



Official City Council Meeting Minutes

November 2, 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 (absent)
- 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 Kathi Cook, Director of Community Development
- o Pete Sewczwicz, Director of Public Works
- o John Robison, Director of Public Safety
- o Tom Harris, Director of Finance

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

- A. Council Meeting Minutes (Meeting of 10/26/2020)**
- B. Financial Management Report: Month Ending September 30, 2020**
- C. Alcoholic Beverage License Applications**

- 1. PH-20-AB-12 Camly, LLC
d/b/a Ponko Chicken
220 South Main St, Suite J
Alpharetta, GA 30201**

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

**Owner: Camly, LLC
Registered Agent: Rick Herrmann**

- 2. PH-20-AB-13 Thai Ricksaw Restaurant Group, LLC
d/b/a Rickshaw Thai Street Food
1495 Alpharetta Highway
Alpharetta, GA 30009**

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

**Owner: Thai Ricksaw Restaurant Group, LLC
Registered Agent: Paul Yuwachit**

- 3. PH-20-AB-14 Jekyll Brewing, LLC
2855 Marconi Drive, Suite 350
Alpharetta, GA 30005**

Manufacture, distribution & sales of distilled spirits

**Owner: Jekyll Brewing, LLC
Registered Agent: Joshua Rachel**

- 4. PH-20-AB-15 Gusto Avalon, LLC
d/b/a gusto!
4195 Avalon Blvd.
Alpharetta, GA 30009**

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

**Owner: Gusto Avalon, LLC
Registered Agent: Nathan T. Hybl**

- Council Member Binder requested that the Financial Management Report: Month Ending September 30, 2020 be removed from the consent agenda in order for the Director of Finance, Tom Harris, to present an overview.
- ❖ Council Member Burnett offered a motion to approve the consent agenda excluding the Financial Management Report: Month Ending September 30, 2020
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (6-0)

B. Financial Management Report: Month Ending September 30, 2020

- Director of Finance, Tom Harris, came forward to present a brief financial update.
- ❖ Council Member Binder offered a motion to approve the Financial Management Report: Month Ending September 30, 2020
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (6-0)

V. PUBLIC HEARING

A. MP-20-03/CU-20-06 C3 North Atlanta Church/5815 Windward Parkway NOTE: This item has been deferred by Staff until the Planning Commission Meeting on Thursday, December 3, 2020 and will be neither heard nor considered at this meeting.

B. PH-20-12 Farmhouse Settlement Historic Designation (1st Reading)

- Director of Community Development, Kathi Cook, came forward to present this item.
- Staff is recommending that Mayor and Council approve PH-20-12 Farmhouse Settlement Historic Designation.
- This item was heard at the 10/21/2020 Historic Preservation Commission meeting. Staff recommended approval. There were no public comments. After discussion, Historic Preservation Commission recommended approval. Vote 5-0
- The City in conjunction with the Recreation and Parks Department is requesting that the Farmhouse Settlement property be added to APPENDIX B - Historic Resources Inventory – Designated Historic Buildings List. The subject property is located at 0 Morris Rd and is legally described as being located at the northeast corner of Georgia 400 and Old Milton Parkway. The property was deeded to the City in on October 23, 2019 and recorded in the Office of the Clerk of Superior Court on December 19, 2019.
- The submitted request, if approved, will allow the City to designate the property as Historic per the Historic Preservation Ordinance. Zoning Condition # 19 associated with file # Z-12-02/CLUP-12-03/V-12-16 QuikTrip required that the historic farmhouse property be donated to the City. The property was deeded to the City in on October 23, 2019 and recorded in the Office of the Clerk of Superior Court on December 19, 2019.
- “The applicant and the City agree on the importance of preserving the historic farmhouse property located along tributary #5. The applicant acknowledges the city’s desire to have the farm house property donated to the city and agrees to work with the city in good faith to facilitate the donation, including public access and shared parking at the site as mutually agreed upon. In consideration of the

land donation, the city agrees to provide the applicant with Impact fee credits equal to the value of the land donated. Any donated land shall be included in future development density calculations. Such donations shall take place no later than the issuance of a land disturbance permit on the OP property."

- According to research by the Alpharetta & Old Milton Historical Society, the settlement at Farmhouse predates the founding of Old Milton County and the City of Alpharetta by at least 30 years. Early settlers were living in Indian Territory. Big Creek Baptist Church was chartered there in 1828, ten years before the Trail of Tears when the Cherokee Indians were removed from the area. In the early 1830's there was an operating water mill on Martin Creek, near what is now the northeast corner Ga 400 and Old Milton Parkway.
- A major road for the time, ran beside the mill site through the narrow valley on the east side of Burnett Mountain (currently Preston Ridge). The road connected Lebanon, near what would become Roswell, and Suwanee then on to Lawrenceville. The Farmhouse Community was located near an important trade route that ran from Lebanon Community, near Roswell, into Forsyth County. The Farmhouse Community's center was located west of the area later developed as Preston Ridge and approximately 1.7 miles east of the current Alpharetta City Hall. Farmhouse Community was a thriving commercial center between 1834-1858. At various times a gristmill, sawmill, cotton gin, post office and general store were in operation here.
- Several of The City of Alpharetta's founding families are associated with this property. It is believed that Hiram Trammell built and lived in a cabin there as well as built the dam and water mill. The dam was intact until 1980. "Slick Rock" was a popular place for swimming in the community. Islam Teasley was the postmaster for the post office that was established in 1853. Five years later, the post office was relocated to the new town of Alpharetta with Oliver P. Skelton as postmaster. In 1908, the family of Clark & Ann Burnett were photographed at their family home on Burnett's Mountain (currently Preston Ridge).
- The City has future plans to construct a Farmhouse Community Heritage Park to commemorate the property as a historic site.
- HISTORIC DESIGNATION REVIEW CRITERIA: The City of Alpharetta Unified Development Code Section 2.94 B of the Historic Preservation Incentive Zoning Ordinance outlines the criteria for Historic Designation. The Ordinance specifically states; In order to be designated a historic property, the property must be an individual building, structure or parcel of land that meets the following criteria:
 - A. Is of historic, cultural, aesthetic, or architectural significance to the City, the region, the State, or the nation; or

Response: The Farmhouse Settlement is historically and culturally significant as the first settlement for the City of Alpharetta.
 - B. Possesses historic integrity (in terms of its location, design, setting, materials, workmanship, feeling, and association) for all periods related to the significance of the property; and

Response: The property is of historical significance as an early settlement in Indian territory that predates the founding of Old Milton County and the City of Alpharetta.
 - C. Is deemed worthy of preservation (and the benefits available due to such status) following reasons:
 - o It is an outstanding example of a building representative of its era and over 75 years old;

Response: The Farmhouse Community was a thriving commercial center between 1834 and 1858. During that time a gristmill, sawmill, cotton gin, post office and general store operated there. Big Creek 3 Baptist Church was founded there in 1828 before the Trail of Tears when the Cherokee Indians were removed from the area. The Community was located near an important trade route.

- o It is one of the few remaining examples of a past architectural style or type and over 75 years old; or

Response: The property is approximately 190 years old.

- o It is a place associated with an event or person(s) of historic or cultural significance to the City, the region, the State, or the nation and over 75 years old.

Response: This property possesses historic significance and association as the original settlement for the City of Alpharetta. The settlement predates the founding of Old Milton County and the City of Alpharetta by at least 30 years. There are future plans to build a Community Heritage Park to commemorate the Settlement.

- City Staff has reviewed the application and finds that it can generally support the request to add the property to APPENDIX B – Historic Resources Inventory- Designated Historic Buildings as per the Historic Preservation Ordinance. The Alpharetta & Milton Historical Society also support the historic designation due to the property's historic significance as well as the fact that it is 190 years old.
- The City notified property owners within 500' regarding the Applicant's intent to designate the property. There were no comments received.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment

- No Public Comment
- ❖ Council Member Merkel offered a motion to approve PH-20-12 Farmhouse Settlement Historic Designation and the ordinance as presented
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (6-0)

VI. OLD BUSINESS

- A. V-20-11 Citgo/174 North Main Street Variance **NOTE: This item was tabled on Monday, October 26, 2020. It must be removed from the table for consideration.**

- ❖ Council Member Burnett offered a motion to remove V-20-11 Citgo/174 North Main Street Variance from the table
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (6-0)

- ❖ Council Member Richard offered a motion to deny V-20-11 Citgo/174 North Main Street Variance
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (6-0)

B. Consideration of an Ordinance to Amend Chapter 30 of the City Code - Loitering (2nd Reading) Sponsored By: Council Member Burnett

- Director of Public Safety, John Robison, came forward to present this item.
 - Staff is recommending that Mayor and Council approve an ordinance to amend Chapter 30 of the City Code to add an article IV (Loitering for the Purpose of Engaging in the Solicitation of Sex Acts).
 - This ordinance amendment reflects state law regarding loitering and solicitation of sex acts. Having a local ordinance will provide law enforcement more discretion in the handling of these types of cases. The goal is to create additional enforcement options for law enforcement officers encountering loitering and solicitation of sex crimes activity.
 - The first reading of the ordinance was presented at the Monday, October 26, 2020 City Council Meeting and was approved unanimously.
 - City Attorney, Sam Thomas, read the ordinance aloud.
-
- ❖ Council Member Burnett offered a motion to approve an ordinance to amend Chapter 30 of the City Code to add an article IV (Loitering for the Purpose of Engaging in the Solicitation of Sex Acts)
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (6-0)

VII. NEW BUSINESS

A. Design Services for Webb Bridge Road - East of North Point Parkway to Greenway

- Director of Public Works, Pete Sewczwicz, came forward to present this item.
- Staff is recommending that Mayor and Council approve Pond & Company's proposal in the amount of \$583,508.00 for the design of improvements to Webb Bridge Road from east of North Point Parkway to the Big Creek Greenway culvert; approve Atkins's proposal in the amount of \$109,000.00 for project management services for the Webb Bridge Road Improvements project; and, authorize the Mayor to execute all necessary documents.
- This request is for the approval of Pond & Company's proposal for design services related to the Webb Bridge Road Improvements from East of North Point Parkway to the Big Creek Greenway and the approval of Atkins' proposal for project management services for the same.
- The project scope will include the design of a new bridge over Big Creek to replace the existing vehicular and pedestrian bridges and of a 10' wide multi-use trail with a 6' wide planting strip along Webb Bridge Road from east of North Point Parkway to the Big Creek Greenway culvert under Webb Bridge Road. Street trees and pedestrian lighting will be provided along the shoulders. The design will seek to preserve the existing streetscape along the frontage of Eastgate Subdivision.

- The proposed new bridge will be designed to be built to the south of the existing vehicular bridge allowing for its construction while traffic is maintained along Webb Bridge Road. This will require a portion of Webb Bridge Road to be re-aligned to the south of its existing location and the existing pedestrian bridge to be removed.
- Additionally, the portion of the Big Creek Greenway between Big Creek and the culvert under Webb Bridge Road will need to be demolished and re-constructed. The bridge will provide two 10.5' travel lanes, header curb, 2' separation (stamped concrete or concrete pavers) and a 10' multi-use trail. Aesthetic treatments similar to those provided at the bridges along Rucker Road and Mayfield Road will be incorporated into the bridge design.
- Bike accommodations will be provided on the roadway from east of North Point Parkway to west of the proposed new bridge over Big Creek. At that point, bicyclists will be merged onto the multi-use trails. This is necessary to minimize the width of the new bridge and impacts to the adjacent wetlands and flood plain. Bicyclists will be provided the opportunity to return to the roadway east of the Big creek Greenway culvert under Webb Bridge Road.
- Pond & Company was awarded one of three contracts for on-call engineering services on August 1, 2016 through RFQ 16-1009. Atkins and City staff have reviewed Pond & Company's proposal and found their rates and allocated hours for the various design tasks to be reasonable and in line with industry standards. Staff from Atkins will review Pond & Company's invoices to verify that the hours being billed accurately represent the progress made for each billing period and make payment recommendations to the City. Design is anticipated to be complete within 12-18 months from notice to proceed. The project schedule has a wide range due to possible permitting associated with the bridge and sidewalk around wetlands and floodplain.
- On November 12, 2016, Atkins was awarded a contract to provide project management services for the design and construction of larger scale projects associated with the City's BOND and the TSPLOST projects. City staff will review Atkins's invoices to verify that the hours being billed accurately represent the progress made for each billing period.

Public Comment

- No Public Comment
- ❖ Council Member Burnett offered a motion to approve Pond & Company's proposal in the amount of \$583,508.00 for the design of improvements to Webb Bridge Road from east of North Point Parkway to the Big Creek Greenway culvert; approve Atkins's proposal in the amount of \$109,000.00 for project management services for the Webb Bridge Road Improvements project; and, authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (6-0)

VIII. WORKSHOP

A. Occupational Tax Structure/Rate(s)

- Director of Finance, Tom Harris, came forward to present this item.
- The intent of this workshop is to discuss the city's current Occupational Tax structure/rate(s) and compare/contrast with a sampling of our companion local government entities.
- The presented survey compared multiple data points that reflect the varied structures currently being utilized by the sampled entities.

IX. PUBLIC COMMENT

- No Public Comment

X. REPORTS

- Mayor Gilvin encouraged residents to vote on Election Day.

XI. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 7:32 P.M.

Respectfully submitted,

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

Erin Cobb, City Clerk