



Official City Council Meeting Minutes

March 23, 2020

CITY HALL 2 PARK PLAZA

6:30 PM

Official Minutes

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the tapes recorded at said meeting are a matter of public record and are available to be heard at the City of Alpharetta's Clerk's office during normal business hours.

Please note that, due to ongoing efforts to encourage "social distancing" in response to the COVID-19 pandemic, this meeting was conducted virtually using Zoom Meetings.

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 Erin Cobb, City Clerk
- o Peter Sewczwicz, Director of Public Works
- o Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- o Tom Harris, Director of Finance
- o John Robison, Director of Public Safety

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 3/16/2020 & 3/20/2020)

B. Alcoholic Beverage License Applications

PH-20-AB-04 Koi Kaiten Sushi Bar
4180 Old Milton Pkwy
Suite 1I
Alpharetta, GA 30005

Restaurant
Consumption on Premises
Beer, Wine & Sunday Sales

Owner: Cong Feng Lin
Registered Agent: Yan Xia Li

❖ Mayor Pro Tem Mitchell offered a motion to approve the consent agenda

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

V. OLD BUSINESS

A. Emergency Ordinance Establishing the Closure of all Bars, Restaurants, and Similar

Businesses NOTE: THIS IS AN INTERIM ORDINANCE THAT WAS APPROVED DURING A SPECIAL CALLED CITY COUNCIL MEETING ON FRIDAY, MARCH 20, 2020 AND WILL NEED TO BE APPROVED BY VOICE VOTE AT THE MONDAY, MARCH 23, 2020 CITY COUNCIL MEETING.

- An emergency ordinance of the Mayor and Council of the City of Alpharetta, Georgia under section 2.23 of the Charter of the City of Alpharetta, Georgia declaring a state of emergency in the City of Alpharetta, Georgia during the public emergency of the novel coronavirus disease 2019 global pandemic; establishing the closure of all bars, restaurants, and similar businesses; providing for procedures for the continued operations of bars, restaurants, and similar businesses as well as all other businesses; and for other purposes.
- All bars, restaurants, and similar businesses that sell food and/or non-alcoholic and/or alcoholic beverages for consumption on premises shall be closed to in-person dining or in-person consumption of alcohol until the expiration or reenactment of this Ordinance, whichever is later.
- All other businesses (other than those provided for in Section 2.1) may remain open; provided, that a business can ensure through established procedures that, for each and every gathering of ten (10) or more persons, social distancing of at least six (6) feet shall be maintained between every person.
- All bars, restaurants, and similar businesses that sell food or beverages for consumption on premises may offer food for take-away, take-out, or delivery to be

consumed off premise.

- All bars, restaurants, and similar businesses affected by this Ordinance shall establish and implement systems of social distancing. Such systems include, but are not limited to: (1) taking food to the vehicles of customers rather than customers entering the business premises; (2) ensuring on premise consumption of food and beverages is prohibited; (3) ensuring employees and contractors of the business, to the greatest extent possible based on the physical constraints of the business, maintain social distancing; and (4) ensuring employees and contractors of the business, to the greatest extent possible, minimize contact with the public.
- All bars, restaurants, and similar businesses affected by this Ordinance and authorized to sell alcoholic beverages for on premise consumption, while this Ordinance or any reenactment hereof is in effect, shall be authorized to sell to customers, whom simultaneously purchase food, unopened bottles of beer and/or wine for consumption off premise; provided, however, that off premise delivery of alcoholic beverages shall be prohibited.
- This Ordinance adopts, by this reference as if fully set forth herein, the Governor of the State of Georgia's Executive Order issued this 23rd day of March 2020 directing persons at risk and those infected with or showing symptoms indicative of COVID-19 to quarantine and shelter in place.
- This Ordinance shall become effective immediately upon adoption
- City Attorney, Sam Thomas, read the ordinance aloud to include the changes made since the first reading.

Public Comment:

- Terry Schiff, 3125 Gadsden Street, Alpharetta, GA, came forward to ask if this ordinance applies to HOA gatherings.
- Daniel McAlonan, 1995 Willshire Glen, Alpharetta, GA, came forward with concerns regarding the closure of parks and wanting Council to reconsider the delivery of beer and wine from local restaurants and breweries.
- Michael Rosenberg, 310 Saddle Creek Lane, Roswell, GA, came forward to speak on behalf of his business located in Alpharetta, asking if his arcade business is included in the emergency ordinance and is ordered to close.
- Clifford Martin, 700 Anna Lane, Alpharetta, GA, came forward to request clarification on the in-door dining rules and if the ordinance includes out-door dining. Additionally, asking Council to consider closing salons.
- Troy Jandy, 4415 Mariners Ridge, Alpharetta, GA, came forward in opposition of this ordinance as well as any closures of the parks.

❖ Council Member Merkel offered a motion to adopt an interim emergency ordinance, including the changes read by City Attorney, Sam Thomas, of the Mayor and Council of the City of Alpharetta, Georgia under Section 2.23 of the Charter of the Alpharetta, Georgia declaring a state of emergency in the City of Alpharetta, Georgia during the public emergency of the novel coronavirus disease 2019 global pandemic; establishing the closure of all bars, restaurants, and public gathering businesses; providing for procedures for the continued operations

of bars, restaurants, and similar businesses as well as all other businesses; and for other purposes

- The motion received a second from Council Member Hipes
- The motion was approved unanimously (7-0)
- *Mayor Gilvin announced that he will be removing the Workshop section of this agenda and these items will be heard at a later date.*

VI. NEW BUSINESS

A. Storm Pipe Cleaning RFP 20-118

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending approval of funding in the amount of \$75,000.00 to Southern Hydro Vac 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 pipe cleaning contractor is available on an as needed basis and is under contract for 5 years with the city. Funding is requested each fiscal year in the stormwater capital funds and is used for both emergency work and proactive maintenance.
- The Department of Public Works with guidance from the Department of Finance prepared a Request for Proposals (RFP) and advertised for proposals in January of 2020. The City received six competitive proposals on February 6, 2020. Staff from the Department of Public Works reviewed and scored the proposals. The evaluation Committee met on February 18th to tabulate the overall scores. Each proposal was evaluated based on company experience (20%), average response time (20%), reference projects (20%), personnel and project manager experience (15%), cost (22%), and local vendor preference (3%).
 - o Southern Hydro Vac 86.00
 - o Enviro Waste Services Group, Inc. 55.40
 - o Southeast Connections, LLC 52.74
 - o Ranger Environmental 46.77
 - o Southeast Pipe 42.46
 - o Metals & Materials Engineers 39.86
- The high scoring firm, Southern Hydro Vac, has performed these services for the city for the last 5 years under a similar contract. Their experience both in the city and in the metropolitan Atlanta area is extensive including a similar on-call contract with Fulton County. Southern Hydro Vac was the least expensive company that submitted a proposal and scored the best in all other categories. Southern Hydro Vac has assured City Staff that they understand the expectations of the city and will meet them. Therefore, Staff recommends award of RFP 20-118 Storm Pipe Cleaning to Southern Hydro Vac.
- Since we are proposing this contract with just over 3 months left in the current fiscal

year, we are requesting award of \$75,000.00 dollars. Dependent on funding in the FY 21 Budget, Public Works will request awarding additional funds to the vendor to continue work in FY 21. Annually the city cleans approximately 50 pipes and 17 stormceptors (water quality manhole structures) through this contract.

Public Comment:

- No Public Comment

- ❖ Mayor Pro Tem Mitchell offered a motion to approve funding in the amount of \$75,000.00 to Southern Hydro Vac 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 Burnett
 - The motion was approved unanimously (7-0)

B. Stormwater Structure (MS4) Inventory Inspections

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council award RFP #20-120 to Sustainable Water Planning & Engineering for the MS4 Stormwater Inventory Inspections and authorize the Mayor to execute all necessary documents. Additionally, subject to FY2021 budget approval, please approve \$116,410.00 to Sustainable Water Planning & Engineering for the FY21 annual MS4 Stormwater Inventory Inspections.
- The award of this contract is for the ongoing inspection of: Publicly owned and maintained stormwater structures (e.g. manholes, catch basins, inlets, etc.); Publicly owned and maintained stormwater conveyances (e.g. pipes, ditches); Publicly owned and maintained ponds, stormwater management facilities, green infrastructure, and stormwater best management practices; Privately owned and maintained ponds, stormwater management facilities, green infrastructure, and stormwater best management practices; Public and private facilities of high pollutant stormwater runoff potential (auto mechanics, concrete plants, municipal fleet yards, carwashes, etc.); Publicly owned and maintained outfalls.
- The City's National Pollutant Discharge Elimination System (NPDES) Permit requires that all publicly maintained stormwater infrastructure and ponds be inspected. The Permit also requires that the city inspect all private green infrastructure. With this contract the city inspects 100% of all public ponds, green infrastructure, and stormwater best management practices each year so that we can properly maintain them and ensure they are working as designed. This contract also provides for the inspection of private ponds when we have requests from the public or when an issue has been identified with a public pond.
- The contract covers the following inspections to be completed annually, all work is unit based. Meaning if only 75 out of 125 inspections occur, the City only pays for 75 inspections: 2,000 Storm Structures; 1,600 Storm Conveyances; 100 Public Ponds, Stormwater Management Facilities, Best Management Practices, and Green Infrastructure; 125 Private Ponds, Stormwater Management Facilities, Best Management Practices, and Green Infrastructure; 21 Public and Private Facilities of High Pollutant Runoff Potential (Industrial, Commercial, and Municipal Facilities inspected every year); 200 Public Outfalls.
- Concerning the Private Property infrastructure/ponds line item, this is a requirement from the State. The City is required to inspect the infrastructure, pass the inspection

results onto the private property owner and then the private property owner is required to either obtain a third-party inspection or perform the necessary repair/modifications.

- This contract includes input of all inspection data into our GIS mapping system, work order data entry into City works (our asset management system), and correspondence with private owners for maintenance requirements. These inspections are used to proactively identify deficiencies in the publicly maintained system so that they can be repaired before they become an emergency. For example, these inspections identify a pipe that is starting to deteriorate but is not beyond the point of repair with one of our lining techniques. If not found early, pipes replacement would be required and could require open cutting roadways or severely impact private properties. Lining is also much more cost effective and efficient.
- Having a contractor do these inspections has multiple benefits for the city. It opens Public Works employees to concentrate their time on actual repairs, it provides a third-party unbiased opinion on condition, and it meets the requirement of the NPDES Permit without sacrificing service to our residents and business owners. The intent of this contract is to complete 5 years of inspections with the city. This will provide consistency and ensure that 100% of the infrastructure is inspected in the same manner by the same team.
- The Department of Public Works, with guidance from the Finance Department, prepared a Request for Proposals (RFP). This RFP was advertised and open on January 23, 2020. On February 20, 2020 the City received proposals from eight firms. Staff from the Department of Public Works reviewed and scored the proposals on company experience, reference projects, staff qualifications, available resources, and cost.
- The final scoring was as follows:
 - o Sustainable Water Planning & Engineering 91.44
 - o Lowe Engineers 78.40
 - o Integrated Science and Engineering 71.48
 - o Goodwyn, Mills, and Cawood, Inc. 66.75
 - o TerraMark 57.14
 - o RK&K 47.51
 - o S&ME, Inc. 43.83
 - o Metals & Materials Engineers 33.82
- Sustainable Water Planning & Engineering has completed similar work for many local municipalities and has completed this work for the city for the last 4 years. They have worked with the Cityworks software program and are very familiar with the EPD staff and EPD regulations. Sustainable Water Planning & Engineering was the highest scoring firm in company experience, reference projects, staff qualifications and available resources. Thus, Staff recommends Sustainable Water Planning & Engineering be awarded the contract for MS4 Stormwater Inventory Inspections.
- Public Works requests annual funding for these inspections in the Capital Budget each fiscal year. Once a contract with Sustainable Water Planning and Engineering has been finalized and executed and the FY21 budget has been approved, Sustainable Water Planning & Engineering will begin inspection work for the 2020-2021 NPDES permit year. Subject to approval of the FY 2021 budget

approval, the FY 2021 cost will be \$116,410.00.

Public Comment:

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to award RFP #20-120 to Sustainable Water Planning & Engineering for the MS4 Stormwater Inventory Inspections and authorize the Mayor to execute all necessary documents. Additionally, subject to FY2021 budget approval, please approve \$116,410.00 to Sustainable Water Planning & Engineering for the FY21annual MS4 Stormwater Inventory Inspections.
 - The motion received a second from Council Member Merkel
 - Council Member Hipes offered a friendly amendment to add the language “up to the amount” \$116,410.00 to the original motion
 - The friendly amendment was accepted by Mayor Pro Tem Mitchell and Council Member Merkel
 - The motion was approved unanimously (7-0)

C. Tradewinds Parkway Extension Traffic Impact Study

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council award the project for Tradewinds Parkway traffic impact study to Moffatt & Nichol in the amount of \$75,480.00 and authorize the Mayor to execute all necessary documents.
- The award of this bid is for Tradewinds Parkway traffic impact study. To improve traffic mobility within the GA 400 corridor, the Georgia Department of Transportation (GDOT) plans to add new, optional express lanes from the North Springs Marta Station to McFarland Parkway. One of the proposed Express Lanes access points would be north of Webb Bridge Road at a new extension of Tradewinds Parkway. Tradewinds Parkway would be extended across GA 400 and connects to Westside Parkway. In order to evaluate impacts of this access point on traffic mobility at neighboring intersections and corridors, a traffic study is necessary for intersection and corridor Level of Service (LOS) analysis to examine the existing conditions and projecting future conditions. The study will provide recommendations to mitigate the traffic impacts. The Department of Public Works contacted multiple engineering consulting firms for competitive bids. A total of six proposals were received as follows:

<u>Bidder</u>	<u>Total</u>
KCI Technologies	\$42,500.00
LOWE Engineers	\$60,060.00
Moffatt & Nichol	\$75,480.00
POND & Company	\$77,000.00
ARCADIS	\$80,800.00
Kimley-Horn	\$87,250.00

- With each consulting firm employing different approaches to address the project's scope, the average of total costs from six firms is \$70,515.00 with the low bidder being significantly below the average (i.e., more than one standard deviation less

than the average- which is statistically considered as an outlier). After a detail review of all proposals associated with this project, it is evident that analysis methodologies and roadway network modeling techniques proposed by KCI Technologies and LOWE Engineers are not on the same level as Moffatt and Nichol.

- Moffatt & Nichol, which their proposed cost is within the range and consistent with the other three firms (POND & Company, ARCADIS, and Kimley-Horn), is a consulting firm with several years of experience in regards to transportation planning, traffic engineering, and roadway & interchange design projects. Additionally, tasks and amount of work described in the proposal by Moffatt & Nichol are clearly in a larger scale and depth compared to all other five bidders. The major difference between the Moffatt & Nichol's and the other five proposals is modeling approaches; Moffatt & Nichol utilizes multiple software packages compared to the other five bidders that use only one software program for simulation and modeling of the study area to capture traffic impacts. Some of the recent projects by Moffatt & Nichol that are with similar scopes to Tradewinds Parkway project are State Route 81 Corridor Study, and Brampton Road Connector from State Route 21 / State Route 25 to State Route 21 Spur both for the GDOT.
- Staff met with representatives of Moffatt & Nichol on March 13, 2020 to review the project's scope and the City's expectations. The critical thinking, new ideas, and validated real world understanding of transportation projects which would yield to more reliable results and traffic studies were evident from projects completed by Moffatt & Nichol. Considering the importance of the current project, and providing opportunities for qualified consulting firms that would evaluate the City's transportation system from a different perspective compared to the routinely used consultants, it is recommended to award the project to Moffatt & Nichol to perform the necessary traffic studies and provide recommendations to mitigate the traffic impacts.
- Once the project has been awarded to Moffatt & Nichol, the study will begin immediately.

Public Comment:

- No Public Comment

❖ **Council Member Richard offered a motion to table this item**

- **The motion received a second from Council Member Hipes**
- **The motion was approved (4-3); Council Member Burnett, Council Member Merkel and Mayor Pro Tem Mitchell voting in opposition**

D. HVAC Replacement Detention Facility

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending Mayor and Council approve funding in an amount not to exceed \$69,924.95 to AComfort for HVAC unit replacements and authorize the Mayor to execute all necessary documents.
- This request is for the replacement of multiple HVAC units at the Detention Facility. These units are 20+ years in age and have outlasted their lifespan requiring multiple calls for service. Replacement of these units will also follow new federal government environmental requirements pertaining to freon.
- The City will be utilizing their on-call HVAC contractor for the replacements and

received a quote for the following:

- o Replacement of 5 Roof Top Units
 - o Replacement of 4 split systems
 - o All new digital thermostats
- Price provided for the replacements include replacing the existing electric heat package cooling units with new R410A roof top package units, economizer, roof curb adapter, digital thermostats, crane and labor. Price also reflects replacing split units with R410A cooling units on roof, electric air handler, and digital thermostats.
- Total for all work above quoted: \$69,924.95

Public Comment:

- No Public Comment
- ❖ Council Member Binder offered a motion to table this item
 - The motion received a second from Council Member Richard
 - The motion failed (5-2); Council Member Burnett, Council Member Hipes, Council Member Merkel, Mayor Pro Tem Mitchell, and Mayor Gilvin voting in opposition
- ❖ Mayor Pro Tem Michell offered a motion to approve funding in an amount not to exceed \$69,924.95 to AComfort for HVAC unit replacements and authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Burnett
 - The motion was approved (5-2); Council Member Binder and Council Member Richard voting in opposition

E. Special Event Stage, Sound, Lighting and Production Services Contract, RFP # 20-114

- Mayor Gilvin removed this item from the agenda and it will be heard at a later date.

F. Consideration of Emergency Ordinance: Closure of All Public Park Facilities, Buildings, Fields, Pavilions, And Restrooms

- In order to protect the health and safety of the public, City Council will consider an emergency ordinance closing all City park facilities, buildings, fields, pavilions, and restrooms. This action is recommended in order to discourage gatherings of 10 or more individuals and encourage social distancing as recommended by federal, state, and county public health agencies.
- The President of the United States of America on Monday, March 16, 2020 issued his "Coronavirus Guidelines for America" whereby he directed residents of the United States of America to avoid social gatherings of more than ten (10) people.
- During the pendency of this Ordinance, the following provisions shall govern all public facilities of the City of Alpharetta, Georgia:
- All City facilities shall be closed to the public, including, but not limited, to park facilities, buildings, offices, fields, courts, pavilions, playgrounds, the town green,

and restrooms.

- All greenways, trails, and the like of the City of Alpharetta, Georgia shall remain open to the public; provided, however, that all persons using said greenways, trails, and the like shall be prohibited from (1) gathering in groups of ten (10) or more persons; or (2) failing to exercise social distancing of at least six (6) feet from all other persons who do not reside in the same dwelling unit, to the greatest extent possible.
- The prohibitions in Section 2.2 of this Ordinance shall be enforced by the Alpharetta Code Enforcement and the Department of Public Safety.
- This Ordinance shall become effective immediately upon adoption.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment:

- Troy Janda, 4415 Mariners Ridge, Alpharetta, GA, came forward to speak in opposition of this ordinance.
- Terry Schiff, 3125 Gadsden Street, Alpharetta, GA, came forward with concerns about the increase of people and their safety on the Greenway.
- Clifford Martin, 700 Anna Lane, Alpharetta, GA, came forward to speak on his concerns regarding the Rucker Farm.
- Jonathan Deitch, 711 Wedgewood Drive, Alpharetta, GA, came forward in opposition of this ordinance.
- Daniel McAlonan, 1995 Willshire Glen, Alpharetta, GA, came forward in support of this ordinance.
- Ashley Whitt, 3315 Commerce Street, Alpharetta, GA, came forward in opposition of this item.
- ❖ Council Member Merkel offered a motion to adopt an emergency ordinance of the Mayor and Council of the City of Alpharetta, Georgia under section 2.23 of the Charter of the City of Alpharetta, Georgia declaring a state of emergency in the City of Alpharetta, Georgia during the public emergency of the novel coronavirus disease 2019 global pandemic; establishing the closure of all city facilities, park facilities and the like; providing for greenways, trails, and the like to remain open; and for other purposes
 - The motion received a second from Council Member Hipes
 - The motion was approved unanimously (7-0)

VII. WORKSHOP

- Mayor Gilvin removed the Workshop section of this agenda and these items will be heard at a later date.
- A. Turf at the Town Green
- B. Review Sign Proposals for Eastside Community Center
- C. Stormwater
- D. Bond Projects

VIII. PUBLIC COMMENT

- Ashley Whitt, 3315 Commerce Street, Alpharetta, GA, came forward with concerns regarding the individuals that are skateboarding in the City Center.
- Fred Whitt, 3315 Commerce Street, Alpharetta, GA, came forward with concerns regarding the individuals that are skateboarding in the City Center.
- Valerie Mackey, 1008 Stream Valley Court, Alpharetta, GA, came forward to speak of her concerns regarding relief for small businesses in Alpharetta.
- Melanie Levy, Property Manager of Amorance, came forward with concerns regarding the individuals that are skateboarding in the City Center.
- Joanna Oswald, 2001 Commerce Street, Alpharetta, GA, came forward with concerns regarding the individuals that are skateboarding in the City Center.

IX. REPORTS

- City Administrator, Bob Regus, reported on City operations:
 - o Court staff has moved all 800 pending cases to new calendars beginning April 13th.
 - o Inspectors in Community Development completed 420 inspections last week. During a normal week they complete around 455.
 - o Community Development staff issued 84 permits last week. A normal week is around 115.
 - o Public Works crews completed 42 work orders last week. In a normal week crews will complete 72 work orders.
 - o For the first 22 days of March police call are down 7.42%.
 - o For the first 22 days of March fire calls are down 12.47%.
 - o Outside of Public Safety sworn personnel and I include 911 operators as sworn personnel, we have 199 employees. Last Tuesday we had 55 working in offices. This week 28. Last week we had 64 teleworking this week 91. 48 personnel work in the field including 10 inspectors, 24 on Public Works crews and 14 on Parks crews. We have 32 on paid administrative leave.

X. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 8:52 P.M.

Respectfully submitted,


Erin Cobb, City Clerk