



City Council Meeting SEPTEMBER 21, 2020

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

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE TO THE FLAG
- IV. PRESENTATIONS & PROCLAMATIONS
 - A. Proclamation in Honor of Bob Paterson Hunter Jr.
 - B. Constitution Week - Daughters of the American Revolution (Patriots of Liberty Chapter & Martha Stewart Bulloch Chapter)
 - C. Recognition of the Alpharetta & Old Milton County Historical Society's Completion of the Relocation and Renovation of the Historic Old Milton FFA Log Cabin.
- V. CONSENT AGENDA
 - A. Council Meeting Minutes (Meeting of 9/8/2020)
 - B. Alcoholic Beverage License
PH-20-AB-10 Jekyll Brewing, LLC
Jekyll Brewing City Center, LLC
15 Academy Street
Alpharetta, GA 30009

Manufacture, Distribution & Sales of Distilled Spirits

Owner: Jekyll Brewing, LLC
Registered Agent: Mitch Funk
- VI. OLD BUSINESS
 - A. Consideration of an Ordinance to Amend Chapter 4 (Alcoholic Beverages) of the City Code - Sale & Delivery (2nd Reading)
Sponsored By: Council Member Merkel
 - B. Consideration of an Ordinance to Amend Chapter 4 (Alcoholic Beverages) of the City Code - Complimentary Service (2nd Reading)
Sponsored By: Council Member Richard
 - C. Consideration of an Ordinance to Amend Chapter 4 (Alcoholic Beverages) of the City Code - Variance for Historic Properties (2nd Reading)
Sponsored By: Mayor Pro Tem Mitchell
- VII. NEW BUSINESS
 - A. Tech Alpharetta Agreement Renewal
 - B. Consideration of an Ordinance for the Creation of the City of Alpharetta Cultural Arts Commission (1st Reading)
 - C. Approval of an IGA with the City of Milton Regarding Shared Municipal Court Clerk Services

D. CARES Act Funding

VIII. PUBLIC COMMENT

IX. REPORTS

X. ADJOURNMENT



City Council Meeting STAFF REPORT

Submitting Department: Recreation and Parks

Submitted By:

Sponsored By:

Meeting Date: September 21, 2020

I. AGENDA ITEM TITLE: RECOGNITION OF THE ALPHARETTA & OLD MILTON COUNTY HISTORICAL SOCIETY'S COMPLETION OF THE RELOCATION AND RENOVATION OF THE HISTORIC OLD MILTON FFA LOG CABIN.

II. RECOMMENDATION:

III. REPORT IN BRIEF:

Presentation to the Alpharetta & Old Milton County Historical Society expressing appreciation and acknowledgement for completion of the 1935 Future Farmers of America Log Cabin Project. The Historical Society led the initiative with key members along with community support from many individuals and corporate donors who stepped up to pay for relocating and preserving the FFA Log Cabin to Milton Avenue Park in Downtown Alpharetta.

IV. ALTERNATIVES:

V. ATTACHMENTS:



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By: Erin Cobb

Sponsored By:

Meeting Date: September 21, 2020

I. AGENDA ITEM TITLE: COUNCIL MEETING MINUTES (MEETING OF 9/8/2020)

II. RECOMMENDATION:

III. REPORT IN BRIEF:

IV. ALTERNATIVES:

V. ATTACHMENTS:

Council Meeting Minutes Draft 9-8-2020



City Council Meeting
September 8, 2020
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 Erin Cobb, City Clerk
- o Pete Sewczwicz, Director of Public Works
- o Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- o Tom Harris, Director of Finance
- o Kathi Cook, Director of Community Development
- o Cris Randall, Director of Human Resources
- o Phillip Seabolt, Fire Marshall
- o Bret Schroeder, Code Enforcement Manager

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 8/24/2020)

B. Financial Management Report: Month Ending July 31, 2020

C. Alcoholic Beverage License Applications

PH-20-AB-09 CT Southern LLC
d/b/a Chronic Tacos Mexican Grill
970 North Point Drive, Suite B160
Alpharetta, GA 30022

Restaurant
Consumption on Premises
Liquor, Beer, Wine & Sunday Sales

Owners: James Smith & Yukiko Takahashi
Registered Agent: Michael Sard

- Council Member Binder requested to remove the Financial Management Report: Month Ending July 31, 2020 from the consent agenda.
- ❖ Mayor Pro Tem Mitchell offered a motion to approve the consent agenda without the Financial Management Report: Month Ending July 31, 2020
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (7-0)

B. Financial Management Report: Month Ending July 31, 2020

- Director of Finance, Tom Harris, came forward to present this item.
- Mr. Harris came forward and gave a brief overview of the Financial Management Report: Month Ending July 31, 2020 and touched on trends caused by the COVID-19 pandemic.
- ❖ Council Member Merkel offered a motion to approve the Financial Management Report: Month Ending July 31, 2020
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously (7-0)

V. PUBLIC HEARING

A. Consideration of an Ordinance to Add Certain Provisions Governing Enforcement of Violations of Chapter 20 of the City Code; To Provide Regulations Governing Record Retention and Compliance Filings of Fire, Life Safety, and Related Records (2nd Reading)

- Fire Marshall, Phillip Seabolt, came forward to present this item.
- Staff is recommending that Mayor and Council adopt an ordinance to add certain provisions governing enforcement of violations of Chapter 20 of the City Code; to provide regulations governing record retention and compliance filings of fire, life safety, and related records and third-party software and for other purposes.
- On August 26, 2019, Mayor and Council adopted Ordinance 783. This ordinance pertains to the maintenance and reporting of records for Fire and Life Safety Systems in Chapter 20 of the Code of the City of Alpharetta. Staff is requesting to amend this ordinance by adding the following section regarding Enforcement Powers.
- Sec. 20-11. - Enforcement powers. The director of public safety, or his designees or officers, are authorized to enforce the provisions of the fire prevention code and this chapter. This authority shall include the power to arrest by the issuance of a citation and impose penalties in accordance with Section 1-8 of the Code of The City. With respect to this Chapter 20, the director of public safety may, but in no way is required to, promulgate, and from time to time amend, a list of applicable fees and penalties.
- The goal of this ordinance amendment is to reduce man hours and increase compliance with fire and life safety infractions. It is not to be a revenue generator but a compliance generator. We only anticipate a small number of fines being issued. Staff would still provide non-compliant locations a 7, 14, or 30-day window to correct the violation before a fine would be issued.
- The passing of this amendment would reduce man hours spent attempting to get violators to become compliant. This would increase productivity and efficiency and potentially reduce overtime of the Fire Marshal staff.
- The first reading of this ordinance was approved at the August 24th City Council Meeting. There have been no changes made since the first reading.
- City Attorney, Sam Thomas, read the ordinance aloud.
- ❖ Council Member Hipes offered a motion to approve an ordinance to add certain provisions governing enforcement of violations of Chapter 20 of the City Code; to provide regulations governing record retention and compliance filings of fire, life safety, and related records and third-party software and for other purposes
 - The motion received a second from Council Member Burnett
 - The motion was approved unanimously (7-0)

B. PH-20-05 Unified Development Code Text Amendments – Alpharetta Downtown Code, Murals, Special Event Facility, Temporary Uses and Fences (2nd Reading)

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve text amendments to the Unified Development Code related to the Downtown Code, Murals, Special Event Facility, Temporary Use and Fences.
- This item was heard at the 8/6/2020 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval with changes to remove chain link fence with the Director's approval and replace 'certain heavily traveled' with 'collector or arterial'. Vote 5-0
- Consideration of text amendments to Unified Development Code (UDC) Subsection 1.4 Definitions, to add definitions for 'Mural', 'Privacy Fence' and 'Special Event Facility'. Text amendments to add 'Special Event Facility' as a permitted and conditional use in certain zoning districts. Text amendments to add a temporary use for non-profit seasonal events and regulations related to the location and appearance of fences and walls. Text amendments to the Alpharetta Downtown Code related to land use categories and the use table.
- The first reading of this ordinance was approved at the August 24th City Council Meeting. There have been no changes made since the first reading.
- City Attorney, Sam Thomas, read the ordinance aloud.
- ❖ Council Member Richard offered a motion to approve PH-20-05 Unified Development Code Text Amendments – Alpharetta Downtown Code, Murals, Special Event Facility, Temporary Uses and Fences and the ordinance as read by the City Attorney
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

C. PH-20-11 Unified Development Code Text Amendments – Conditional Use Permit Criteria and Discount Store definition (2nd Reading)

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve text amendments to the Unified Development Code related to Conditional Use Permit review criteria and definition of Discount Store.
- This item was heard at the 8/6/2020 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval. Vote 5-0
- Consideration of text amendments to Unified Development Code (UDC) Section 1.4 Definitions, to amend the definition for 'Discount Store' and Subsections 2.2(a) and 4.2.3(B) to add review criteria related to a request for a Conditional Use Permit.

- The following sentence was added to the definition of 'Discount Store' for clarification purposes:
 - o Discount Store. A retail store that sells new or used goods or products at prices lower than traditional retail outlets. Discount stores principally engage in offering a category of similar goods or a wide assortment of goods for sale to the general public. This includes, but is not limited to, swap shops, flea markets, antique malls, donation centers, surplus stores, and thrift stores.
- It is recommended that the following criteria be added to the conditional use permit criteria:
 - o 7. Ensuring that the conditional use is appropriately separated from similar uses and conflicting uses, such as residences, government buildings, parks, churches, or schools.
- The first reading of this ordinance was approved at the August 24th City Council Meeting. There have been no changes made since the first reading.
- ❖ Council Member Richard offered a motion to approve PH-20-11 Unified Development Code Text Amendments – Conditional Use Permit Criteria and Discount Store definition and the ordinance as read by the City Attorney
 - The motion received a second from Council Member Merkel
 - The motion was passed unanimously (7-0)

VI. NEW BUSINESS

A. On-Call Stormwater Pipe Lining Services - IPR

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve funding in an amount not to exceed \$325,753.75 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 2,300 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 \$325,753.75 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 Burnett
 - The motion was passed unanimously (7-0)

B. On-Call Stormwater Pipe Lining Services - UAM

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve funding in an amount not to exceed \$257,197.50 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 approximately 700 linear feet of pipe lining. The attached work order list identifies the pipes to be lined by UAM.

Public Comment:

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to approve funding in an amount not to exceed \$257,197.50 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)

C. HVAC Replacement Community Center and Alpharetta Technology Center

- Mayor Gilvin removed this item from the agenda, it will neither be heard nor considered during this meeting.

D. Roof Replacement at Fire Station 83

- Mayor Gilvin removed this item from the agenda, it will neither be heard nor considered during this meeting.

**E. Consideration of an Ordinance to Amend Chapter 4 (Alcoholic Beverages) of the City Code - Delivery, Complimentary Service, & Variance for Historic Properties (1st Reading)
Sponsored By: Council Members Merkel & Richard & Mayor Pro Tem Mitchell**

- City Attorney, Sam Thomas, and Director of Community Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve an ordinance amending Chapter 4 (Alcoholic Beverages) of the City Code to add delivery, complimentary services, and a distance variance for contributing historical properties.
- On August 3, 2020 Governor Kemp signed House Bill 879 which permits City licensed alcohol retailers to take orders for the sale of alcohol and deliver it within or without the City boundaries. Staff is requesting the City amend Chapter 4 (Alcoholic Beverages) of the City Code in order to adopt certain provisions of HB 879.
- This ordinance amendment also includes permitting complimentary service. If approved, applicants who do not currently have an alcoholic beverage license may apply for an annual permit to pour individuals no more than 8 ounces of a malt beverage and no more than 6 ounces of wine. The permit will also allow patrons to bring in one bottle of wine to the establishment. The permit can be renewed on an annual basis and the fee will be \$300.00/per year.
- The third part of this ordinance is adding a distance requirement variance for an establishment that has been designated as a contributing historical building as defined by the Historic Preservation Ordinance. Currently, Mayor and Council 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 Chapter 4 (Alcoholic Beverages) subsection (d)(1) of the City Code. The conditions are as follows with the amendment noted in red:

- a) The establishment is designed to be an integral part of planned mixed use development
 - b) The establishment is located within a shopping center with an aggregate leasable area of 50,000 square feet or more
 - c) The primary entrance of the establishment is not directly visible along the line of measurement and is physically separated from the residence
 - d) There are other licensed establishments of a similar nature in the immediate vicinity
 - e) The residence is not a single-family detached residence.
 - f) The establishment is a contributing historical building as defined by the Historic Preservation Ordinance.
- Council Member Merkel is sponsoring the ordinance amendment for alcohol delivery, Council Member Richard is sponsoring the amendment for complimentary service and Mayor Pro Tem Mitchell is sponsoring the amendment to add the historical building variance.
 - City Attorney, Sam Thomas, confirmed that the ordinance can be brought forward as three separate ordinances when presented for the second reading.
 - City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment:

- No Public Comment
- ❖ Council Member Richard offered a motion to approve an ordinance amending Chapter 4 (Alcoholic Beverages) of the City Code to add delivery, complimentary services, and a distance variance for contributing historical properties
 - The motion received a second from Council Member Merkel
 - The motion was approved (5-2); Council Member Burnett and Council Member Hipes voting in opposition.

VII. WORKSHOP

A. Draft for Proposed Cultural Arts Commission

- Director of Recreation, Parks & Cultural Services came forward to present this item.
- Staff is seeking direction from City Council on the next step in the process of establishing an Alpharetta Cultural Arts Commission.
- This workshop is slated to review the updated proposal for a Cultural Arts Commission in the City of Alpharetta. The purpose of this Commission is to help arts and culture grow and thrive in the City of Alpharetta. Along with supporting art and cultural initiatives throughout the year, the Cultural Arts Commission would advise the City Council on art acquisition, promote strategic arts planning, and support local Art Leader Groups in Alpharetta.
- The proposed duties of the Cultural Arts Commission would be as follows:
 - o Reviews and recommends the acquisition of all works of art by the City, either purchase, gift or otherwise.

- o Reviews and make recommendations as needed for pieces to be acquired and their proposed locations.
- o Reviews and encourages programs for the cultural enrichment of the City.
- o Reviews and recommends guidelines for art and culture contract programs that support community art and culture programming projects and may make annual funding recommendations to the City Council.
- o Proposes methods to encourage private initiative in arts and culture.
- o May advise City Council regarding the participation in or sponsoring by the city of artistic performances, programs, or other cultural endeavors.
- o May advise City Council on the preservation and care of all cultural landmarks owned by the city and on the design and location of city-owned or other statuary and works of art.
- o Support and strengthen existing local organizations in the arts and culture fields.
- o Increases public understanding, appreciation and enjoyment of cultural activities and all forms of art and culture.
- o Advises and assists with the development of an Art & Culture Master Plan for the City.
- This proposal has been reviewed by the Alpharetta Recreation Commission and was passed unanimously at their September 10, 2019 meeting. In addition, this proposal has been reviewed by Arts Alpharetta and was passed by a vote of 4 to 2 in favor of support. This item was previously work-shopped by the Mayor and City Council on January 6, 2020.
- The next step would be to work with Legal and develop language for a City Ordinance establishing the Cultural Arts Commission and bring the document back to City Council for the approval process.

VIII. PUBLIC COMMENT

- No Public Comment

IX. REPORTS

- Council Member Richard announced the next CZIM Meeting on Wednesday, September 9th at 6:00 P.M.
- Mayor Gilvin thanked the First Baptist Church of Alpharetta for a very powerful service on Sunday where they recognized and prayed for our elected leadership in Alpharetta and the community as a whole.
- Mayor Gilvin commented on a meeting with mayors from Fulton County where they discussed the distribution of CARES Act funding.

X. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Council Member Merkel offered a motion to adjourn into Executive Session
 - The motion received a second from Council Member Ricard
 - The motion was approved unanimously (7-0)
- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting to Executive Session at 7:30 P.M.

Respectfully submitted,

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

Erin Cobb, City Clerk



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By:

Sponsored By:

Meeting Date: September 21, 2020

-
- I. AGENDA ITEM TITLE:** ALCOHOLIC BEVERAGE LICENSE
PH-20-AB-10 JEKYLL BREWING, LLC
JEKYLL BREWING CITY CENTER, LLC
15 ACADEMY STREET
ALPHARETTA, GA 30009

MANUFACTURE, DISTRIBUTION & SALES OF DISTILLED
SPIRITS

OWNER: JEKYLL BREWING, LLC
REGISTERED AGENT: MITCH FUNK

II. RECOMMENDATION:

III. REPORT IN BRIEF:

IV. ALTERNATIVES:

V. ATTACHMENTS:

Jekyll Brewing PH minutes



**CITY OF ALPHARETTA
PUBLIC HEARING
LIQUOR LICENSE**

DATE: September 17, 2020
TIME: 2:00 P.M.
LOCATION: <https://zoom.us/j/91765253012>

Official Minutes

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

I. CALL TO ORDER: City Attorney, Sam Thomas, called the meeting to order at 2:00 P.M.

II. LICENSE APPLICATIONS:

1. PH-20-AB-10 Jekyll Brewing, LLC
 Jekyll Brewing City Center, LLC
 15 Academy Street
 Alpharetta, GA 30009

Manufacture, Distribution, and Sales of Distilled
Spirits

Owners: Jekyll Brewing LLC
Registered Agent: Mitch Funk

The applicant, Michael Lundmark of Jekyll Brewing, LLC was present.

Sam Thomas, City Attorney, stated that the application had gone through the required background check and met all the requirements for a distillery license. Mr. Lundmark stated that Jekyll Brewing City Center, LLC is currently operating as a manufacturer brewery and restaurant. They are looking to create and offer spirits to the community as a way to expand business. They are able to cross-utilize their current equipment to produce distilled spirits. Mr. Lundmark acknowledged they are required to have a Federal, State and Local license for distillery purposes. They currently have the Federal license and the State license approval is on hold

until the local license is issued by Alpharetta. They have submitted an application for a distillery license for their other location at Marconi Drive which is still in the process of being reviewed by Community Development Code Enforcement, City of Alpharetta.

Public Comment: No Public Comment

Mr. Thomas recommended that this license be approved and confirmed it will be on the Consent Agenda at the City Council Meeting scheduled for Monday, September 21, 2020 at 6:30 P.M. The applicant is required to appear in person at this Council meeting should Council have any questions regarding this application. Once City Council approves the application, applicant will be allowed to pick up and pay for their license at City Hall in Community Development.

III. ADJOURNMENT: With no further business to discuss or items to be heard, City Attorney, Sam Thomas, adjourned the meeting at 2:11 P.M.

Respectfully submitted,

Kiersten VanHorn

Kiersten VanHorn, Assistant City Clerk



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By: Erin Cobb

Sponsored By: Council Member Merkel

Meeting Date: September 21, 2020

I. AGENDA ITEM TITLE: CONSIDERATION OF AN ORDINANCE TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CITY CODE - SALE & DELIVERY (2ND READING)
SPONSORED BY: COUNCIL MEMBER MERKEL

II. RECOMMENDATION:

Staff is recommending that Mayor and Council approve an ordinance amendment to Chapter 4 (Alcoholic Beverages) of the City Code for sale and delivery of alcoholic beverages.

III. REPORT IN BRIEF:

On August 3, 2020 Governor Kemp signed House Bill 879 which permits City licensed alcohol retailers to take orders for the sale of alcohol and deliver it within or without the City boundaries. Staff is requesting the City amend Chapter 4 (Alcoholic Beverages) of the City Code in order to adopt certain provisions of HB 879.

This item was presented to Mayor and Council during the September 8, 2020 City Council Meeting as one ordinance amendment, including the amendment for complimentary service and amending the variance procedure. It was approved 5-2 and was recommended that it be presented as three separate ordinances for the second reading.

IV. ALTERNATIVES:

V. ATTACHMENTS:

AMENDING CHAPTER 4 OF CODE - SALE AND DELIVERY OF ALCOHOLIC BEVERAGES(3864328.1)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ADD PROVISIONS GOVERNING THE SALE AND DELIVERY OF ALCOHOLIC BEVERAGES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia provides regulations governing the sale of alcoholic beverages within the City; and

WHEREAS, the Mayor and Council of the City of Alpharetta ("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 Council has determined that it is appropriate from time to time to modify alcoholic regulations to comport with current conditions; and

WHEREAS, the City Council desires to amend Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia (the "Code") in order to add certain provisions regulating the sale and delivery of alcoholic beverages in accordance with House Bill 879.

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

Section 1. Chapter 4 of the Code is hereby amended by adding a new Article XIX, Section 4-453 to read as follows:

"ARTICLE XIX, SECTION 4-453.

(a) Delivery. The City adopts and elects to incorporate certain provisions of House Bill 879 (General Assembly 2020) (amending Title 3 of the Official Code of Georgia Annotated). Specifically, local City licensed package goods retailers are permitted to deliver, themselves or through a qualified third party, unbroken package alcohol. The purchaser shall register with the retailer, and provide valid identification and signature upon delivery. Retailers shall follow the House Bill and any regulations issued by the Georgia Department of Revenue."

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 be made a part of

The Code of the City of Alpharetta, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and 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 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 5. This Ordinance shall become effective immediately upon adoption.

ADOPTED this _____ day of _____, 2020.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

COUNCILMEMBERS

Jason Binder

Ben Burnett

John Hipes

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURE PAGE TO ORDINANCE AMENDING CHAPTER 4
(ALCOHOLIC BEVERAGES) - SALE AND DELIVERY]

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:_____



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By: Erin Cobb

Sponsored By: Council Member Richard

Meeting Date: September 21, 2020

I. AGENDA ITEM TITLE: CONSIDERATION OF AN ORDINANCE TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CITY CODE - COMPLIMENTARY SERVICE (2ND READING)
SPONSORED BY: COUNCIL MEMBER RICHARD

II. RECOMMENDATION:

Staff is recommending that Mayor and Council approve an ordinance amendment to Chapter 4 (Alcoholic Beverages) of the City Code for complimentary service.

III. REPORT IN BRIEF:

The attached is an ordinance amendment to Chapter 4 (Alcoholic Beverages) of the City Code in order to permit complimentary service. If approved, applicants who do not currently have an alcoholic beverage license may apply for an annual permit to pour individuals no more than 12 ounces of a malt beverage and no more than 6 ounces of wine. The permit will also allow patrons to bring in one bottle of wine to the establishment. The permit can be renewed on an annual basis and the fee will be \$300.00/per year.

This item was presented to Mayor and Council during the September 8, 2020 City Council Meeting as one ordinance amendment, including the amendment for sale and delivery services and amending the variance procedure. It was approved by a 5-2 vote and was recommended that it be presented as three separate ordinances for the second reading.

There has been one change made to this ordinance since the first reading. The permitted pouring amount of a malt beverage was updated from 8 ounces to 12 ounces. This change was made in order to match the amount of a 12 ounce can or bottle and reduce the amount that would be wasted.

IV. ALTERNATIVES:

V. ATTACHMENTS:

AMENDING CHAPTER 4 OF CODE - COMPLIMENTARY SERVICE(3864333.1)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ALLOW COMPLIMENTARY SERVICE OF ALCOHOL UNDER CERTAIN CONDITIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia provides regulations governing the sale of alcoholic beverages within the City; and

WHEREAS, the Mayor and Council of the City of Alpharetta ("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 Council has determined that it is appropriate from time to time to modify alcoholic regulations to comport with current conditions; and

WHEREAS, the City Council desires to amend Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia (the "Code") in order to add certain provisions regulating the complimentary service of alcohol.

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

Section 1. Chapter 4 of the Code is hereby amended by adding a new Article XIX, Section 4-453 to read as follows:

"ARTICLE XIX, SECTION 4-453.

(b) Complimentary Service. Complimentary Service is the gratis provision of malt beverages or wine to patrons, and is permitted in accordance with this section. Complimentary Service of malt beverages shall be limited to individual pours of no greater than twelve (12) fluid ounces per person. Complimentary Service of wine shall be limited to individual pours of no greater than six (6) fluid ounces per person. Holders of a CS Permit may, in lieu of complimentary pours, elect to allow patrons to bring in the establishment one (1) bottle of wine, but the pour shall not exceed six (6) ounces per person. The following shall be ineligible to receive a CS Permit: (i) holders of other City alcoholic beverage licenses; or (ii) establishments, as designated by the Community Development Director, with advice and assistance from staff and Council, as providing a use or service that is not

compatible with Complimentary Service of alcohol (i.e., gas stations, convenience stores). The list of prohibited establishments may be revised from time to time and shall be on file for review in the Clerk's Office and the Office of Community Development. The City shall develop a CS application form and a "CS" Permit, which may include additional criteria, and an annual permit, which may be renewed on an annual basis. The permit fee is \$300.00 per year, subject to revision from time to time by resolution."

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 be made a part of The Code of the City of Alpharetta, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and 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 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 5. This Ordinance shall become effective immediately upon adoption.

ADOPTED this _____ day of _____, 2020.

CITY OF ALPHARETTA, GEORGIA

By: _____
Jim Gilvin, Mayor

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURE PAGE TO ORDINANCE AMENDING CHAPTER 4
(ALCOHOLIC BEVERAGES) TO ALLOW COMPLIMENTARY SERVICE]

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:_____

3864333



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By: Erin Cobb

Sponsored By: Mayor Pro Tem Mitchell

Meeting Date: September 21, 2020

I. AGENDA ITEM TITLE: CONSIDERATION OF AN ORDINANCE TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CITY CODE - VARIANCE FOR HISTORIC PROPERTIES (2ND READING)
SPONSORED BY: MAYOR PRO TEM MITCHELL

II. RECOMMENDATION:

Staff is recommending that Mayor and Council approve an ordinance amendment to Chapter 4 (Alcoholic Beverages) of the City Code to add a variance procedure for a contributing historical building.

III. REPORT IN BRIEF:

The attached ordinance amendment is being proposed in order to add a distance requirement variance for an establishment that has been designated as a contributing historical building as defined by the Historic Preservation Ordinance. Currently, Mayor and Council 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 Chapter 4 (Alcoholic Beverages) subsection (d)(1) of the City Code. The conditions are as follows with the amendment noted in red:

a. The establishment is designed to be an integral part of planned mixed use development

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

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

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

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

f. The establishment is a contributing historical building as defined by the Historic Preservation Ordinance.

This item was presented to Mayor and Council during the September 8, 2020 City Council Meeting as one ordinance amendment, including the amendment for complimentary service and sale and delivery services. It was approved by a 5-2 vote and was recommended that it be presented as three separate ordinances for the second reading.

IV. ALTERNATIVES:

V. ATTACHMENTS:

AMENDING CHAPTER 4 OF CODE - AMENDING VARIANCE PROCEDURE(3864293.1)

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO AMEND A VARIANCE PROCEDURE; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia provides regulations governing the sale of alcoholic beverages within the City; and

WHEREAS, the Mayor and Council of the City of Alpharetta ("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 Council has determined that it is appropriate from time to time to modify alcoholic regulations to comport with current conditions; and

WHEREAS, the City Council desires to amend Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia (the "Code") in order to add a criteria for variance that would allow the owner of a contributing historical building the ability to seek a variance from certain distance requirements.

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

Section 1. Chapter 4 of the Code is hereby amended by adding a new Section 4-17 Distance Requirements, Paragraph (d)(1)f. as follows:

"Sec. 4-17. Distance requirements.

(d)(1)f. The establishment is a contributing historical building as defined by the Historic Preservation Ordinance."

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 be made a part of The Code of the City of Alpharetta, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and 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 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 5. This Ordinance shall become effective immediately upon adoption.

ADOPTED this _____ day of _____, 2020.

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

(SEAL)

John Hipes

Attest:

Dan Merkel

City Clerk

First Reading: _____

Donald Mitchell

Second Reading: _____

Adopted: _____

Karen Richard



City Council Meeting STAFF REPORT

Submitting Department: Economic Development

Submitted By: Matthew Thomas

Sponsored By:

Meeting Date: September 21, 2020

I. AGENDA ITEM TITLE: TECH ALPHARETTA AGREEMENT RENEWAL

II. RECOMMENDATION:

Staff recommends approval of the Tech Alpharetta Agreement Renewal in the amount of \$100,000.00 for the current fiscal year and authorization of the Mayor to execute all necessary documents.

III. BUDGET IMPLICATIONS:

BUDGETED ITEM: YES

FISCAL IMPACT: NO

INCLUDED IN CURRENT FY CPTL BUDGET: NO

INCLUDED IN CURRENT FY OPRT. BUDGET: YES

TOTAL PROJECT COST: \$100,000.00

APPROPRIATIONS:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
Professional Services/ 10013220 521200	\$100,000.00

EXTERNAL FUNDING SOURCES:

ACCOUNT TITLE/NUMBER	DOLLAR AMOUNT
N/A	\$0.00

IV. REPORT IN BRIEF:

The proposed renewal of an agreement between the City and Tech Alpharetta provides \$100,000.00 for the current fiscal year to Tech Alpharetta paid through the Alpharetta Development Authority.

This renewal agreement, as was the case in the previous agreement, carries a one-year fiscal commitment that is set to expire at the end of the current fiscal year.

V. ALTERNATIVES:

VI. ATTACHMENTS:

Tech Alpharetta Updated Slides for 9.21.20 City Council Meeting (9.16.20) (002)



Sept. 21, 2020 City Council Meeting

Tech Alpharetta
Chairman of the Board Felipe Smolka, LeasePlan USA
Treasurer, Paul Nagrowski, Siemens
CEO Karen Cashion
[Group photos shown herein were taken pre-pandemic]



Tech Alpharetta is a Tech Economic Development Engine for the
City of Alpharetta

We grow new companies & new jobs for the City

We help attract & retain tech companies in the City

We help to attract, retain & grow skilled tech workforce

We Grow New Companies & New Jobs for the City

- 40-55 tech startups incubate at our Center at any given time
- Each of our startups is creating cutting edge, new technology
- \$100 million in investor funding raised since 2015
- 13 have graduated from our incubator since 2015
- Our graduates have created **nearly 600 new tech & service industry jobs for the City** since 2015
- And nearly 1000 new jobs total for the state



We Help to Attract & Retain Tech Companies in the City

- **By Growing & Supporting a Thriving Tech Ecosystem in Alpharetta**

Hosted > 32 tech thought leadership events just since April 2020

More than 1200 have attended those virtual events

Running a vibrant startup incubator & publicizing our startup successes

Offering opps. for Board engagement, speaking slots, connections to startups

A thriving tech ecosystem & opps. for engagement attract more tech companies & help to retain the ones that are already here.

- **By offering Board Assistance with Tech Recruiting, upon request by the City**



We Help to Attract, Retain & Grow Skilled Tech Workforce for the City

- By Growing & Supporting a Thriving Tech Ecosystem in Alpharetta
- Through Tech Alpharetta's Partnership with the Innovation Academy, we are Helping to Grow the Next Generation STEM Workforce in Alpharetta



We are relentless in our promotion of Tech Alpharetta and the City of Alpharetta ...

- 6 Press Releases per year
- 8 Video Interviews annually on Alpharetta Tech
- Monthly “Driving Innovation” Podcast Show featuring Alpharetta tech innovation
- 14 Tech Blogs YTD
- More than 30 Events YTD
- More than 450 Social Media Posts YTD
- 251 News Articles YTD on Tech Alpharetta
- 95 E-newsletters, 3000 tech exec contact list
- 6 Speaking Engagements per year
- 30 Partnerships
- 34 Sponsor Companies





We're grateful for the City's continued
support and partnership



INNOVATION CENTER

**Tech Alpharetta Board of Directors as of
9/1/20****City of Alpharetta Board Members**

Mayor Gilvin

Councilman Burnett

Ec. Dev. Mgr Matthew Thomas

Tech Alpharetta Chairman of the Board

Felipe Smolka, LeasePlan USA

Tech Alpharetta Treasurer

Paul Nagrowski, Siemens

Aptum Technologies

AT&T

BitPay

Colonial Pipeline

DataSeers

Digital Scientists

Edge Solutions

Equifax

Flexential

Healthcare Staffing

Technologies

Hi-Rez Studios

HPE

IntegraConnect

Jackson Healthcare

KORE Wireless

LexisNexis Risk Solutions

McKesson

Microsoft

OneSpring

Priority Payment Systems

Pyramid

Scientific Games

Skillshot Media

Tier 4 Advisors

TireHub

UPS

Verint

Verizon Wireless

ZKTeco

Community Partner Board Members

ATDC

GNFCC

Gwinnett Tech

MACOC

TAG



City Council Meeting STAFF REPORT

Submitting Department: Recreation and Parks

Submitted By: Morgan Rodgers

Sponsored By:

Meeting Date: September 21, 2020

I. AGENDA ITEM TITLE: CONSIDERATION OF AN ORDINANCE FOR THE CREATION OF THE CITY OF ALPHARETTA CULTURAL ARTS COMMISSION (1ST READING)

II. RECOMMENDATION:

Staff is recommending that Mayor and Council approve an ordinance for the creation of the City of Alpharetta Cultural Arts Commission.

III. REPORT IN BRIEF:

During the September 10, 2019 Alpharetta Recreation Commission Meeting the proposal for the Alpharetta Cultural Arts Commission was approved unanimously. The proposal was also reviewed by Arts Alpharetta and was passed by a vote of 4 to 2 in favor of support. Additionally, this item was presented to Mayor and Council as a workshop during the January 6, 2020 and September 8, 2020 City Council Meetings.

The purpose of this Commission is to help arts and culture grow and thrive in the City of Alpharetta. Along with supporting art and cultural initiatives throughout the year, the Cultural Arts Commission would advise the City Council on art acquisition, promote strategic arts planning, and support local Art Leader Groups in Alpharetta.

The duties of the Cultural Arts Commission are outlined in the proposed ordinance and will be as follows:

- Reviews and recommends the acquisition of all works of art by the City, either purchase, gift or otherwise.
- Reviews and make recommendations as needed for pieces to be acquired and their proposed locations.
- Reviews and encourages programs for the cultural enrichment of the City.
- Reviews and recommends guidelines for art and culture contract programs that support community art and culture programming projects and may make annual funding recommendations to the City Council.
- Proposes methods to encourage private initiative in arts and culture.
- May advise City Council regarding the participation in or sponsoring by the city of artistic performances, programs or other cultural endeavors.
- May advise City Council on the preservation and care of all cultural landmarks owned by the city and on the design and location of city-owned or other statuary and works of art.
- Support and strengthen existing local organizations in the arts and culture fields.
- Increases public understanding, appreciation and enjoyment of cultural activities and all forms of art and culture.
- Advises and assists with the development of an Art & Culture Master Plan for the City.

IV. ALTERNATIVES:

V. ATTACHMENTS:

ORDINANCE PROVIDING FOR CREATION OF CULTURAL ARTS COMMISSION(3863245.1)

AN ORDINANCE TO PROVIDE FOR THE CREATION OF THE CITY OF
ALPHARETTA CULTURAL ARTS COMMISSION; TO EXPRESS THE INTENT OF
THE MAYOR AND COUNCIL; TO PROVIDE FOR DEFINITIONS; TO PROVIDE
FOR THE ORGANIZATION OF THE CULTURAL ARTS COMMISSION; TO
PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING
ORDINANCES; AND FOR OTHER PURPOSES

The Mayor and Council of the City of Alpharetta hereby
ordain:

Section 1. Short Title; Authority.

This Ordinance shall be known and may be cited as the
"City of Alpharetta Cultural Arts Commission Ordinance". This
Ordinance is adopted pursuant to the City of Alpharetta's home
rule powers, as set forth in § 36-34-1, et seq. of the Official
Code of Georgia.

Section 2. Intent.

It is the intent of this Ordinance to promote, protect
and support the growth of cultural arts in the City of
Alpharetta. In addition to the duties set forth in Section 5,
the Cultural Arts Commission shall advise the Council on art
acquisition, promote strategic arts planning, and support Local
Art Leader Groups in the City of Alpharetta.

Section 3. Definitions.

As used in this Ordinance, the term:

"City" means the City of Alpharetta;

"Cultural Arts Commission" means the City of
Alpharetta Cultural Arts Commission; and

"Mayor and Council" means the Mayor and Council
of the City of Alpharetta.

Section 4. Organization of the Cultural Arts Commission.

(a) The Cultural Arts Commission shall consist of seven
members, with each of the Mayor and Council having one
appointment. The Mayor and Council may also appoint up to two

alternate members for the Cultural Arts Commission to serve on the Commission in the absence of Commission members.

(b) Members of the Cultural Arts Commission shall be residents of the City of Alpharetta. In making appointments to the Cultural Arts Commission, the Mayor and Council shall make good faith efforts to appoint volunteer individuals who have experience, expertise and/or interest relevant to the arts and/or cultural activities.

(c) (1) Members of the Cultural Arts Commission shall serve at the pleasure of the appointing official.

(2) Upon the expiration of an elected official's term or other reason for vacancy, the appointed Commission member's term shall expire, but such member shall remain in office until the newly elected or appointed official makes an appointment to the Commission.

(3) An appointment to fill any vacancy on the Cultural Arts Commission shall be for the remainder of the unexpired term of the office. If any member fails to attend three successive meetings without cause and without prior approval of the chair-person, the Cultural Arts Commission shall declare the member's office vacant, and the Mayor or Councilmember who appointed such member shall promptly fill such vacancy.

(4) The members shall serve in accordance with the policies and procedures of the City and may be suspended and/or removed for cause by the Mayor and Council.

(d) The members of the Cultural Arts Commission shall adopt bylaws consistent with the bylaws of other City boards and commissions. The Cultural Arts Commission shall elect a chair-person, who shall be a voting member, from among the members of the Commission. The presence of a majority of the seven members shall constitute a quorum, and the vote of a majority of the members present constituting the quorum shall constitute the actions of the Commission.

Section 5. Duties.

The Alpharetta Cultural Arts Commission shall have the duty to:

- Review and recommend the acquisition of all works of art by the City, either purchase, gift or otherwise;
- Review and make recommendations as needed for pieces to be acquired and their proposed locations;
- Review and encourage programs for the cultural enrichment of the City;
- Review and recommend guidelines for art and culture contract programs that support community art, culture programming projects and make annual funding recommendations to the City Council;
- Propose methods to encourage private initiative in arts and culture;
- Advise City Council regarding the participation in or sponsoring by the City of artistic performances, programs or other cultural endeavors;
- Advise City Council on the preservation and care of all cultural landmarks owned by the City and on the design and location of City-owned or other statuary and works of art;
- Support and strengthen existing local organizations in the arts and culture fields;
- Increase public understanding, appreciation and enjoyment of cultural activities and all forms of art and culture; and
- Advise and assist with the development of an Art & Culture Master Plan for the City.

Section 6. Effective Date.

This Ordinance shall become effective immediately upon its adoption.

Section 7. Repeal.

All ordinances and parts of ordinances in conflict with this Ordinance are repealed.

Section 8. Code of Alpharetta.

This Ordinance shall be codified and be part of the Code of the City of Alpharetta, Georgia.

ADOPTED this _____ day of _____, 2020.

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:

City Clerk

C. Sam Thomas, City Attorney

First Reading: _____

Second Reading: _____

Adopted: _____



City Council Meeting STAFF REPORT

Submitting Department: City Clerk

Submitted By: Erin Cobb

Sponsored By:

Meeting Date: September 21, 2020

I. AGENDA ITEM TITLE: APPROVAL OF AN IGA WITH THE CITY OF MILTON REGARDING SHARED MUNICIPAL COURT CLERK SERVICES

II. RECOMMENDATION:

Staff is recommending that Mayor and Council approve an Intergovernmental Agreement (IGA) with the City of Milton regarding shared Municipal Court Clerk services and authorize the Mayor to execute all necessary documents.

III. REPORT IN BRIEF:

During the September 8, 2020 City Council Executive Session Meeting, the City Administrator, Bob Regus, received direction from City Council to move forward with an agreement with the City of Milton regarding shared Municipal Court Clerk services. The Intergovernmental Agreement (IGA) will allow the City to hire the City of Milton's Municipal Court Director, Brooke Lappin, as the Director of Court Services for the City of Alpharetta and will allow Milton and Alpharetta to concurrently utilize Ms. Lappin's services for both courts.

Ms. Lappin will spend 2/5ths (40%) of her work week (Monday and Friday) at the Milton Municipal Court and 3/5th (60%) of her work week (Tuesday-Thursday) at the Alpharetta Municipal Court. During the terms of this agreement Milton will reimburse Alpharetta 40% of the prorated cost of Ms. Lappin's base salary and 40% of the prorated cost of the employee benefits provided by the City of Alpharetta.

The terms of this agreement are effective through December 31, 2020, unless terminated or extended upon mutual agreement of both cities.

IV. ALTERNATIVES:

V. ATTACHMENTS:

2020-09-15 IGA (Milton-Alpharetta) re. Municipal Court Clerk (Final)

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
MILTON AND THE CITY OF ALPHARETTA REGARDING SHARED
MUNICIPAL COURT CLERK SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”), by and between the **City of Milton**, a Georgia municipal corporation (“Milton”), and the **City of Alpharetta**, a Georgia municipal corporation (“Alpharetta”), is entered into as of the “Effective Date” defined herein. Milton and Alpharetta may also be referred to herein as the “Parties.”

RECITALS

WHEREAS, Milton and Alpharetta are local government jurisdictions existing and operating under the constitution and laws of the State of Georgia; and

WHEREAS, Milton and Alpharetta both operate, independent of each other, municipal court services departments; and

WHEREAS, the municipal court clerk is the person most directly responsible for the administration of a municipal court other than a judge of the municipal court; and

WHEREAS, Brooke Lappin (“Ms. Lappin”) is a municipal court clerk, duly certified in accordance with O.C.G.A. § 36-32-13; and

WHEREAS, prior to the Effective Date hereof, Ms. Lappin was employed by Milton as its municipal court clerk; and

WHEREAS, the Parties desire to jointly utilize the services of Ms. Lappin to concurrently serve as the municipal court clerk for their respective municipal courts; and

WHEREAS, Ms. Lappin has expressed a desire and willingness to provide municipal court clerk services concurrently to Milton and Alpharetta; and

WHEREAS, the Parties desire to further define their mutual responsibilities and obligations regarding the shared services of a single municipal court clerk; and

WHEREAS, the Parties are authorized to enter into this Agreement pursuant to Article IX, Section III, Paragraph I of the Constitution of the State of Georgia of 1983 regarding intergovernmental contracts.

NOW THEREFORE, in consideration of the following mutual obligations, the Parties agree as follows:

ARTICLE 1
OBLIGATIONS OF THE PARTIES

The Parties agree to the above Recitals and as follows:

1. On September 11, 2020, Ms. Lappin tendered her resignation of employment to Milton, which resignation was accepted by Milton. The resignation effective date shall apply retroactively to September 8, 2020, that being deemed Ms. Lappin's last day of employment with Milton.
2. On September 9, 2020, Ms. Lappin began her employment with Alpharetta.
3. Ms. Lappin will spend 2/5ths (40%) of her work week (Monday and Friday) at the Milton Municipal Court and 3/5ths (60%) of her work week (Tuesday – Thursday) at the Alpharetta Municipal Court.
4. Ms. Lappin will be reasonably available to both Milton and Alpharetta throughout each day of her work week.
5. Ms. Lappin's base salary will be \$100,000.00 annually to be paid by Alpharetta in addition to other regular employee benefits as may be offered to the other employees of Alpharetta.
6. During the Term hereof, and for so long as this Agreement remains effective, Milton shall reimburse Alpharetta 40% of the prorated cost of Ms. Lappin's base salary and 40% of the prorated cost of the employee benefits provided to her based on her position with Alpharetta as the municipal court clerk.
7. Requests for reimbursement shall be tendered to Milton monthly and shall only seek reimbursement for the proportionate share of the salary and benefits paid from Alpharetta to Ms. Lappin during the previous month. Upon receipt of Alpharetta's reimbursement request, Milton shall promptly reimburse Alpharetta and in no event later than thirty (30) days from receipt.

ARTICLE 2

MISCELLANEOUS

1. NON-WAIVER. Any party's failure to seek redress for a violation or to insist upon strict performance of any Agreement provision will not prevent a subsequent act, which would originally have constituted a violation, from having the effect of an original violation.
2. COUNTERPARTS. This Agreement may be executed in any number of counterparts with the same effect as if all Parties hereto had all signed the same document. All counterparts will be construed together and will constitute one agreement. Delivery of executed copies of this Agreement by facsimile or e-mail transmission to the other party hereto shall constitute good and valid execution and delivery by the Parties for all purposes, with the same effect as if such party had received an original counterpart signed by the other party.
3. GENDER AND NUMBER. Unless the context requires otherwise, the use of a masculine pronoun includes the feminine and the neuter, and vice versa, and the use of the singular includes the plural, and vice versa.

4. **COMPLETE AGREEMENT.** This Agreement constitutes the complete and exclusive statement of the agreement between the Parties. It supersedes all prior written and oral statements, including any prior representation, statement, condition or warranty. Except as expressly provided otherwise herein, this Agreement may not be amended without the written consent of all the Parties.
5. **SEVERABILITY.** If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Agreement shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Agreement 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 Agreement not held to be invalid. It is hereby declared to be the intent of the parties to provide for separable and divisible parts, and they do hereby adopt any and all parts hereof as may not be held invalid for any reason.
6. **GOVERNING LAW; VENUE.** This Agreement shall be governed by the laws of the State of Georgia. The Parties agree to comply, to the extent applicable, with all obligations of O.C.G.A. § 13-10-91, et seq., and Title VI of the Civil Rights Act of 1964. The proper venue for any actions arising out of this Agreement shall be in the Superior Court of Fulton County.
7. **TIME OF ESSENCE.** Time is of the essence of this Agreement.
8. **NON-ASSIGNABILITY.** Neither party may assign any of the obligations or benefits of this Agreement.
9. **AUTHORITY TO CONTRACT.** Each party declares that it has obtained all necessary approvals of its governing authority to execute and bind the party to the terms of this Agreement. Ratification of the Agreement by a majority of the governing authority shall authorize the mayor to execute on behalf of such governing authority but shall not preclude execution by the full council of either Party.
10. **NO THIRD-PARTY RIGHTS.** This Agreement shall be exclusively for the benefit of the Parties and shall not provide any third parties with any remedy, claim, liability, reimbursement, cause of action or other right.
11. **OFFICIAL NOTICES.** Any notice required hereunder shall be in writing and shall be deemed to have been delivered when deposited in the United States mail, registered or certified, or when sent by overnight courier, addressed as follows:

City of Milton

Attn: Steve Krokoff, City Manager
Milton City Hall
2006 Heritage Walk
Milton, Georgia 30004

City of Alpharetta

Attn: Robert J. Regus, City Administrator
Alpharetta City Hall
2 Park Plaza
Alpharetta, Georgia 30009

Or to such other address as either party may designate for itself by written notice to the other party from time to time.

12. NO EMPLOYMENT CONTRACT. This Agreement shall in no way operate as or be interpreted as an employment contract between Brooke Lappin and either or both Parties.

13. EFFECTIVE DATE; TERM. The terms and conditions of this Agreement shall be effective as of September 9, 2020, and shall remain effective through and including December 31, 2020, unless earlier terminated as provided herein. The December 31, 2020, Agreement expiration date may be extended upon mutual agreement of the Parties.

14. TERMINATION. Either party may terminate this Agreement prior to December 31, 2020, at any time, without cause, upon providing at least 30 days' prior written notice to the other party in accordance with paragraph 11 above.

IN WITNESS WHEREOF, the Parties have executed this Agreement by and through their duly authorized officers.

CITY OF MILTON

CITY OF ALPHARETTA

By: _____
Joe Lockwood, Mayor

By: _____
Jim Gilvin, Mayor

Attest: _____
City Clerk

Attest: _____
City Clerk

Dated: _____, 2020

Dated: _____, 2020

[AFFIX CITY SEAL]

[AFFIX CITY SEAL]

ACKNOWLEDGED AND AGREED TO:

Brooke Lappin, Municipal Court Clerk



City Council Meeting STAFF REPORT

Submitting Department: Council

Submitted By: Mayor Gilvin

Sponsored By:

Meeting Date: September 21, 2020

I. AGENDA ITEM TITLE: CARES ACT FUNDING

II. RECOMMENDATION:

Mayor Gilvin will present the terms proposed by Fulton County regarding the distribution of CARES Act funding.

III. REPORT IN BRIEF:

The Coronavirus Aid, Relief and Economic Security (CARES) Act provides assistance for State and Local governments through the Coronavirus Relief Fund. Fulton County was the recipient of these funds which are to be distributed to the individual cities. The City Mayors in Fulton County, excluding the City of Atlanta, have continued to meet with the County Commissioners to come to an agreement regarding the amount that each city will receive.

The most recent proposal from Fulton County regarding the distribution of CARES Act funding is attached.

IV. ALTERNATIVES:

V. ATTACHMENTS:

CARES Act Funding Letter from Chairman Pitts

BOARD OF COMMISSIONERS OF FULTON COUNTY
FULTON COUNTY GOVERNMENT CENTER
141 PRYOR STREET SW, SUITE 10032
ATLANTA, GEORGIA 30303

Robert L. (Robb) Pitts
CHAIRMAN

TELEPHONE 404-613-2330
robb.pitts@fultoncountyga.gov



September 16, 2020

Mayor Mike Bodker

Via Email

Mayor Tom Reed

Re: Response to Requests from Mayors

Dear Mayor Bodker and Mayor Reed:

I have reviewed your letter dated September 10, 2020. I am sorry that the mayors did not agree to accept the terms that we voluntarily presented to resolve the requests that were submitted. In a final effort to resolve this matter without continuing this conflict, I have worked with the County Manager and my colleagues to propose the following best and final offer:

1. \$30 million in total COVID-19 support. This represents an increase in the total amount of the Municipal CARES Act Reimbursement Program up to \$25 Million in financial assistance and up to \$5 million in PPE.
2. Provide a 30% advance on the \$25 million. This advance will have to be applied to offset any subsequent funding requests.
3. Requests will have to adhere to Federal CARES Act guidance on all reimbursements and approved by Fulton County. Specifically relating to public safety payroll costs, we will be continuing to follow the advice from the Treasury Department and disallowing any requests that are not substantially and directly related to Covid-19 activities. I provided you with a copy of that guidance in my last communication.
4. PPE will continue to be provided to the 14 municipalities' EMS departments based on Fulton County's analysis of needs and availability of current PPE inventory up to \$5 million.
5. We will address the requests for additional coordination by the following activities:
 - a. Monthly meetings with the Mayors and members of the BOC
 - b. Weekly calls with EMA and City coordinators.
 - c. Invitation for City Managers to participate in the weekly calls with EMA/BOH and County Manager's senior staff

6. We will address the requests for additional transparency by:
 - a. Publishing via our open government platform any available data from nonprofit partners relative to citizens served, along with the approximate costs and testing level data that is permitted due to HIPPA guidelines. We will also send this information to the Mayors once it has been received and summarized.
 - b. Sending out a copy of the BOC meeting Agenda and a copy of the verbatim minutes from the meeting.
 - c. Distributing copies of the presentation materials on our Covid-19 Update to each Mayor.

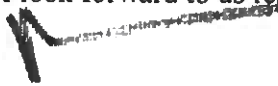
In addition, we will still approach the City of Atlanta ("COA") to request that they contribute some of their CARES Act funds to offset services delivered to COA residents. The BOC has also directed nonprofits to expend the \$3.3 M provided to them but unspent; the \$5M provided to the digital skills training partners; and the \$1.5 M Loan Program to provide County funded benefits exclusively to non-COA Fulton County residents going forward.

The above counter offer is contingent on acceptance of terms, waiver of any legal remedies and public endorsement of Fulton County's COVID-19 response program in terms of public health impacts achieved.

If your cities agree to these terms, an IGA between Fulton County and each city containing the above conditions will be needed to move forward.

Your response is requested by Friday, September 18.

I look forward to us resolving this matter with you.


Robert L. Pitts,
Chairman

Cc: Board of Commissioners
Remaining Fulton County Mayors
Richard "Dick" Anderson, County Manager
Patrise Perkins-Hooker, County Attorney