



Official City Council Meeting Minutes

December 14, 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
- o Michael Woodman, Senior Planner
- o Matthew Thomas, Economic Development Manager

III. PLEDGE TO THE FLAG

IV. PRESENTATIONS & PROCLAMATIONS

A. Alpharetta High School Volleyball Team Proclamation

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 12/7/2020)

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

VI. PUBLIC HEARING

A. V-20-17 130 Devore Road Waiting Period Variance

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve V-20-17 Sedgwick/130 Devore Road request for waiting period variance.
- The applicant, Michele Sedgwick, requests a variance to reduce the waiting period for Council consideration of an application for zoning change affecting the same property from one (1) year to six (6) months, per Unified Development Code Section (UDC) 4.2.1(C). A rezoning and variance request (Z-20-02/V-20-06) was approved on May 26, 2020 to allow for a single-family detached home. The applicant is currently requesting a change to previous conditions of zoning and variance to allow for a change to the architectural style of the home. The subject property is located at 130 Devore Road on the south side of Devore Road between Alpharetta Highway and Karen Drive.

Public Comment

- No Public Comment
- ❖ Council Member Richard offered a motion to approve V-20-17 Sedgwick/130 Devore Road request for waiting period variance
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

B. PH-20-22/V-20-16 Sedgwick/Downtown Architecture Variance

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council approve PH-20-22/V-20-16 Sedgwick/130 Devore Road, subject to the following conditions:
 1. Architecture and materials shall be substantially similar to the submitted renderings, as approved by Staff.
 2. Landscaping along the street frontage shall be substantially similar to the submitted rendering and shall be supplemented with additional trees, as approved by Staff.

3. All previous conditions of zoning related to Z-20-02/V-20-06 Sedgwick Residence/Devore Road shall remain in effect, except as modified in the conditions above.
 - The applicant, Michele Sedgwick, is requesting a change to previous conditions of zoning and a variance on a 0.29-acre property approved for a single-family detached home. The request would allow for the use of an architectural style that is not approved in the Downtown Overlay. The subject property is located at 130 Devore Road on the south side of Devore Road between Alpharetta Highway and Karen Drive.
 - The submitted request, if approved, would allow for the use of a Contemporary or International architectural style, which is not approved for use in the Downtown Overlay. A previous condition of zoning required that the architecture of the home be substantially similar to the submitted renderings, which was Mercantile style. The subject property is located at 130 Devore Road on the south side of Devore Road between Alpharetta Highway and Karen Drive.
 - The property is currently undeveloped. The subject property was approved on May 26, 2020 for a rezoning from C-2 (General Commercial) to DT-MU (Downtown Mixed-Use) to allow for the construction of a single family detached home on 0.29 acres. Surrounding properties are zoned C-2 to the north and west and OI (Office Institutional) to the south and east. Bank of America is located to the north, Seven Seas Café is located to the west and Colony Park office park is located to the south and east.
 - The applicant proposes the following change to the previous conditions of zoning related to Z-20-02/V20-06 Sedgwick Residence/Devore Road (changes reflected in red):
 4. Architecture and materials shall be substantially similar to the submitted renderings, ~~except for modifications required to comply with the Downtown Consultant's markups related to the home and in compliance with the Alpharetta Downtown Code, with final approval by DRB.~~
 - There have been two (2) previous variance requests from the Downtown architectural requirements. The Maxwell mixed-use development at the northeast corner of South Main Street and Devore Road was approved in January 2017 allowing commercial and residential buildings to be designed in the Mercantile style. West of Main, located at the northeast corner of Canton Street and Church Street, was also approved in January 2017 to allow townhomes in the Tudor Eclectic style. In September 2017, both styles were added as permitted styles in the Downtown Overlay. The addition of the two (2) architectural styles was supported by the City's Downtown Consultant, who believed that the styles were compatible with the historic intent and architectural styles approved in the Downtown Overlay.
 - **BUILDING ELEVATIONS & ARCHITECTURE:**
 - City Council previously approved the rendering below, which depicts a Mercantile style. The new proposed design depicts the home in a Contemporary or International style and maintains a similar footprint, massing, and roofline as the currently approved design. The new design is by architect Manuel Cervantes and proposes a simple and subtle aesthetic using local vernacular materials (stone and wood) and earth tones. Large floor-to-ceiling windows separated by vertical oak columns are depicted across the façade of the home with oak shutters across the ground level of the home and garage.
 - The City's Downtown Consultant reviewed the applicant's proposal and does not believe that it achieves the Mercantile style or historic intent described in the Downtown Design Guidelines. However, he does think that the design has merit and should be considered for approval. The adjacent examples of design on the south side of Devore Road are underwhelming, and do not meet the intent of the

design guidelines. The applicant's design encourages quality design effort and sets a high standard for the area. In addition, the series of walls and landscaping are nearly as prominent as the home. Once the landscaping matures, the home will likely blend with the surroundings.

- **VARIANCE REQUIREMENTS:**

- The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a hardship variance. The ordinance specifically states "a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; or

Response: There are not conditions specific to the subject property that impact the applicant's ability to construct a home in one of the approved Downtown architectural styles. The applicant desires an architectural style that is not approved in the Downtown. However, the other residential properties along the south side of Devore Road are zoned R-12 and located within a subdivision (Alpha Park), which are exempt from the Downtown architectural regulations. In addition, the property is not located on a Corridor of Influence such as, Main Street or Haynes Bridge Road, nor is it located in the Downtown Core as designated in the Downtown Master Plan and therefore, has less of an impact

2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

Response: The application of the Ordinance to the subject property would not create an unnecessary hardship. The applicant desires an architectural style that is not approved in the Downtown.

3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

Response: There are not conditions specific to the subject property that impact the applicant's ability to construct a home in one of the approved Downtown architectural styles. The applicant desires an architectural style that is not approved in the Downtown. However, the other residential properties along the south side of Devore Road are zoned R-12 and located within a subdivision (Alpha Park), which are exempt from the Downtown architectural regulations. In addition, the property is not located on a Corridor of Influence such as, Main Street or Haynes Bridge Road, nor is it located in the Downtown Core as designated in the Downtown Master Plan and therefore, has less of an impact

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

Response: The applicant's request should not cause a substantial detriment to the public good. The property is not located on a Corridor of Influence such as, Main Street or Haynes Bridge Road, nor is it located in the Downtown Core as designated in the Downtown Master Plan and therefore, has less of an impact. While the City's Downtown Consultant agrees that the request does not meet the Downtown design guidelines, he believes the design has merit and should be considered for approval. The adjacent examples of design are underwhelming, and do not meet the intent of the design guidelines. The applicant's design encourages quality design effort and sets a high standard for the area. The walls and landscaping, once mature, will likely screen the home from the street.

- Staff has reviewed the applicant's proposal and finds that it can generally support the applicant's request for a change to previous conditions of zoning and variance. While the request does not meet the Downtown design guidelines, the design has merit and would set a high standard for the area. The property is not located on a Corridor of Influence such as Main Street or Haynes Bridge Road, nor is it located in the Downtown Core as designated in the Downtown Master Plan and therefore, has less of an impact. In addition, the other residential properties on the south side of Devore Road and located in Alpha Park are exempt from meeting the Downtown building design regulations.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- The applicant, Michele Sedgewick, 2451 Commerce Street, Alpharetta, GA 30009, came forward to speak on behalf of the application.

Public Comment

- No Public Comment
- ❖ Council Member Richard offered a motion to approve PH-20-22/V-20-16 Sedgewick/130 Devore Road, subject to the following conditions:
 1. Architecture and materials shall be substantially similar to the submitted renderings, labeled Exhibit A, as approved by Staff.
 2. Landscaping along the street frontage shall be substantially similar to the submitted rendering and shall be supplemented with additional trees, as approved by Staff.
 3. All previous conditions of zoning related to Z-20-02/V-20-06 Sedgewick Residence/Devore Road shall remain in effect, except as modified in the conditions above.
 - The motion received a second from Council Member Binder
 - The motion was approved (6-1); Mayor Pro Tem Mitchell voting in opposition

C. V-20-15 Castro/1190 Upper Hembree Rd Tree Recompense Variance

- Senior Planner, Michael Woodman, came forward to present this item.
- Staff is recommending that Mayor and Council deny V-20-15 Castro/1190 Upper Hembree Road variance request to eliminate tree recompense.
- If approval is considered, the following conditions are recommended:
 1. Tree recompense associated with the 2019 tree removal permit shall be reduced from 3x to 1x the unit value, or 54" (18 – 3" caliper trees).
 2. A Certificate of Occupancy shall not be issued on the subject property until the recompense associated with the 2017 violation and 2019 tree removal has been provided.

- The applicant, Carlos Castro, is requesting consideration of a variance to eliminate tree recompense on three (3) single-family lots. Tree recompense on the subject property is associated with a tree removal permit to remove two (2) specimen trees, as well as a violation for the removal of trees without a permit. The applicant cites financial impacts from the COVID-19 pandemic, as well as the abundance of trees remaining on the property as the hardship for the variance request. The subject property is located at 1190 Upper Hembree Road at the northwest corner of Upper Hembree Road and Harris Road.
- The submitted request, if approved, would eliminate the required tree recompense on three (3) single-family lots. The applicant received a violation for the removal of trees without a tree removal permit and proposes to remove two (2) additional specimen trees. The applicant states that the variance request is related to financial impacts associated with the COVID-19 pandemic, as well as the abundance of trees that will remain on the property. The subject property is located at 1190 Upper Hembree Road at the northwest corner of Upper Hembree Road and Harris Road.
- The 1.15-acre property is zoned R-15 and developed with one (1) single-family detached home. Surrounding properties are zoned R-12 (Dwelling, 'For-Sale', Residential) to the north, R-10 (Dwelling, 'For Sale', Residential) and O-I (Office-Institutional) to the east, PSC (Planned Shopping Center) to the south and C-1 (Neighborhood Commercial) to the west. Birch Hollow Subdivision is located to the north, Creekside at Hembree Subdivision and the future site of Spirit of God Church is located to the east, the former Harry's Market (Whole Foods) is located to the south and Paw Patch Animal Clinic is located to the west.
- Setback variances were approved on the subject property in 2018 in conjunction with a development plan to subdivide the property into three (3) single-family lots. The variance approval included conditions requiring that the developer save ten (10) specimen trees and make reasonable efforts to save two (2) additional specimen trees. The current variance request to eliminate tree recompense is not related to any of the trees previously conditioned by City Council to be saved.
- The City's Unified Development Code (UDC) requires that specimen trees that cannot be saved be replaced with trees having three (3) times the unit value of the tree removed with a minimum four-inch (4") tree caliper by species with potentials for comparable size and quality. However, it has been the City's policy to allow individual homeowners a reduction in the replacement value from three-times (3x) to one-times (1x) the unit value.
- A tree removal permit was approved on the subject property in 2019 to remove two (2) specimen trees (#269 – 26" Hickory and #276 – 28" Hickory) in conjunction with the proposed three (3) single-family lot development. The 54" to be removed requires replacement at three-times (3x) the unit value of the removed specimen trees with minimum four-inch (4") caliper trees planted on-site, which would be 162" or 41 – 4" 3 caliper trees. The City approved a replanting plan for 129.6", or 43 – 3" caliper trees, which represents a 20% reduction allowed by Staff due to understory trees being easier to secure. If trees cannot be planted on-site, a payment to the tree bank in the amount of \$300/caliper inch may be substituted.
- There is also an open violation on the property for the removal of sixteen (16) trees without a tree removal permit. Of the trees removed, four (4) were specimen trees and twelve (12) were non-specimen. Ultimately, Staff agreed to reduce the fine (from \$5,225 to \$500) and tree recompense (from 336" or 84 – 4" caliper trees to 40" or 10 – 4" caliper trees). The property owner paid the associated fine; however, the required recompense remains outstanding.

- The table below provides a summary off the 2017 violation and 2019 tree removal permit.

1190 Upper Hembree Road – Tree Recompense Summary

Action	Tree Removal	Recompense	Notes
2017 Violation	112" (4 specimen trees) & 209" (12 non-specimen trees)	\$500 fine (paid) & 10 – 4" caliper trees	Fine and recompense significantly reduced by Staff
2019 Tree Removal Permit	54" (2 specimen trees)	54" x 3 = 162" x 0.8 (20% reduction) = 129.6" OR 43 – 3" caliper trees	Staff approved a 20% reduction in recompense
TOTAL	375"	10 – 4" caliper trees & 43 – 3" caliper trees (169" total)	

- As shown in the table below, there have been past variance requests to reduce tree recompense. With the exception of the 2001 request that was denied, the other requests were approved. However, two (2) of the requests that were approved represented a reduction in recompense and the other two (2) included conditions either requiring additional tree saves or requiring compliance with the Tree Ordinance.

Past Variance Requests to Reduce Tree Recompense

Project Name	Request	Result	Notes
King's Ridge Christian School	Eliminate recompense for the removal of 2 trees (25")	Approved, 7/9/18	Staff rec'd approval, condition requiring other tree save areas
273 Milton Ave/Edman	Reduce recompense from 59" to 30"	Approved, 9/21/17	No staff recommendation
Alpharetta First United Methodist Church	Reduce recompense from 478.4" to 239.2"	Approved, 1/19/17	Staff rec'd approval, church has been on property for 150 years
Broadwell Road Assemblage	Eliminate recompense for removal of 5 specimen trees	Approved, 9/26/05 (condition req'd compliance with Tree Ordinance)	Staff rec'd approval of annexation, CLUP & rezoning with variances addressed in the conditions. Staff condition rec'd compliance with Tree Ordinance.
39 Teasley Street/Uptown Parking Lot	Refund \$5,000 contributed to the Tree Fund, reduce recompense, reduce replacement trees from 4" to 2-1/2"	Denied, 11/15/01	Staff rec'd approval, parking lot a benefit to the community

- VARIANCE REVIEW CRITERIA:**

- The Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a hardship variance. The ordinance specifically states "a variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that":

- There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; or

Response: There are not exceptional conditions pertaining to the subject property due to its size, shape, or topography. However, the 1.15-acre property has a large number of trees, which impacts development costs and leaves few options of on-site replanting.

- The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

Response: The remaining trees on the property could be saved and the violation corrected. However, the large number of trees on the property make it difficult to develop three (3) single-family lots and replant recompense trees on those lots. If approved, a condition is recommended allowing for a reduction in the recompense from three-times (3x) to one-times (1x) the unit value, which is consistent with the City's policy on individual residential lots.

3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

Response: The subject property is covered with trees, which impacts development costs. Due to the number of trees on the property, there are few options for on-site replanting. If approved, it is recommended that the recompense for the 2019 tree removal permit be reduced from three-times (3x) to one-times (1x) the unit value, which is consistent with the City's policy on individual residential lots.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance.

Response: Relief as requested by the applicant could cause a substantial detriment to the public good. The 2017 violation should be corrected by the property owner with the reduced recompense prescribed by the City. If approved, it is recommended that the recompense for the 2019 tree removal permit be reduced from three-times (3x) to one-times (1x) the unit value, which is consistent with the City's policy on individual residential lots.

- Staff has reviewed the applicant's request and is not in agreement with the requested variance to eliminate tree recompense. The City has already agreed to a significant reduction in the tree recompense associated with the 2017 violation. With respect to the 2019 tree removal permit, a reduction in the replacement value from three-times (3x) to one-times (1x) the unit value could be supported. It is the City's policy to allow 5 individual homeowners a reduced tree replacement value and the applicant has indicated that he intends to subdivide the property into three (3) single-family lots from himself and his children to live in.
- The report submitted by the applicant states that property owners within 500' were contacted regarding the applicant's intent. The report states that no comments were received.
- Staff received email correspondence from a resident in the adjacent Birch Hollow Subdivision with concerns over the applicant's request. The resident is opposed to the requested variance if the result leads to increased stormwater runoff within the associated floodplain. Additional correspondence was received from a resident objecting to the request with general concerns over impacts to the tree canopy resulting from development.
- The applicant, Carlos Castro, 140 North Pond Court, Roswell, GA 30076, came forward to speak on behalf of the application.
- Mayor Gilvin explained the following possible motions that could take place:
 - o Council can make a motion to approve or deny the variance request.
 - o Council can make a motion to table the item.
 - o The applicant can request to withdraw the variance application and if approved by Council then it may be reconsidered after the outstanding violations have been taken care of.
- After further discussion, the applicant decided not to withdrawal his application.

Public Comment

- No Public Comment

- ❖ Council Member Richard offered a motion to deny without prejudice V-20-15 Castro/1190 Upper Hembree Road variance request to eliminate tree recompense

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

D. PH-20-20 North Point Urban Redevelopment Plan

- Economic Development Manager, Matthew Thomas, came forward to present this item.
- Staff recommends that Mayor and Council approve the adoption of the North Point Urban Redevelopment Plan in order to apply for a State Opportunity Zone for the North Point area.
- The purpose of the North Point Urban Redevelopment Plan is:
 - o Provide incentives and mechanisms to promote investment in North Point.
 - o Spur and support the creation of new jobs and business relocations within and in close proximity to North Point.
 - o Meet the requirements necessary to apply for Opportunity Zone designation through the Georgia Department of Community Affairs.
- The main development recommendations for North Point, as outlined in the 2018 LCI Plan area:
 - o Transportation, access, and connectivity- New development grid should reduce block size to encourage walkability.
 - o High-quality development oriented to the street with access to the greenway: Integrated mixed-use centers that allow for a unique diverse lifestyle that afford consumers a diverse, low-maintenance lifestyle.
 - o Maximize the greenway as a district amenity
 - o Incorporate green pathways and parallel multi model roads
 - o Create a “park once walk everywhere” walkable environment
 - o Induce redevelopment of large areas of surface parking
- To accomplish these goals for the area, the City will need to make significant infrastructure investments, provide public infrastructure improvements, and other public amenities to create the environment and attract private investment to the area. This Urban Redevelopment Plan seeks to identify tools to address the challenges in the North Point area.
- Upon adoption, staff will submit the Urban Redevelopment Plan as part of the Opportunity Zone application for the Georgia Department of Community Affairs to review.
- City Attorney, Sam Thomas, read the resolution aloud.

Public Comment

- No Public Comment

- ❖ Council Member Burnett offered a motion to approve PH-20-20 North Point Urban Redevelopment Plan in order to apply for a State Opportunity Zone for the North Point area and the resolution as presented
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (7-0)

VII. OLD BUSINESS

A. PH-20-16 Unified Development Code Text Amendments – Stormwater and Floodplain Management (2nd Reading)

- Development Services Engineer/Stormwater, Zach Truelove, came forward to present this item.
- Staff is recommending that Mayor and Council approve amendments to the Unified Development Code as it relates to Stormwater and Floodplain Management.
- In 2001 the Georgia General Assembly created the Metropolitan North Georgia Water Planning District (MNGWPD) to develop comprehensive regional and watershed-specific water resource management plans to be implemented by local governments. In December 2019, the MNGWPD board approved new model stormwater management ordinances for compliance with the latest Georgia Environmental Protection Division (EPD) Municipal Separate Storm Sewer System (MS4) Permits. Local governments are required to adopt these changes by December 10, 2020.
- Proposed amendments include:
 - o Reorganization of Section 3.3.1-3.3.14 to match the model ordinances provided by MNGWPD.
 - o Updated definitions.
 - o Renaming the Alpharetta Stormwater Management Manual to the Alpharetta Stormwater Policy Handbook.
 - o Regulations added to projects replacing 5,000 sf or more impervious (to meet state permit minimum standards).
 - o Exemption added for installation or modifications to existing structures for the purpose of providing ADA requirements.
 - o Reduction in number of design storms that must be studied for downstream analysis.
 - o Explanation of requirements for conceptual plan meeting, permit plan and study submittal, application process, and determination of infeasibility requests.
 - o Additional requirements for inspection and maintenance agreements and city response should an owner fail to maintain private stormwater management systems.
 - o Corrected typographic errors in current approved ordinances.
- Because the revised sections of UDC are completely reorganized, the strike through / red line file is particularly difficult to follow. Therefore, attached for clarification and ease of review, please find a clean copy of the altered ordinances with state required additional text in green, city proposed additional or corrected text in blue, and items with no change beyond location within the ordinance in black. For use by Municode, strike through / red line copies of UDC

Article III Section 3.3 and Section 3.4 are also attached.

- There has been one change made to the ordinance since the first reading which provided clarification to text in Section 3.3.1SE.
- City Attorney, Sam Thomas, read the ordinance aloud.

❖ Council Member Richard offered a motion to approve PH-20-16 Unified Development Code Text Amendments – Stormwater and Floodplain Management and the ordinance as presented

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

B. 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 (2nd Reading)

- City Attorney, Sam Thomas, come 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 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:

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."

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.

- This ordinance was presented at the December 7, 2020 City Council Meeting and was approved unanimously.
 - City Attorney, Sam Thomas, read the ordinance aloud.
- ❖ Council Member Richard offered a motion to 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 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 Merkel
 - The motion was approved unanimously (7-0)

C. 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 (2nd 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 second 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.
 - This ordinance was presented at the December 7, 2020 City Council Meeting and was approved unanimously.
 - City Attorney, Sam Thomas, read the ordinance aloud.
- ❖ Council Member Hipes offered a motion to approve as presented the second 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)

VIII. NEW BUSINESS

A. Public Safety Vehicle Replacements

- Director of Public Safety, John Robison, came forward to present this item.
- Staff recommends approval for the Department of Public Safety to purchase four (4) replacement vehicles at a total cost of \$185,704 (including upfitting):
 - o Four (4) 2021 Ford F-150 XL (4-wheel drive) pickup trucks from Wade Ford, Inc, (low quote provider) in an amount totaling \$135,704, representing the lowest of four (4) solicited quotes.
 - o Approval to expend no more than \$50,000 for estimated costs associated with purchasing and installing (upfitting) the necessary emergency equipment
- As approved in the FY 2021 capital budget, the Department of Public Safety planned to purchase and outfit for service eight (8) vehicles and two (2) motorcycles at a cost not to exceed \$465,000. At this time, the Department of Public Safety is seeking to purchase and outfit four (4) vehicles for service at a cost not to exceed \$185,704. The four (4) vehicles will be replacements for older units that have reached documented end of service thresholds and will be auctioned for disposal. As a general guide for replacement, the Department uses 100,000 to 110,000 service miles for Patrol vehicles, and years of service and higher mileage (a goal of 120,000 miles or more) for Administrative vehicles, and a repair cost to vehicle value analysis if any of the aforementioned are not met.
- The requested vehicles include:
 - o Four (4) 2021 Ford F-150 XL (4-wheel drive) pickup trucks from Wade Ford, Inc. for an amount not to exceed \$135,704, representing the lowest of four (4) solicited quotes. Due to the changing needs of personnel (Admin police training and the Community Services Unit necessity to transport equipment, bicycles, and tow trailers; Criminal Investigation Division for operational purposes, etc.), the necessary request is for pickup trucks. It is the Department's preference and current plan that all vehicles be all-wheel or 4-wheel drive for the emergency response capabilities and the associated safety factors. These pickup trucks will be replacing three (3) sedans and one (1) pickup truck that have met the above disposal thresholds.
- Competitive quotes were obtained for this purchase with the results as follows:
 - o Wade Ford, Inc. (\$34,292/\$33,804, long bed/short bed option respectively)
 - o Allan Vigil Ford-Lincoln (\$37,040/\$37,930) *note: state contract holder
 - o Billy Howell Ford (\$36,895/\$38,200) *note: quote was not built completely to spec
 - o Angela Krause (\$42,774.60/NA) *note: quote was not built completely to spec, did not provide for long bed option
- Approval is also requested to expend an amount not to exceed \$50,000 for estimated costs associated with purchasing and installing necessary emergency equipment (upfitting) for the said vehicles (e.g., emergency lighting, consoles, computer stands, radios, weapon racks, prisoner transport systems, graphics, etc.). As a practice, the Department recycles emergency equipment from older vehicles and installs it into newly purchased vehicles whenever possible and/or applicable. Due to the age and type of equipment installed in the disposal vehicles, it will not be possible or applicable to reuse it. The request includes the costs associated with preparing the vehicles for disposal (removing law enforcement equipment and markings).

- Funding for this initiative is requested from existing appropriations within the Department's Capital Fleet Replacement, as per the FY 2021 capital budget.

Public Comment

- No Public Comment
- ❖ Council Member Hipes offered a motion to approve and authorize the Department of Public Safety to purchase four (4) replacement vehicles at a total cost not to exceed \$185,704 (including upfitting)
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

B. Extension of the 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 extending the Intergovernmental Agreement (IGA) with the City of Milton regarding shared Municipal Court Clerk services through March 31, 2021 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.
- This IGA was presented to Mayor and Council during the September 21, 2020 City Council Meeting and approved unanimously. The renewed terms would extend the current agreement through March 31, 2021, unless terminated or extended upon mutual agreement of both cities.
- City Administrator, Bob Regus, reported the following information regarding the court efficiencies:
 - o Starting in 2021, we will be reducing the number of court sessions from 242 sessions to 206 through March 2021, in turn this will save the City approximately \$30,000 on bailiff, judge, solicitor and interpreter costs.
 - o Currently the City of Milton is paying half of Brooke Lappin's salary, saving the City approximately \$50,000 annually.
 - o In March, the Municipal Court will go live with e-Court. This new software will pass the convenience fee from online payments onto the defendant, opposed to the City covering the fee, as a result saving the City approximately \$36,000 annually.

- Council Member Binder suggested that we approve the IGA for a 6-month extension instead of the 3-month extension that was presented by Staff. This would extend the agreement through June 30, 2021.
- Council Member Richard requested the number of traffic tickets issued in 2020 compared to previous years.

Public Comment

- No Public Comment
- ❖ Council Member Hipes offered a motion to approve extending the Intergovernmental Agreement (IGA) with the City of Milton regarding shared Municipal Court Clerk services through June 30, 2021 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)

IX. PUBLIC COMMENT

- No Public Comment

X. REPORTS

- Director of Court Services, Brooke Lappin, came forward to provide additional details on the court efficiencies. Additionally, Mrs. Lappin plans to present the courts strategic plan at the January City Council Retreat.
- City Administrator, Bob Regus, came forward to discuss the upcoming plan to address the Safe Hotels Ordinance.
- Council Member Binder announced that Alpharetta hosted "Government Day" for the Leadership of North Fulton.
- Council Member Richard reminded everyone that early voting started today for the runoff election.
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XI. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Council Member Merkel offered a motion to adjourn into Executive Session
 - The motion received a second from Council Member Binder
 - The motion was approved (6-1); Council Member Burnett abstained
- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting to Executive Session at 8:31 P.M.

Respectfully submitted,


Erin Cobb, City Clerk