



Official City Council Meeting Minutes

September 21, 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**

- 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 Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- o Tom Harris, Director of Finance
- o Kathi Cook, Director of Community Development
- o John Robison, Director of Public Safety

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 Applications

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

- ❖ Council Member Burnett offered a motion to approve the consent agenda
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously (7-0)

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

- Director of Community Development, Kathi Cook, and City Attorney, Sam Thomas, came forward to present this item.
- 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.
- 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.
- City Attorney, Sam Thomas, read the ordinance aloud.
- ❖ Council Member Merkel offered a motion to approve an ordinance amendment to Chapter 4 (Alcoholic Beverages) of the City Code for sale and delivery of alcoholic beverages
 - The motion received a second from Council Member Burnett
 - The motion was approved (6-1); Council Member Hipes voting in opposition

B. Consideration of an Ordinance to Amend Chapter 4 (Alcoholic Beverages) of the City Code - Complimentary Service (2nd Reading) Sponsored By: Council Member Richard

- Director of Community Development, Kathi Cook, and City Attorney, Sam Thomas, came forward to present this item.
- Staff is recommending that Mayor and Council approve an ordinance amendment to Chapter 4 (Alcoholic Beverages) of the City Code for complimentary service.
- 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.
- City Attorney, Sam Thomas, read the ordinance aloud.

- ❖ Council Member Richard offered a motion to approve an ordinance amendment to Chapter 4 (Alcoholic Beverages) of the City Code for complimentary service
 - The motion received a second from Council Member Merkel
 - The motion was approved (6-1); Council Member Hipes voting in opposition

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

- Director of Community Development, Kathi Cook, and City Attorney, Sam Thomas, came forward to present this item.
- 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.
- 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 and the property is zoned to allow for a use that is suitable for an alcohol license such as restaurant and/or gourmet food store.
- 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.

- City Attorney, Sam Thomas, read the ordinance aloud.
- ❖ Mayor Pro Tem Mitchell offered a motion to approve an ordinance amendment to Chapter 4 (Alcoholic Beverages) of the City Code to add a variance procedure for a contributing historical building
 - The motion received a second from Council Member Binder
 - The motion was approved (6-1); Council Member Burnett voting in opposition

VII. NEW BUSINESS

A. Tech Alpharetta Agreement Renewal

- This item was reconsidered during the Monday, September 28, 2020 City Council Meeting. The amount approved was amended from \$100,000 to \$90,000. The motion passed unanimously.
- City Administrator, Bob Regus, and CEO of Tech Alpharetta, Karen Cashion, came forward to present this item.
- 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.
- 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.

Public Comment:

- No Public Comment
- ❖ Council Member Burnett offered a motion to approve the Tech Alpharetta Agreement Renewal in the amount of \$100,000.00 for the current fiscal year and authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Binder
 - The motion was passed unanimously (7-0)

B. Consideration of an Ordinance for the Creation of the City of Alpharetta Cultural Arts Commission (1st Reading)

- Director of Recreation, Parks & Cultural Services, Morgan Rodgers, came forward to present this item.
- Staff is recommending that Mayor and Council approve an ordinance for the creation of the City of Alpharetta Cultural Arts Commission.

- 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:
 - 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.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment:

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to approve an ordinance for the creation of the City of Alpharetta Cultural Arts Commission
 - The motion received a second from Council Member Merkel
 - The motion was approved (6-1); Council Member Hipes voting in opposition

C. Approval of an IGA with the City of Milton Regarding Shared Municipal Court Clerk Services

- City Administrator, Bob Regus, came forward to present this item.
- 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.
- 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.

Public Comment:

- No Public Comment
- ❖ Council Member Hipes offered a motion to 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
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

D. CARES Act Funding

- City Administrator, Bob Regus, came forward to present this item.
- 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 included in the agenda packet.

Public Comment:

- No Public Comment

- ❖ Council Member Merkel offered a motion to approve an Intergovernmental Agreement (IGA) with Fulton County for the C.A.R.E.S. Act Municipal Reimbursement Program and authorize the Mayor to execute all necessary documents

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

VIII. PUBLIC COMMENT

- No Public Comment

IX. REPORTS

- Council Member Richard provided a quick update regarding the first steering committee meeting for the Comprehensive Plan held by our Community Development Department. The first public meeting will be held on Wednesday, October 7th at 6:00 P.M.
- Mayor Gilvin encouraged all Alpharetta residents to fill out their 2020 Census survey. Currently 30% of Alpharetta households have not completed the Census, which means our community will miss out on more federal funds.

X. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 8:11 P.M.

Respectfully submitted,

A handwritten signature in dark ink that reads "Erin Cobb". The signature is written in a cursive, flowing style.

Erin Cobb, City Clerk