARDWARE INC  
10465 STONEFIELD LNDG  
DULUTH GA 30097-5951

ALPHARETTA FIRST UNITED METHODIST  
CHURCH INC  
73 CUMMING ST  
ALPHARETTA GA 30004

ARMISTEAD PROPERTY GROUP LLC  
3765 BOZEMAN LAKE RD NW  
KENNESAW GA 30144

PARSONS ACE HARDWARE INC  
10465 STONEFIELD LNDG  
DULUTH GA 30097-5951

BERNARD JILL  
145 CUMMING ST  
ALPHARETTA GA 30009

COLLINS MARINE GROUP THE  
88 ROSWELL ST  
ALPHARETTA GA 30004

WATERS BUILDING LLC THE  
241 LAKE FORREST LN NE  
ATLANTA GA 30342-3211

BAILEY THOMAS G & BEVERLY K  
2630 CLAIRVIEW ST  
ALPHARETTA GA 30004

INFORMATION DESIGN CORP  
1192 GLOVERVILLE TER  
THE VILLAGES FL 32162-8732

FIRST UNITED METHODIST CH OF ALPHA  
RETTA GA THE  
69 N MAIN ST  
ALPHARETTA GA 30004

BROWER ROBERT W  
2620 CLAIRVIEW ST  
ALPHARETTA GA 30009

PROJECT JKL LLC  
65 ROSWELL ST  
ALPHARETTA GA 30004

FIRST UNITED METHODIST CH OF ALPHA  
RETTA  
69 N MAIN ST  
ALPHARETTA GA 30009-3620

JACOBS DREW K & MONA W  
10185 AUTRY MILL RD  
ALPHARETTA GA 30022

ALPHARETTA TOWN COMMONS LLC  
2801 BUFORD HWY NE SUITE T 70  
ATLANTA GA 30329

ALPHARETTA FIRST UNITED METHODIST  
CHURCH INC  
73 CUMMING ST  
ALPHARETTA GA 30004

HUGHES EDDIE L & KAREN S  
2451 CLAYSTONE LANE  
ALPHARETTA GA 30009

TWENTY NORTH MAIN LLC  
233 CANTON ST  
ALPHARETTA GA 30004

MONZO PHILLIP R  
133 CUMMING ST  
ALPHARETTA GA 30004

CUMMINGS KEITH VAN & CUMMINGS DUNA  
SUSAN  
2453 CLAYSTONE LANE  
ALPHARETTA GA 30009

# V-19-11

## Jekyll Brewing

MITNICK DANIEL W & LISELOTTE E  
2455 CLAYSTONE LN  
ALPHARETTA GA 30004

SUTTON JERRY HARPER & BRIZENDINE M  
ICHELE  
12549 WEXCROFT LANE  
ALPHARETTA GA 30009

EATON JOANNE  
12526 WEXCROFT LN  
ALPHARETTA GA 30004

KELLY FREDDY G & CHARLOTTE A  
2457 CLAYSTONE LN  
ALPHARETTA GA 30009

ANGLIN DAVID M ANGLIN SHERRY A  
12547 WEXCROFT LN  
ALPHARETTA GA 30009

SCOTT ROBERT J & SCOTT NANCY H  
12524 WEXCROFT LANE  
ALPHARETTA GA 30009

STOLLE STEVEN D & BONNIE S  
2459 CLAYSTONE LN  
ALPHARETTA GA 30004

RUSH KRISTY  
12545 WEXCROFT LN  
ALPHARETTA GA 30009

BLUE DEVIL ASSOCIATES L L C  
1100 POWERS PL  
ALPHARETTA GA 30004

MARSH ROBERT A & BUTLER MARSH KIMBERLY A  
2461 CLAYSTONE LN  
ALPHARETTA GA 30004

CAUTHEN WADE N & SUSAN E  
12543 WEXCROFT LN  
ALPHARETTA GA 30009

CITY OF ALPHARETTA THE  
2 S MAIN ST  
ALPHARETTA GA 30004

MARCH MICHAEL J & KELLIE A  
2463 CLAYSTONE LN  
ALPHARETTA GA 30009

EGAN THOMAS A & SCHLEHUBER EGAN JUDY KRISTA  
5412 BUENA VISTA DR  
FRISCO TX 75034

CITY OF ALPHARETTA THE  
2 S MAIN ST  
ALPHARETTA GA 30009

O NEILL GREGORY M & O NEILL ELLEN J  
12568 WEXCROFT LN  
ALPHARETTA GA 30009

MC GOUGH MICHAEL S & MC GOUGH GLORIA MARIE  
12537 WEXCROFT LANE  
ALPHARETTA GA 30009

CITY OF ALPHARETTA  
2 SOUTH MAIN ST  
ALPHARETTA GA 30004

JACQUES PETER & JACQUES SUSAN  
12566 WEXCROFT LANE  
ALPHARETTA GA 30009

WILLIAMSON ALEXANDER M & ROBERTA H  
12535 WEXCROFT LN  
ALPHARETTA GA 30004

THE CITY OF ALPHARETTA GEORGIA  
2 S MAIN STRM  
ALPHARETTA GA 30004

BARTELS ROBERT A  
12564 WEXCROFT LN  
ALPHARETTA GA 30009

JOYNER LINDA B  
12533 WEXCROFT LN  
ALPHARETTA GA 30009

CITY OF ALPHARETTA  
2 S SOUTH MAIN ST  
ALPHARETTA GA 30004

PELLA SALVATORE A & DIANA J  
12562 WEXCROFT LN  
ALPHARETTA GA 30009

SCAGLIONE ROBERT P & DIANE E  
12531 WEXCROFT LN  
ALPHARETTA GA 30004

CITY OF ALPHARETTA  
2 S SOUTH MAIN ST  
ALPHARETTA GA 30004

TAYLOR ROBERT R & JACKILEE T  
12560 WEXCROFT LN  
ALPHARETTA GA 30004

VALLERIE SUSAN  
12528 WEXCROFT LANE  
ALPHARETTA GA 30009

CITY OF ALPHARETTA  
2 S SOUTH MAIN ST  
ALPHARETTA GA 30004



# V-19-11

## Jekyll Brewing

CITY OF ALPHARETTA  
2 S SOUTH MAIN ST  
ALPHARETTA GA 30004

CITY OF ALPHARETTA  
2 SOUTH MAIN ST  
ALPHARETTA GA 30004-0001

HOM LLC  
11785 NORTHFALL LANE SUITE 510  
ALPHARETTA GA 30009

CITY OF ALPHARETT OF GEORGIA  
2 S MAIN ST  
ALPHARETTA GA 30004

CONSUEGRA YVENS J  
380 OAK TER  
ALPHARETTA GA 30004

RANSOPHER TAD D  
82 THOMPSON ST  
ALPHARETTA GA 30004

NEWHALL LAND CO  
2974 HARDMAN CT  
ATLANTA GA 30305

CAYE LINDSAY  
371 OAK TER  
ALPHARETTA GA 30009

RANSOPHER TAD D  
82 THOMPSON ST  
ALPHARETTA GA 30004

FIRST BAPTIST CHURCH OF ALPHARETTA  
INC  
44 ACADEMY ST  
ALPHARETTA GA 30004

FAINBERG IGOR E & NATALYA G  
250 RED OAK LN  
ALPHARETTA GA 30009-3658

LINDA BILDERBACK LIVING TRUST THE  
11935 HAYNES BRIDGE RD  
ALPHARETTA GA 30009

CITY OF ALPHARETTA  
2667 CRESTWORTH LN  
BUFORD GA 30519

DREYFUS PROPERTIES L L C  
6094 ODELL ST  
CUMMING GA 30040

DELSON STORES INC  
3270 COCHISE DR  
ATLANTA GA 30339

GEORGIA FED SAV & LOAN ASSN  
P.O. BOX 2609  
CARLSBAD CA 92018-2609

AYCOCK ELVIN L  
185 THOMPSON ST  
ALPHARETTA GA 30004

STEPHENS BETTY R  
11945 HAYNES BRIDGE RD  
ALPHARETTA GA 30009

ALPHARETTA FIRST UNITED METHODIST  
CHURCH INC  
69 N MAIN ST  
ALPHARETTA GA 30004

AYCOCK ELVIN L  
185 THOMPSON ST  
ALPHARETTA GA 30004

ENSLOW PEGGY TURNER  
708 E GADSDEN ST  
PENSACOLA FL 32501

CITY OF ALPHARETTA  
287 SOUTH MAIN ST  
ALPHARETTA GA 30004

HOM LLC  
11785 NORTHFALL LANE SUITE 510  
ALPHARETTA GA 30009

HYPERCHATTER LLC  
11680 GREAT OAKS WAY SUITE 175  
ALPHARETTA GA 30022

CITY OF ALPHARETTA  
2 SOUTH MAIN ST  
ALPHARETTA GA 30004

HOM LLC  
11785 NORTHFALL LANE SUITE 510  
ALPHARETTA GA 30009

ADAMS JEFF W  
8019 CAMP WAHSEGA RD  
DAHLONEGA GA 30533

CITY OF ALPHARETTA GA THE  
2 S MAIN ST  
ALPHARETTA GA 30009

KDC THOMPSON LLC  
410 PEACHTREE PKWY STE 4245  
CUMMING GA 30041

LUNSFORD SARA H  
245 CHINABERRY DR  
ROSWELL GA 30076

# V-19-11

## Jekyll Brewing

ATTIG LARRY L & MARGE A  
225 OAKMERE DR  
ALPHARETTA GA 30009-3268

FIRST BAPTIST CHURCH OF ALPHARETTA  
INC  
42 ACADEMY ST  
ALPHARETTA GA 30009-3702

KDC THOMPSON LLC  
410 PEACHTREE PKWY STE 4245  
CUMMING GA 30041

CHALK2CHAMPIONS LLC  
38 N MAIN ST  
ALPHARETTA GA 30009

CITY OF ALPHARETTA THE  
2 S MAIN ST  
ALPHARETTA GA 30009

ACADEMY PARK NEIGHBORHOOD ASSN INC  
12102 DANCLIFF TRC  
ALPHARETTA GA 30009

NOEL RAYMOND E  
911 KINGHORN DR NW  
KENNESAW GA 30152

PUBLIX SUPER MARKETS INC  
P O BOX 32018  
LAKELAND FL 33802-2018

CITY OF ALPHARETTA  
2 SOUTH MAIN ST  
ALPHARETTA GA 30004

EAST CANTON LLC  
11785 NORTHFALL LN SUITE 510  
ALPHARETTA GA 30009

NEWHALL LAND CO  
2974 HARDMAN CT  
ATLANTA GA 30305

BUR ROG INC  
72 MARIETTA ST  
ALPHARETTA GA 30004

CITY OF ALPHARETTA  
1065 CHANTILLY DR  
ALPHARETTA GA 30004

PUBLIX SUPER MARKETS INC  
P O BOX 32025  
LAKELAND FL 33802-2025

PETROLEUM REALTY V LLC  
801 ARTHUR GODFREY RD STE 600  
MIAMI BEACH FL 33140-3323

CITY OF ALPHARETTA GEORGIA  
2 PARK PLZ  
ALPHARETTA GA 30009

PUBLIX SUPER MARKETS INC  
P O BOX 32018  
LAKELAND FL 33802-2018

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

EAST CANTON LLC  
1785 NORTHFALL LANE SUITE 510  
ALPHARETTA GA 30009

PUBLIX SUPER MARKETS INC  
P O BOX 32018  
LAKELAND FL 33802-2018

BUR ROG INC  
72 MARIETTA ST  
ALPHARETTA GA 30009-1940

MILTON CAPITAL FUND LLC  
705 WINDWALK DR  
ROSWELL GA 30076

BUCKLEY KERRY M TR  
1985 SOUTHERS CIR  
SUWANEE GA 30024

BUR ROG INC  
P O BOX 3165  
HARRISBURG PA 17105

GARDNER JOAN LAUTRELL  
241 CRICKET LN  
ALPHARETTA GA 30009-3607

KDC THOMPSON LLC  
410 PEACHTREE PKWY STE 4245  
ALPHARETTA GA 30009

BUR ROG INC  
72 MARIETTA ST  
ALPHARETTA GA 30009

THOMPSON STEPHEN M & DONNA S  
8022 TEA GARDEN RD SE  
HUNTSVILLE AL 35802-3954

NEWHALL LAND CO  
2974 HARDMAN CT  
ATLANTA GA 30305

VELASQUEZ BEATRIZ  
4011 TIFFANY SQUARE  
ALPHARETTA GA 30004



# V-19-11

## Jekyll Brewing

NOEL DIANE H  
911 KINGHORN DR NW  
KENNESAW GA 30152

TIFFANY SQUARE HOMEOWNERS ASSOC INC  
4004 TIFFANY SQ  
ALPHARETTA GA 30009-3768

ALPHARETTA PRESBYTERIAN CH INC  
180 ACADEMY ST  
ALPHARETTA GA 30004-1704

ANDRADE DANIEL J & KANDICE M  
4003 TIFFANY SQUARE  
ALPHARETTA GA 30004

PUBLIX SUPER MARKETS INC  
P O BOX 32025  
LAKELAND FL 33802-2025

ALPHARETTA TOWN COMMONS LLC  
2801 BUFORD HWY NE SUITE T 70  
ATLANTA GA 30329

SPURLOCK SHERI RENEE  
4008 TIFFANY SQUARE DR  
ALPHARETTA GA 30009

EAST CANTON LLC  
11785 NORTHFALL LN SUITE 510  
ALPHARETTA GA 30009

FULTON COUNTY GEORGIA  
141 PRYOR ST  
ATLANTA GA 30303

GREEN RESIDENTIAL LLC  
2660 GRASSVIEW DR  
ALPHARETTA GA 30004

CEMETERY  
3693 STEWART ROAD  
ATLANTA GA 30340

CITY OF ALPHARETTA THE  
2 S MAIN ST  
ALPHARETTA GA 30004

CHANDLER ALLYSON B  
4006 TIFFANY SQ  
ALPHARETTA GA 30009

44 MILTON AVENUE PARTNERS LLC  
53 S MAIN ST SUITE 300  
ALPHARETTA GA 30009

NEWHALL LAND CO  
2974 HARDMAN CT  
ATLANTA GA 30305

MORGAN REBECCA  
4005 TIFFANY SQ  
ALPHARETTA GA 30009

CITY OF ALPHARETTA  
6765 KALI CT  
SUWANEE GA 30024

CITY OF ALPHARETTA  
2 SOUTH MAIN ST  
ALPHARETTA GA 30004

SPURLOCK SHERI R  
4004 TIFFANY SQUARE DR  
ALPHARETTA GA 30201

SEDG INVESTMENTS LLC  
13050 BETHANY RD  
ALPHARETTA GA 30009

NEWHALL LAND CO  
2974 HARDMAN CT  
ATLANTA GA 30305

ANDRADE KANICE M  
4003 TIFFANY SQ DR  
ALPHARETTA GA 30004

JWJ REAL ESTATE LLC  
45 ROSWELL ST SUITE A  
ALPHARETTA GA 30009

TURPEN DAVID REED & HUSSMANN EDNA  
MILLER  
380 ROSE GARDEN LANE  
ALPHARETTA GA 30009

BENNETT JOE T  
4002 TIFFANY SQUARE  
ALPHARETTA GA 30201

CITY OF ALPHARETTA CORO REALTY LES  
SEE  
P O BOX 450233  
ATLANTA GA 31145

SWOPE DARRELL & ELKET  
310 ROSE GARDEN LANE  
ALPHARETTA GA 30009

BURGAMY SCOTT E & BURGAMY REBECCA L  
1011 FOUNTAIN GLEN DR  
LAWRENCEVILLE GA 30043

ALPHARETTA PRESBYTERIAN CHURCH INC  
180 ACADEMY ST  
ALPHARETTA GA 30004-1704

WALLERT RONALD & PAGE W  
320 ROSE GARDEN LANE  
ALPHARETTA GA 30009

# V-19-11

## Jekyll Brewing

GALLEGOS ENRIGUE HERRERA & HERRERA  
MARGARITA  
330 ROSE GARDEN LANE  
ALPHARETTA GA 30009

WATERS BUILDING LLC THE  
241 LAKE FORREST LN  
ATLANTA GA 30342-3211

TILLEY ELLEN A  
220 ROSE GARDEN LN  
ALPHARETTA GA 30009

WILKERSON PETER & JULIETTE  
340 ROSE GARDEN LANE  
ALPHARETTA GA 30004

LOCKWOOD JOSEPH K  
369 DORRIS RD  
ALPHARETTA GA 30004

ROBERTSON NEIL A II & JAYNA N  
210 ROSE GARDEN LANE  
ALPHARETTA GA 30009

CUSICK RICHARD & LAURA M  
350 ROSE GARDEN LANE  
ALPHARETTA GA 30009

ONE SOUTH MAIN LLC  
710 COOPER SANDY CV  
ALPHARETTA GA 30004

GUNTER ZACHARY  
165 ROSE GARDEN LN  
ALPHARETTA GA 30009

WASHBOURNE JAMES F & LUCINDA  
360 ROSE GARDEN LANE  
ALPHARETTA GA 30009

GUZMAN JOSEPH RENE  
120 ROSE GARDEN LN  
ALPHARETTA GA 30009

GEORGIAN COMMUNITY ASSOCIATION INC  
THE  
2675 PACES FERRY RD SUITE 125  
ATLANTA GA 30339

PAYNE JOHN MARTIN  
370 ROSE GARDEN LANE  
ALPHARETTA GA 30009

RICK DOUGLAS ALAN & CHRISTINE S  
130 ROSE GARDEN LN  
ALPHARETTA GA 30009

FULTON COUNTY BOARD OF EDUCATION  
786 CLEVELAND AVE  
ATLANTA GA 30315

PARSONS JAMES J  
10465 STONEFIELD LNDG  
DULUTH GA 30097-5951

HART DESIREE JOY  
140 ROSE GARDEN LN  
ALPHARETTA GA 30009

33 SOUTH MAIN LLC  
1905 EVERGREEN LN  
ALPHARETTA GA 30009

THISTLETON MICHAEL D & ANNE F  
260 ROSE GARDEN LANE  
ALPHARETTA GA 30009

STONEWALK LOFTS ALPHARETTA LLC  
170 WESTBURY LANE  
ALPHARETTA GA 30005

PARSONS ACE HARDWARE INC  
10465 STONEFIELD LNDG  
DULUTH GA 30097-5951

VAZ JOSE  
250 ROSE GARDEN LANE  
ALPHARETTA GA 30009

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

PALMER FAMILY INVESTMENTS LLC  
79 S MAIN ST  
ALPHARETTA GA 30009

LANIER PATRICE MARIE & GARY ALLEN  
240 ROSE GARDEN LANE  
ALPHARETTA GA 30009

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

WATERS BUILDING LLC THE  
241 LAKE FORREST LN  
ATLANTA GA 30342-3211

OWENS LAURIE B  
230 ROSE GARDEN LANE  
ALPHARETTA GA 30009

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355



V-19-11  
Jekyll Brewing

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

GRBK ACADEMY LLC  
P O BOX 550345  
ATLANTA GA 30355

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

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ATLANTA GA 30355

GRBK ACADEMY LLC  
P O BOX 550345  
ATLANTA GA 30355

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ATLANTA GA 30355

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

GRBK ACADEMY LLC  
P O BOX 550345  
ATLANTA GA 30355

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P O BOX 550345  
ATLANTA GA 30355

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

GRBK ACADEMY LLC  
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ATLANTA GA 30355

DEVORE PEGGY W  
3023 OAKSIDE CIR  
ALPHARETTA GA 30004

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

GRBK ACADEMY LLC  
P O BOX 550345  
ATLANTA GA 30355

LECAIN THOMAS K & PIXLEY JAMES WIL  
LIAM JR  
255 CRICKET LN  
ALPHARETTA GA 30009

GRBK ACADEMY LLC  
P O BOX 550345  
ATLANTA GA 30355

GRBK ACADEMY LLC  
P O BOX 550345  
ATLANTA GA 30355

ATLANTA PRESBYTERY INC  
180 ACADEMY ST  
ALPHARETTA GA 30004-1704

GRBK ACADEMY LLC  
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# V-19-11

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ATLANTA GA 30355

FIRST BAPTIST CHURCH OF ALPHARETTA  
INC  
44 ACADEMY ST  
ALPHARETTA GA 30004

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

ALPHARETTA CHRISTIAN ACADEMY  
44 ACADEMY ST  
ALPHARETTA GA 30004

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

ALPHARETTA FIRST UNITED METHODIST  
CHURCH  
13480 HOPEWELL RD  
ALPHARETTA GA 30004-3519

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

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V-19-11  
Jekyll Brewing

GRBK ACADEMY LLC  
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ATLANTA GA 30355

PALMER RUBRIGHT ANDRA LYNN  
58 CANTON ST UNIT 205  
ALPHARETTA GA 30009

HOFMANN SANDRA  
58 CANTON ST UNIT 304  
ALPHARETTA GA 30004

GRBK ACADEMY LLC  
P O BOX 550345  
ATLANTA GA 30355

ERICSON LEIF R & GEORGIA T  
58 CANTON ST UNIT 206  
ALPHARETTA GA 30009

JOHANSSON WENDY E  
58 CANTON TER UNIT 305  
ALPHARETTA GA 30004

GRBK ACADEMY LLC  
P.O. BOX 550345  
ATLANTA GA 30355

STONEWALK LOFTS ALPHARETTA LLC  
170 WESTBURY LANE  
ALPHARETTA GA 30005

WICKS MARY ANN  
58 CANTON ST UNIT 306  
ALPHARETTA GA 30009

GRBK ACADEMY LLC  
P O BOX 550345  
ATLANTA GA 30355

POPOVITS 2010 TRUST  
58 CANTON ST UNIT 208-209  
ALPHARETTA GA 30009

BOTTS CHERYL L & EDWARD J  
58 CANTON ST UNIT 307  
ALPHARETTA GA 30009

STONEWALK LOFTS ALPHARETTA LLC  
170 WESTBURY LN  
ALPHARETTA GA 30005

JOHNSON RANDOLPH A & THELMA M  
58 CANTON ST UNIT 210  
ALPHARETTA GA 30004

STONEWALK LOFTS ALPHARETTA LLC  
170 WESTBURY LANE  
ALPHARETTA GA 30005

STONEWALK LOFTS ALPHARETTA LLC  
170 WESTBURY LANE  
ALPHARETTA GA 30005

CUNNINGHAM LEE  
58 CANTON ST UNIT 211  
ALPHARETTA GA 30009

HADAWAY TIMOTHY & HADAWAY GAYLE  
87 WEBB ST  
ROSWELL GA 30075-3535

FRANCESCHI CARLOS A & HELGA L  
58 CANTON ST UNIT 201  
ALPHARETTA GA 30009

BLANKS KATHRYN L  
58 CANTON ST UNIT # 212  
ALPHARETTA GA 30009

STONEWALK LOFTS ALPHARETTA LLC  
170 WESTBURY LANE  
ALPHARETTA GA 30005

AIKEN KALIE JEANNE & PRICE RYAN  
58 CANTON ST UNIT 202  
ALPHARETTA GA 30009

RITTER STEVEN R & ELIZABETH A  
58 CANTON ST UNIT 301  
ALPHARETTA GA 30009

MC GRIFF DONNA  
58 CANTON ST UNIT 312  
ALPHARETTA GA 30009

STONEWALK LOFTS ALPHARETTA LLC  
170 WESTBURY LANE  
ALPHARETTA GA 30005

ESPARRAGOZA MIGUEL ANGEL MARTINEZ  
58 CANTON ST UNIT 302  
ALPHARETTA GA 30009

CAROLYN JANET PALMER REVOCABLE TRU  
ST  
58 CANTON ST UNIT 401  
ALPHARETTA GA 30009

SALVATIERRA MARCELO & CINTRON ANNE  
58 CANTON ST UNIT 204  
ALPHARETTA GA 30009

O'DONNELL DEREK & ROZEBOOM SHARON  
58 CANTON ST UNIT 303  
ALPHARETTA GA 30009

AVIOR NAOMI  
58 CANTON ST UNIT 402  
ALPHARETTA GA 30009



# V-19-11

## Jekyll Brewing

JACKSON ERICA J & WEINGART RYAN MI  
CHAE  
58 CANTON ST UNIT 403  
ALPHARETTA GA 30009

MARCOUX ROBERT H  
58 CANTON ST UNIT 404  
ALPHARETTA GA 30009

STONEWALK LOFTS ALPHARETTA LLC  
170 WESTBURY AVE  
ALPHARETTA GA 30005

ARTUSIO LINDA M  
58 CANTON ST UNIT 407  
ALPHARETTA GA 30009

LORETTA DOLORES CAUDILL REVOCABLE  
TR THE  
3620 GARDENS PKWY UNIT 1102B  
WEST PALM BEACH FL 33410

SEABURY BARBARA K  
58 CANTON ST UNIT 409  
ALPHARETTA GA 30009

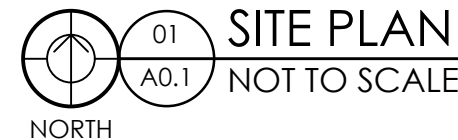
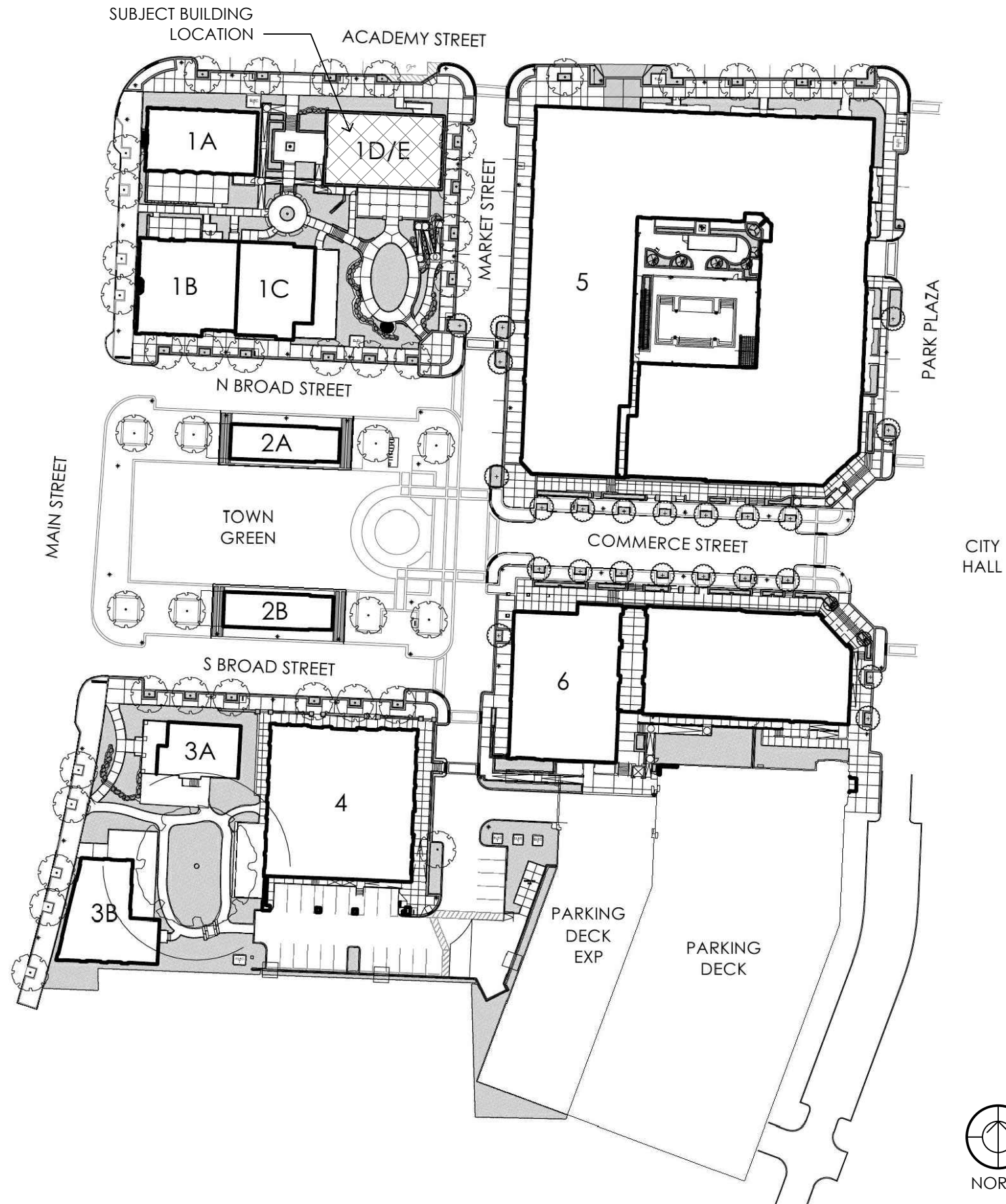
TERRY ELTON STARR QTIP MARTIAL TRU  
ST & STARR JUANI  
58 CANTON ST UNIT # 410  
ALPHARETTA GA 30009

RASAR ELIZABETH  
58 CANTON ST UNIT 411  
ALPHARETTA GA 30009

HEETLAND CRAIG & KATHLEEN  
58 CANTON ST UNIT 412  
ALPHARETTA GA 30009

STONEWALK LOFTS ALPHARETTA LLC  
11785 NORTHFALL LANE SUITE 510  
ALPHARETTA GA 30009

V-19-11  
Jekyll Brewing



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**JEKYLL BREWING**  
ALPHARETTA, GEORGIA  
JEKYLL BREWING

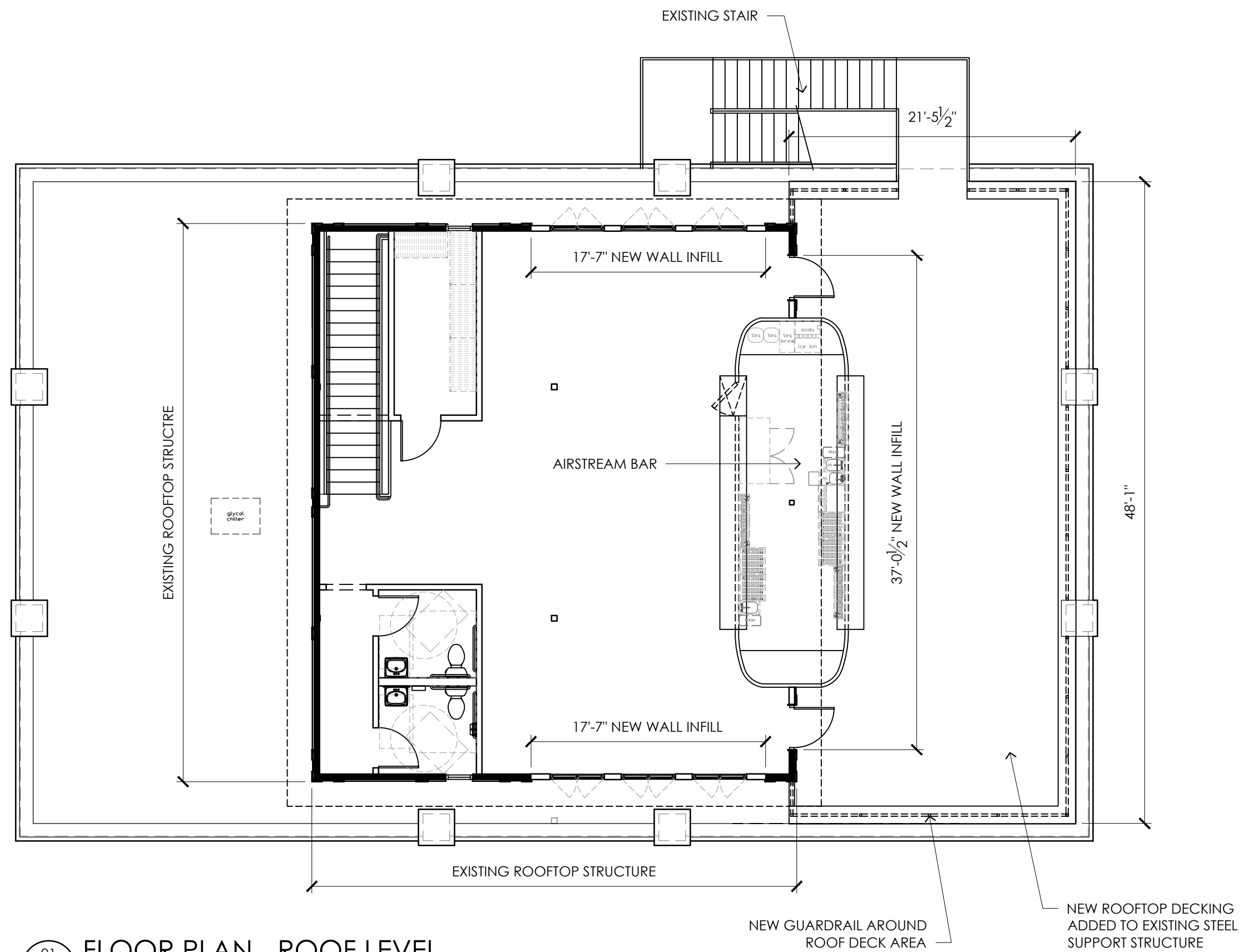
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1000 CIRCLE 75 PARKWAY  
SUITE 400  
ATLANTA, GEORGIA 30339  
404.549.4499

|            |          |
|------------|----------|
| ISSUE DATE | 06/07/19 |
| DRAWN BY   | TMV      |
| CHECKED BY | TMV      |
| PMD PROJ # | 18003    |

SHEET TITLE  
SITE PLAN

SHEET #  
**A0.1**





01 FLOOR PLAN - ROOF LEVEL  
A-2 1/8" = 1'-0"



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**JEKYLL BREWING**  
@ ACC  
ALPHARETTA, GEORGIA  
JEKYLL BREWING

**PLACE MAKER DESIGN**  
1000 CIRCLE 75 PARKWAY  
SUITE 400  
ATLANTA, GEORGIA 30339  
404.549.4499

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| ISSUE DATE | 06/03/19 |
| DRAWN BY   | TMV      |
| CHECKED BY | TMV      |
| PMD PROJ # | 18003    |

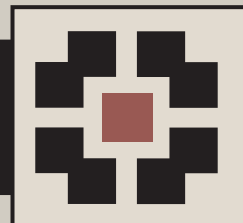
SHEET TITLE  
**FLOOR PLAN  
ROOF LEVEL**  
SHEET #  
**A-2**



EXISTING SOUTH ELEVATION

DRB

05/30/19



**PLACE MAKER DESIGN**

1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

**Jekyll Brewing**  
Alpharetta, Georgia



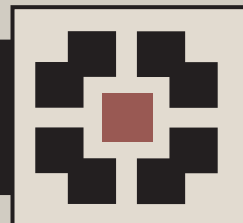
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Jekyll Brewing



PROPOSED SOUTH ELEVATION

DRB

05/30/19

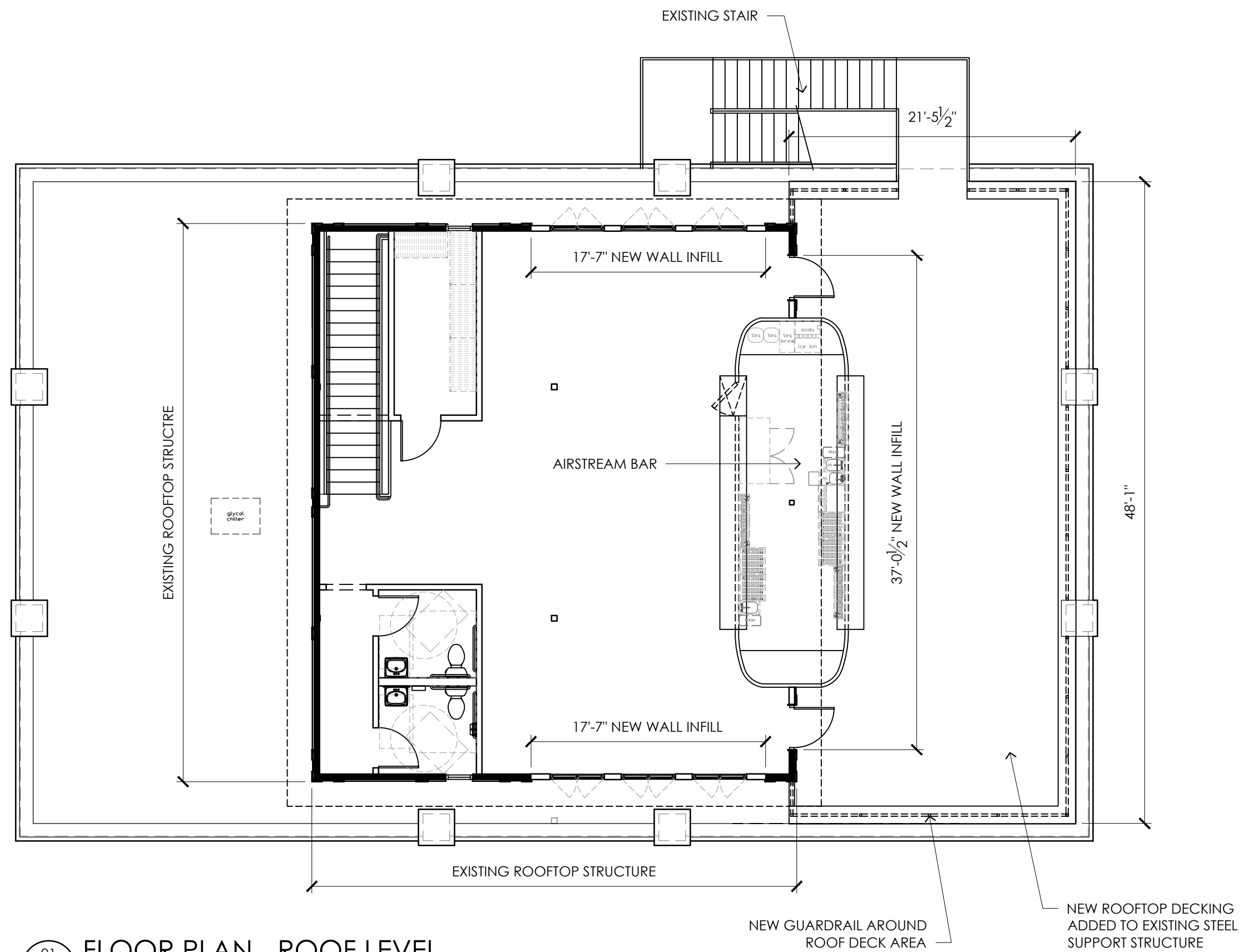


**PLACE MAKER DESIGN**

1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

**Jekyll Brewing**  
Alpharetta, Georgia





01 FLOOR PLAN - ROOF LEVEL  
A-2 1/8" = 1'-0"



| REV # | DATE | DESCRIPTION |
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JEKYLL BREWING  
@ ACC  
ALPHARETTA, GEORGIA  
JEKYLL BREWING

PLACE MAKER DESIGN  
1000 CIRCLE 75 PARKWAY  
SUITE 400  
ATLANTA, GEORGIA 30339  
404.549.4499

|            |          |
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SHEET TITLE  
FLOOR PLAN  
ROOF LEVEL

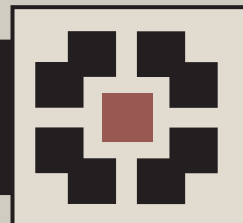
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EXISTING CONDITION

DRB  
05/30/19



**PLACE MAKER DESIGN**  
1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

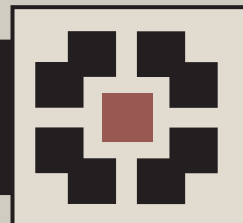
**Jekyll Brewing**  
Alpharetta, Georgia





PROPOSED MODIFICATION

DRB  
05/30/19



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1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

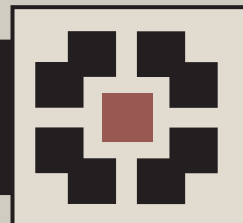
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PROPOSED MODIFICATION

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05/30/19



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**Jekyll Brewing**  
Alpharetta, Georgia

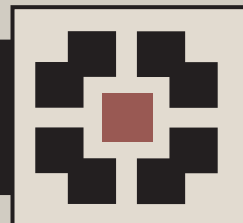




PROPOSED MODIFICATION

DRB

05/30/19



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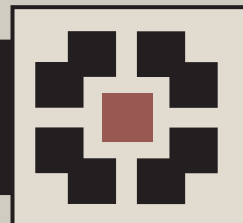
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Alpharetta, Georgia





PROPOSED MODIFICATION

DRB  
05/30/19



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**Jekyll Brewing**  
Alpharetta, Georgia





# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Public Safety

Submitted By: Will Merrill

Sponsored By:

Meeting Date: August 26, 2019

**I. AGENDA ITEM TITLE: ORDINANCE AMENDMENT - CHAPTER 20 OF THE CODE OF THE CITY OF ALPHARETTA (2ND READING)**

*AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO ADD PROVISIONS PERTAINING TO THE MAINTENANCE AND REPORTING OF RECORDS FOR FIRE AND LIFE SAFETY SYSTEMS IN CHAPTER 20 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES*

**II. RECOMMENDATION:**

Adopt the amendment to Chapter 20 of the City Code and authorize the City to contract with Brycer to provide software for use in the City of Alpharetta to collect, organize, and store all code-required third-party inspection, testing, and maintenance records using The Compliance Engine (the "Software").

**III. BUDGET IMPLICATIONS:**

BUDGETED ITEM: NO

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY  
OPRT. BUDGET: NO

TOTAL PROJECT COST: THERE IS NO CHARGE TO THE CITY FOR THIS SOFTWARE SERVICE. COSTS WILL BE INCURRED BY THE COMMERCIAL USER AND IS CAPPED AT \$20 PER SYSTEM, PER ANNUM.

APPROPRIATIONS:

| <u>ACCOUNT TITLE/NUMBER</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------------|----------------------|
|                             |                      |

EXTERNAL FUNDING SOURCES:

| <u>ACCOUNT TITLE/NUMBER</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------------|----------------------|
|                             |                      |

**IV. REPORT IN BRIEF:**

The Public Safety Department is requesting to amend Chapter 20 of the Code of the City of Alpharetta to add provisions pertaining to the maintenance and reporting of records for fire and life safety systems.

Currently the Fire Marshal's Office conducts fire and life safety inspections throughout the City. Part of these inspections entails ensuring all parties have documented that they have properly inspected, tested, and maintained systems. These types of inspections are currently paper-based and can cause delays if the proper paperwork is not available during the inspection. This causes additional delays and inspections at a later date to ensure compliance.

In an effort to leverage technology to improve the work flow and reduce repeat inspections, the Department is requesting Chapter 20 of the City Code be amended by adding Article IV to provide for adoption of a records reporting system through the use of a third-party inspection reporting software program; and to contract with a third-party for an inspection reporting system to provide a service to all commercial occupancies in the City of Alpharetta to collect, organize, and store all code-required third-party inspection, testing, and maintenance records.

The single-source provider is Brycer's "The Compliance Engine". It is a simple, internet based tool for the Fire Marshal's Office to track and drive code compliance, reduce false alarm activity, and provide a safer community. It provides a secure cloud environment in which third party contractors that inspect, test, and maintain fire protections systems, can submit their reports via Brycer's web portal direct to the Fire Marshal's Office, facilitating a more efficient review, tracking, and follow-up process with occupants to correct deficiencies and maintain systems. Brycer also provides a proactive service that includes hard and soft copy notifications to help increase testing and maintenance activity. Hundreds of cities across the US have partnered with Brycer including Sandy Springs and Peachtree City with great success. There is no charge to the City for this software service. Costs will be incurred by the commercial user and is capped at \$20 per system, per annum.

Brycer is the Single Source for The Compliance Engine software and a Single Source justification has been approved by the City Attorney and the Finance Department.

**V. ALTERNATIVES:**

**VI. ATTACHMENTS:**

AMENDING CODE - MAINTENANCE\_REPORTING RECORDS FOR FIRE AND LIFE SAFETY SYSTEMS(3317133.1), Brycer - The Compliance Engine Single Source 6.10.19



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO ADD PROVISIONS PERTAINING TO THE MAINTENANCE AND REPORTING OF RECORDS FOR FIRE AND LIFE SAFETY SYSTEMS IN CHAPTER 20 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

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

WHEREAS, the City desires to contract with a third-party inspection reporting system to provide a service to all commercial occupancies in the City of Alpharetta to collect, organize and store all code-required third-party inspection, testing and maintenance records (the "Software"); and

WHEREAS, the City of Alpharetta shall retain all rights and access to the data collected by the Software; and

WHEREAS, the City desires to use the Software to improve efficiencies and the volume of fire and life safety inspections through time savings of staff; and

WHEREAS, the utilization of the Software will enhance fire code compliance.

BE IT ORDAINED by the Mayor and City Council of the City of Alpharetta, Georgia that the City Code of Ordinances is amended as follows:

Section 1. Chapter 20 relating to the Fire Prevention Code and Fire Prevention and Fire Safety Standards is hereby amended by adding Article IV to provide for adoption of a records reporting system through the use of a third-party inspection reporting software program, as follows:

"Article IV Records Reporting Systems

Sec. 20-70. Maintenance and Reporting of Records for Fire and Life Safety Systems

(a) Records of all fire and life safety system inspections, tests and required maintenance conducted at the prescribed intervals in the current governing fire codes (Official Code of Georgia Annotated 120-3-3, International Fire Code and National Fire Protection

Association standards) shall be maintained on the premises of the commercial facility, complex or building premises for a minimum of three (3) years from the date of the inspection for the following fire and life safety systems:

- 1) Automatic Fire Sprinkler System(s)
- 2) Fire Alarm System(s)
- 3) Commercial Hood Cleaning
- 4) Commercial Hood Suppression System(s)
- 5) Standpipe System(s)
- 6) Smoke Control System(s)
- 7) Private Hydrant System(s)
- 8) Fire Pump(s)
- 9) Spray Paint Booth(es)
- 10) Emergency Generator(s)
- 11) Clean Agent Suppression System(s)

(b) Records, inspection reports and a code compliance certificate prepared by City approved third-party Certified Building Inspectors shall be maintained on the commercial facility, complex or building premises for a minimum of three (3) years from the date of the inspection.

(c) Copies of all records, inspection reports and code compliance certificates shall be provided to the City through a third-party inspection reporting system of the City's choosing, at a fee of not more than twenty dollars (\$20.00) per system, per annum.

(d) This requirement and the conditions of this section shall apply to all commercial facilities, complexes or buildings, including without limitation to all Multi-Family Dwellings."

Section 2. It is the intention of the City Council and IT IS HEREBY ORDAINED by the authority of the City Council that the provisions of this Ordinance shall become and made a part of the Code of the City of Alpharetta, and the codifier is authorized to make the specified addition to the section where appropriate.

Section 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to a 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. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 5. This Ordinance shall become effective immediately upon adoption.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by the Mayor and Council of The City of Alpharetta, Georgia.

THE CITY OF ALPHARETTA, GEORGIA

By: \_\_\_\_\_  
Jim Gilvin, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

COUNCILMEMBERS

\_\_\_\_\_  
C. Sam Thomas  
City Attorney

\_\_\_\_\_  
Jason Binder

\_\_\_\_\_  
Ben Burnett

\_\_\_\_\_  
John Hipes

(SEAL)

Attest:

\_\_\_\_\_  
Dan Merkel

\_\_\_\_\_  
Erin Cobb, City Clerk

\_\_\_\_\_  
Donald Mitchell

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_  
3317133

\_\_\_\_\_  
Karen Richard



# City of Alpharetta

## Sole/Single Source Justification Form

City of Alpharetta  
1000 Peachtree  
Alpharetta, GA 30201  
Phone: 770.243.1100  
Fax: 770.243.1101  
www.alpharetta.com

Please complete and attach this form to requisitions when competitive quotes/bids are not solicited and provide justification below (required for requisitions \$5,000.01 and greater). This form must be approved by the City Attorney and Procurement Official prior to ordering goods/services from the proposed vendor.

If a Sole Source or Single source designation is granted, a fully executed copy of this form must be attached to all related requisitions. The designation is provided for a maximum period of three (3) fiscal years, after which the good/services must be competitively procured or a new designation requested.

|                                           |                                |           |          |
|-------------------------------------------|--------------------------------|-----------|----------|
| Department:                               | Public Safety                  | Date:     | 6/6/2019 |
| Department Director/Designee (print):     | John Robison                   |           |          |
| Department Director/Designee (signature): |                                |           |          |
| Vendor Name:                              | Brycer - The Compliance Engine | Vendor #: |          |

I am requesting a waiver from obtaining competitive pricing for the following reason(s):

☐ Sole Source Designation

Only one vendor possesses the unique and singularly available capability to provide the good/service.

☒ Single Source Designation

Only one vendor demonstrates the unique knowledge, skills, and/or performance required to ensure successful consultation, implementation, installation, maintenance, etc. of the requested good/service which is an integral component of the City's existing infrastructure, equipment, and/or operations.

Provide a description of the requested good/service and a justification for the Sole/Single Source designation:

BRYCER, DBA "The Compliance Engine" (TCE) is a web based business that collects data relating to the testing and servicing of life safety systems within buildings (Fire Alarms/Fire Sprinkler Systems/Fire Hydrants/ Elevators/Etc). By adopting (TCE), local vendors that service life safety systems within the City of Alpharetta, will be required to upload their service reports to (TCE). During this upload process, the vendor will be required to declare the system functional or deficient, at which point an email will be sent to the Alpharetta Fire Marshal's Office advising them of the system status. Also, by using TCE, the Alpharetta Fire Marshal's Office will have 24-7 access to vendor field service reports, thus drastically reducing man hours tracking down the origin of these state mandated reports. This alliance with BRYCER (TCE), will not incur additional costs for the City of Alpharetta, as the upload fee is charged to the 3rd party vendor. Hundreds of cities from across the US have partnered with BRYCER, to gain better code compliance with building life safety systems, some of these being local to Alpharetta, such as: Sandy Springs and Peachtree City.

The user department shall exercise due diligence in reviewing the pricing of the requested vendor to ensure it is in-line with pricing provided to similar customers.

### Approval

☒ City Attorney

Date:

6/7/19

☐ Procurement Official

Date:

6/10/19

Print Form



**BRYCER**

4355 Weaver Parkway  
Suite 230  
Warrenville, IL  
60555

630-413-9511

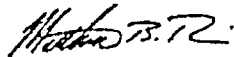
April 2, 2019

City of Alpharetta  
2 Park Plaza  
Alpharetta, GA 30009

Dear Casey Beynon:

This letter has been written to confirm that to our knowledge, BRYCER is the only firm offering the professional services The Compliance Engine delivers.

Sincerely Yours,



Matthew B. Rice  
President



# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Community Development

Submitted By: Kathi Cook

Sponsored By: Council Member Merkel

Meeting Date: August 26, 2019

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**I. AGENDA ITEM TITLE:** PH-19-05 CHANGES TO THE CITY CODE OF ALPHARETTA ALCOHOL ORDINANCE (2ND READING)  
COUNCIL SPONSOR: DAN MERKEL

*AN ORDINANCE TO AMEND CHAPTER 4 ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES OF THE CITY OF ALPHARETTA, GEORGIA; TO CHANGE THE REGULATING AUTHORITY FROM PUBLIC SAFETY TO COMMUNITY DEVELOPMENT; TO AMEND THE DEFINITION OF MIXED USE DEVELOPMENT DISTRICT; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES*

**II. RECOMMENDATION:**

Staff is recommending the approval of an ordinance to amend Chapter 4 Alcoholic Beverages of the Code of Ordinances of the City of Alpharetta, Georgia; to change the regulating authority from Public Safety to Community Development; to amend the definition of mixed use development district; to repeal conflicting ordinances; and for other purposes.

**III. REPORT IN BRIEF:**

Presented for approval by City Council are proposed changes to Chapter 4 Alcoholic Beverages pertaining to City department enforcement and the definition of mixed use development district.

**IV. ALTERNATIVES:**

**V. ATTACHMENTS:**

ARTICLE\_I.\_\_\_IN\_GENERAL (2) highlighted, Ordinance, Mixed Use Properties in Alpharetta



## ARTICLE I. - IN GENERAL

### Sec. 4-1. - Definitions.

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

*Alcoholic beverage* means all alcohol, distilled spirits, beer, malt beverages, wine and fortified wine as defined in this section.

*Alcoholic beverage caterer* means any retail dealer licensed to sell alcohol and who provides alcohol at special events or special events facilities.

*Art gallery* means a retail establishment primarily engaged in, and which derives at least 70 percent of its total annual gross sales from, the sale or display of art books, paintings, sculptures, or other works of art; but specifically excluding libraries, book stores, theaters, and establishments where the display of works of art is incidental to its primary use.

*Art studio* means a retail establishment primarily engaged in providing instruction in painting, sculpture, drawing, photography, craft work, fiber art, or other visual or graphic art techniques, and which derives at least 70 percent of its total annual gross sales from the sale of such services and art products related to such services; but specifically excluding body art studios and tattoo parlors.

*Beer and malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, also known as Japanese rice wine.

*Brew pub* means any eating establishment in which malt beverages are manufactured, subject to the barrel production limitation prescribed in section 4-188. In calculating the total annual gross food and beverage sales for any such establishment for the purpose of determining whether the establishment constitutes an eating establishment as defined herein, barrels of malt beverages sold to licensed wholesale dealers, as authorized pursuant to section 4-188(2)d, or to the public for consumption off the premises in accordance with section 4-188(2)a and (2)d, (3) and (4), shall not be used.

*Distilled spirits* means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wine.

*Eating establishment* means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

*Fixed salary* means the amount of compensation paid to any member, officer, agent or employee of a bona fide private club as may be fixed for such person by its members at a prior annual meeting or by the governing body of the club out of the general revenue of the club, and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

*Fortified wine* means any alcoholic beverage containing more than 24 percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to, brandy.

*Licensee* means the individual to whom a license is issued or, in the case of partnership or corporation, all partners, officers and directors of the partnership or corporation.

*Liter* means a metric measurement currently used by the United States.

*Manufacturer* means any maker, producer or bottler of an alcoholic beverage. The term "manufacturer" also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits; provided, however, that a vintner who blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits; and
- (2) In the case of malt beverages, any brewer; and in the case of wine, any vintner.

*Package* means a bottle, can, keg, barrel or other original consumer container.

*Premises* means the definite closed or partitioned-in locality, whether a room, shop, building, restaurant or club, wherein activities permitted by this chapter are conducted.

*Private club* means any nonprofit association organized under the laws of this state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- (2) Has at least 75 regular dues-paying members; and
- (3) Owns, hires or leases a building space within a building for the reasonable use of its members with:
  - a. A suitable kitchen and dining room space and equipment;
  - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
  - c. No member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

*Retailer* or *retail dealer*, except as to distilled spirits, means any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term "retailer" or "retail dealer" means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.

*Supermarket* means a retail market which:

- (1) Does not sell or offer for sale any of the following: distilled spirits, tobacco products, lottery tickets or related games of chance;
- (2) Maintains at all times that it is open an inventory of saleable food products including meats, dairy, vegetables, fruits, dry goods and beverages;
- (3) Has an interior floor space and storage areas of at least 15,000 square feet, of which more than 50 percent of such interior floor area is devoted to the display for sale of food products;
- (4) Sells prepared food;
- (5) Has a full service kitchen consisting of at least a four-compartment pot sink, a stove or grill permanently installed, and a refrigerator; and
- (6) Employs not less than 15 employees who work at least 35 hours per week on the premises.

*Wholesaler* or *wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers or to retail consumption dealers.

*Wine* means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries or grapes, either by fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of the term "wine" contained in this section.



*Wine bar* means a type of eating establishment with a floor area not exceeding 2,000 gross square feet, which serves food and only beer, wine and non-alcoholic beverages, and where the sale of food consumed on the premises constitutes at least 40 percent of gross sales of the establishment.

(Code 1989, § 3-1; Ord. No. 218-A, §§ 1.002, 1.031, 9-22-1986; Ord. No. 679, § 2, 7-15-2013; Ord. No. 722, § 1, 3-21-2016; Ord. No. 740, § 1, 5-16-2017)

**State Law reference**— Definitions, O.C.G.A. §§ 3-1-2, 3-4-1.

Sec. 4-2. - Sale subject to conditions; license constitutes privilege.

- (a) Alcoholic beverages may be sold in the city under a license granted by the city council upon the terms and conditions hereafter provided.
- (b) All licenses shall be 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.
- (c) All licenses hereunder shall have printed on the front these words: "LICENSE NON-TRANSFERABLE, SUBJECT TO BE REVOKED IF ABUSED."

(Code 1989, § 3-2; Ord. No. 218-A, § 1.001, 9-22-1986; Ord. No. 573, 9-6-2005)

**State Law reference**— Dealing in alcoholic beverages declared a privilege, O.C.G.A. § 3-3-1; discretion and due process; authority of city as to licensing, O.C.G.A. § 3-3-2.

Sec. 4-3. - Sale or possession for purpose of sale without license or beyond boundaries of premises covered by license.

No person shall sell or possess for the purpose of sale any alcoholic beverage unless such person has a license from the city to sell or possess for sale alcoholic beverages, or sell or make deliveries beyond the boundaries of the premises covered by the license.

(Code 1989, § 3-3; Ord. No. 218-A, § 1.003, 9-22-1986)

Sec. 4-4. - Display of license at place of business.

The city license shall at all times be kept plainly exposed to view at the place of business of the licensee.

(Code 1989, § 3-4; Ord. No. 218-A, § 1.004, 9-22-1986)

**State Law reference**— Display of license, O.C.G.A. § 3-3-3.

Sec. 4-5. - Separate application and separate license for each location of sale.

A separate application shall be made for each location and a separate license shall be obtained.

(Code 1989, § 3-5; Ord. No. 218-A, § 1.005, 9-22-1986)

Sec. 4-6. - License applications.

- (a) All persons, as owners, desiring to engage in activities permitted by this chapter, shall make written application to the council for the appropriate license on forms prescribed by the director of ~~public safety~~ Community Development, and filed with the director of ~~public safety~~ Community Development. All applications shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$350.00 to defray investigative and administrative costs. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded, but the \$350.00 investigative fee shall be retained.
- (b) The application shall include, but shall not be limited to: the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence addresses of the partners; if a corporation, the names and addresses of the officers, the name and address of the agent for service of process, the name and address of the manager, and the names and addresses of all shareholders holding more than ten percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment. If the manager changes, the applicant must furnish the city clerk with the name and address of the new manager and other information as requested within ten days of such change. The applicant shall also disclose whether the applicant (its partners, if a partnership; its officers, manager, and shareholders having more than ten percent of any class of corporate stock, if a corporation) has been convicted of any felony, misdemeanor, or a violation of any municipal ordinance.
- (c) All applications shall be sworn to by the applicants before a notary public or other officer authorized to administer oaths.
- (d) The department of ~~public safety~~ Community Development or its designee shall review the application to determine compliance with city regulations and laws and to investigate the character and reputation of the applicant. If the director of ~~public safety~~ Community Development or his designee determines that the application appears to meet the requirements of applicable law, the director of ~~public safety~~ Community Development shall forward the application to the city clerk, who shall schedule and conduct a public hearing as provided in subsection (f) of this section.
- (e) As a prerequisite to the issuance of any license, the applicant shall furnish a complete set of fingerprints to be forwarded to the state bureau of investigation and to the Federal Bureau of Investigation, as specified in O.C.G.A. § 3-3-2(c).
- (f) The city clerk shall prepare and cause to be published a notice of each pending application, which notice shall include the date the application will be considered by the city clerk, the location or street number of the premises where the applicant proposes to conduct activities permitted by this chapter, and the name of the applicant, and if a partnership, the name of the partners, and if a corporation, the names of the president, secretary and treasurer of such corporation. The applicant shall pay the publication costs. The notice shall be published in a newspaper of general circulation within the city, and shall appear once a week for two weeks immediately preceding consideration of the application by the city clerk. Each applicant for a license for consumption on the premises of alcoholic beverages shall, at such applicant's expense, post on the premises where the activities permitted by such license are to be conducted, continuously for a period of not less than ten days prior to consideration of the application by the city clerk, a notice of the pending application, meeting the following minimum specifications: this notice shall be painted or printed in black letters three inches or more in height, against a white background, on a wooden or metal sign, and having a surface of not less than 12 square feet, and shall be placed with the base of the sign not more than three feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street or highway abutting same, and not more than ten feet therefrom. The sign shall state clearly the nature and purpose of the application, the date and hour and place of the city clerk hearing, and the name of the person making the application. If, after conducting the public hearing, the city clerk determines that the application meets the requirements of this chapter, the city clerk shall place the application on the consent agenda of the next available city council meeting. The license shall be issued following approval of the consent agenda.
- (g) The city shall have the authority to prescribe forms for new or renewal applications. All applicants shall furnish data, information and records as required by the city and shall ensure compliance with



the provisions of this chapter. Failure to furnish such data shall automatically serve to dismiss the application with prejudice.

- (h) Any untrue or misleading information contained in, or material statement omitted from, an original, renewal or transfer application for a license shall be cause for the denial or revocation thereof.
- (i) In all instances in which an application is denied under the provisions of this chapter, the applicant may not re-apply for a license for at least one year from the final date of such denial.
- (j) Each applicant shall certify that the applicant has read this chapter, and if a license is granted, each licensee shall maintain a copy of this chapter on the premises and shall require each of the licensee's employees to be familiar with this chapter.

(Code 1989, § 3-6; Ord. No. 218-A, § 1.006, 9-22-1986; Ord. No. 513, § 1, 12-2-2002; Ord. No. 566, 4-18-2005; Ord. No. 573, 9-6-2005; Ord. No. 679, §§ 1, 3, 7-15-2013)

Sec. 4-7. - Inspection of licensed establishments by the department of ~~public safety~~ Community Development.

Sworn officers of the city department of ~~public safety~~ Community Development shall have the authority to inspect establishments licensed under the alcoholic beverage ordinances of the city during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other city officer to conduct inspections authorized by other provisions of law.

(Code 1989, § 3-7; Ord. No. 218-A, § 1.007, 9-22-1986; Ord. No. 679, § 1, 7-15-2013)

**Editor's note**— Ord. No. 679, § 1, adopted July 15, 2013, changed the title of section 3-7 from "Inspection of licensed establishments by the police department" to "Inspection of licensed establishments by the department of ~~public safety~~ Community Development." The historical notation has been preserved for reference purposes.

Sec. 4-8. - Audits.

The city shall have the authority to conduct an audit of the books and records of any licensee to ensure the licensee's compliance with the provisions of this chapter. In such event, the city shall notify the licensee of the date, time and place of the audit.

(Code 1989, § 3-8; Ord. No. 218-A, § 1.008, 9-22-1986; Ord. No. 573, 9-6-2005)

Sec. 4-9. - Licensing qualifications.

- (a) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence.
- (b) No retailer or consumption on premises license will be granted to any person who is not a resident of a county or municipality within the state where the sale of distilled spirits is authorized.
- (c) (1) If the applicant is a partnership or corporation, the provisions of this section shall apply to all its partners, officers, managers and majority stockholders. Notwithstanding the foregoing, the provisions of subsections (a) and (b) of this section shall be waived for a corporation, if the following shall be established:
  - a. All majority stockholders of the corporation shall meet all the provisions of this section other than those provided in subsections (a) and (b) of this section; and

- b. The corporation:
    - 1. Is qualified and registered to do business within the state;
    - 2. Has and continuously maintains in the county a registered agent who is a resident of the county, and upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee may be served;
    - 3. Consents to being subject to the jurisdiction and venue of the courts in this county. The licensee shall file written proof of compliance with the foregoing, as well as its agent's written consent to serve as agent and its consent to be subject to the jurisdiction and venue of the courts in this county with the director of **public safety** **Community Development** in such form as the director of **public safety** **Community Development** may prescribe; and
  - c. The corporation must meet one of the following criteria:
    - 1. The corporation must have a net worth of not less than \$5,000,000.00 as determined on the basis of the corporation's most recent audited financial statement, prepared within 12 months of the date upon which the applicant applies for a license hereunder;
    - 2. The corporation owns real property within the city in which it holds an equity value of not less than \$1,000,000.00 and the city shall be the sole determinant of such equity value; or
    - 3. The corporation must have obtained a surety bond issued by a surety company authorized to do business in this state or have established a joint trust account with a licensed and insured bank or savings institution located in this state for the purpose of indemnifying the city from damages it may suffer as a result of a violation of this chapter or any obligation arising therefrom. The amount of the bond or trust account shall be an amount not less than \$75,000.00. Should the corporation obtain a surety bond, it shall be in favor of the city and the city may bring an action under the bond to recover damages suffered. Should the corporation choose to set up a trust account, it shall be set up jointly in the name of the corporation and the city, and shall require the authorization of both the corporation and the city before any funds may be withdrawn therefrom.
- (2) If the licensee shall be a corporation, the license shall be issued jointly to the corporation and to the majority stockholders, if such stockholders are individuals; provided, however, that if stock in the corporation is traded on any of the national stock exchanges, the license shall be issued jointly to the corporation and its agent registered under the provisions of this section. Where the majority stockholder is not an individual, then the license shall be issued jointly to the corporation and its agent registered under the provisions of this section. In the case of a partnership, the license will be issued to one of the partners.
- (d) No license for the sale of alcoholic beverages shall be granted to any person who, within five years prior to the filing of the application for such license, has been convicted under any federal, state or local law, of any misdemeanor involving moral turpitude, or of any felony. For the purposes of this section, a plea of nolo contendere shall constitute a conviction.
  - (e) No license for the sale of alcoholic beverages shall be granted to any person who is a city employee or an elected or appointed city official, or who is a spouse or minor child of a city employee or an elected or appointed city official. It shall be unlawful for such person to have a financial interest in any such city license, or in any establishment licensed under the provisions of this chapter.
  - (f) No license for the sale of alcoholic beverages shall be granted to any person who has had any city license revoked within two years prior to the filing of the application.
  - (g) The director of **public safety** **Community Development** may decline to issue a license when any person having any interest in the operation or control of such establishment does not meet the same character requirements as herein set forth for the licensee.

- (h) All licensed establishments must have and continuously maintain in the county a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee may be served. This person must be a resident of the county. The licensee shall file the name of such agent, along with the written consent of such agent, with the director of ~~public safety~~ Community Development in such form as the director may prescribe.
- (i) In determining whether or not any license shall be granted, in addition to the other provisions of this chapter, the following shall be considered in the public interest and welfare:
  - (1) If the applicant holds or has previously held a license to sell alcoholic beverages, whether or not such applicant has violated any law, regulation or ordinance relating to such license or the business conducted pursuant to such license; and
  - (2) Whether the applicant has previously had a license to sell alcoholic beverages suspended or revoked.

(Code 1989, § 3-9; Ord. No. 218-A, § 1.009, 9-22-1986; Ord. No. 515, § 1, 1-21-2003; Ord. No. 679, § 4, 7-15-2013)

Sec. 4-10. - Compliance and fee payment prior to license issuance; term of license; proration of fees; no refund.

- (a) Before a license shall be granted, the applicant shall comply with all city rules and regulations pertaining to the sale of alcoholic beverages, and each applicant shall pay a license fee in accordance with the scale fixed, from time to time, by the city council and kept on file in the office of the city clerk.
- (b) All licenses shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1 shall pay the full license fee without proration. License fees for licenses granted on or after July 1 shall be prorated based on the number of months remaining in the calendar year. A partial month shall be counted as a full month.
- (c) License fees are not refundable.

(Code 1989, § 3-10; Ord. No. 218-A, § 1.010, 9-22-1986)

Sec. 4-11. - Nonprofit civic organization's temporary permit.

Any bona fide nonprofit civic organization may be issued a temporary permit authorizing the organization to sell alcoholic beverages for consumption on the premises or to sell wine at retail for off-premises consumption, or both, for a period not to exceed three days, subject to all laws and ordinances regulating the time for selling such beverages. The temporary permit shall be valid for only the place specified in the permit and no more than two permits may be issued to the applicant organization in any one calendar year. The organization must make application to the director of ~~public safety~~ Community Development and pay the fee that may be established from time to time by the city council. As used in this section, the term "bona fide nonprofit civic organization" means an entity which is exempt from federal income tax pursuant to the provisions of 26 USC § 501(c), 501(d) or 501(e).

(Code 1989, § 3-11; Ord. No. 218-A, § 1.036, 9-22-1986; Ord. No. 679, § 5, 7-15-2013)

Sec. 4-12. - Excise tax—Malt beverages.

- (a) There is hereby levied and imposed upon the sale of malt beverages within the city, a specific excise tax as follows:



- (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons, and a proportionate tax at the same rate on all fractional parts of 15½ gallons.
  - (2) Where malt beverages are sold in bottles, cans, or other containers except barrel or bulk containers, a tax of \$0.05 per 12 ounces, and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (b) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensed wholesale dealer in malt beverages. Each wholesale dealer selling malt beverages within the city shall file a report with the city by the tenth day of each month showing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, sold during the month within the city. Each such wholesale dealer shall remit to the city by the tenth day of the month next succeeding the calendar month in which such sales were made, the amount of excise tax due in accordance with this section.
- (c) Wholesale dealers failing to remit excises taxes due and payable to the city as outlined in subsection (b) of this section shall be charged a ten percent penalty, and interest shall accrue at the rate of one percent per month (12 percent per annum) until all fees are collected by the city.

(Code 1989, § 3-12; Ord. No. 141, § 1, 4-28-1975; Ord. No. 573, 9-6-2005)

**State Law reference**— Local excise tax on malt beverages required, O.C.G.A. § 3-5-80.

Sec. 4-13. - Same—Wine.

- (a) There is hereby levied and imposed upon the sale of wine within the city a specific excise tax in the amount of \$0.22 per liter, and a proportionate tax at the same rate on all fractional parts of a liter.
- (b) The taxes imposed by this section shall not be levied with respect to:
- (1) Wine sold to and used by established and recognized churches and synagogues for use in sacramental services only;
  - (2) Any sale of wine which is exempt from taxation by the state under the Constitution of the United States;
  - (3) Wine sold to persons outside the state for resale or consumption outside the state; or
  - (4) Wine which contains less than one-half of one percent alcohol.
- (c) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensed wholesale dealer of wine. Each wholesale dealer selling wine within the city shall file a report with the city by the tenth day of each month showing for the preceding calendar month the exact quantities of wine, by size and type of container, sold during the month within the city. Each such wholesale dealer shall remit to the city by the tenth day of the month next succeeding the calendar month in which such sales were made the amount of excise tax due in accordance with this section.
- (d) Wholesale dealers failing to remit excise taxes due and payable to the city as outlined in subsection (c) of this section shall be charged a ten percent penalty, and interest shall accrue at the rate of one percent per month (12 percent per annum) until all fees are collected by the city.

(Code 1989, § 3-13; Ord. No. 104, § 35, 2-14-1967; Ord. No. 573, 9-6-2005)

**State Law reference**— Local excise tax on wine, O.C.G.A. § 3-6-60.

Sec. 4-14. - Same—Distilled spirits sold by the package.

- (a) There is hereby levied and imposed a specific excise tax on the sale of distilled spirits by the package within the city in the amount of \$0.22 per liter of distilled spirits, excluding fortified wine, and a proportionate tax at the same rate on all fractional parts of a liter.
- (b) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensed wholesale dealer of distilled spirits. Each wholesale dealer selling distilled spirits within the city shall file a report with the city by the tenth day of each month showing for the preceding calendar month the exact quantities of distilled spirits, by size and type of container, sold during the month within the city. Each such wholesale dealer shall remit to the city by the tenth day of the month next succeeding the calendar month in which such sales were made the amount of excise tax due in accordance with this section.
- (c) Wholesale dealers failing to remit excise taxes due and payable to the city as outlined in subsection (b) of this section shall be charged a ten percent penalty, and interest shall accrue at the rate of one percent per month (12 percent per annum) until all fees are collected by the city.

(Code 1989, § 3-14; Ord. No. 573, 9-6-2005)

**State Law reference**— Local excise tax on the sale of distilled spirits by the package, O.C.G.A. § 3-4-80.

Sec. 4-15. - Same—Distilled spirits sold by the drink.

- (a) There is hereby levied and imposed a specific excise tax on the sale of distilled spirits in the amount of three percent of the charge to the public for the beverages.
- (b) The excise tax imposed in subsection (a) of this section shall not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage.
- (c) The excise taxes provided for in this section shall be imposed upon and shall be paid by the retailer or retail dealer of distilled spirits sold by the drink. Each retailer or retail dealer selling distilled spirits by the drink within the city shall file a report with the city by the tenth day of each month showing for the preceding calendar month the exact quantities of distilled spirits sold, by the drink, during the month. Each such retail dealer shall remit to the city by the tenth day of the month next succeeding the calendar month in which such sales were made the amount of excise tax due in accordance with this section.
- (d) Retailers or retail dealers collecting the tax authorized by this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be three percent of the amount due, only if the amount due was not delinquent at the time of payment.
- (e) Retail dealers failing to remit excise taxes due and payable to the city as outlined in subsections (c) and (d) of this section shall be charged a ten percent penalty, and interest shall accrue at the rate of one percent per month (12 percent per annum) until all fees are collected by the city.

(Code 1989, § 3-15; Ord. No. 573, 9-6-2005)

**State Law reference**— Local excise tax on distilled spirits sold in private clubs, O.C.G.A. § 3-4-130.

Sec. 4-16. - Same—Distilled spirits in private clubs.

- (a) The excise taxes imposed in sections 4-12, 4-13 and 4-14 are applicable to sales of malt beverages, wine, and distilled spirits to private clubs located within the corporate limits of the city.

Those taxes are imposed upon and shall be paid by the licensed wholesale dealers in malt beverages, wine and distilled spirits, respectively.

- (b) The three percent excise tax imposed in section 4-15 on the sale of distilled spirits by the drink is applicable to private clubs located within the corporate limits of the city. Those taxes shall be paid by the licensed private club selling mixed drinks.
- (c) Each private club selling distilled spirits by the drink within the city shall file a report with the city by the tenth day of each month showing for the preceding calendar month the exact quantities of distilled spirits, sold by the drink, during the month. Each such private club shall remit to the city by the tenth day of the month next succeeding the calendar month in which such sales were made the amount of excise tax due in accordance with this section.
- (d) Private clubs collecting the tax authorized by this section shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be three percent of the amount due, only if the amount due was not delinquent at the time of payment.
- (e) Private clubs failing to remit excise taxes due and payable to the city as outlined in subsections (b), (c) and (d) of this section shall be charged a ten percent penalty, and interest shall accrue at the rate of one percent per month (12 percent per annum) until all fees are collected by the city.

(Code 1989, § 3-16; Ord. No. 573, 9-6-2005)

**State Law reference**— Local excise tax on private club distilled spirits sales required, O.C.G.A. § 3-7-60.

Sec. 4-17. - Distance requirements.

- (a) No person 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, chapel of a mortuary or other place 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; or
  - (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.

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.

- (b) 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.

- (c) 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.
  - (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.

(Code 1989, § 3-17; Ord. No. 218-A, § 1.011, 9-22-1986; Ord. No. 512, § 1, 12-2-2002; Ord. No. 524, § 1, 3-3-2003; Ord. No. 532, § 1, 12-15-2003; Ord. No. 643, § 1, 7-19-2010)

**State Law reference**— Sales near churches, etc., O.C.G.A. § 3-3-21.

**Sec. 4-18. - Condition of premises.**

- (a) All licensed premises shall be kept clean and shall be in full compliance with all ordinances and regulations of the city, county and state.
- (b) The county health department shall have the authority to inspect regularly the licensed premises to determine whether the licensed premises is in compliance with all city, county and state health rules and regulations, and report any violation to the city clerk.
- (c) The city department of ~~public safety~~ **Community Development** shall have the authority to inspect regularly the licensed premises to determine whether the licensed premises is in compliance with all city, county and state fire regulations, and report any violations to the city clerk.
- (d) The director of ~~public safety~~ **Community Development** or his designee shall have the authority to inspect regularly the licensed premises to determine whether the licensed premises is in compliance with all technical codes of the city.
- (e) The city department of ~~public safety~~ **Community Development** shall have the authority to inspect periodically the licensed premises to determine if the licensed premises is in compliance with all provisions of this chapter, and report any violation to the city clerk.

(Code 1989, § 3-18; Ord. No. 218-A, § 1.012, 9-22-1986; Ord. No. 679, §§ 1, 6, 7-15-2013)

**Sec. 4-19. - Renewal of license.**

All licenses granted hereunder shall expire on December 31 of each year. A licensee who desires to renew his license shall file a renewal application accompanied by the requisite license fee with the city upon forms prescribed by the city on or before November 15 of each year without penalty, and not later than December 15. Applications for renewal filed after November 15 and on or before December 15 shall be subject to a penalty of ten percent of the license fee. No renewal license shall be granted on applications filed after December 15, but such applications shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been issued. Failure of a licensee to comply with any section of this Code shall subject the licensee to non-renewal of the license.

(Code 1989, § 3-20; Ord. No. 218-A, § 1.014, 9-22-1986; Ord. No. 573, 9-6-2005)

Sec. 4-20. - Transfer of license.

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided herein.
- (b) In case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 45 days from the date of death, or until expiration of the license, or until approval of a new licensee, whichever shall first occur, provided that no sale of alcoholic beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application for authorization with the city clerk.
- (c) In the event that a license is surrendered, or a licensee severs such person's association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of 45 days from the date of surrender, or from the date determined to be the date of severance, provided that no such sale shall be authorized until such time as a new application for a license is made, such application indicating that no change of ownership has occurred, except as excepted herein. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.
- (d) Nothing in this section, however, shall prohibit one or more of the partners in a partnership holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporate owner at the time of issuance of the license, nor shall it prohibit transfers of stock which do not result in any person increasing such person's stock holdings to a total of ten percent or more of any class of stock.
- (e) Should a transfer of location be approved, with no change of ownership of the business, the license fee paid for the old location shall be applied to the new location.
- (f) Except as provided above, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license issued hereunder automatically, without the necessity of any hearing.
- (g) Violation of this section shall result in revocation of the license being used and a fine as provided in section 1-8. No license will be issued to the old or the new owner in the city for one year from the date of the violation.

(Code 1989, § 3-21; Ord. No. 218-A, § 1.015, 9-22-1986)

Sec. 4-21. - Prohibited sales.

- (a) Except as otherwise authorized by law, no licensee shall sell or permit to be sold alcoholic beverages to any person under 21 years of age.
- (b) No licensee shall permit on the licensed premises the sale, barter, exchange, giving, providing or furnishing of alcoholic beverages to any person who is in a state of noticeable intoxication.
- (c) No licensee shall permit the sale of alcoholic beverages on Sunday, except as otherwise provided in this chapter.
- (d) No licensee authorized to sell alcoholic beverages by the package shall sell or permit to be sold any single beer, wine cooler or similar alcoholic beverage that is customarily packaged for sale as part of a four-pack, six-pack, 12-pack, or similar package, unless such single beer, wine cooler or similar alcoholic beverage is displayed for sale in an enclosed case, cabinet or other structure located not closer than 20 feet from the front door of the premises and not closer than 20 feet from any cash register in the premises. The intent of this subsection is to prohibit sales of single beers, wine coolers or similar alcoholic beverages from open, cooled containers such as ice-filled buckets, tubs, or



barrels and to prohibit such sales from other containers located within 20 feet of the front door and cash registers of the premises.

(Code 1989, § 3-22; Ord. No. 218-A, § 1.016, 9-22-1986)

**State Law reference**— Local authorization as to Sunday sales, O.C.G.A. § 3-3-7.

Sec. 4-22. - Under-age persons on licensed premises.

- (a) No licensee shall permit any person under 21 years of age to be in, frequent or loiter about the licensed premises unless such person is accompanied by a parent, legal guardian or custodian; provided, however, that such person shall be permitted in eating establishments or private clubs as defined herein without being accompanied by a parent, legal guardian or custodian, and provided further, that this section shall not apply to persons who are employees under the terms of this chapter.
- (b) No licensee shall allow or require a person in such person's employment under 18 years of age to dispense, serve, sell or take orders for any alcoholic beverages.
- (c) No licensee shall employ any person under the age of 21 years to work as an entertainer in any licensed establishment, unless such person has obtained written, notarized permission from such person's parents or legal guardian, nor shall any licensee allow any such person to work without such proof of permission.
- (d) In the event a supermarket, convenience store, brewery or drugstore employs persons under 21 years of age who will or may sell or handle alcoholic beverages which are sold for consumption off the premises, the following regulation is hereby imposed: All employees under 21 years of age shall request proper age identification from any person attempting to purchase alcoholic beverages and appearing to be 25 years of age or less.
- (e) In addition to the above, the following regulations shall be imposed and shall apply to all persons becoming employed by such a supermarket, convenience store, brewery or drugstore:
  - (1) For the first six months of employment, an employee under 21 years of age shall be on probationary status. During probationary status, the employee shall be trained and supervised periodically with respect to the procedure for requesting proper age identification and declining to sell alcoholic beverages to those under 21 years of age failing to produce proper identification.
  - (2) During an employee's probationary status period, the employee's supervisor shall periodically monitor and review the employee's request of proper age identification and decision to sell or not to sell alcoholic beverages to various customers. Should an employee, during his probationary status period, be found to sell or attempt to sell alcoholic beverages to any person under 21 years of age, the supermarket, convenience store, brewery or drugstore employing such employee shall be required to terminate the employee.
- (f) In addition to the above requirements, all supermarkets, convenience stores, breweries and drugstores selling alcoholic beverages of any kind shall post a notice no smaller in size than eight inches by ten inches in a conspicuous place on the premises, which provides as follows: "Pursuant to local ordinance, employees are required to request proper age identification before selling alcoholic beverages."

(Code 1989, § 3-23; Ord. No. 218-A, § 1.017, 9-22-1986; Ord. No. 260, § 1, 7-10-1989; Ord. No. 359, § 1, 4-10-1995)

**State Law reference**— Furnishing, etc., to minors, O.C.G.A. § 3-3-23; persons under 18 years of age not allowed or required to serve, sell, or take orders for alcoholic beverages, O.C.G.A. § 3-3-24.

Sec. 4-23. - Advertising.

- (a) Except as otherwise authorized in this section, no outdoor advertising or signs promoting the sale of alcoholic beverages, or the prices of such beverages, shall be permitted on the exterior of any licensed premises, or on the windows or elsewhere in the premises that may be viewed from the outside. The posting of signage identifying the name of the licensed premises, which may include "beer," "wine," or similar terms, shall not constitute a violation of this section.
- (b) Lighted signs advertising beer and wine may be placed on the furthest back wall of a licensed premises.

(Code 1989, § 3-24; Ord. No. 218-A, § 1.018, 9-22-1986; Ord. No. 679, § 7, 7-15-2013)

**State Law reference**— Advertisement of prices, O.C.G.A. § 3-4-26.

Sec. 4-24. - Required signs; posted information.

- (a) In addition to other postings required herein or by law, all licensees shall post in a prominent location on licensed premises, in a manner whereby it may be easily viewed by patrons, an approved sign setting forth or summarizing the laws of the city and the state in regard to the sale of alcoholic beverages to underage, intoxicated or pregnant persons. Each such sign shall be of a size and configuration approved by the director of ~~public safety~~ Community Development, and shall include either the language of the applicable Code sections or summaries approved by the director of ~~public safety~~ Community Development. The department of ~~public safety~~ Community Development is authorized to design and have printed approved signs, which shall be made available to licensees at a price to be established by the director of ~~public safety~~ Community Development.
- (b) All licensees shall display in prominent places or on their menus, their current prices of alcoholic beverages, by the drink. Any price change must remain valid for seven consecutive calendar days. The licensee shall furnish to any customer who so desires an itemized bill of charges, which shall not exceed the established price list.
- (c) All licensees shall indicate plainly the price of all alcoholic beverages exposed for sale by tags or labels on the bottles or containers or on the shelf immediately below the space in which the containers are placed.

(Code 1989, § 3-25; Ord. No. 218-A, § 1.019, 9-22-1986; Ord. No. 679, § 1, 7-15-2013)

Sec. 4-25. - Contents of bottles.

Except during the initial bottling by the manufacturer, it shall be unlawful for any licensee to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.

(Code 1989, § 3-26; Ord. No. 218-A, § 1.020, 9-22-1986)

Sec. 4-26. - Furnishing to, purchase of, or possession by person under 21 years of age of alcoholic beverages.

The provisions of O.C.G.A. § 3-30-23, as amended from time to time, shall govern with respect to underage sales and possession of alcoholic beverages.

(Code 1989, § 3-27; Ord. No. 679, § 8, 7-15-2013)

Sec. 4-27. - Retailer to purchase from licensed wholesaler only.

No retailer shall purchase alcoholic beverages from any person not a wholesaler licensed by both the state and city under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed by both the state and city under this chapter. Retail and wholesale dealers licensed under the provisions of this chapter shall be required to demonstrate compliance with this section to the city upon written receipt of a request for information.

(Code 1989, § 3-28; Ord. No. 218-A, § 1.022, 9-22-1986; Ord. No. 573, 9-6-2005)

Sec. 4-28. - Revocation, suspension or other penalty.

- (a) The city clerk shall be authorized to suspend or revoke an alcoholic beverage license or impose other penalties upon the licensee under the conditions set forth in this section. However, no revocation, suspension or other penalty shall be imposed without first providing a licensee the notice, hearing and appeal rights as more specifically provided in section 4-29.
- (b) Sufficient grounds for the suspension or revocation of a license or the imposition of other penalties include, but are not limited to, the following:
  - (1) A licensee has failed to open for business within six months after approval of the license; provided, however, prior to the expiration of such period, the city clerk may extend the time in which a licensee is required to open for business by up to six months, upon the timely receipt of a written request from a licensee for such an extension.
  - (2) After opening for business, a licensee has ceased to operate the business for a period of three consecutive months.
  - (3) A licensee's state license or permit for the sale of alcoholic beverages has been revoked.
  - (4) A licensee, or such licensee's employee or agent, has sold alcoholic beverages during a period of suspension.
  - (5) A licensee gave false or misleading information in the original application or renewal process.
  - (6) A licensee has failed to pay any fee, license fee, fine or other amount of money due to the city under this chapter or any other licensing ordinance of the city.
  - (7) A licensee, or such licensee's employee or agent, has served or sold any alcoholic beverage to any person that the licensee or the licensee's employee or agent knew or should have known to be under the age of 21 years.
  - (8) A licensee, or such licensee's employee or agent, has served or sold any alcoholic beverage to any person that the licensee or the licensee's employee or agent knew or should have known to be in a state of intoxication.
  - (9) A licensee has failed to maintain any and all of the general qualifications applicable to the initial issuance of a license as set forth in section 4-9.
  - (10) A licensee has violated any other law, ordinance or regulation governing the operation of establishment license to sell alcoholic beverages or which is reasonably related to the operation of such establishments.
  - (11) A licensee, or such licensee's employee or agent, has violated any other provision of this alcoholic beverage chapter.



- (c) Subject to the notice, hearing and appeal rights of a licensee as provided in section 4-29, the city clerk is authorized, but not required, to revoke the license of any licensee found to be in violation of this chapter. In lieu of revocation, the clerk is also authorized to suspend the license of a licensee violating any provision of this chapter. In the event that the clerk elects to suspend a license, such license shall be suspended for three days for the first violation and 30 days for a second violation occurring within any consecutive 12-month period. For a third violation occurring within any consecutive 12-month period, the license shall be revoked. In lieu of revocation or suspension, the city clerk is also authorized, but not required, to accept a voluntary offer of a civil monetary penalty from the licensee, not to exceed \$1,000.00 per violation. No licensee or any other applicant may apply for a license for the same premises during any period of suspension or revocation. In determining the severity of any sanction imposed under this section, the city clerk may take into consideration any documented evidence that the licensee has, on prior occasions, undertaken proactive efforts to promote compliance with the provisions of this chapter, including the provisions of this chapter prohibiting the sale or serving of alcohol to minors. Documented evidence of such activities shall include, but shall not be limited to, written evidence that the licensee has promptly reported violations or attempted violations of this chapter.

(Code 1989, § 3-29; Ord. No. 218-A, § 1.023, 9-22-1986; Ord. No. 359, § 2, 4-10-1995; Ord. No. 373, 3-25-1996; Ord. No. 722, § 2, 3-21-2016)

#### Sec. 4-29. - Hearing procedures; appeal.

- (a) Prior to imposing any sanction authorized by section 4-28, the city clerk shall provide written notice to the licensee specifying the licensee's alleged violations of this chapter and the date, time and place of the hearing to be held before the city clerk to determine if the violations have occurred. The date of the hearing shall be not less than five nor more than 30 days after the date of the written notice. At the request of the city clerk, the city council may appoint a hearing examiner to perform the duties of the city clerk under section 4-28 and this section. Hearings shall be conducted under rules issued by the city clerk, which shall be consistent with rules applied in administrative proceedings, and shall ensure that each party may present evidence, cross-examine witnesses and be represented by legal counsel. All testimony shall be sworn. The city shall have the responsibility to present evidence sufficient to carry the burden of proof by a preponderance of the evidence. Following the hearing, the city clerk shall prepare a written order to include findings, conclusions and sanctions (if any). A copy of the order shall be forwarded by certified mail to the licensee the same date it is filed in the office of the city clerk, with additional copies furnished to the city administrator and the director of ~~public safety~~ [Community Development](#).
- (b) The order issued by the clerk in accordance with the procedures outlined above shall be stayed for a period of ten days after the issuance of the order. During this ten-day period, the licensee shall have the right to file an appeal to the city council. If the licensee files a timely appeal, the city clerk's order shall be stayed until the appeal is heard or withdrawn. If the licensee does not file a timely appeal, the city clerk's order shall be final.
- (c) The notice of appeal to the city council shall be in writing and accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The grounds for the appeal shall be limited to issues that were addressed in the hearing. Upon receipt of a notice of appeal, the city clerk shall submit the entire record of the case to the city council and may also submit a memorandum in response to the memorandum filed by the licensee. The clerk shall place the appeal on the agenda of the next regular city council meeting occurring not less than ten nor more than 30 days after receipt of the appeal, unless the appellant stipulates to another date. The appellant shall have the right to be represented by legal counsel. At the hearing, the city council will receive oral arguments on the written memoranda and the evidence in the record. The right to offer oral argument may be waived. No additional evidence or arguments shall be permitted at the council meeting, and the council shall base its decision on the memoranda, oral arguments (if any) and other evidence in the record. Following the appeal hearing, the council may sustain, overrule or modify the order of the city clerk. In lieu of suspension or revocation, the city council may impose a

fine upon any licensee, not to exceed \$1,000.00 for each violation occurring on the licensed premises. The city council shall also have the option to refer the matter to the clerk for a de novo hearing, or for the taking of additional evidence on specific points, and in either of such cases, the city clerk shall proceed as provided in this chapter. If the city council does not refer the matter back to the clerk, the decision of the mayor and council shall be final, and the appellant shall have the right to seek a writ of certiorari to the superior court of the county within 30 days of the final action of the mayor and city council. The final action of the city council shall be reduced to a written order signed by the mayor. The original of the mayor's order shall be filed in the record of the case, and a copy of the order shall be included in the minutes of the city council meeting. It shall be the responsibility of the clerk to provide a copy of the order to the appellant.

(Code 1989, § 3-30; Ord. No. 218-A, § 1.024, 9-22-1986; Ord. No. 373, 3-25-1996; Ord. No. 679, § 1, 7-15-2013)

Secs. 4-30—4-46. - Reserved.

## ARTICLE II. - ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES

### Sec. 4-47. - Locations where prohibited.

(a) No alcoholic beverages may be sold by the drink for consumption on the premises where sold except in:

- (1) Eating establishments regularly serving prepared food, with a full-service kitchen consisting of a four-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the county health department and the city fire marshal, prepared to serve food every hour they are open;
- (2) Supermarkets or wine bars, where these establishments are permitted to seat 45 or more persons pursuant to applicable building, fire and safety codes in effect for the city;
- (3) Cigar shops;
- (4) Art galleries or art studios; or
- (5) Hotels, motels or high-rise office and apartment buildings.

When located in hotels, motels and high-rise office and apartment buildings, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly-used interior portion of the primary use structure. Unless otherwise expressly exempted in this chapter from this requirement, establishments not located in hotels or motels shall derive a minimum of 50 percent of their total annual gross food and beverage sales from the sale of prepared meals or food (except that wine bars shall derive a minimum of 40 percent). Hotels or motels containing such establishments shall derive a minimum of 50 percent of their total annual gross income from the sales of prepared meals or food and from the rental of rooms for overnight lodging. For the purposes of this chapter, the term "hotel" or the term "motel" means an establishment that contains not less than 35 separate rooms for overnight lodging.

(b) On or before the 20th day of each calendar month, each such establishment shall file a report of the previous calendar month's operation with the office of the director of finance verifying compliance with the above provisions. Such reports shall be filed on forms designated by the city. These forms are also used to report excise taxes on the sale of distilled spirits by the drink, which are also due by the tenth day of each calendar month. Any licensed establishment that fails to meet the appropriate percentage requirements for two consecutive months shall be subject to immediate revocation. An audit may be required at any time to ensure compliance with these provisions. Nothing in this section shall be deemed to prohibit hotel room service of alcoholic beverages.

(Code 1989, § 3-40; Ord. No. 218-A, § 1.025, 9-22-1986; Ord. No. 573, 9-6-2005; Ord. No. 659, § 1, 12-19-2011; Ord. No. 679, §§ 1, 9, 7-15-2013; Ord. No. 740, § 2, 5-16-2017)

Sec. 4-48. - Hours of sale.

Alcoholic beverages shall not be sold for consumption on the premises except:

- (1) Monday through Saturday, between the hours of 9:00 a.m. and 2:00 a.m. of the following day; and
- (2) On Sunday from 12:30 p.m. until 2:00 a.m. on Monday in any licensed establishment which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food, or which derives a minimum of 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

(Code 1989, § 3-41; Ord. No. 218-A, § 1.026, 9-22-1986; Ord. No. 740, § 3, 5-16-2017)

Sec. 4-49. - Consumption sales only.

- (a) Except as may be otherwise expressly provided in this chapter, establishments holding a license to sell alcoholic beverages for consumption on the premises shall not hold a license for the sale of alcoholic beverages by the package.
- (b) The foregoing prohibition, however, shall not apply with respect to the following:
  - (1) Supermarkets and brew pubs, as defined in section 4-1; provided, however, no such license shall include or authorize the sale of distilled spirits by the package; and
  - (2) Eating establishments, as defined in section 4-1, may sell wine by the package for off-premises consumption, provided that no more than ten percent of the interior floor area of the establishment is devoted to the display of package wine and no more than ten percent of the establishment's revenues derived from the sale of alcoholic beverages is derived from package wine sales. Notwithstanding the foregoing, the sales of wine by the package for off-premises consumption shall not be used in calculating the total annual gross food and beverage sales for the establishment for the purpose of determining whether the establishment constitutes an eating establishment as set forth in section 4-1.
- (c) For the purposes of this chapter, where a person holds a license to sell alcoholic beverages by the package, including distilled spirits, at one establishment, and a license to sell alcoholic beverages for consumption on the premises at a contiguous establishment, and the licensed premises of each establishment are physically separate from the other, with the only interconnectivity between the establishments (if any) being an inside connecting service door or passageway, such establishments shall be considered separate and distinct establishments, provided that:
  - (1) Each establishment operates under a trade name different from the other;
  - (2) All business transactions are kept separate;
  - (3) Each establishment must operate in compliance with all other provisions of this chapter and all other laws and regulations applicable to such business;
  - (4) Each establishment has a separate entrance for the public and the establishments share no common entrance;
  - (5) The inside connecting service door or passageway (if any) must be located behind the bar or service counter of each establishment or otherwise so situated or maintained as to be reasonably accessible only to the licensee or employees of the establishments, and only the licensee and employees of the establishments may use such door or passageway; and



- (6) All other conditions required by state regulations applicable to such contiguous operations are met.

(Code 1989, § 3-42; Ord. No. 218-A, § 1.027, 9-22-1986; Ord. No. 679, § 10, 7-15-2013; Ord. No. 694, § 1, 9-15-2014; Ord. No. 701, § 1, 2-23-2015; Ord. No. 722, § 3, 3-21-2016; Ord. No. 740, § 4, 5-16-2017)

Sec. 4-50. - Regulations as to employees; permit.

The following regulations regarding employees shall apply to all establishments holding a license for consumption of alcoholic beverages on the premises:

- (1) An employee shall meet the same character requirements as set forth in the general requirements for the licensee, except for the residency requirements.
- (2) No person shall be employed by an establishment holding a license hereunder until such person has been fingerprinted or cleared by the department of ~~public safety~~ Community Development and a permit issued indicating that such person is eligible for this employment. The permit issued to a person under this section shall be either of the following:
  - a. Alcoholic beverage permit, which shall be issued only to a person who must be 21 years of age or older, and who sells, serves or dispenses alcoholic beverages;
  - b. Non-alcoholic beverage permit, which shall be issued to a person whose employment includes, but is not limited to, host, hostess, doorman and bouncer.
- (3) No permit shall be issued until such time as a signed application has been filed with the director of ~~public safety~~ Community Development and a search of the criminal record of the applicant completed. Such application shall include, but shall not be limited to, the name, date of birth and prior arrest record of the applicant, though the fact of an arrest record shall be used for investigative purposes only, and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order.
- (4) The director of ~~public safety~~ Community Development shall have a complete and exhaustive search made relative to any police record of the person fingerprinted or cleared. In the event there is no record of a violation of this article, the director of ~~public safety~~ Community Development shall issue a permit to the employee, stating that the person is eligible for employment. If it is found that the person fingerprinted or cleared is not eligible for employment, the director of ~~public safety~~ Community Development shall notify the employer that this person is not eligible for employment.
- (5) It shall be the duty of all persons holding any license to sell alcoholic beverages to file with the director of ~~public safety~~ Community Development the name of the establishment, the license number and a list of all employees, with their home addresses and home telephone numbers.
- (6) All permits issued through administrative error or through an error in completion of a background investigation can be terminated by the director of ~~public safety~~ Community Development or the city clerk.
- (7) This section shall not be construed to include employees whose duties are limited solely to those of busboy, cook or dishwasher.
- (8) No licensee shall allow any employee required to hold a permit to work on the licensed premises unless the licensee has on file, on the premises, the current, valid permit of each such employee.
- (9) In the event that any permit holder leaves the employ of a licensed establishment, the licensee shall immediately surrender the permit to the city department of ~~public safety~~ Community Development.

- (10) All permits issued hereunder remain the property of the city and shall be produced for inspection upon the demand of any officer of the city department ~~of public safety~~ Community Development.
- (11) Unless waived or modified by the director of ~~public safety~~ Community Development, the provisions of this section relative to employees shall also apply to any of the licensee's volunteers or contractors engaged in the service of alcohol.

(Code 1989, § 3-43; Ord. No. 218-A, § 1.028, 9-22-1986; Ord. No. 622, § 1, 5-19-2008; Ord. No. 679, § 1, 7-15-2013)

**State Law reference**— Age of employees, O.C.G.A. § 3-3-23; persons under 18 years of age not allowed or required to serve, sell, or take orders for alcoholic beverages, O.C.G.A. § 3-3-24.

Sec. 4-51. - Open area, sidewalk, deck and patio sales.

The consumption and/or sale of alcoholic beverages may be allowed in open areas, sidewalks, decks, patios or similar unenclosed spaces on or about the premises of an establishment licensed to sell alcohol for consumption on the premises if written application is made to and approved by the director of ~~public safety~~ Community Development, or his designee, under such conditions as the director may deem appropriate for the protection of public health, safety and welfare, including, but not limited to, maximum capacity, ingress and egress.

(Code 1989, § 3-44; Ord. No. 218-A, § 1.029, 9-22-1986; Ord. No. 679, § 11, 7-15-2013)

Sec. 4-52. - Happy hour promotions prohibited.

- (a) No licensee, or employee or agent of a licensee, shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages for consumption on the premises:
  - (1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage;
  - (2) The sale of two or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price;
  - (3) Selling, offering to sell or delivering to any person any alcoholic beverage at a price less than one-half the price customarily charged for such alcoholic beverage, provided, nothing contained herein shall be construed to prohibit reducing the price of a drink by up to one-half the price customarily charged;
  - (4) Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been consumed, by any one person;
  - (5) Increasing the volume of alcoholic beverage contained in a drink without proportionately increasing the price customarily charged for such beverage.

It is the intent of this section to prohibit activities typically associated with promotions referred to as "happy hour."

- (b) As used in this section, the phrase "customarily charged" means the price regularly charged for such alcoholic beverage during the same calendar week.

(Code 1989, § 3-45; Ord. No. 218-A, § 1.030, 9-22-1986)

Sec. 4-53. - Brown-bagging or BYOB prohibited; exceptions.

- (a) It is prohibited for any person to bring his own alcoholic beverage (brown-bagging) into any retail establishment, without regard to whether such establishment is licensed to sell alcoholic beverages, for consumption on such premises.
- (b) Exceptions. The foregoing prohibition in subsection (a) of this section is subject to the following specific exceptions:
  - (1) *Furnishing of wine by a patron of a restaurant.* Any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to bring into the restaurant one unopened bottle of wine for consumption on the premises. In order for this provision to apply, the restaurant must establish a policy for permitting same and must charge a minimum corkage fee of \$10.00 per bottle. Nothing in this section shall be deemed to require a restaurant to establish such a policy. Any wine not consumed at a restaurant shall be disposed of at the premises and not carried out in an open container, unless the restaurant is able to reseal and repackage the opened bottle of wine in accordance with section 4-54.
  - (2) *Patrons participating in cooking classes.* This section shall not prohibit any person who is participating in a cooking class offered by a retail establishment from bringing one unopened bottle of wine into the retail establishment to consume with the meal prepared as part of such class, provided:
    - a. The retail establishment has a policy permitting a patron participating in a cooking class to bring an unopened bottle of wine into the retail establishment for consumption on the premises by the patron;
    - b. The retail establishment does not charge a corking or other fee for same;
    - c. The price of a cooking class offered by the retail establishment does not vary based on whether class participants will be permitted to bring wine into the retail establishment for consumption on the premises;
    - d. No employee of the retail establishment under the age of 18 years shall be working in the establishment during the times such classes are offered; and
    - e. The retail establishment has an established closing time of no later than 10:00 p.m. Any opened bottle of wine not consumed at the retail establishment during the cooking class shall be disposed of at the premises and not carried out in an open container. All other applicable state and city laws, regulations and ordinances which address the use and serving of alcoholic beverages shall apply to this subsection.
- (c) For the purposes of this section, the term "retail establishment" shall not include a private hotel room or similar guest room or a private club.

(Code 1989, § 3-46; Ord. No. 649, § 1, 5-16-2011; Ord. No. 679, § 12, 7-15-2013; Ord. No. 740, § 5, 5-16-2017)

Sec. 4-54. - Removal of wine from restaurant by patron.

Notwithstanding any other contrary provision of the ordinance from which this section derives, any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off the premises, if the patron has purchased a meal and consumed a portion of the bottle of wine with such meal on the restaurant's premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine or corkage fee and meal shall be provided by the licensee and attached to the container. If transported in a



motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(Code 1989, § 3-47; Ord. No. 649, § 1, 5-16-2011; Ord. No. 679, § 13, 7-15-2013)

**State Law reference**— Removal of wine from restaurant by patron, O.C.G.A. § 3-6-4.

Secs. 4-55—4-81. - Reserved.

ARTICLE III. - PRIVATE CLUBS<sup>[2]</sup>

Footnotes:

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**State Law reference**— Sale of distilled spirits by private clubs, O.C.G.A. § 3-7-1 et seq.

Sec. 4-82. - Exception for art galleries and art studios.

An art gallery or art studio may obtain a license for the sale of alcoholic beverages for consumption on the premises without meeting the requirement that the establishment provides a full-service kitchen serving prepared foods or derives a minimum of 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food, provided that no more than ten percent of the establishment's total annual gross sales are derived from the sale of alcoholic beverages.

(Ord. No. 740, § 6, 5-16-2017)

Sec. 4-83. - Conditions to selling.

- (a) Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the city governing the sale of such beverages (except as expressly exempted therein) and upon payment of such license fees and taxes as may be required by the existing ordinances, rules and regulations of the city.
- (b) Community service organizations which are chartered by Congress as patriotic, mutual-help, or war-time veterans' organizations shall be specifically exempted from section 4-16. Compliance with all other regulations of this chapter is required for such organizations.

(Code 1989, § 3-50; Ord. No. 218-A, § 1.032, 9-22-1986; Ord. No. 573, 9-6-2005)

Sec. 4-84. - Private clubs exempt from percentage sales of food requirements.

Private clubs shall not be required to derive a certain percentage of annual gross receipts from the sale of prepared food.

(Code 1989, § 3-51; Ord. No. 218-A, § 1.033, 9-22-1986)

Sec. 4-85. - Hours of sale.

Alcoholic beverages shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 2:00 a.m., Monday through Saturday, and on Sunday from 12:30 p.m. to 2:00 a.m.

(Code 1989, § 3-52; Ord. No. 218-A, § 1.034, 9-22-1986)

Sec. 4-86. - Regulations as to employees.

The employee regulations set forth in section 4-50 pertaining to establishments holding a license for consumption on the premises shall also apply to private clubs licensed for consumption on the premises.

(Code 1989, § 3-53; Ord. No. 218-A, § 1.035, 9-22-1986)

Secs. 4-87—4-115. - Reserved.

ARTICLE IV. - PACKAGE LIQUOR<sup>[3]</sup>

Footnotes:

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**State Law reference**— Distilled spirits, O.C.G.A. § 3-4-40 et seq.

Sec. 4-116. - Types of establishments where retail sale permitted.

(a) No distilled spirits by the package shall be sold at retail except in:

- (1) Retail establishments devoted exclusively to the retail sale of alcoholic beverages by the package;
- (2) Retail establishments in which space has been set aside devoted exclusively to the retail sale of distilled spirits by the package, with ingress and egress provided directly to and only to the exterior of the building in which the facility is located and not to any other enclosed part of the building in which the facility is located, except as provided in subsection (a)(3) of this section; or
- (3) In hotels, motels and high-rise office buildings where every public entrance to this use shall be from a lobby, hallway or other interior portion of the primary use structure.

(b) Nothing in this section shall prohibit the retail sale within these establishments of liquid commodities and mixes normally used in the preparation and serving of distilled spirits.

(Code 1989, § 3-60; Ord. No. 218-A, § 1.037, 9-22-1986; Ord. No. 740, § 7, 5-16-2017)

Sec. 4-117. - Coin-operated or amusement machines prohibited; exception.

No retail dealer in liquors shall permit on such person's premises any slot machines of any kind or character or any coin-operated machines or any machine operated for amusement purposes. However, cigarette vending machines may be permitted.

(Code 1989, § 3-61; Ord. No. 218-A, § 1.038, 9-22-1986)

Sec. 4-118. - Hours of sale.

Retail package licensees licensed to sell packaged distilled spirits may engage in the package sale of distilled spirits only between the hours of 9:00 a.m. and 11:45 p.m., Monday through Saturday, and only between the hours of 12:30 p.m. and 11:30 p.m. on Sunday. These hours are to be determined by the standard of time in effect at the time of the sale.

(Code 1989, § 3-62; Ord. No. 218-A, § 1.039, 9-22-1986; Ord. No. 650, § 1, 6-13-2011)

Sec. 4-119. - Regulations as to employees.

The following regulations as to employees shall apply to all establishments holding a license for package liquor:

- (1) An employee shall meet the same character requirements as set forth in the general requirements for the licensee, except for the residency requirements.
- (2) No person shall be employed by an establishment holding a license hereunder until this person has been fingerprinted or cleared by the department of ~~public safety~~ Community Development and has been issued a permit by the department of ~~public safety~~ Community Development indicating that the person is eligible for this employment.
- (3) No permit shall be issued until such time as a signed application has been filed with the director of ~~public safety~~ Community Development, and a search of the criminal record of the applicant completed. Such application shall include, but shall not be limited to, the name, date of birth and prior arrest record of the applicant, though the fact of an arrest record shall be used for investigative purposes only, and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order.
- (4) The director of ~~public safety~~ Community Development shall have a complete and exhaustive search made relative to any police record of the person fingerprinted or cleared. In the event there is no record of a violation of this chapter or other applicable law, the director of ~~public safety~~ Community Development shall issue a permit to the employee, stating that the person is eligible for employment. If it is found that the person fingerprinted or cleared is not eligible for employment, the director of ~~public safety~~ Community Development shall notify the employer that this person is not eligible for employment.
- (5) It shall be the duty of all persons holding any license to sell alcoholic beverages to file with the director of ~~public safety~~ Community Development the name of the establishment and the license number and a list of all employees, with their home addresses and home telephone numbers.
- (6) All permits issued through administrative error or through an error in completion of a background investigation can be terminated by the director of ~~public safety~~ Community Development or the city clerk.
- (7) No licensee shall allow any employee required to hold a permit to work on the licensed premises unless the licensee has on file, on the premises, the current, valid permit of each such employee.
- (8) In the event that any permit holder leaves the employ of a licensed establishment, the licensee shall immediately surrender the permit to the director of ~~public safety~~ Community Development.
- (9) All permits issued hereunder remain the property of the city, and shall be produced for inspection upon the demand of any officer of the department ~~of public safety~~ Community Development.

(Code 1989, § 3-63; Ord. No. 218-A, § 1.040, 9-22-1986; Ord. No. 679, § 1, 7-15-2013)

Secs. 4-120—4-136. - Reserved.



## ARTICLE V. - PACKAGE BEER, MALT BEVERAGES AND WINE

### Sec. 4-137. - Type of retail establishment.

No package beer, malt beverage or wine shall be sold at retail except in the following types of retail establishments, subject to such establishments holding a license to sell beer, malt beverages or wine (as applicable) by the package:

- (1) Establishments which meet the same requirements applicable to establishments where distilled spirits may be sold (section 4-116);
- (2) Establishments maintaining 80 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of other products and located in zoning districts in which these establishments are permitted as a conforming use or in districts where existing establishments exist as a nonconforming use;
- (3) Supermarkets, as defined in section 4-1;
- (4) Establishments which are duly licensed by the city to operate as a brew pub; or
- (5) Eating establishments licensed to sell alcoholic beverages for consumption on the premises which sell wine by the package in accordance with the provisions set forth in section 4-49(b); provided, however, package sales shall be limited to wine only.

(Code 1989, § 3-70; Ord. No. 664, § 1, 4-16-2012; Ord. No. 722, § 4, 3-21-2016)

### Sec. 4-138. - Hours of sale.

Retail package licensees licensed to sell packaged malt beverages, beer and wine may engage in the packaged sale of malt beverages, beer and wine only between the hours of 9:00 a.m. and 11:45 p.m., Monday through Saturday, and only between the hours of 12:30 p.m. and 11:30 p.m. on Sunday. These hours are to be determined by the standard of time in effect at the time of the sale.

(Code 1989, § 3-71; Ord. No. 664, § 1, 4-16-2012)

### Sec. 4-139. - Use of tags or labels to indicate prices.

Retailers shall indicate plainly, by tags or labels on the bottle or containers or on the shelf immediately below where the containers are placed, the prices of all beer, malt beverages and wine exposed or offered for sale.

(Code 1989, § 3-72; Ord. No. 664, § 1, 4-16-2012)

### Sec. 4-140. - Regulations as to coin-operated or amusement machines, and regulations as to employees.

The provisions applicable to coin-operated or amusement machines applicable to retail establishments devoted to the retail sale of distilled spirits (section 4-117) and regulations as to employees applicable to retail package licenses licensed to sell packaged distilled spirits (section 4-119) are also applicable to retail establishments licensed to sell beer, malt beverages and wine.

(Code 1989, § 3-73; Ord. No. 664, § 1, 4-16-2012)

### Sec. 4-141. - Growlers.

- (a) The sale of growlers in compliance with this article is authorized for those certain types of establishments designated in section 4-137(1), (3) and (4), which are licensed to sell malt beverages, but not distilled spirits, by the package. The filling of growlers with malt beverage drawn from a tap on a barrel, cask, tank, or keg on the premises shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this chapter. The term "growler" means a container made of a material customary to the industry provided that the container is capable of being sealed with a tamper-proof cap, top or other seal for the purpose of complying with open container laws, and further provided that the container does not exceed 68 ounces and is filled by a licensee or employee of the licensed establishment with malt beverage drawn from a barrel, cask, tank, or keg. Growlers may only be filled from barrels, casks, tanks, or kegs procured by the licensee from a person who is licensed or authorized to do business as a wholesaler under this chapter. Notwithstanding any other provision of this chapter to the contrary, in the case of a brew pub holding a license to sell malt beverages by the package, growlers may be filled from barrels, casks, tanks, or kegs of malt beverages manufactured on the licensed premises, subject to the barrel production limitation prescribed in section 4-188. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed and removed from the premises in its original sealed condition. Except as authorized in accordance with an ancillary tasting permit as hereinafter provided, consumption on the premises is strictly prohibited; however, this prohibition shall not apply with respect to sales pursuant to a license for consumption on the premises, provided that no filled growlers may be consumed on the premises.
- (b) The holder of a package malt beverage license, with or without a package wine license, but in no event with a package distilled spirits license, shall be eligible for an ancillary growler malt beverage tasting license to provide samples of growler malt beverages offered for sale to customers under the conditions set forth in this section. Growler malt beverage sampling shall be on limited occasions when a customer requests a sample of a growler malt beverage offered for sale within the premises, or in conjunction with growler malt beverage education classes and sampling designed to promote growler and malt beverage appreciation and education. Growler malt beverage tasting for customers shall only be conducted at a counter area constituting no more than ten percent of the entire floor area of the premises. Growler malt beverage sampling for customers shall be limited to no more than one time per day per customer for a period not to exceed two consecutive hours. Samples shall not exceed four ounces, and no customer shall consume more than 16 ounces in any two-hour period. Only the licensee or an employee shall open and handle unpackaged malt beverages, and samples shall only be poured by the licensee and/or an employee. No open growler container shall be removed from the licensed premises. Not more than two times per week for a period not to exceed two consecutive hours, the holder of an ancillary growler malt beverage tasting license may conduct educational classes and sampling for class participants. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted. Growler malt beverage sampling and tasting is only permitted within the designated interior portion of the premises. The annual fee for an annual growler malt beverage tasting license shall be \$50.00, and may be revised, by resolution of the mayor and council, from time to time.
- (c) The holder of a package malt beverage license, with or without a package wine license, but in no event with a package distilled spirit license, who is authorized to sell growlers and whose premises are located in the downtown district shall, in conjunction with city-sponsored special events within the downtown district, be authorized to sell malt beverages in 16-ounce plastic containers in the same manner as consumption on the premises licensees in the downtown district, except that such sales shall only take place outside the premises in a tent directly adjacent to the premises. The exact location and set-up of the tent shall be subject to the review of the director of **public safety** **Community Development**, or his designee, for **public safety** **Community Development** compliance.

(Code 1989, § 3-74; Ord. No. 664, § 1, 4-16-2012; Ord. No. 679, § 14, 7-15-2013; Ord. No. 722, § 5, 3-21-2016)

Secs. 4-142—4-165. - Reserved.

## ARTICLE VI. - WHOLESALER

### Sec. 4-166. - Special provisions applicable to wholesale license.

- (a) No person who has any direct financial interest in a license for the retail sale of distilled spirits shall be allowed to have any interest or ownership in any wholesale distilled spirit license.
- (b) No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this article. No wholesaler shall sell any distilled spirits to any person other than a retailer licensed under this chapter.
- (c) No alcoholic beverage shall be delivered to any retail sales outlet in the city except by a duly licensed wholesaler. The name of the wholesaler distributor shall be clearly marked on the delivery vehicle.

(Code 1989, § 3-80; Ord. No. 218-A, § 1.044, 9-22-1986)

### Sec. 4-167. - Hours of sale.

Wholesalers shall not engage in the sale of alcoholic beverages except between 8:00 a.m. and 11:45 p.m., Monday through Saturday.

(Code 1989, § 3-81; Ord. No. 218-A, § 1.045, 9-22-1986)

Secs. 4-168—4-187. - Reserved.

## ARTICLE VII. - BREW PUBS

### Sec. 4-188. - Exception for brew pubs.

A limited exception to the provisions of this chapter which implement and enforce the three-tier system for the manufacture, distribution and sale of malt beverages established under state law shall exist for owners and operators of brew pubs, subject to the following terms and conditions:

- (1) No individual or person shall be permitted to own or operate a brew pub without first obtaining a proper brew pub license from the city council pursuant to the procedures set forth in article I of this chapter, and each brew pub licensee shall comply with all other applicable state and local license requirements;
- (2) A brew pub license authorizes the holder of such license to:
  - a. Manufacture on the licensed premises not more than 10,000 barrels of malt beverage in a calendar year solely for retail sale;
  - b. Operate an eating establishment that shall be the sole retail outlet for such malt beverages;
  - c. Operate an eating establishment that may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler; and, provided further, that in addition to draft beer manufactured on the premises, each brew pub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers; and
  - d. Notwithstanding any other provision of this section, sell up to a maximum of 5,000 barrels annually of such malt beverage to licensed wholesale dealers. Under no circumstances



shall such malt beverages be sold by a brew pub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale;

- (3) Possession of a brew pub license shall not prevent the holder of such license from obtaining a license for the sale of alcoholic beverages by the package, excluding distilled spirits, for the same premises;
- (4) A brew pub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off the premises; and
- (5) A brew pub licensee shall:
  - a. Pay all state and local license fees and excise taxes applicable to individuals or persons licensed as manufacturers, retailers, and, where applicable, wholesalers under this title; and
  - b. Measure malt beverages manufactured on the premises and otherwise comply with applicable rules and regulations respecting excise and enforcement tax determination of such malt beverages as required by state and local law.

(Code 1989, § 3-90; Ord. No. 373, 3-25-1996; Ord. No. 722, § 6, 3-21-2016)

Secs. 4-189—4-214. - Reserved.

#### ARTICLE VIII. - SPECIALTY GIFT SHOPS

Sec. 4-215. - Exception for specialty gift shops.

- (a) For all purposes of this section, the term "specialty gift shop" shall be defined as any retail gift shop that derives not more than 15 percent of its gross sales from the sale of packaged gift baskets or similar items containing unbroken containers of wine or beer.
- (b) Notwithstanding any other provision of this chapter to the contrary, a limited exception to the provisions of sections 4-6 and 4-137 shall exist for the owners of specialty gift shops, provided that the owner shall first obtain a specialty gift shop alcohol permit as hereinafter provided, and the only sale of alcohol by the owner is through the sale of gift items as specified in subsection (a) of this section and not for consumption on the premises.
- (c) All persons desiring to engage in activities permitted by this section shall make written application to the director of ~~public safety~~ Community Development for a specialty gift shop alcohol permit on forms prescribed by the director of ~~public safety~~ Community Development, and filed with the director of ~~public safety~~ Community Development. All applications shall be accompanied by a certified check for \$150.00. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee (without interest) shall be refunded. The application shall include the name and address of the applicant, the address of the business location, and the name and address of the manager. If the manager changes, the applicant must furnish the director of ~~public safety~~ Community Development with the name and address of the new manager and the information as requested within ten days of such change. The applicant must meet the character requirements of this chapter. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.
- (d) The director of ~~public safety~~ Community Development shall prepare and cause to be published a notice of each pending application, which notice shall include the date the application will be considered by the clerk, the location or street number of the premises where the applicant proposes to conduct activities permitted by this section and the name of the applicant. The applicant shall pay the publication costs. The notice shall be published in a newspaper of general circulation within the city, and shall appear once a week for two weeks immediately preceding consideration of the application by the clerk.

- (e) If the clerk grants the applicant a specialty gift shop alcohol permit, it shall be valid for one year from the date of issuance. The director of **public safety** **Community Development** shall have authority to prescribe forms for new or renewal applications. All applicants shall furnish data, information or records as required by the director of **public safety** **Community Development** to ensure compliance with the provisions of this chapter. Failure to furnish such data shall automatically serve to dismiss the application with prejudice.
- (f) Any untrue or misleading information contained in, or material statement omitted from, an original or renewal application for a specialty gift shop alcohol permit shall be cause for the denial or revocation thereof.
- (g) In all instances in which an application is denied under the provisions of this section, the applicant may not re-apply for a new license for at least one year from any final date of such denial.
- (h) Each applicant shall certify that the applicant has read this section, and if a specialty gift shop alcohol permit is granted, each licensee shall maintain a copy of this section on the premises and shall require each of the licensee's employees to be familiar with this section. Notwithstanding any other provision of this chapter, all of the applicant's employees must be at least 18 years of age to sell any gift item containing alcohol.
- (i) Except as set forth in this section, a holder of a specialty gift shop alcohol permit must comply with all other provisions set forth in this chapter.

(Code 1989, § 3-100; Ord. No. 373, 3-25-1996; Ord. No. 679, § 15, 7-15-2013)

Secs. 4-216—4-238. - Reserved.

#### ARTICLE IX. - LICENSED ALCOHOLIC BEVERAGE CATERERS<sup>[4]</sup>

##### Footnotes:

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**State Law reference**— Sales off premises for catered functions, O.C.G.A. § 3-11-1 et seq.

Sec. 4-239. - Licensed alcoholic beverage caterers.

- (a) License requirements; resident caterers.
  - (1) Any caterer who possesses a valid city license to sell or otherwise dispense malt beverages, wine or distilled spirits by the drink for consumption on the premises within the city may apply for an off-premises license that permits sales of the same off premises at authorized catered events or functions.
  - (2) Any caterer who possesses a valid city license to sell malt beverages, wine or distilled spirits by the package for consumption off the premises within the city may apply for an off-premises license that permits sales of the same class of alcoholic beverages by the drink off premises at authorized catered events or functions.
  - (3) Each off-premises catering license authorized herein shall be valid through December 31 of the year for which it is issued. The fee for each license shall be set by resolution of the city council, and this fee shall remain in effect until modified or amended by subsequent resolution.
  - (4) In order to distribute or sell malt beverages, wine or distilled spirits at an authorized catered function, a licensed alcoholic beverage caterer shall file an application for an off-premises event permit with the director of **public safety** **Community Development** at no additional fee. The

application shall include the name of the caterer, the date, address and time of the event, the caterer's license number and any other information the city deems necessary to review a request for such permit.

- (5) It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off premises and in connection with the catered event or function without first having obtained a license and event permit as provided herein.
- (b) Permit requirements; nonresident caterers.
  - (1) A nonresident alcoholic beverage caterer shall submit an application for an off-premises event permit to the director of ~~public safety~~ **Community Development** or his designee. The fee for each such permit shall be \$50.00, as authorized by O.C.G.A. § 3-11-3 (or such fee as may be authorized by any future amendment or revision thereto).
  - (2) An application for an off-premises event permit shall include the name of the caterer, the licensed alcoholic beverage caterer's state and local license number and expiration date, the date, address, time, and name of the event and the quantity and type of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event or function.
  - (3) The original off-premises permit shall be kept in the vehicle transporting the alcoholic beverages to the catered event or function.
  - (4) It shall be unlawful for a licensed alcoholic beverage caterer to distribute, sell, or otherwise dispense alcoholic beverages off premises except as authorized by the off-premises event permit.
- (c) A licensed alcoholic beverage caterer may sell or otherwise dispense only that which is authorized by his alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, he may sell or otherwise dispense only malt beverages at the authorized catered event or function.
- (d) Sunday sales. An alcoholic beverage caterer wishing to cater an event or function on a Sunday must possess a valid Sunday sales license and comply with the requirements of state law with respect to the service of alcoholic beverages on Sunday.
- (e) Excise taxes are imposed upon the sale of alcoholic beverages by resident caterers as provided in this chapter. Excise taxes are imposed upon the total of individual alcoholic beverages served by a nonresident caterer in the amount set forth in this chapter, and shall be paid within 30 days after the conclusion of the catered event or function.

(Code 1989, § 3-110; Ord. No. 679, § 16, 7-15-2013)

Secs. 4-240—4-256. - Reserved.

#### ARTICLE X. - PUBLICLY-OWNED FACILITIES<sup>5</sup>

#### Footnotes:

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**State Law reference—** Sale of alcoholic beverages at publically-owned facilities, O.C.G.A. § 3-8-1 et seq.

Sec. 4-257. - Exception for publicly-owned facilities.



- (a) Notwithstanding any other provision of this chapter to the contrary, a limited exception to sections 4-6 and 4-47, shall exist for that person or entity possessing a public facilities permit, as hereinafter defined.
- (b) For all purposes of this section, the term "public facilities" means:
  - (1) An historic structure owned by the city and operated as a welcome center by a local historical society or similar nonprofit organization; or
  - (2) Property and/or facilities owned by the city and operated by the city as an equestrian center.
- (c) Any person or entity desiring to engage in activities permitted by this section shall make written application to the director of ~~public safety~~ Community Development for the appropriate public facilities permit on forms prescribed by the director of ~~public safety~~ Community Development, and filed with the director of ~~public safety~~ Community Development. All applications shall be accompanied by a public facilities permit fee of \$50.00. If the application is denied, or if the applicant withdraws the application prior to its approval, the license fee, without interest, shall be refunded. The application shall include, but shall not be limited to: the name and address of the applicant, the date, address and times of the proposed event and the location of the public facility. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.
- (d) If such public facilities permit is granted by the director of ~~public safety~~ Community Development, it shall be good only for the specified event at the specified address and times set forth in the application, not to exceed five days for an equestrian center and one day for a welcome center.
- (e) A public facilities permit for an equestrian center shall only permit the permit holder to serve (not sell) alcoholic beverages in a hospitality tent or similar structure previously approved by the director of ~~public safety~~ Community Development, and the alcoholic beverages may only be consumed on the premises of such hospitality tent or similar structure.
- (f) A public facilities permit for a welcome center shall only permit the holder to serve (not sell) alcoholic beverages within the premises of the welcome center, and the alcoholic beverages may only be consumed on the premises of the welcome center.
- (g) A public facilities permit shall only be issued to a caterer licensed under the provisions of this chapter, or to an individual who meets the character requirements of this chapter; provided, however, that no more than two permits per calendar year shall be issued to an individual who is not a licensed caterer.
- (h) The director of ~~public safety~~ Community Development shall have authority to prescribe forms for applications. Failure to furnish any requested data shall automatically serve to dismiss the application with prejudice.
- (i) Any untrue or misleading information contained in, or material statement omitted from, an original or renewal application for a public facilities permit shall be cause for the denial or revocation thereof.
- (j) Except as set forth above in this section, a public facilities permit holder must comply with all of the provisions set forth in this chapter.

(Code 1989, § 3-120; Ord. No. 373, 3-25-1996; Ord. No. 679, § 17, 7-15-2013)

Secs. 4-258—4-277. - Reserved.

#### ARTICLE XI. - ANNEXED AREAS

Sec. 4-278. - Annexed areas.

Any person, establishment, partnership, corporation or other entity which holds a license from the county for the sale, manufacture, package or distribution of alcoholic beverages and which is located in

an area annexed by the city, shall have 30 days from the effective date of the annexation to apply for the appropriate licenses and permits under this chapter. The applicant shall pay all applicable fees and costs for the equivalent license to the city. The applicant, however, shall be entitled to a credit for the amount of any license fee paid to the county in the year of annexation.

(Code 1989, § 3-130; Ord. No. 373, 3-25-1996)

Secs. 4-279—4-304. - Reserved.

## ARTICLE XII. - SPECIAL EVENTS<sup>[6]</sup>

Footnotes:

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**State Law reference**— Special events use permit, O.C.G.A. § 3-14-1 et seq.

Sec. 4-305. - Special temporary outside events.

- (a) Establishments duly licensed by the city to sell alcoholic beverages for consumption on the premises must submit an application and site plan to the director of ~~public safety~~ Community Development or his designee to engage in outside special events. A special event temporary permit shall authorize the retail consumption licensee to sell alcoholic beverages for consumption on the premises for a period not to exceed the hours otherwise specified in this chapter. The applicant must meet the following requirements:
- (1) The licensed establishment must have an existing license for the sale of alcoholic beverages for consumption on the premises. The entrances and exits to the event must be through controlled entry points which allow for easy monitoring of patrons entering and leaving the event.
  - (2) A site plan must be submitted to and approved by the director of ~~public safety~~ Community Development as well as the city fire marshal for approval. If the site plan provides for an area to accommodate more than 25 persons, a crowd control and security plan must be submitted to the director of ~~public safety~~ Community Development for approval. The community development department and city fire marshal must approve any temporary structures.
  - (3) A signed and notarized letter from the property owner must be submitted to the director of ~~public safety~~ Community Development authorizing the use of the property for the event.
  - (4) The outside event shall not exceed two days.
  - (5) All outside events for an individual licensed establishment will be restricted to two events per year.
  - (6) A non-refundable fee of \$150.00 per event must be paid at the time of filing of the application.
  - (7) The completed application must be submitted to the director of ~~public safety~~ Community Development no less than 20 days prior to the scheduled event.
- (b) Nothing in this section shall be construed to waive or appeal any other requirements ordained under this Code.
- (c) The licensee or the licensee's employee shall supervise all aspects of the special event pertaining to the handling and storage of alcoholic beverages and the distribution of alcoholic beverages to consumers. The licensee shall be responsible for compliance with all aspects of this article and state law, and liable for infractions thereof.

(Code 1989, § 3-140; Ord. No. 679, § 18, 7-15-2013)

Secs. 4-306—4-328. - Reserved.

#### ARTICLE XIII. - PUBLIC ENTERTAINMENT FACILITY

Sec. 4-329. - Consumption on premises license for public entertainment facilities.

A license to sell alcoholic beverages for consumption on the premises may be issued to the owner and/or operator of a public entertainment facility with a seating capacity in excess of 5,000 persons, including stadiums, arenas, coliseums, amphitheaters and auditoriums ("public entertainment facility"). Except as provided in this section, all applicants and license holders for public entertainment facilities shall meet all licensing qualifications established pursuant to this article, and must comply with all state statutes governing the sale of alcoholic beverages and all sections of this article and other city ordinances governing sales. Public entertainment facilities shall be required to comply with the percentage sales requirements applicable to consumption on the premises licensees under this article, but in determining such compliance, the revenue from the sale of tickets shall be combined with the revenue derived from the sale of prepared meals or food. In addition, food must be served during any period of time that alcoholic beverages are served. Alcoholic beverages may be sold during the hours authorized for other consumption on the premises licensees holding licenses pursuant to this article, except that Sunday sales shall be limited to the hours of 12:30 p.m. to 11:30 p.m.

(Code 1989, § 3-150; Ord. No. 575, § 1, 10-3-2005)

Secs. 4-330—4-346. - Reserved.

#### ARTICLE XIV. - ANCILLARY WINE TASTING LICENSE

Sec. 4-347. - Conditions of license issuance.

The holder of a package wine license, with or without a package malt beverage license, but in no event with a package distilled spirits license, with licensed premises having a minimum of 200 square feet of floor space dedicated to the display of wine offered for sale, shall be eligible for an ancillary wine tasting license to sell or provide samples or tastings of wine offered for sale by the package to customers for consumption on the premises under the following conditions:

- (1) The licensee shall maintain on the premises and offer for sale by the package at least 25 different brands of wine.
- (2) Wine sampling and tasting for customers shall only be conducted at a wine counter area constituting no more than 20 percent of the entire floor area of the premises.
- (3) Wine samples shall not exceed two ounces, and no customer shall consume more than eight ounces in any calendar day.
- (4) Wine bottles shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.
- (5) No open containers of wine shall be removed from the licensed premises.
- (6) Wine sampling and tasting is only permitted within the enclosed portion of the premises.
- (7) Wine sampling and tasting is only permitted during the hours the licensed premises are authorized to provide package sales of alcoholic beverages; provided, however, no wine sampling and tasting shall be permitted on Sunday.



- (8) Wine sampling and tasting shall not be permitted prior to the city's approval of a package license holder's application for an ancillary wine tasting license and the package license holder's payment of the subject license fee. The annual fee for an ancillary wine tasting license shall be \$250.00, which fee may be revised from time to time by resolution of the mayor and council.

(Code 1989, § 3-160; Ord. No. 598, § 1, 7-10-2006; Ord. No. 740, § 8, 5-16-2017)

Secs. 4-348—4-367. - Reserved.

#### ARTICLE XV. - MISCELLANEOUS OFFENSES

Sec. 4-368. - Alcohol consumption near package stores.

- (a) *Generally.* It shall be unlawful for any person to open or to consume all or any part of any type of alcoholic beverage within 100 feet of any retail store where alcoholic beverages are sold in package form or within the boundary lines of the property on which such retail store is located, whichever constitutes the greater distance.
- (b) *Enforcement.* The police department shall be responsible for the enforcement of this section.

(Code 1989, § 3-170; Ord. No. 622, § 2, 5-19-2008)

Sec. 4-369. - Drinking in public places.

No person shall drink or consume all or any part of an alcoholic beverage in or on a street, sidewalk, alley, mall, parking lot or structure, motor vehicle, public grounds or other public place unless the place has been licensed or permitted for that purpose under this article.

(Code 1989, § 3-171; Ord. No. 622, § 2, 5-19-2008)

Secs. 4-370—4-396. - Reserved.

#### ARTICLE XVI. - SPECIAL PROVISIONS AND EXCEPTIONS WITHIN DOWNTOWN DISTRICT

Sec. 4-397. - General.

The provisions of this article are intended to set forth certain exceptions and provisions applicable only to licensees whose establishments are located within the downtown district (as hereinafter defined) holding licenses to sell alcoholic beverages for consumption on the premises. Except as specifically set forth in this article, all such licensees remain subject to all other provisions of the city's alcoholic beverage chapter.

(Code 1989, § 3-180; Ord. No. 658, § 1, 8-22-2011)

Sec. 4-398. - Minimum distance requirements within downtown district.

The minimum distance requirements for on-premises consumption establishments in the downtown district shall be 50 feet from all of the establishments and locations designated in section 4-17(a), and measured in accordance with the provisions set forth in section 4-17(b). For the purpose of distance requirements, the downtown district shall not be deemed to include establishments not physically located within the district.

(Code 1989, § 3-180.1; Ord. No. 668, § 1, 8-6-2012)

Sec. 4-399. - Waiver procedure and standards.

An establishment that desires to locate within the downtown district and cannot meet the distance requirements specified above may file an application for a waiver or reduction of the minimum distance requirements with the city council. The city council, after notice and a public hearing, may grant a waiver or reduction to the minimum distance requirements if it determines that the proposed variance 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. 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 requirements and, with respect to residentially zoned areas, whether the establishment is physically separated or well buffered from adjacent residentially zoned areas. 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.

(Code 1989, § 3-180.2; Ord. No. 668, § 1, 8-6-2012)

Sec. 4-400. - Definition of downtown district.

For the purpose of this article only, the downtown district is defined 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.

(Code 1989, § 3-181; Ord. No. 658, § 1, 8-22-2011; Ord. No. 694, § 2, 9-15-2014)

Sec. 4-401. - Outside consumption of alcoholic beverages permitted.

- (a) *One drink on-street limit.* Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.
- (b) *Size limited to a maximum of 16 ounces.* No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size. Nothing set forth in this subsection shall be construed to permit the possession of open alcoholic beverages in any public place within the downtown district except as otherwise expressly authorized under this section.

- (c) *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass, or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.
- (d) *Purchase from licensed premises within downtown district.* Alcoholic beverages consumed pursuant to this provision must be purchased from a licensed premises within the downtown district.
- (e) *Consumption limited to certain areas in downtown district.* No alcoholic beverage purchased pursuant to this provision may be consumed outside of the downtown district, upon any sidewalk adjacent to a church, school or park (unless specifically authorized by the city in conjunction with a city event or other event authorized by the city) or upon any private property without the express written consent of the property owners.
- (f) *Consumption limited to lawful hours of operation.* No alcoholic beverage purchased pursuant to this provision shall be consumed except within the authorized hours of sale of the establishment where purchased.
- (g) *Festivals; special events.* Unless otherwise specified by this article or the terms of a special event permit issued by the city, the provisions of this article shall also apply to special events and festivals.
- (h) *Public parks and squares in the downtown district.* Beer and wine, but not distilled spirits, may be consumed in public parks and squares located in the downtown district, including on the sidewalks adjacent thereto, but only when same is specifically authorized by the city in conjunction with a city event or under a special event permit issued by the city. Further, beer or wine consumed pursuant to the foregoing provision must be purchased from an alcoholic beverage licensee holding a permit to sell beer or wine at the subject city or special event. Except as otherwise expressly authorized pursuant to the foregoing provisions of this subsection, no person shall possess any open alcoholic beverage container in a public park or square located within the downtown district.

(Code 1989, § 3-182; Ord. No. 658, § 1, 8-22-2011; Ord. No. 742, § 1, 6-19-2017)

Sec. 4-402. - Alcohol/food sales ratio.

A licensed establishment located within the downtown district shall derive a minimum of 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

(Code 1989, § 3-183; Ord. No. 658, § 1, 8-22-2011)

Sec. 4-403. - No abrogation of other laws.

The provisions of this article shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws.

(Code 1989, § 3-184; Ord. No. 658, § 1, 8-22-2011)

Sec. 4-404. - Licensed establishments with food trucks/mobile food vendors.

A licensed establishment within the downtown district may utilize one or more food trucks/mobile vendor trucks to satisfy the requirement of a full-service kitchen (article II, section 4-47) and alcohol/food sales ratio (article II, section 4-47 and article XVI, section 4-402) under the terms of this section. The food trucks/mobile food vendors must be:

- (1) Licensed under chapter 10, article X;
- (2) Located on the same private property premises as the licensed establishment;



- (3) Generally incorporated into the operation of the licensed establishment; and
- (4) Available, open and prepared to serve food every hour that alcoholic beverages are offered for sale from any portion of the premises.

(Ord. No. 728, § 1, 9-19-2016)

Secs. 4-405—4-421. - Reserved.

#### ARTICLE XVII. - BREWERIES<sup>[7]</sup>

Footnotes:

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**State Law reference**— Dealing in malt beverages at wholesale and retail prohibited without a license from local governing authority, O.C.G.A. § 3-5-40.

Sec. 4-422. - Definitions.

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

*Brewer* means a manufacturer of malt beverages.

*Brewery* means a place where malt beverages are manufactured or brewed.

(Code 1989, § 3-190; Ord. No. 673, § 1, 3-25-2013)

**State Law reference**— Definitions, O.C.G.A. § 3-5-1.

Sec. 4-423. - Brewer license authorized.

Brewers' licenses are authorized in the city; provided, however, that no individual shall be permitted to own or operate a brewery without first obtaining a proper brewer's license from the city in the manner provided in this chapter, and each holder of a brewer's license shall comply with the provisions of this chapter and all applicable state statutes, including rules and regulations promulgated by the department of revenue.

(Code 1989, § 3-191; Ord. No. 673, § 1, 3-25-2013)

Sec. 4-424. - License fee.

The license fee for a brewer shall be \$500.00 annually. The license fee may be amended from time to time by resolution adopted by the mayor and city council.

(Code 1989, § 3-192; Ord. No. 673, § 1, 3-25-2013)

Sec. 4-425. - Exceptions for breweries.

- (a) As a limited exception to the provisions of this chapter which implement and enforce the three-tier system for the manufacture, distribution and sale of malt beverages established under state law, a brewer's license authorizes the holder of such license to sell directly to the public on its licensed premises up to 3,000 barrels of malt beverage manufactured on such licensed premises per year for:
  - (1) Consumption on the premises; and
  - (2) Consumption off the premises (sales by the package), provided that such sales by the package shall not exceed a maximum of 288 ounces per consumer, per day.
- (b) Such retail sales are permitted on the days and at the times that the retail sale of malt beverages for consumption on the premises or by the package, as applicable, is authorized for other retailer licensees under this chapter. Under no circumstances shall such malt beverages be sold by a licensed brewer to a licensed retailer or retail consumption dealer for the purpose of resale. Any brewer engaging in the retail sales of malt beverages pursuant to this section shall remit all state and local excise taxes to the proper tax collecting authority. For the purposes of this article, the term "barrel" means 31 gallons of malt beverage.

(Code 1989, § 3-193; Ord. No. 673, § 1, 3-25-2013; Ord. No. 740, § 9, 5-16-2017)

**Editor's note**— The effective date of this provision is September 1, 2017.

Secs. 4-426—4-448. - Reserved.

#### ARTICLE XVIII. - SPECIAL PROVISIONS AND EXCEPTIONS WITHIN CERTAIN MIXED USE DEVELOPMENTS

Sec. 4-449. - General.

The provisions of this article are intended to set forth certain exceptions and provisions applicable only to licensees whose establishments are located within certain large mixed use development districts, as hereinafter defined, holding licenses to sell alcoholic beverages for consumption on the premises. Except as specifically set forth in this article, all such licensees remain subject to all other provisions of the city's alcoholic beverage chapter.

(Code 1989, § 3-200; Ord. No. 679, § 19, 7-15-2013)

Sec. 4-450. - Definition of mixed use development district.

For the purposes of this article only, the term "mixed use development district" is defined as follows:

- (1) ~~A The development property contains a minimum of 50 acres which is zoned MU (Mixed Use) or DT-MU (Downtown Mixed-Use) and is minimum 10 acres.~~
- (2) ~~—The development is zoned to include not less than 350,000 square feet of retail and restaurants, 500,000 square feet of office space, 200 rental or single family homes, and 300 hotel rooms.~~

(Code 1989, § 3-201; Ord. No. 679, § 19, 7-15-2013)

Sec. 4-451. - Minimum distance requirements within mixed use districts.

The minimum distance requirements for on-premises consumption establishments in a mixed use district are waived.

(Code 1989, § 3-202; Ord. No. 679, § 19, 7-15-2013)

Sec. 4-452. - Outside consumption of alcoholic beverages permitted.

- (a) The provisions of section 4-401 regarding outside consumption of alcoholic beverages in the Downtown District are authorized within mixed use development districts and the ~~provisions of section 4-401 are incorporated herein by reference~~ same privileges and conditions shall apply in each.
- (b) In the event that a mixed use development is managed by an on-site management company, such management company may conduct outside special events within common/open areas of the development, provided that the company utilizes a licensed caterer for such events and meets the requirements of section 4-305, except for the limitation on the number of events.

(Code 1989, § 3-203; Ord. No. 679, § 19, 7-15-2013)



**AN ORDINANCE TO AMEND CHAPTER 4 ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES OF THE CITY OF ALPHARETTA, GEORGIA; TO CHANGE THE REGULATING AUTHORITY FROM PUBLIC SAFETY TO COMMUNITY DEVELOPMENT; TO AMEND THE DEFINITION OF MIXED USE DEVELOPMENT DISTRICT; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Alpharetta (the "City") adopted The Code of Ordinances of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the "Code of Ordinances"); and

**WHEREAS**, the City has also adopted certain Alcoholic Beverages regulations, codified as Chapter 4 of The Code of Ordinances of the City of Alpharetta, Georgia, which has subsequently been amended from time to time; and

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

**WHEREAS**, The Code of Ordinances of the City of Alpharetta, Georgia were designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs; and

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

**WHEREAS**, the City Council desires to amend Chapter 4 of The Code of Ordinances of the City of Alpharetta, Georgia for the foregoing purposes; and

**WHEREAS**, the City Council finds that the following amendments to The Code of Ordinances of the City of Alpharetta, Georgia promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

**NOW THEREFORE**, The Council of the City of Alpharetta hereby ordains, as follows:

**Section 1:** Chapter 4 titled "Alcoholic Beverages," of The Code of Ordinances of the City of Alpharetta is hereby amended by revising same as set forth in Exhibit "A" attached hereto as if fully set forth herein; and

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

**Section 3:** The provisions in this Ordinance substituting the Community Development Department for the Public Safety Department shall be effective October 1, 2019. All other provisions of this Ordinance shall be effective immediately upon adoption by the City Council. The amendments made herein shall be incorporated into the Unified Development Code of the City of Alpharetta, Georgia and The Code of Ordinances of the City of Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2019 by the Mayor and Council of The City of Alpharetta, Georgia.

THE CITY OF ALPHARETTA, GEORGIA

By: \_\_\_\_\_  
Jim Gilvin, Mayor

COUNCILMEMBERS

\_\_\_\_\_  
Jason Binder

\_\_\_\_\_  
Ben Burnett

\_\_\_\_\_  
John Hipes

\_\_\_\_\_  
Dan Merkel

\_\_\_\_\_  
Donald Mitchell

\_\_\_\_\_  
Karen Richard

(SEAL)

Attest:

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
Erin Cobb, City Clerk

\_\_\_\_\_  
C. Sam Thomas, City Attorney

First Reading: \_\_\_\_\_

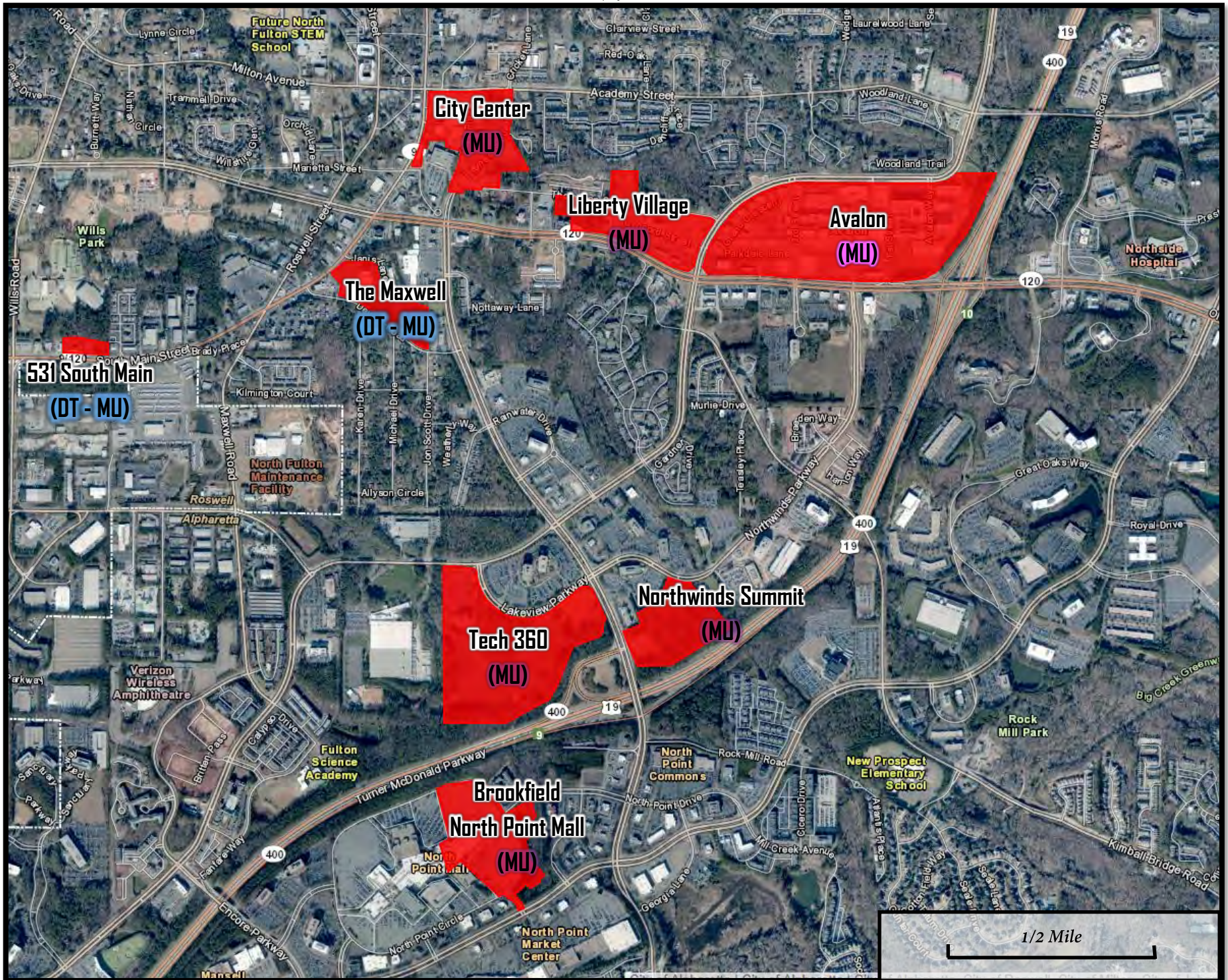
Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_



# Alpharetta Properties Zoned MU (Mixed-Use) or DT-MU (Downtown Mixed-Use)

6.24.19







# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Public Safety

Submitted By: Will Merrill

Sponsored By:

Meeting Date: August 26, 2019

**I. AGENDA ITEM TITLE: PURCHASE OF ONE MCC 7500C IP DISPATCH CONSOLE FOR THE 911 CENTER**

**II. RECOMMENDATION:**

The Staff recommends approval for the Department of Public Safety to spend up to \$58,000 for the purchase of one MCC 7500C IP Dispatch console, related equipment/accessories and licenses.

**III. BUDGET IMPLICATIONS:**

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: YES INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: \$58,000

APPROPRIATIONS:

| <u>ACCOUNT TITLE/NUMBER</u>            | <u>DOLLAR AMOUNT</u> |
|----------------------------------------|----------------------|
| MOBILE DISPATCH/ 21531800 542400 C2008 | \$58,000.00          |

EXTERNAL FUNDING SOURCES:

| <u>ACCOUNT TITLE/NUMBER</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------------|----------------------|
| None                        | \$0.00               |

**IV. REPORT IN BRIEF:**

The Department of Public Safety is requesting approval to purchase one MCC 7500C IP Dispatch console, related equipment/accessories and licenses in the amount of \$58,000 for the 911 Center.

This is the first purchase of a planned installation of the required hardware, software and local remote access security infrastructure to provide laptop based remote access to the North Fulton Regional Radio System radio network.

The purpose of this completed system is that in the event of an emergency or catastrophic failure at the 911 center, services can be immediately replicated in a limited functional capacity until alternate facilities can be arranged. This system allows 911 personnel to be able to move to any safe location with laptops and resume limited operations.

This will be accomplished through the purchase of two (2) laptops- one Motorola system (the MCC 7500C IP Dispatch console, which will function as a radio) and one AT&T system- (which will function as a telephone). This system also includes hardware in the server room for connections and encryption for a VPN for the laptops. Both Motorola and AT&T / Intrado West have internet / VPN / Laptop capabilities. Utilizing this mobile platform will also increase efficiencies during special events by providing a 911 center capability on scene during events and fully exercise the increase in the functionality enable by the soon to be activated ESInet Next Generation 911 System.

Motorola is an approved Single Source vendor for this purchase.

The funding for this console in the amount of \$58,000 is part of the approved and budgeted Capital project approved through the E911 fund.

**V. ALTERNATIVES:**

**VI. ATTACHMENTS:**

2019 quote MCC7500C IP Dispatch, 2019 Motorola Single Source 911 mobile console

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## ***System Overview : City of Alpharetta MCC7500e Laptop***

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In a request from the City of Alpharetta, Motorola is providing a quote for adding 1 remote MCC 7500e IP Dispatch console. The MCC 7500e Dispatch Console offers IP-based seamless connectivity between dispatch operators and field personnel. The MCC 7500e Dispatch Console will provide scalable and flexible system architecture, sophisticated network management and security, and an easy migration to future capabilities.

The system equipment costs provided are based on the Design Assumptions listed below. Services below include engineering, installation, optimization, project management and first year warranty.

---

### ***Pricing***

---

#### MCC 7500e Laptop with Proxy Server

|                                                 |                     |
|-------------------------------------------------|---------------------|
| Equipment/Services/<br>Installation/Programming | <u>\$ 58,000.00</u> |
|-------------------------------------------------|---------------------|

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### ***Design Assumptions***

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- 7.17.2 system release
- Training not included
- MCC 7500e position will be used outside the Radio Network Infrastructure (RNI)
- Maximum of 10 Simultaneous Audio Streams
- Customer to provide sufficient internet bandwidth from remote MCC 7500e and local dispatch site
- Customer to provide internet drop within dispatch site equipment room where our VPN firewall will be located.
- Sufficient electrical circuits and backup power present within dispatch location.
- Local dispatch is configured as a remote dispatch site (has site routers) and has at least one MCC 7500e position.
- No SUA II maintenance out years quoted.
- All existing sites or equipment locations will have sufficient Rack and Floor space available for the system described (within dispatch to install (1) one firewall and (1) Proxy PC workstation with 19" monitor) as required/specified by R56.
- No box level or performance spec testing will be conducted.
- No Logging recorder has been quoted in this proposal.



## Equipment

| 1 | B1948        | MCC 7500E DISPATCH POSITION LICENSES                                   |
|---|--------------|------------------------------------------------------------------------|
| 1 | UA00653AA    | ADD: BASIC CONSOLE OPERATION                                           |
| 1 | UA00654AA    | ADD: ASTRO 25 TRUNKING OPERATION                                       |
| 1 | UA00655AA    | ADD: ADVANCED CONVENTIONAL OPERATION                                   |
| 1 | UA00659AA    | ADD: ADP/AES/DES-OFB ENCRYPTION                                        |
| 1 | UA00658AA    | ADD: SECURE OPERATION                                                  |
| 1 | UA00250AA    | ADD: 30 RADIO RESOURCES LICENSE                                        |
| 1 | UA00661AA    | ADD: ENHANCED IRR                                                      |
| 1 | UA00254AA    | ADD: PRX 7000 PROXY SW LICENSE (1-10 CONNECTIONS)                      |
| 1 | B1949        | MCC 7500E SOFTWARE DVD                                                 |
| 1 | TT3493       | ZBOOK 15 G5 NON RETURNABLE                                             |
| 2 | B1952        | SPEAKER, DESKTOP, USB                                                  |
| 2 | CA03405AA    | ADD: POWER SUPPLY WITH DC CORD                                         |
| 2 | CA03406AA    | ADD: AC LINE CORD, NORTH AMERICA                                       |
| 2 | CA03412AA    | ADD: USB CABLE, TYPE C TO TYPE C, 4.5M                                 |
| 1 | B1941        | USB AUDIO INTERFACE MODULE                                             |
| 1 | B1951        | MICROPHONE, DESKTOP, USB                                               |
| 2 | CA03412AA    | ADD: USB CABLE, TYPE C TO TYPE C, 4.5M                                 |
| 1 | B1913        | MCC SERIES HEADSET JACK                                                |
| 1 | RLN6098      | HDST MODULE BASE W/PTT, 15 FT CBL                                      |
| 1 | RMN5078B     | SUPRAPLUS NC SINGLE MUFF HEADSET                                       |
| 1 | DSTWIN6328A  | PROVIDES ONE DUAL PEDAL FOOTSWITCH FOR USE WITH MOTOROLA MCC 7500 DISP |
| 1 | T7885        | MCAFEЕ WINDOWS AV CLIENT                                               |
| 1 | DSF2B56AA    | USB EXTERNAL DVD DRIVE                                                 |
| 1 | DSST7300U3M  | STARTECH 7 PORT USB 3.0 HUB                                            |
| 1 | T7448        | WINDOWS SUPPLEMENTAL FULL CONFIG                                       |
| 1 | BVN6079      | PRX 7000 Proxy Application SW DVD                                      |
| 1 | TT3492       | Z2 G4 MINI WORKSTATION NON RETURNAB                                    |
| 1 | T8126        | FORTINET FIREWALL APPLIANCE                                            |
| 1 | DS1101990    | SPD, SHIELDED RJ-45 JACK, SINGLE LINE GBE (1000MBPS) R56 COMPLIANT     |
| 1 | DSTSJADP     | RACK MOUNT GROUND BAR, 19 IN FOR TSJ AND WPH SERIES DATA SPDS          |
| 1 | DQDELLP1917S | DELL 19" LED MONITOR                                                   |
| 1 | SQM01SUM0273 | MASTER SITE CONFIGURATION                                              |
| 1 | CA02629AC    | ADD: EXPAND 7.17 M CORE                                                |



# Sole/Single Source Justification Form

Finance Department  
2 Park Plaza  
Alpharetta, GA 30009  
Phone: 678-297-6094  
Fax: 678-297-6063  
www.alpharetta.ga.us

Please complete and attach this form to requisitions when competitive quotes/bids are not solicited and provide justification below (required for requisitions \$5,000.01 and greater). This form must be approved by the City Attorney and Procurement Official prior to ordering goods/services from the proposed vendor.

If a Sole Source or Single source designation is granted, a fully executed copy of this form must be attached to all related requisitions. The designation is provided for a maximum period of three (3) fiscal years, after which the good/services must be competitively procured or a new designation requested.

|                                           |                                      |           |               |
|-------------------------------------------|--------------------------------------|-----------|---------------|
| Department:                               | Public Safety                        | Date:     | July 17, 2019 |
| Department Director/Designee (print):     | John Robison, Chief of Public Safety |           |               |
| Department Director/Designee (signature): |                                      |           |               |
| Vendor Name:                              | Motorola Solutions Inc.              | Vendor #: | 639           |

I am requesting a waiver from obtaining competitive pricing for the following reason(s):

☐ Sole Source Designation

Only one vendor possesses the unique and singularly available capability to provide the good/service.

☒ Single Source Designation

Only one vendor demonstrates the unique knowledge, skills, and/or performance required to ensure successful consultation, implementation, installation, maintenance, etc. of the requested good/service which is an integral component of the City's existing infrastructure, equipment, and/or operations.

Provide a description of the requested good/service and a justification for the Sole/Single Source designation:

Purchase one MCC 7500C IP Dispatch console, related equipment/accessories and licenses in the amount of \$58,000.

This is a critical part of the required hardware and software to provide portable remote access to 911 telephone system and radio network - a Mobile Dispatch System.

Purchase of this specific equipment is from the manufacturer of the radio system currently used by the City of Alpharetta. This equipment is programmed, designed, configured and maintained by the vendor, Motorola Solutions, Inc. The use of this specific equipment is necessary to maintain security of critical infrastructure, maintain compatibility and continuity of training and operation

The user department shall exercise due diligence in reviewing the pricing of the requested vendor to ensure it is in-line with pricing provided to similar customers.

Approval

☒ City Attorney

Date: 7/22/19

☐ Procurement Official

Date: \_\_\_\_\_

Print Form

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## *System Overview : City of Alpharetta MCC7500e Laptop*

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In a request from the City of Alpharetta, Motorola is providing a quote for adding 1 remote MCC 7500e IP Dispatch console. The MCC 7500e Dispatch Console offers IP-based seamless connectivity between dispatch operators and field personnel. The MCC 7500e Dispatch Console will provide scalable and flexible system architecture, sophisticated network management and security, and an easy migration to future capabilities.

The system equipment costs provided are based on the Design Assumptions listed below. Services below include engineering, installation, optimization, project management and first year warranty.

---

## *Pricing*

---

### MCC 7500e Laptop with Proxy Server

|                                                 |                     |
|-------------------------------------------------|---------------------|
| Equipment/Services/<br>Installation/Programming | <u>\$ 58,000.00</u> |
|-------------------------------------------------|---------------------|

---

## *Design Assumptions*

---

- 7.17.2 system release
- Training not included
- MCC 7500e position will be used outside the Radio Network Infrastructure (RNI)
- Maximum of 10 Simultaneous Audio Streams
- Customer to provide sufficient internet bandwidth from remote MCC 7500e and local dispatch site
- Customer to provide internet drop within dispatch site equipment room where our VPN firewall will be located.
- Sufficient electrical circuits and backup power present within dispatch location.
- Local dispatch is configured as a remote dispatch site (has site routers) and has at least one MCC 7500e position.
- No SUA II maintenance out years quoted.
- All existing sites or equipment locations will have sufficient Rack and Floor space available for the system described (within dispatch to install (1) one firewall and (1) Proxy PC workstation with 19" monitor) as required/specified by R56.
- No box level or performance spec testing will be conducted.
- No Logging recorder has been quoted in this proposal.



## Equipment

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|---|--------------|------------------------------------------------------------------------|
| 1 | UA00653AA    | ADD: BASIC CONSOLE OPERATION                                           |
| 1 | UA00654AA    | ADD: ASTRO 25 TRUNKING OPERATION                                       |
| 1 | UA00655AA    | ADD: ADVANCED CONVENTIONAL OPERATION                                   |
| 1 | UA00659AA    | ADD: ADP/AES/DES-OFB ENCRYPTION                                        |
| 1 | UA00658AA    | ADD: SECURE OPERATION                                                  |
| 1 | UA00250AA    | ADD: 30 RADIO RESOURCES LICENSE                                        |
| 1 | UA00661AA    | ADD: ENHANCED IRR                                                      |
| 1 | UA00254AA    | ADD: PRX 7000 PROXY SW LICENSE (1-10 CONNECTIONS)                      |
| 1 | B1949        | MCC 7500E SOFTWARE DVD                                                 |
| 1 | TT3493       | ZBOOK 15 G5 NON RETURNABLE                                             |
| 2 | B1952        | SPEAKER, DESKTOP, USB                                                  |
| 2 | CA03405AA    | ADD: POWER SUPPLY WITH DC CORD                                         |
| 2 | CA03406AA    | ADD: AC LINE CORD, NORTH AMERICA                                       |
| 2 | CA03412AA    | ADD: USB CABLE, TYPE C TO TYPE C, 4.5M                                 |
| 1 | B1941        | USB AUDIO INTERFACE MODULE                                             |
| 1 | B1951        | MICROPHONE, DESKTOP, USB                                               |
| 2 | CA03412AA    | ADD: USB CABLE, TYPE C TO TYPE C, 4.5M                                 |
| 1 | B1913        | MCC SERIES HEADSET JACK                                                |
| 1 | RLN6098      | HDST MODULE BASE W/PTT, 15 FT CBL                                      |
| 1 | RMN5078B     | SUPRAPLUS NC SINGLE MUFF HEADSET                                       |
| 1 | DSTWIN6328A  | PROVIDES ONE DUAL PEDAL FOOTSWITCH FOR USE WITH MOTOROLA MCC 7500 DISP |
| 1 | T7885        | MCAFEES WINDOWS AV CLIENT                                              |
| 1 | DSF2B56AA    | USB EXTERNAL DVD DRIVE                                                 |
| 1 | DSST7300U3M  | STARTECH 7 PORT USB 3.0 HUB                                            |
| 1 | T7448        | WINDOWS SUPPLEMENTAL FULL CONFIG                                       |
| 1 | BVN6079      | PRX 7000 Proxy Application SW DVD                                      |
| 1 | TT3492       | Z2 G4 MINI WORKSTATION NON RETURNAB                                    |
| 1 | T8126        | FORTINET FIREWALL APPLIANCE                                            |
| 1 | DS1101990    | SPD, SHIELDED RJ-45 JACK, SINGLE LINE GBE (1000MBPS) R56 COMPLIANT     |
| 1 | DSTSJADP     | RACK MOUNT GROUND BAR, 19 IN FOR TSJ AND WPH SERIES DATA SPDS          |
| 1 | DQDELLP1917S | DELL 19" LED MONITOR                                                   |
| 1 | SQM01SUM0273 | MASTER SITE CONFIGURATION                                              |
| 1 | CA02629AC    | ADD: EXPAND 7.17 M CORE                                                |

**Patrol Rifle System**

**\$130,000 (DEA)**

Priority 1: This request is for the purchase of 65 rifle platforms at \$2,000 each and will allow the Department to issue the same type of rifle platform (make and model rifle, optics, light system and sling) to Officers. Currently, due to the limited number of Department owned rifles and the number of Officers, the Department allows Officers to the option of carrying an approved rifle that is personally owned or carrying one of the limited number of rifles the Department owns.

The Department has issued Forty (40) rifles to Uniformed Patrol Officers and has zero (0) unassigned and available to Uniform Patrol. Currently, twenty-two (22) Officers carry their own Department approved personal rifles due to their preference in optics, light systems and sling systems which are not supplied by the Department. With the new standardized rifle platform the carry of personal rifles will no longer be needed and the current policy of authorizing the practice will be modified. The estimated number of rifles takes into consideration the 40 issued to Officers, the 22 personal rifles currently being carried and 3 spares - for a total of 65 new standardized rifle platforms. All rifles will be from the same manufacturer with the same optics, light and sling systems. **Eligible for funding through DEA forfeiture funds.**

**Mobile Dispatch**

**\$91,000 (E911 Fund)**

Priority 1: Purchase and install the required hardware (2 laptops- one Motorola and one AT&T- 1 will function as a radio and 1 will function as a telephone; hardware in the server room for connections and encryption for a VPN for the laptops) and software to provide portable remote access to 911 telephone system and radio network. In the event of emergency, the 911 center can be immediately replicated in a limited functional capacity until alternate facilities can be arranged (911 personnel will be able to move to any safe location with the laptops and resume limited operations). Both Motorola and AT&T / Intrado West have internet / VPN / Laptop capabilities. Utilizing this mobile platform will also increase efficiencies during special events by providing a 911 center on scene during events. **Eligible for funding through E911 funds.**

**Recreation, Parks & Cultural Services**

**Park System Wayfinding Signage**

**\$100,000 (Hotel/Motel Taxes)**

Priority 1: This project is the implementation of the park system wayfinding and signage plan developed in FY 2017. The purpose of the signage plan is to bring uniformity to the numerous signs in our entire park system. The plan defines a specific sign style that will become our "brand" and help park patrons easily identify Alpharetta parks. The plan recommends locations for signs to help visitors locate various amenities in the parks, such as fields, playgrounds, tennis courts, restrooms, etc. Signs within parks will be evaluated and prioritized for replacement. Staff will systematically replace signs using the new guidelines outlined in the plan. Entrance upgrades were listed for all parks in the Master Plan and part of the upgrade includes signage. This is a multi-year initiative. **Funding is provided through Hotel/Motel Taxes (facility portion; \$100,000).**

**Northside Sponsorship Activity Grant Improvements**

**\$40,000 Grant Funded**

Priority 1: Northside Hospital is funding a three year sponsorship program focusing on the Health and Wellness aspects of Alpharetta's parks and programs.

Northside is providing \$50,000.00 per year for three years (began in FY 2019) which includes \$10,000 for operational initiatives and \$40,000 for capital improvements.



# City Council Meeting & Public Hearing

## STAFF REPORT

Submitting Department: Public Safety

Submitted By: Will Merrill

Sponsored By:

Meeting Date: August 26, 2019

### I. AGENDA ITEM TITLE: VEHICLE EXHAUST SYSTEMS FOR FIRE STATIONS 85 AND 86

### II. RECOMMENDATION:

Approve the purchase of MagneGrip Vehicle Exhaust systems in Fire Stations 85 and 86 for the Public Safety Department in the amount of \$56,266.16 and authorizing the Mayor to execute all necessary documents.

### III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: YES INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: \$56,266.67.

APPROPRIATIONS:

| ACCOUNT TITLE/NUMBER                           | DOLLAR AMOUNT |
|------------------------------------------------|---------------|
| Exhaust Removal System (30131150-541300-C1111) | \$56,266.16   |

EXTERNAL FUNDING SOURCES:

| ACCOUNT TITLE/NUMBER | DOLLAR AMOUNT |
|----------------------|---------------|
| -                    | \$0.00        |

### IV. REPORT IN BRIEF:

As provided within the Fiscal Year 2020 Budget, the Public Safety Department requests approval to purchase and install the MagneGrip Vehicle Exhaust systems in Fire Stations 85 and 86 in the amount of \$56,266.16.

Currently, four out of six Fire Stations are equipped with the MagneGrip Vehicle Exhaust systems which have been used for successfully for the past 14-years in stations 81, 82, 83, and 84 with no notable issues. The systems use nozzles and hoses to attach to the apparatus' exhaust pipes. These systems are fully automatic and don't slow boarding time when responding to calls for service. When the engine starts, auto-sensors activate the exhaust fan. The fan runs for three minutes and then automatically shuts off (manual override is used when the engine needs to run longer, such as during engine tests). The nozzle stays connected as the apparatus exits the bay, then automatically releases at the door. A balancer cable gently retracts the hose/nozzle assembly away from the door. This system was designed to specifically meet the needs of emergency response vehicles and firehouses and can utilize a particulate filter, which will reduce up to 99% of the diesel exhaust being emitted to the atmosphere while the vehicles are being run in quarters, and maintenance checks. Standardization of the vehicle exhaust systems has proven beneficial to staff from an operations standpoint (consistent functionality and usability) as well as a maintenance standpoint (one vendor).

Rossman Enterprise, Inc. (DBA Clean Air Concepts) is the single, exclusive regional dealer for the MagneGrip Vehicle Exhaust system and an approved Single Source vendor. They are also a current, active City vendor that provides maintenance services on the existing MagneGrip exhaust systems in the four other stations. The MagneGrip product has proven effective and reliable. Rossman Enterprises has proven dependable and customer service focused.

The FY 2020 Budget included funding totaling \$76,000 for vehicle exhaust systems at Fire Stations 85 and 86 as well as turnout gear lockers. Residual funding upon conclusion of these two scopes will be transferred



to a non-allocated account within the Capital Project Fund for future appropriation by the City Council.

**V. ALTERNATIVES:**

**VI. ATTACHMENTS:**

2019 Clean Air Concepts Single Source signed, 2019 Clean Air Concepts quote



## Sole/Single Source Justification Form

Please complete and attach this form to requisitions when competitive quotes/bids are not solicited and provide justification below (required for requisitions \$5,000.01 and greater). This form must be approved by the City Attorney and Procurement Official prior to ordering goods/services from the proposed vendor.

If a Sole Source or Single source designation is granted, a fully executed copy of this form must be attached to all related requisitions. The designation is provided for a maximum period of three (3) fiscal years, after which the good/services must be competitively procured or a new designation requested.

|                                           |                                                  |           |               |
|-------------------------------------------|--------------------------------------------------|-----------|---------------|
| Department:                               | Public Safety                                    | Date:     | July 11, 2019 |
| Department Director/Designee (print):     | John Robison, Director of Public Safety          |           |               |
| Department Director/Designee (signature): |                                                  |           |               |
| Vendor Name:                              | Rossman Enterprise, INC (DBA Clean Air Concepts) | Vendor #: | 10072         |

I am requesting a waiver from obtaining competitive pricing for the following reason(s):

☐ Sole Source Designation

Only one vendor possesses the unique and singularly available capability to provide the good/service.

☒ Single Source Designation

Only one vendor demonstrates the unique knowledge, skills, and/or performance required to ensure successful consultation, implementation, installation, maintenance, etc. of the requested good/service which is an integral component of the City's existing infrastructure, equipment, and/or operations.

Provide a description of the requested good/service and a justification for the Sole/Single Source designation:

Currently four (4) of six (6) City Fire Stations have MagneGrip Vehicle Exhaust systems installed and functioning.

Rossman Enterprise, INC (DBA Clean Air Concepts) is the single, exclusive regional dealer for the MagneGrip Vehicle Exhaust systems, they are currently a City Vendor and have the maintenance contract for the four existing systems.

There have been no issues with the current MagneGrip Vehicle Exhaust systems and no maintenance issues with Clean Air Concepts. In order to maintain system and maintenance continuity, the Department is requesting a single Source designation for Rossman Enterprise, INC (DBA Clean Air Concepts).

The user department shall exercise due diligence in reviewing the pricing of the requested vendor to ensure it is in-line with pricing provided to similar customers.

### Approval

☒ City Attorney

Date: 7/22/19

☐ Procurement Official

Date: \_\_\_\_\_

Print Form

# The MagneGrip Group

11449 Deerfield Road • Cincinnati, OH 45242 • 513-489-4440 • 800-875-5440 • Fax: 513-247-2502  
www.magnegrip.com • email: info@magnegrip.com

**DATE:**

July 8, 2019

**BUDGET ESTIMATE:**

Alpharetta Fire Department  
1475 Mid-Broadway Road  
Alpharetta, GA 30004

**FROM:**

Clean Air Concepts  
11449 Deerfield Rd.  
Cincinnati, OH. 45242  
Mike Johnson

**ATTENTION:**

Andy Wheeler

**PROJECT SCOPE:**

Provide and install a fully automatic MagneGrip™ Diesel Exhaust Extraction System for the source capture and the removal of vehicle exhaust emissions from Apparatus' start up to door threshold (in two fire stations).

**EQUIPMENT, MATERIAL AND LABOR PRICE:**

**STATION #5:**

Two Drop MagneGrip™ Sliding Balancer Track Exhaust Removal System

Package Includes:

- < (2) SBTM-201-05 Sliding Balancer Track with standard box-loc track and spring balancer with 5" high temperature hose drop, complete with MagneGrip Nozzle Assembly that seals completely around the tailpipe to contain contaminated air and Adaptor assembly that provides easy connection and cool air induction.
- < (2) 530630-05 Extreme High Temperature Lower Hose rated at 850 degrees, with Handle Assembly
- < (1) 361-2 MagneGrip Exhaust Fan Model CF361 with durable powder coating and of continuous welded construction throughout. Fan has an efficient backward incline, spark resistant fan wheel and is rated at 2hp 1350 cfm @ 6"sp, meets AMCA #2 standard and bench balanced to ANSI Standard for stability. Fan shall be wired for single phase.
- < (1) 500174-08 Wireless Auto-Start Control Panel in NEMA 4X enclosure with automatic start/stop operation. Entire assembly is UL/CUL listed with timer, manual override switch and wireless

Your Total Solution for Exhaust Removal & Air Purification





# The MagneGrip Group

11449 Deerfield Road • Cincinnati, OH 45242 • 513-489-4440 • 800-875-5440 • Fax: 513-247-2502  
www.magnegrip.com • email: info@magnegrip.com

capable.

- < Wireless receiver, transmitters and pressure sensors for automatic system activation.
- < (1) 500157-10 Up-blast Back Draft Damper Type Rain Cap
- < Electrical Power Wiring from available supply to control panel and to fan. Safety disconnect for fan motor. Does Not include any subpanels if required, and excludes any modifications required to bring service to code.
- < Tailpipe Modifications as required but, limited to vehicle tailpipes from the muffler out. Large modifications and severely damaged tailpipes may be excluded.
- < All spiral ductwork, lateral connectors, dampers and hangers for Class 2 Mechanical Installation included.
- < Adjustable Telescopic Support Legs to hang rail or track systems
- < Masonry core drilled holes for duct penetration to building exterior.
- < Shipping to Job Site, Included
- < Factory provided labor to install above system to provide a complete turnkey project
- < Start up and Field Training
- < Equipment is 100% American Made by an ISO9001-2008 Company

**STATION #5 PRICE .....\$28,133.08**

## **STATION #6:**

Two Drop MagneGrip™ Sliding Balancer Track Exhaust Removal System

Package Includes:

- < (2) SBTM-201-05 Sliding Balancer Track with standard box-loc track and spring balancer with 5" high temperature hose drop, complete with MagneGrip Nozzle Assembly that seals completely around the tailpipe to contain contaminated air and Adaptor assembly that provides easy connection and cool air induction.
- < (2) 530630-05 Extreme High Temperature Lower Hose rated at 850 degrees, with Handle Assembly
- < (1) 361-2 MagneGrip Exhaust Fan Model CF361 with durable powder coating and of continuous welded construction throughout. Fan has an efficient backward incline, spark resistant fan wheel and is rated at 2hp 1350 cfm @ 6"sp, meets AMCA #2 standard and bench balanced to ANSI Standard for stability. Fan shall be wired for single phase.
- < (1) 500174-08 Wireless Auto-Start Control Panel in NEMA 4X enclosure with automatic start/stop

Your Total Solution for Exhaust Removal & Air Purification



# The MagneGrip Group

11449 Deerfield Road • Cincinnati, OH 45242 • 513-489-4440 • 800-875-5440 • Fax: 513-247-2502  
www.magnetgrip.com • email: info@magnetgrip.com

operation. Entire assembly is UL/CUL listed with timer, manual override switch and wireless capable.

- < Wireless receiver, transmitters and pressure sensors for automatic system activation.
- < (1) 500157-10 Up-blast Back Draft Damper Type Rain Cap
- < Electrical Power Wiring from available supply to control panel and to fan. Safety disconnect for fan motor. Does Not include any subpanels if required, and excludes any modifications required to bring service to code.
- < Tailpipe Modifications as required but, limited to vehicle tailpipes from the muffler out. Large modifications and severely damaged tailpipes may be excluded.
- < All spiral ductwork, lateral connectors, dampers and hangers for Class 2 Mechanical Installation included.
- < Adjustable Telescopic Support Legs to hang rail or track systems
- < Masonry core drilled holes for duct penetration to building exterior.
- < Shipping to Job Site, Included
- < Factory provided labor to install above system to provide a complete turnkey project
- < Start up and Field Training
- < Equipment is 100% American Made by an ISO9001-2008 Company

**STATION #6 PRICE .....\$28,133.08**

**TOTAL PRICE..... \$56,266.16**

Your Total Solution for Exhaust Removal & Air Purification





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## **OPTIONAL ITEM: SFTM Sliding Flex-Hose Track (No Loop) Systems:**

Substitute the SBTM 201-05 Sliding Balancer Track MagneGrip system in the base price above with the SFTM 301-05 Sliding Flex-Hose Track MagneGrip system which virtually eliminates the hanging hose loops associated with standard track type systems.

- < SFTM-301-05 Horizontal Hose Track "No Loop System" with 6" expandable hose and 5" high temperature hose drop, complete with MagneGrip Nozzle Assembly that seals completely around the tailpipe to contain contaminated air and Adaptor assembly that provides easy connection and cool air induction.

OPTIONAL SFTM 301-05 Add \$3,146.00 to Base Price Above to each station for New Station Price of \$31,279.08 (each station) / Total Price for Both Stations of \$62,558.16.

## **TERMS:**

- < Net Due upon Receipt of Invoice
- < Pricing does not include any state taxes, sales tax or special tax if required.

## **SUBMITTED BY:**

Clean Air Concepts  
Mike Johnson

Your Total Solution for Exhaust Removal & Air Purification







# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Recreation and Parks

Submitted By: Morgan Rodgers

Sponsored By:

Meeting Date: August 26, 2019

## I. AGENDA ITEM TITLE: PURCHASE OF 2019 DEFENDER FORD 550 PASSENGER VEHICLE

## II. RECOMMENDATION:

Please approve the purchase of one 2019 Defender Ford 550 30 passenger vehicle with wheel chair lift from Alliance Bus Group, Inc. under the State of Georgia Contract reference GADAS 9999-001-SPD0000138-002 in the amount of \$115,257.01 and authorize the Mayor to execute all necessary documents.

## III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: YES INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: \$115,257.01

APPROPRIATIONS:

| ACCOUNT TITLE/NUMBER                      | DOLLAR AMOUNT |
|-------------------------------------------|---------------|
| Fleet Replacement (30161150-542200-C1232) | \$115,257.01  |

EXTERNAL FUNDING SOURCES:

| ACCOUNT TITLE/NUMBER | DOLLAR AMOUNT |
|----------------------|---------------|
| -                    | \$0.00        |

## IV. REPORT IN BRIEF:

The Alpharetta Recreation, Parks and Cultural Affairs Department received funding for the amount of \$120,000.00 in the FY2020 Capital Budget to replace the 2002 Ford Goshen Coach, Diesel, E450 Super Duty which currently has 153,771 miles.

Under the state contract, the cost for the new bus is \$115,257.01. This bus has a wheelchair lift and can accommodate two wheel-chaired passengers with fold down seating when the wheelchair area is not needed (see attached for all options on this vehicle).

Staff contacted other companies listed on the state contract. Alliance Bus Group, Inc. provided the lowest cost for all the options requested. In addition, the vehicle can be serviced in Marietta when needed. Alliance Bus Group, Inc. currently has an outstanding service record with the City of Alpharetta from previous purchases.

## V. ALTERNATIVES:

## VI. ATTACHMENTS:

Alliance Bus Group Quote

**Stock #: DEF550**

# **ALLIANCE BUS GROUP**

ALLIANCE BUS GROUP, INC.  
1926 HYANNIS COURT  
COLLEGE PARK GA 30337

Tel. : (770) 305-0060 Fax : (770) 305-0061

## **DETAILED SPECIFICATIONS**

### **Configured For:**

CITY OF ALPHARETTA  
GA DOAS 9999-001-SPD0000138-002  


Quote No. : -132475

Date of Quote : 7/23/2019

Sales Representative : pruner

New/Used : NEW

Year : 2019

Make : CHAMPION

Model : DEFENDER-F550

Mileage :

Chassis : FORD F550

Fuel : DIESEL

VIN :

Ambulatory Capacity : 26

# Wheelchairs : 2

Luggage : OVERHEAD

### **Vehicle Details**

### **Quantity**

|                                                          |   |
|----------------------------------------------------------|---|
| BODY - 1.5 X 1.5" 16 GA STEEL BODY SUPERSTRUCTURE        | 1 |
| BODY - 5/8" CDX PLYWOOD FLOOR IS STD.                    | 1 |
| BODY - FLAT FLOOR                                        | 1 |
| BODY - FULL UNDERCOATING                                 | 1 |
| BODY - FULLY WELDED STEEL ROLL CAGE CONSTRUCTION         | 1 |
| BODY - INSULATION - 1/2" THICK FOAM - R-8                | 1 |
| BODY - INTEGRATED TRACK SEATING                          | 1 |
| BODY - RUST INHIBITOR - FLOOR/FRAME/LOWER SIDEWALLS      | 1 |
| BODY - STEPWELL - 14 GAUGE STEEL                         | 1 |
| BUMPER - REAR BLACK POWER COATED STEEL IS STD.           | 1 |
| CAB - OEM DRIVER SEAT                                    | 1 |
| CAB - RUNNING BOARD DRIVER SIDE - FIBERGLASS             | 1 |
| CHASSIS - FRONT END ALIGNMENT                            | 1 |
| DOOR - 32" ELECTRIC ENTRY IS STD.                        | 1 |
| ELECTRICAL - BATTERY CABLES - 2/0 SGX                    | 1 |
| ELECTRICAL - DUAL BATTERIES                              | 1 |
| ELECTRICAL - FUSE PANEL LOCATED ABOVE DRIVER             | 1 |
| ELECTRICAL - OEM RADIO - CANNOT BE REMOVED               | 1 |
| EXHAUST - STREETSIDE                                     | 1 |
| EXTERIOR - DRIP RAIL OVER PASSENGER ENTRY DOOR           | 1 |
| EXTERIOR - REAR CAP - STYLISH FIBERGLASS                 | 1 |
| EXTERIOR - ROOF IS ONE PIECE COMPOSITE                   | 1 |
| EXTERIOR - SIDEWALLS - 2.54 FIBERGLASS (3.9 IF >= 29 FT) | 1 |
| EXTERIOR - SKIRTS ARE GALVANTIZED STEEL                  | 1 |
| INTERIOR - BLACK KICK PANELS UNDER SEAT RAIL IS STD.     | 1 |
| INTERIOR - CEILING - CARLSBAD IS STD.                    | 1 |
| INTERIOR - FLOORING - ANTHRACITE GERFLOR IS STD.         | 1 |
| INTERIOR - SIDEWALLS - LONDO SMOKE IS STD.               | 1 |
| INTERIOR - STEP NOSING - WHITE RUBBER IS STD.            | 1 |
| LIGHTS - EXTERIOR - ALL LED                              | 1 |
| LIGHTS - INTERIOR DOME LIGHTS - LED                      | 1 |

|                                                                                      |    |
|--------------------------------------------------------------------------------------|----|
| LIGHTS - STEPWELL LIGHTS - DUAL                                                      | 1  |
| MIRRORS - EXTERIOR - OEM HEATED/REMOTE                                               | 1  |
| MUD FLAPS - REAR ARE STD.                                                            | 1  |
| RAILS - LEFT HAND GRAB WITH STANCHION AND MODESTY PANEL ARE STD.                     | 1  |
| RAILS - RIGHT HAND GRAB IS STD.                                                      | 1  |
| WINDOWS - REAR ESCAPE IS STD.                                                        | 1  |
| WINDOWS - TOP T-SLIDERS ARE STD.                                                     | 1  |
| CITY OF ALPHARETTA GRAPHICS PACKAGE                                                  | 1  |
| FREIGHT - PDI AND DELIVERY                                                           | 1  |
| FRONT VIEW WINDOW ABOVE DRIVER                                                       | 1  |
| GEORGIA FORD GPC AND MOBILITY                                                        | 1  |
| REMOTE AND HEATED MIRRORS                                                            | 1  |
| SEAT BELT EXTENDERS                                                                  | 4  |
| SPARE TIRE/WHEEL 19.5" SHIP LOOSE                                                    | 1  |
| EXTENSION - TIRE VALVE STEM                                                          | 1  |
| EXHAUST - STREET SIDE                                                                | 1  |
| WHEEL - INSERT 19.5 S/S SET/4 10 LUG MUST USE THIS CODE ON F550                      | 1  |
| SUSPENSION - MOR/RIDE REAR F550                                                      | 1  |
| EXTERIOR KEY SWITCH                                                                  | 1  |
| HEATER 65K BTU                                                                       | 1  |
| 105K BTU MAX A/C FORD F550 6.7L DIESEL ACT                                           | 1  |
| POUCH - Q STRAINT TIEDOWN - BLACK VINYL                                              | 2  |
| TIEDOWN - Q STRAINT SLIDE-N-CLICK                                                    | 2  |
| LIFT - PACKAGE BRAUN CENTURY 403/404 PACKAGE INCLUDES: DUAL PANEL LIFT DOORS W       | 1  |
| WINDOWS - ADA LIFT LIGHTING - ADA ENTRY LIGHTING - PARK INTERLOCK - FAST IDLE -      |    |
| PRIORITY SEATING SIGNS - WHEELCHAIR LOCATION SIGNS                                   |    |
| STANCHION - W/MODESTY BEHIND DRIVER                                                  | 1  |
| ESCAPE HATCH DELUXE UPGRADE TO LUGGAGE PKG                                           | 1  |
| MIC HANDHELD IN-DASH REI                                                             | 1  |
| MIC HOSTESS NON-DASH REI                                                             | 1  |
| BACK-UP CAMERA SYST 7" MON. & 1 CAM REI                                              | 1  |
| PADDED DOOR HEADER                                                                   | 1  |
| SAFETY PACKAGE 2: SMALL BACK UP ALARM - 10# FIRE EXTINGUISHER - FIRST AID KIT 24     | 1  |
| UNIT - REFLECTOR TRIANGLES - 9" ROUND INTERIOR CONVEX MIRROR                         |    |
| O/H PARCEL RACK PRETORIA GRAY FABRIC W/READING LIGHT PER FT                          | 33 |
| DRIVER S COAT HOOK W/TIE BACK                                                        | 1  |
| COVER OEM DRIVER SEAT LEVEL 4                                                        | 1  |
| FREEDMAN US ARM FLIP UP                                                              | 13 |
| FREEDMAN CORNER GRABRAIL BLACK                                                       | 13 |
| LEVEL 4 FABRIC UPGRADE PER PASSENGER                                                 | 26 |
| SEAT BELT - UNDER SEAT RETRACTOR - DOUBLE-FREEDMAN                                   | 13 |
| HI-BACK FEATHERWEIGHT RECLINER W/T LEG DOUBLE                                        | 13 |
| SEAT - 35" FSC TWO STEP FOLDAWAY FLIP                                                | 1  |
| DROP SHIP CHASSIS/TRANSFER FEE REQUIRED ON ALL ORDERS                                | 1  |
| DEFENDER 237-FORD F550 6.7L DIESEL ENGINE                                            | 1  |
| FORD F-550 SUPER DUTY - 237" WB - 19,500 # GVWR - 6.7L DSL POWERSTROKE V8 - 300 HP @ | 1  |
| 2800 RPM- 660 LB/FT @ 1600 RPM - 6-SPEED O/D HD ELECTRONIC SELECTSHIFT AUTOMATIC     |    |
| TRANS - 4.88 REAR AXLE RATIO - 357-AMP DUAL ALTERNATOR - DUAL 750 CCA BATTERY - 40   |    |
| G                                                                                    |    |
| DOUBLE USB's PER ROW                                                                 | 13 |

Sales Price : \$115,257.01

**Taxes & Fees are Additional**

This quotation is valid for ten (10) days.

Other models and floor plans of a similar size may be available at a lesser price.





# City Council Meeting & Public Hearing

## STAFF REPORT

Submitting Department: Recreation and Parks

Submitted By: Morgan Rodgers

Sponsored By:

Meeting Date: August 26, 2019

### I. AGENDA ITEM TITLE: PURCHASE AND INSTALLATION OF A PRECAST RESTROOM (WINDWARD DEVELOPMENT)

### II. RECOMMENDATION:

Please approve the purchase of one Precast Double Flush Restroom Building from CXT Inc. under the Sourcewell Contract #030117-CXT for an amount not to exceed \$77,262.65 and authorize the Mayor to execute all necessary documents.

### III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES

FISCAL IMPACT: YES

INCLUDED IN CURRENT FY CPTL BUDGET: YES INCLUDED IN CURRENT FY OPRT. BUDGET: NO

TOTAL PROJECT COST: \$77,262.65

APPROPRIATIONS:

| <u>ACCOUNT TITLE/NUMBER</u>                               | <u>DOLLAR AMOUNT</u> |
|-----------------------------------------------------------|----------------------|
| Park Development (Capital Fund; 30161150-541500-C1920)    | \$44,039.71          |
| Park Development (Impact Fee Fund; 27061150-541500-C1920) | \$33,222.94          |

EXTERNAL FUNDING SOURCES:

| <u>ACCOUNT TITLE/NUMBER</u> | <u>DOLLAR AMOUNT</u> |
|-----------------------------|----------------------|
| -                           | \$0.00               |
| -                           | \$0.00               |

### IV. REPORT IN BRIEF:

In an effort to execute Council's Design and Construction of new Park Spaces capital initiative, the Alpharetta Recreation, Parks and Cultural Affairs Department will be installing the CXT Cortez Model, double flush Precast Restroom building at the new park development on Windward Parkway.

Under the Sourcewell contract #030117-CXT, the cost with added features of the unit will be \$77,262.65. The unit will be delivered and installed including utility hook up in coordination with the ongoing development. Site preparation will be provide by another vendor.

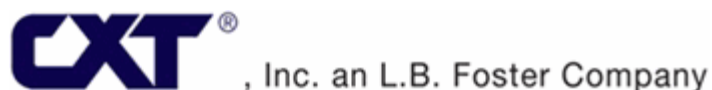
Staff contacting other companies listed under the Sourcewell and GSA Contracts as well as one not in a contract system. CXT, Inc. provided the lowest cost for all the options needed. In addition, CXT Inc. was able to provide a turn-key service for all the options requested.

CXT, Inc. has several units located in Parks located around Metro Atlanta area and the North Georgia region. The come highly recommended from the agencies contacted by our staff.

### V. ALTERNATIVES:

### VI. ATTACHMENTS:

CXT Quote, Sample Elevation

Quote #: **JCHA504R0H-1****Mailing Address:**

CXT Incorporated, an LBFoster Co.  
3808 North Sullivan Road Bldg. #7  
Spokane Valley, WA 99216

**To: Alpharetta Recreation and Parks**

1825 Old Milton Pkwy.  
Alpharetta, GA 30004

**Attention:** Kurt Kirby**Phone:** (678) 297-6100**Fax:** (678) 297-6101**Phone:** (800) 696-5766**Fax:** (509) 928-8220**Date:** 08/07/2019

**Re:** Price based off Sourcewell Contract #  
030117-CXT

Our quotation for the Cortez Flush Building building is as follows:

Per Building

Cortez double flush toilet building with standard simulated rib metal (Natural Concrete) roof and split face block (Granite Rock) wall textures, two tone color, three 16-gauge galvanized steel doors and frames, Best door lock system (customer supplies cores at site), stainless steel plumbing fixtures (2-lavatories, 2-water closets), two soap dispensers, two Saniflow hand dryers, one sanitary napkin disposal, 4 gal elec hot water heater, two 3-roll toilet paper holders, two Koala baby changing stations, two exhaust fans with programmable timer, three GFI outlets, three floor drains, two s/s mirrors, ADA grab bars, ADA signs, one hose bib in chase area, Elkay ADA frost free drinking fountain with bottle filler, preplumbed for heater package, motion controlled interior lights and photo cell controlled exterior lights. PE Stamped drawings and GA DCA Approvals included.

\$58,762.65

\$58,762.65

**FOB:** Freight FOB: Destination. Price includes delivery, off-loading and setting the building on a customer prepared pad and utility stub in the Alpharetta, GA area. Final connection of utilities included.

**Terms:** Net 30 with Credit Approval.

**Shipment:** Within 90 days ARO after receipt of an approved MI (Manufacturing Insurrections) and State approvals.

**Notes:** **Option:** Porch with wrapped metal roof over CXT Cortez Restroom extened out 5' for shade structure. Includes two legs for suppot wrapped in split face block **\$13,500**. Concrete work under shade structure **\$5000**. Cortez with Porch only **\$72,262.65**. **Cortez with Porch & Concrete pad under shelter \$77,262.65**

Sales tax not included

Number of Units: \_\_\_\_

This quotation is subject to the conditions on the attached sheet and the terms hereof shall constitute the exclusive agreement of the parties and all conflicting or additional terms in Buyer's purchase order or any other such documents of Buyer shall have no force or effect.

**L.B. FOSTER COMPANY**

By \_\_\_\_\_

Jeff Chambers

JChambers@lbfooster.com

Accepted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

By: \_\_\_\_\_ (Customer Name)

\_\_\_\_\_  
(Signed)



## CONDITIONS OF SALE

1. Taxes: Prices exclude all Federal/State/Local taxes. Tax will be charged where applicable if customer is unable to provide proof of exemption .

2. Payment Terms

Payment to CXT by the purchaser shall be made net 30 days after the submission of the invoice to the purchaser. Interest at a rate equal to the lower of (i) the highest rate permitted by law; or (ii) 1.5% per month will be charged monthly on all unpaid invoices beginning the 35th day (includes 5 day grace period) from the date of the invoice. Under no circumstances can a retention be taken and purchaser shall pay the full invoiced amount without offset or reduction . These terms are available upon approval of credit. If CXT initiates legal proceeding to collect any unpaid amount or other dispute arising out of or relating to this Quote , purchaser shall be liable for all of CXT's costs, expenses and attorneys fees associated with such litigation, including the fees and costs of any appeal.

3. Quotation Term: This offer is subject to acceptance within 60 days from the date of this quotation. After that time, prices are subject to change without notice.

4. Drawings

Prices do not include any documentation other than standard drawings, packing lists, and invoices, unless otherwise stated in quote. Special documentation, reports, or submittals can be supplied at an additional cost. If additional engineering, engineering seals, state approvals, drawings, or insignias are required additional charges may incur.

5. Delivery

Delivery will be scheduled immediately upon receipt of written customer approval of all building submittals, building worksheet(s) and signed contract/purchase order. In the event delivery of the buildings ordered is/are not completed within 30 days of the agreed to schedule through no fault of CXT, an invoice for the full contract value (excluding shipping and installation costs) will be submitted for payment, the terms of which will be as per item 2 in our quotation. Delivery and installation charges will be invoiced at the time of delivery and installation. Should the delivery and installation costs increase due to changes in the delivery period, this increase in cost will be added to the price originally quoted, and will be subject to the contract payment terms. In the event that the delivery is delayed more than 45 days after the agreed to schedule and through no fault of CXT, then in addition to the remedies above, a storage fee of 1 1/2% of contract price per month or part of any month will be charged.

6. Fuel Costs

Fuel costs for crane and freight have been quoted at fuel prices furnished at the time of quotation. If at the time of delivery and installation these costs have risen, CXT reserves the right to adjust the freight and crane costs to reflect the fuel costs furnished at the time of delivery.

7. Responsibilities of the Customer

- A. Stake exact location building is to be set, including orientation.
- B. Provide clear and level site, free of overhead and/or underground obstructions.
- C. Provide site accessible to normal highway trucks and sufficient area for the crane to install and other equipment to perform the contract requirements.
- D. Customer shall provide notice in writing of low bridges, roadway width or grade, unimproved roads or any other possible obstacles from State highway and/or main county road to site. CXT reserves the right to charge the customer for additional costs incurred for special equipment required to perform delivery and installation.
- E. Customer is responsible for all permits required.
- F. Completing and complying with Pre-Order Information Worksheet that is incorporated herein by this reference .

8. Access to Site

For Installation methods described below in paragraph 9 A & B, delivery will be made in normal highway trucks and trailers. If at the time of delivery conditions of access are hazardous or unsuitable for truck equipment for any reason, CXT shall be entitled to payment for extra costs to ensure a safe and quality installation to the chosen site or will agree to an alternative site with better access.

To safely offload the facility referred to within this quotation , CXT must have clear and unobstructed access next to the gravel pad or hole where the facility will be placed . CXT is not responsible for cracked or damaged roads , driveways, sidewalks or aprons that are in the path of the delivery trucks or cranes at the final offloading site . Should CXT be required to obtain a larger crane than quoted due to site amenities or hardscapes , CXT will charge the customer the difference between the crane originally quoted, and the one that was hired to successfully offload the facility safely and efficiently .

9. Installation

- A. **Full Install.** If the customer opts to have full installation of their new building, CXT will provide a backhoe trailered into the site , and prepare the customer site at the marked hole/pad area. The crane will arrive and set up next to the hole/pad. Any requirements to lift the building over obstacles or not having the ability of the crane to be right next to the hole could incur additional charges. The size of the crane varies however most cranes require an area of 18'x18' for their outriggers. Truck(s) carrying the vaults and the building systematically pull up right next to the crane and are offloaded onto the site . Any requirements to lift the building over obstacles or not having the ability of the truck to be right next to the crane could incur additional charges. Installation crew then performs all necessary excavation, backfill, compaction, site grading, and connection of utilities (if applicable). Please note: additional time and any special equipment needed by the installation crew for unscheduled site work will be billed to the customer.
- B. **Set-Only Install.** If the customer opts to prepare the hole, and do earthwork preparation for the site, the customer will move all excess dirt to allow access by the crane and semi-truck. The crane will arrive and set up next to the hole/pad. Any requirements to lift the building over obstacles or not having the ability of the crane to be right next to the hole could incur additional charges. The size of the crane varies however most cranes require an area of 18'x18' for their outriggers. Truck(s) carrying the vaults and the building systematically pull up right next to the crane and are offloaded onto the site . Any requirements to lift the building over obstacles or not having the ability of the truck to be right next to the crane could incur additional charges. Customer performs all necessary excavation, backfill, compaction, site grading, connection of utilities (if applicable). If the pad for a flush building, or a customer prepared excavation/ hole prep is not to CXT specifications, and results in extra costs the customer will be responsible for these extra costs.
- C. **Ship-Only.** If customer opts to self-install their building CXT can provide a drawing of the recommended lifting /rigging arrangement plus the four special lifting plates for the buildings itself with a refundable deposit of \$1,000.00 payable by credit card only. The customer must return lifting plates and hardware to CXT (at customers cost) within 2 weeks (14) days or a \$1,000.00 fee will be charged to the customer credit card. Please note: It is highly recommended that you use our lifting/rigging arrangements. The CXT arrangements will help prevent damage to the building . CXT will not take responsibility for any damage/accidents to the building or workers during the use or non-use of our recommended lifting/rigging arrangements.
- D. CXT shall be entitled to reimbursement from customer for any expenses that are the result of conditions encountered at the site which are (1) subsurface or otherwise concealed physical conditions which differ materially from those indicated by the customer or (2) unknown physical conditions of an unusual nature, which differ materially from those ordinarily found to exist and generally recognized as inherent in construction activities at the customer 's location.
- E. Should customer request additions or changes to the work, CXT shall be entitled to payment for additional or changed work . Any request for additions or changed work shall be in writing executed by Customer Field Representative by signing the additional work required section of the Building Acceptance Form , incorporated herein by this reference.

10. Transportation

Your building(s) will be transported from our plant to your installation site via semi-truck with trailer. The length and clearance vary with the style of trailer used to accommodate your building model(s) and must be taken into consideration when determining access to site. If you ordered a(n)....

Cascadian/Rocky Mountain - Requires 1 truck: When shipped in 2-pieces (standard) the building with vault is shipped on a flatbed trailer. The length of the

tractor-trailer can be up to 75' long. Must have a 14' height clearance to access site.

Gunnison - Requires 1 truck: Shipped with its vault, this building is typically shipped on a step-deck trailer. The length of the tractor-trailer can be up to 75' long. Must have 14' height clearance to access site.

Tioga Special • Requires 2 trucks: 1 to transport the building and 1 to transport vaults. The building is typically shipped on a step-deck trailer and 2 vaults are typically transported on a flatbed trailer. The length of the tractor-trailer can be up to 75' long. Must have 14' height and 14' width clearance to access site.

Dbl Cascadian/Dbl Rocky Mountain • Requires 2 trucks: 1 to transport the building and 1 to transport the vaults. The building is typically shipped on a dbl-drop or low boy trailer (approximate ground clearance of 4 to 6") and the 2 vaults are typically transported on a flatbed trailer. The length of the tractor-trailer can range from 75' to 80'. Must have 14' height and 14' width clearance to access site.

Cortez/Ozark I/Teton/Pioneer - Requires 1 truck: Generally shipped on a step-deck trailer. The length of the tractor-trailer can be up to 75' long. Must have a 14' height and 14' width clearance to access site.

Large Flush, Sectional, or Custom Bldgs -

(Arapahoe/OzarkII/Cheyenne/Montrose/Taos/Rainier/PomonayNavajo/Malibu/Kodiak/FontanayDiablo/Denali)

Requires 2-4 trucks, depending on size of building. Each section will be shipped on an RGN trailer (approximate ground clearance of 4 to 6"). The length of the tractor-trailer can range from 80' to 115'. Must have 14' height and 14' width clearance to access site. The Denali model could ship on either an RGN trailer or a dbl-drop.

Schweltzer/Mendocino - Requires 1-2 trucks, depending on size of building. Generally shipped on a step-deck trailer. The length of the tractor-trailer can be up to 75' long. Must have 14' height and 14' width clearance to access site.

#### 11. CXT Warranty

CXT warrants that all structures sold pursuant hereto will, when delivered, conform to specifications of the building listed on the quote. Structures shall be deemed accepted and meeting specifications unless notice identifying the nature of any non-conformity is provided to CXT in writing within one (1) year of delivery. It is specifically understood that CXT's obligation hereunder is for credit or repair only. CXT will repair structural defects against materials and workmanship for one (1) year from date of delivery provided CXT is first given the opportunity to inspect said structure. CXT warrants all components sold within all structures pursuant here to when delivered within structures. Components deemed accepted and meeting specifications shall be warranted for a period of one (1) year against defects in the materials and/or workmanship from said date of delivery. CXT is not responsible for components that are damaged due to misuse, acts of violence, negligence, acts of God, or accidents. Shipping, handling, installation or other incidental or consequential costs, unless otherwise agreed to in writing by CXT, are not included.

This warranty shall not apply to:

Any goods which have been repaired or altered without CXT's express written consent, in such a way as in the reasonable judgment of CXT, to adversely effect the stability or reliability thereof;

To any goods which have been subject to misuse, negligence, acts of God, or accidents;

To any goods which have not been installed to manufacturer's specifications and guidelines, improperly maintained, or used outside of the specifications for which such goods were designed.

#### 12. Disclaimer of Other Warranties

THE WARRANTY SET FORTH ABOVE IS IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED. ALL OTHER WARRANTIES ARE HEREBY DISCLAIMED. CXT MAKES NO OTHER WARRANTY EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR USE.

#### 13. Limitation of Remedies

In the event of any breach of any obligations hereunder; breach of any warranty regarding the goods, or any negligent act or omission of any party, the parties agree to submit all claims to binding arbitration. Any settlement reached shall include all reasonable costs including attorney fees. In no event shall CXT be subject to or liable for any incidental or consequential damages. Without limitation on the foregoing, in no event shall CXT be liable for damages in excess of the purchase price of the goods herein offered.

#### 14. Acceptance

The foregoing terms will be deemed accepted in full by signature and return of one copy to CXT, subject to customer credit approval. A copy of any applicable form of payment security device (i.e. payment bonds) available to CXT shall be included with the signed copy of this agreement.

#### 15. Timing of Billing to Buyer

Seller will invoice Buyer upon shipment from its supplier or facility, unless otherwise indicated on the face of this document.

#### 16. Storage of Material For Buyer

If, at Buyer's request, goods covered by this document are held at Seller's facility or service provider for more than 21 days after they are available for shipment, Buyer shall accept Seller's invoice and pay said invoice based on payment terms set forth herein.

#### 17. Material Reservation

Seller will only reserve material for 30 days with receipt of an executed purchase order, quote or order acknowledgement acceptable to Seller. After that time, material availability, price and shipment date may be adjusted, at Seller's option.









# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Council

Submitted By:

Sponsored By:

Meeting Date: August 26, 2019

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**I. AGENDA ITEM TITLE:** RESOLUTION AUTHORIZING CORRESPONDENCE TO THE GEORGIA DEPARTMENT OF TRANSPORTATION REGARDING THE GEORGIA 400 EXPRESS LANES PROJECT

**II. RECOMMENDATION:**

Adopt a resolution of the City Council of the City of Alpharetta, Georgia authorizing the Mayor to send correspondence to the Commissioner of the Georgia Department of Transportation requesting and advocating for certain changes to the proposed conceptual plans for the Georgia 400 Express Lanes Project.

**III. REPORT IN BRIEF:**

Consideration of a resolution authorizing and encouraging the Mayor to issue correspondence to the Commissioner of the Georgia Department of Transportation, Russell R. McMurry, communicating certain alternative proposals to the proposed conceptual plans for the Georgia 400 Express Lanes Project. The recommended resolution further authorizes the Mayor is to issue similar correspondence to other individuals and agencies as he may deem necessary to promote and advance these proposals on behalf of the City of Alpharetta.

**IV. ALTERNATIVES:**

**V. ATTACHMENTS:**

GA400 Express Lanes Project - Council Resolution Authorizing Letter To Commissioner McMurry, GA400 Express Lanes Project - Letter To Commissioner McMurry - 08-27-2019

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALPHARETTA,  
GEORGIA AUTHORIZING THE MAYOR TO SEND CORRESPONDENCE TO THE  
COMMISSIONER OF THE GEORGIA DEPARTMENT OF TRANSPORTATION  
REQUESTING AND ADVOCATING FOR CERTAIN CHANGES TO  
THE PROPOSED CONCEPTUAL PLANS FOR THE  
GEORGIA 400 EXPRESS LANES PROJECT**

**WHEREAS**, the Georgia Department of Transportation, as part of their Major Mobility Investment Program, has developed a capital improvement project to construct managed express lanes along the Georgia 400 Corridor between the North Springs Transit Station and McFarland Parkway; and

**WHEREAS**, the primary goal of the Georgia 400 Express Lanes Project is to provide more reliable travel times, more consistent travel speeds, and increased transit options and opportunities for those traveling the corridor; and

**WHEREAS**, the Georgia Department of Transportation (GDOT) is designing the Georgia 400 Express Lanes Project in coordination with the Metropolitan Atlanta Rapid Transit Authority (MARTA) so as to ensure that strategies to expand transit services to and from communities in North Fulton County are not hindered or precluded by the project; and

**WHEREAS**, GDOT has expressed its desire to design and construct the Georgia 400 Express Lanes Project in a manner that minimizes negative impacts on residents, businesses, and communities along the Georgia 400 Corridor while providing maximum transportation benefits; and

**WHEREAS**, the Georgia 400 Express Lanes Project presents an incredible opportunity to improve mobility, enhance quality of life, and propel our region and the communities along the corridor far beyond the lifetimes of anyone currently involved in the project; and

**WHEREAS**, the City of Alpharetta has made considerable effort to understand the proposed conceptual plans for the Georgia 400 Express Lanes Project, the goals and challenges faced by GDOT with respect to the project, and the potential implications, both positive and negative, that the project may have on the City and its residents and constituencies; and

**WHEREAS**, the City has developed a set of proposed alternatives to the portions of the conceptual plans for the Georgia 400 Express Lanes Project that lay within the borders of the City of Alpharetta; and

**WHEREAS**, it is the position and opinion of the Mayor and Council of the City of Alpharetta that these proposed alternatives will result in infrastructure improvements that more effectively meet the defined goals for the project, provide for cost savings through better utilization of existing and planned transportation infrastructure, better aligns with local land use plans, and minimizes negative impacts on local surface streets and Alpharetta residents;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Alpharetta, Georgia that the Mayor of Alpharetta is duly authorized and encouraged to issue the correspondence attached hereto to the Commissioner of the Georgia Department of Transportation, Russell R. McMurry, communicating certain alternative proposals to the proposed conceptual plans for the Georgia 400 Express Lanes Project. Be it further resolved that the Mayor is authorized to issue similar correspondence to other

individuals and agencies as he may deem necessary to promote and advance these proposals on behalf of the City of Alpharetta.

**SO RESOLVED** this 26<sup>th</sup> day of August, 2019.

**CITY OF ALPHARETTA, GEORGIA**

By: \_\_\_\_\_  
Jim Gilvin, Mayor

**COUNCILMEMBERS**

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\_\_\_\_\_

Attest:

\_\_\_\_\_  
Erin Cobb, City Clerk (SEAL)





2 PARK PLAZA  
ALPHARETTA, GA 30009  
PHONE: 678.297.6000  
WWW.ALPHARETTA.GA.US

August 27, 2019

Russell R. McMurry  
Commissioner  
Georgia Department of Transportation  
One Peachtree Center  
600 Peachtree Street NW  
Atlanta, GA 30308

Dear Commissioner McMurry:

Over the past six months the Georgia Department of Transportation has engaged in a public process designed to inform and engage the public regarding concepts for development of a managed lanes program along the GA400 Corridor between the North Springs MARTA station and McFarland Road. We are very much appreciative of those efforts and of the work of Tim Matthews and his team to provide our Mayor, City Council, and staff with a variety of information and data sets necessary to help us understand the project's implications for the residents and businesses comprising the City of Alpharetta.

With 6.59 miles traversing our community and four existing interchanges of the highway within our borders, it would be difficult to overstate the significance of the GA400 Express Lanes Project to Alpharetta. Approximately 41% of the project span is within our community, so the strategic implementation of the project and location of access and merge points along the corridor has major implications for our position as a regional economic and employment center. Beyond that, however, the decisions made in the coming months will set the course for transportation on our local roads, impact land use within our community, and do much to determine the future quality of life for the residents of Alpharetta.

Having now dedicated considerable energy to reviewing the concept plans and related data, the potential impacts to local surface streets and our resident and business community, and the goals and challenges faced by GDOT we respectfully offer the following proposals.

MAYOR  
JIM GILVIN

MAYOR PRO TEM  
DONALD F. MITCHELL

COUNCIL MEMBERS  
JASON BINDER  
BEN BURNETT  
JOHN HIPES  
DAN MERKEL  
KAREN RICHARD

CITY ADMINISTRATOR  
ROBERT J. REGUS

The changes we are proposing may seem significant. In fact, we agree that if implemented these alternatives to the current concept plan would provide significant benefits in addition to those achieved under the current concept. These include:

- A reduced overall project cost by leveraging previous investments and existing infrastructure;
- Improved connectivity to regional destinations such as North Point Mall, Ameris Bank Amphitheater, and multiple business parks and employment centers;
- Better alignment with short and long-term community transportation and land use plans; and
- Being responsive to concerns raised by local constituents regarding increased commuter traffic on neighborhood collector streets.

#### GA400 EXPRESS LANES

- **Direct Access Interchange At Encore Parkway**  
In lieu of the proposed Webb+ Concept that would require significant right-of-way acquisition and construction of completely new infrastructure, we propose leveraging recent investments made by GDOT, the City and other entities to create a dedicated, direct access interchange at Encore Parkway. Completed in August 2017, the new bridge at Encore Parkway was designed with the expansion of GA400 in mind and could, with relatively minor modification, be configured to be the primary access point to and from the GA400 Express Lanes in Alpharetta. Beyond the aforementioned benefits, leveraging this recent investment could also significantly reduce the time required to deliver a critical component of the Express Lanes Project.
- **Full Direct Merge South Of Windward Parkway**  
In lieu of the full direct merge currently proposed for location just south of Haynes Bridge Road, we propose creating it just south of Windward Parkway. This would be in the same approximate location as the currently proposed Webb+ Concept.
- **Sound / Noise Barrier Construction**  
While we believe that the construction of sound or noise barriers will be minimal in Alpharetta due to our efforts to protect and undisturbed, vegetative buffer along the corridor, we would appreciate the opportunity to partner with GDOT on any such solutions that are proposed so as to address design elements that are in keeping with Alpharetta's aesthetic standards and environment.

#### Bus Rapid Transit

- **Bus Rapid Transit At North Point Mall**
  - **Option 1: Dedicated Transit Flyover**  
To provide for completely dedicated access to an offline transit node at or adjacent to North Point Mall, we propose that a dedicated transit flyover be constructed. This would replace the currently proposed inline transit stop at this location; resulting in enhanced rider safety and reduced conflicts with vehicles in the Express Lanes as BRT vehicles merge into Express Lane traffic. Further, it is more in keeping with long-standing MARTA strategies and our own community plans as defined in our North Point Livable Centers Initiative (LCI).

- Option 2: Direct Access Interchange At Encore Parkway  
As an alternative, we propose leveraging the aforementioned direct access interchange at Encore Parkway to provide access to and from an offline transit node at or adjacent to North Point Mall. In addition to the benefits outlined in Option 1 above, this would provide the ability to leverage existing investments and infrastructure improvements to connect transit riders with surrounding regional destinations and existing MARTA bus service. While this alternative has the potential to present significantly lower cost, it would come at the expense of having to share the access point with surface street vehicles.
- Dedicated Transit Flyover South Of Old Milton Parkway  
Our final proposed change would replace the dedicated transit flyover included in the current concept to be just south of Windward Parkway with a dedicated transit flyover just south of State Route 120 / Old Milton Parkway. This location, close in proximity to key destinations like Avalon and the Gwinnett Tech Campus, provides much better regional connectivity due to the ability to connect the resulting transit node to a regional east/west arterial; thus bringing the potential for much higher transit ridership rates than could be achieved through the flyover included in the current concept. Further, given current plans and discussions regarding the potential expansion of State Route 120, a transit node at this location would have far less impact on local surface roads, further improving mobility.
- Flyover And/Or Other Transit Improvements At Windward Parkway Not Precluded  
It is the position of the City of Alpharetta that the proposed transit flyover just south of Windward Parkway and/or alterations to the Windward Parkway Interchange should not be part of the GA400 Express Lanes Project and will not be needed in the foreseeable future. While we request that no such investments be constructed at this time, we also request that the project be designed in such a manner so as not to preclude such improvements in the future should conditions so warrant.

The GA400 Express Lanes Project presents an incredible opportunity to improve mobility, enhance quality of life, and propel our region and the communities along the corridor far beyond the lifetimes of anyone currently involved in the project. With that in mind, on behalf of the City of Alpharetta, I respectfully submit the aforementioned proposed changes to GDOT's current concept plans for the project and the related transit components. We are confident that these ideas will advance the project within its current timeline, provide an overall reduction in costs, and result in a project that improves mobility in a manner that best serves our community and the entire region.

Respectfully,

Jim Gilvin  
Mayor





# City Council Meeting & Public Hearing STAFF REPORT

Submitting Department: Recreation and Parks

Submitted By: Morgan Rodgers

Sponsored By:

Meeting Date: August 26, 2019

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**I. AGENDA ITEM TITLE:** UPDATE ON THE FOOD WELL ALLIANCE PARTNERSHIP

**II. RECOMMENDATION:**

No recommendation is required.

**III. REPORT IN BRIEF:**

Kim Karris, Executive Director of the Food Well Alliance will be updating the Mayor and City Council on the continuing partnership between the City of Alpharetta and the Food Well Alliance. She will be reviewing several exciting opportunities for the City and The Alliance to work together to bring healthy food to everyone.

**IV. ALTERNATIVES:**

**V. ATTACHMENTS:**