Official City Council Meeting Minutes

September 8, 2020

Office of the City Clerk

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.

I. CALL TO ORDER

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

II. ROLL CALL

- **Council Members**
  - Mayor Jim Gilvin
  - Mayor Pro Tem Donald F. Mitchell
  - Jason Binder
  - Ben Burnett
  - John Hipes
  - Dan Merkel
  - Karen Richard
- **Staff**
  - Bob Regus, City Administrator
  - Sam Thomas, City Attorney
  - James Drinkard, Asst. City Administrator
  - Erin Cobb, City Clerk
  - Pete Sewczwicz, Director of Public Works
  - Morgan Rodgers, Director of Recreation, Parks & Cultural Services
  - Tom Harris, Director of Finance
  - Kathi Cook, Director of Community Development
  - Cris Randall, Director of Human Resources
  - Phillip Seabolt, Fire Marshall
  - 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:
    - 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:
    - 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:
    - 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.

- 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 Ordnance 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 EXECTIVE 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,

Erin Cobb

Erin Cobb, City Clerk