



Official City Council Meeting Minutes

March 15, 2021

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 (absent)
- Karen Richard

• Staff

- Bob Regus, City Administrator
- Sam Thomas, City Attorney
- James Drinkard, Asst. City Administrator
- Erin Cobb, City Clerk
- Tom Harris, Director of Finance
- Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- Kathi Cook, Director of Community Development
- Pete Sewczwicz, Director of Public Works
- John Robison, Director of Public Safety

III. PLEDGE TO THE FLAG

IV. PRESENTATIONS & PROCLAMATIONS

A. Proclamation: Retirement of K9 Mattis

V. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 3/1/2021)

B. Financial Management Report: Month Ending January 31, 2021

C. Alcoholic Beverage License Application

1. PH-21-AB-08 Tucano Steakhouse, LLC
d/b/a Passador Brazilian Steakhouse
2355 Mansell Parkway
Alpharetta, GA 30022

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

Owners: Tucano Steakhouse, LLC
Registered Agent: Nelcir Muller

- ❖ Council Member Binder offered a motion to approve the consent agenda
 - The motion received a second from Mayor Pro Tem Mitchell
 - The motion was approved unanimously (6-0)

VI. OLD BUSINESS

A. Consideration of an Ordinance to Amend Chapter 46 (Traffic & Vehicles) by Adding a Provision to Prohibit Non-Driver Participation in Street Racing and/or Reckless Driving Exhibitions (2nd Reading) Sponsored By: Mayor Gilvin & CM Hipes

- Director of Public Safety, John Robison, came forward to present this item.
- Staff is recommending that Mayor and Council approve an ordinance amending Chapter 46 (Traffic & Vehicles) of the City Code by adding a provision to prohibit non-driver participation in street racing and/or reckless driving exhibitions.
- The City Charter empowers the Mayor and Council to define, regulate and prohibit any act which is detrimental or likely to be detrimental to the health, safety, security, peace, or general welfare of the citizens of the City of Alpharetta. Illegal street racing and/or reckless driving exhibitions have been determined to be dangerous to the public, to drivers and to participants.
- Chapter 46, Article I of the City Code provides regulations governing traffic and vehicles within the City. If approved, this ordinance amendment will add Section 46-8 to the City Code.
- "Sec. 46-8. Reckless or Negligent Driving, Non-Driver Participation in Street Racing and/or Reckless Driving Exhibits:

- (a) For purposes of this section, the following terms shall mean:
 - **Illegal street racing and reckless driving exhibition** means a motor vehicle speed contest using public highways, streets, or rights of way in violation of applicable motor vehicle and traffic laws, including without limitation, O.C.G.A. § 40-6-186, § 40-6-251 and § 40-6-390. Illegal street racing and reckless driving exhibitions may include, but are not limited to, situations in which: (1) a group of motor vehicles or individuals has arrived at a location for the purpose of participating in the event; (2) a group of individuals has gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in the event; (3) one or more individuals has impeded the free public use of a public street, sidewalk or highway by actions, words, or physical barriers for the purpose of conducting the event; (4) two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed; (5) one or more drivers is revving his engine or spinning his tires in preparation for the event; (6) an individual is stationed at or near one or more motor vehicles serving as a race starter; or (7) one or more vehicles causing damage due to swinging, drifting, or racing.
 - **Organizer** means any individual who in any manner knowingly takes part in the planning, organization, coordination, facilitation, advertising, publicizing, or sharing of the location for any such illegal street race, collecting moneys in connection with, or videoing an illegal street racing exhibition as defined herein;
 - **Participant** means any individual who is knowingly present at an illegal street racing exhibition for the purpose of actively taking part in the event, through conduct including riding in a race vehicle as a passenger; assisting the organizers and/or drivers in carrying out or promoting the event; or exchanging money or anything of value with any driver, car owner, or other participant in connection with the event. For the purposes of this section, a person who is a mere bystander, passerby, or observer not aware of the illegal activity shall not be deemed a participant.
 - (b) **Reckless or Negligent Driving:** It shall be unlawful for any person to operate any automobile, motor vehicle, motorcycle, truck, tractor or horse-drawn vehicle, or bicycle upon the streets, roads, lanes, alleys, and public places within the city with a reckless or negligent disregard of traffic conditions then existing, the rights of others, and the safety of the public.
 - (c) **Non-Driver Participation in Street Racing and/or Reckless Driving Exhibitions:** (1) No person shall knowingly act as an organizer of an illegal street racing or reckless driving exhibition, as defined herein. (2) Except as provided elsewhere in this chapter, no person shall knowingly act as a participant in an illegal street racing or reckless driving exhibition, as defined herein.
 - (d) **Penalty:** The violation of any provision of this section shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) and/or imprisonment not exceeding one hundred eighty (180) days. Each day any violation of this Ordinance shall continue shall constitute a separate offense."
- The first reading of this ordinance was approved unanimously by Mayor and Council during the March 1, 2021 City Council Meeting. No changes have been made since the first reading.
- City Attorney, Sam Thomas, read the ordinance aloud.

- ❖ Council Member Hipes offered a motion to approve an ordinance amending Chapter 46 (Traffic & Vehicles) of the City Code by adding a provision to prohibit non-driver participation in street racing and/or reckless driving exhibitions
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (6-0)

VII. NEW BUSINESS

A. Consideration to Amend the "Noise Ordinance" (1st Reading) Sponsored By: Mayor Pro Tem Mitchell & CM Richard

- City Attorney, Sam Thomas, came forward to present this item.
- Staff is recommending that Mayor and Council approve an ordinance to amend Chapter 26, Article V (The "Noise Ordinance") of the City Code to eliminate an exemption applicable to certain construction activities.
- Chapter 26, Article V of the City Code provides regulations governing noise (as defined in the Noise Ordinance) within the City. The City has determined that it is appropriate from time to time to modify certain noise regulations to comport with current conditions.
- If approved, this amendment will eliminate an exemption applicable to certain construction activities and will be noted as follows:
- Section 1. Chapter 26, Article V of the Code is hereby amended by elimination of Paragraph 3 of Section 26- 116 in its entirety and substituting in lieu thereof the following:
 - Sec. 26-116(3). Construction and demolition activity shall not be performed between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, before the hour of 9:00 a.m. or after the hour of 5:00 p.m. on Saturday, or at any time on Sunday, unless such activities are deemed emergency work as defined in Section 26-113. This shall not be deemed to prohibit interior finish work such as carpeting, painting, millwork, etc. (but not framing) on Sundays between the hours of 10:00 a.m. to 5:00 p.m. provided the work does not produce audible sounds from outside the building. In addition, if the Director of Public Safety (after consultation with the Mayor and Council) determines that the prohibitions in this paragraph would result in loss or inconvenience to any party in interest of such a nature as to warrant special consideration, the Director of Public Safety may issue a renewable 10-day permit for work to be done within the hours of 10:00 a.m. to 5:00 p.m.
- City Attorney, Sam Thomas, read the ordinance aloud.

Public Comment

- No Public Comment

- ❖ Mayor Pro Tem Mitchell offered a motion to approve an ordinance to amend Chapter 26, Article V (The "Noise Ordinance") of the City Code to eliminate an exemption applicable to certain construction activities
 - The motion received a second from Council Member Richard
 - The motion was approved (5-1); Council Member Burnett voting in opposition

B. 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 \$257,287.50 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 1800 linear feet of pipe lining. The attached work order list identifies the pipes to be lined by IPR.
- IPR will be working on Carybell Lane, Harrington Drive, Lynne Circle, Malbrough Drive, Sulling Way, Surrey Court, and Surrey Point. This work is expected to be completed by June 30, 2021.

Public Comment

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to approve funding in an amount not to exceed \$257,287.50 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 approved unanimously (6-0)

C. 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 \$446,167.80 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 spincast 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 1200 linear feet of pipe lining. The attached work order list identifies the pipes to be lined by UAM.
- UAM will be working on Lynne Circle, Kenneth Drive, North Point Parkway, Oakmere Road, Park Bridge Parkway, Sundew Drive, and Watermill Falls. This work is expected to be completed by June 30, 2021.

Public Comment

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to approve funding in an amount not to exceed \$446,167.80 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 (6-0)

D. Title VI Policy Statement and Agreement

- Asst. City Administrator, James Drinkard, came forward to present this item.
- Staff is recommending that Mayor and Council approve the Title VI Policy Statement and Agreement as presented and authorize the Mayor to execute all necessary documents.

- Title VI of the Civil Rights Act of 1964 and related statutes prohibiting discrimination in federally assisted programs require that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal assistance. The City of Alpharetta is committed to ensuring compliance with The Act as amended and all related regulations and directives.
- As a recipient of federal funds administered by the Georgia Department of Transportation (GDOT), the City of Alpharetta is required to periodically readopt certain statements and assurances related to Title VI. Failure to readopt these statements and assurances would make the City ineligible for GDOT funding programs.
- The Title VI statements and assurances as required by GDOT are consistent with the existing policies of the City of Alpharetta.

Public Comment

- No Public Comment
- ❖ Mayor Pro Tem Mitchell offered a motion to approve the Title VI Policy Statement and Agreement as presented and authorize the Mayor to execute all necessary documents
 - The motion received a second from Council Member Richard
 - The motion was approved unanimously (6-0)

E. First Amendment to the Fulton County IGA Regarding Reimbursement for Public Safety Staff Working COVID-19 Testing Sites

- City Administrator, Bob Regus, came forward to present this item.
- Staff is recommending that Mayor and Council approve the first amendment to the Intergovernmental Agreement (IGA) between the City of Alpharetta and Fulton County regarding the reimbursement of overtime payments for Alpharetta Public Safety employees providing traffic safety and security services at North Fulton County COVID-19 Testing Sites and authorize the Mayor to execute all necessary documents.
- During the October 5th, 2020 City Council Meeting, Council unanimously approved an Intergovernmental Agreement (IGA) with Fulton County for the reimbursement of payments for Public Safety staff providing traffic and security services at the North Fulton County COVID-19 Testing Sites. The officers provided by Alpharetta Department of Public Safety, which includes fire and police, are paid by the City and the cost is then reimbursed by the County.
- Due to the ongoing COVID-19 pandemic, Fulton County would like to extend our agreement for ten consecutive months. During the extended term, the County will fund an additional \$160,000 in reimbursement for services.
- Council Member Hipes and Mayor Gilvin complimented Fulton County for running a successful COVID-19 Testing/Vaccination site in Alpharetta.

Public Comment

- No Public Comment

- ❖ Council Member Hipes offered a motion to approve the first amendment to the Intergovernmental Agreement (IGA) between the City of Alpharetta and Fulton County regarding the reimbursement of overtime payments for Alpharetta Public Safety employees providing traffic safety and security services at North Fulton County COVID-19 Testing Sites and authorize the Mayor to execute all necessary documents

- The motion received a second from Council Member Binder
- The motion was approved unanimously (6-0)

VIII. WORKSHOP

A. Update On CD-21-NPDRI Phase 2: North Point LCI Streetscape Project

- Community Development Director, Kathi Cook, came forward to present this item.
- Staff provided an update on the North Point LCI Streetscape Project.
- In 2020 the ARC notified the City of their intent to award \$1.6M for the streetscape design, requiring a \$400,000 match. In the fall they also notified us that funding was recommended for the year 2025 in the amount of \$5M in federal aid for the construction of a section of the North Point streetscape with a required match of \$1.25M. Those funds are currently in the approval process.
- The goal of the project is to implement the components from the previous planning efforts to make that area more pedestrian friendly and environmentally sustainable. Key components include multi-use paths along both sides of the street and enhanced crossings for bicyclists and pedestrians.
- An RFP for development of conceptual designs for the North Point Corridor between Haynes Bridge Road and Mansell Parkway is set to be released and advertised. The scope of the project, RFP scope for services, and anticipated next steps were presented during this update.
- The results of this concept development effort will be presented to the public. The design phase is intended to design plans for the entire corridor, as well as construction documents for phase one.
- This item is being presented for informational purposes only. No action by City Council is requested.

B. Temporary Displays in Public Rights-Of-Way Sponsored By: CM Hipes & Mayor Pro Tem Mitchell

- City Attorney, Sam Thomas, came forward to present this item.
- A recent trend has been noted of organizations setting up tables, small tents, or other displays (collectively referred to herein as "displays") along sidewalks and/or public rights-of-way, primarily in Downtown Alpharetta, as part of their efforts to bring attention to their organization and/or causes.
- These displays are of a size and type that do not require any type of permit under current City Code. Too, the displays have, thus far, not been placed in a manner that blocks use of the sidewalk by pedestrians or that would represent a violation of current City Code.
- Still, there is concern that such activity, if left unregulated, may proliferate in such a manner so as to collectively cause obstruction or otherwise detract from the quiet enjoyment of the community by others.

- The purpose of this workshop is to discuss the issue and determine if the matter need be addressed by addition to or amendment of the City Code or other means.
- Council Member Hipes recommended that if an ordinance is drafting it will need to be location and content neutral, as well as implement a permit process for organizations who are interested in setting up a structure in order to sell their products or ideas.
- City Attorney, Sam Thomas, will follow up with Public Safety Liaison, Council Member Hipes, on the decision to bring this forward again.
- This item was for purposes of discussion only. No formal action is requested.

IX. PUBLIC COMMENT

- No Public Comment

X. REPORTS

- City Administrator, Bob Regus, came forward to report on the Expedia Campaign that the City and the ACVB partnered on. During the time of the campaign, there were over 11,000 nights booked in Alpharetta hotels through Expedia.

XI. ADJOURNMENT

- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting at 7:57 P.M.

Respectfully submitted,


Erin Cobb, City Clerk