



Official City Council Meeting Minutes

December 7, 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 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. PRESENTATIONS & PROCLAMATIONS

A. GA Recreation & Parks Association Student of the Year Award - Meredith Ray

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 11/30/2020)

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

C. Alcoholic Beverage License Applications

1. PH-20-AB-17 Rena's Italian Fishery & Grill, LLC
Rena's Italian Fishery & Grill
240 South Main Street, Suite M
Alpharetta, GA 30009

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

Owner: Rena's Italian Fishery & Grill, LLC
Registered Agent: Darren Henderson

2. PH-20-AB-18 Mikhail Mart, LLC
Mikhail Mart
3325 Old Milton Parkway
Alpharetta, GA 30005

Convenience Store
Retail Package Sales
Beer, Wine & Sunday Sales

Owner: Mikhail Mart, LLC
Registered Agent: Medhat Karout

- Council Member Binder requested that the Financial Management Report: Month Ending October 31, 2020 be removed from the consent agenda in order for the Director of Finance, Tom Harris, to present an overview.
- ❖ Council Member Hipes offered a motion to approve the consent agenda excluding the Financial Management Report: Month Ending October 31, 2020
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (7-0)

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 October 31, 2020
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously (7-0)

VI. NEW BUSINESS

A. Consideration to Amend the Charter of the City of Alpharetta, Georgia by Ordinance Pursuant to "The Municipal Home Rule Act of 1965" O.C.G.A. § 36-35-1, Et Seq., To Permit City Councilmembers to Participate in City Council Meetings Via Teleconference Consistent with State Law (1st Reading)

- City Attorney, Sam Thomas, came forward to present this item.
- Staff is recommending that Mayor and Council approve an ordinance to amend Article 11, Section 2.20 of the City Charter by ordinance pursuant to "The Municipal Home Rule Act of 1965" O.C.G.A. § 36-35-1, et seq., to permit City Councilmembers to participate in City Council Meetings via teleconference consistent with State Law; to repeal conflicting ordinances; to provide for an effective date; and for other purposes.
- Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1, et seq.
- O.C.G.A. § 36-35-3 provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions and regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto.
- The Mayor and Council desire to amend the Charter of the City of Alpharetta so as to update the Act to allow Councilmembers to participate in City Council meetings via teleconference to the greatest extent permitted by state law, including, but not limited to O.C.G.A. § 50-14-1.
- If approved the following amendments will be made to the City Charter:
 - o **Section One of Amendment.** Article 11, Section 2.20 is amended by a new paragraph (c) as follows: "Sec. 2.20(c) Members of the City Council of the City of Alpharetta, Georgia are also authorized to participate in City Council meetings via teleconference to the greatest extent permitted by state law, including, but not limited to O.C.G.A. § 50-14-1."
 - o **Section Two of Amendment.** This Ordinance shall become effective immediately upon a copy of this Ordinance, the required notice of publication, and affidavits of a duly authorized representative of The Herald and The Fulton County Daily Report to the effect that the notice has been published as provided in O.C.G.A. § 36-35-1, et seq., having been filed with the Secretary of State. The City Attorney is directed to affect such filings as soon as is reasonably practicable.
- City Attorney, Sam Thomas, read the ordinance aloud.
- Mayor Gilvin recommended that we also adopt an ordinance to update our boards and commissions ordinance to permit meetings via teleconference.

Public Comment

- No Public Comment

- ❖ Council Member Binder offered a motion to approve as presented the first reading of an ordinance to amend Article 11, Section 2.20 of the City Charter by ordinance pursuant to "The Municipal Home Rule Act of 1965" O.C.G.A. § 36-35-1, et seq., to permit City Councilmembers to participate in City Council Meetings via teleconference consistent with State Law; to repeal conflicting ordinances; to provide for an effective date; and for other purposes
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (7-0)

B. Consideration of an Ordinance to Amend the City of Alpharetta Alcoholic Beverage Ordinance so as to Change the Minimum Age for Servers from 21 to 18; to Repeal Conflicted Ordinances; and for Other Purposes (1st Reading) Sponsored By: Council Member Hipes

- City Attorney, Sam Thomas, came forward to present this item.
- Staff recommends that City Council approve as presented the first reading of an ordinance to amend Chapter 4 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia; to change the minimum age for employee servers from 21 to 18; to provide for an effective date; to repeal conflicting ordinances; and for other purposes.
- Chapter 4 (Alcoholic Beverages) of The Code of the City of Alpharetta, Georgia provides regulations governing the sale of alcoholic beverages within the City. As currently adopted, the ordinance stipulates that an employee of a business licensed to sell alcoholic beverages must be at least 21 years of age in order to sell / serve such beverages.
- The minimum age for an employee to serve alcoholic beverages under State law is 18 years of age. Thus, the presented amendment would match the local ordinance to the State law.
- The ordinance presented would amend Chapter 4 so as to allow for the issuance of an alcoholic beverage permit (i.e., server permit) to a person 18 years of age or older and who sells, serves, or dispenses alcoholic beverages.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment

- Dave Filipowicz, 260 Canton Street, Alpharetta, GA 30009, came forward in support of the ordinance.
- ❖ Council Member Hipes offered a motion to approve as presented the first reading of an ordinance to amend Chapter 4 (Alcoholic Beverages) of the Code of the City of Alpharetta, Georgia; to change the minimum age for employee servers from 21 to 18; to provide for an effective date; to repeal conflicting ordinances; and for other purposes
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

VII. PUBLIC COMMENT

- No Public Comment

VIII. REPORTS

- Council Member Merkel appointed Michael Gordy as his appointee to the Board of Zoning Appeals.
- City Administrator, Bob Regus, came forward to present the possible TSPLOST 2022 Referendum Schedule.

IX. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 7:12 P.M.

Respectfully submitted,

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

Erin Cobb, City Clerk