



Official City Council Meeting Minutes

September 27, 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
- Karen Richard

• Staff

- Bob Regus, City Administrator
- Michael Stacy, City Attorney
- James Drinkard, Asst. City Administrator
- Erin Cobb, City Clerk
- Kathi Cook, Director of Community Development
- Morgan Rodgers, Director of Recreation, Parks & Cultural Services
- John Robison, Director of Public Safety
- Tom Harris, Director of Finance
- Michael Woodman, Senior Planner

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 9-20-2021)

B. Alcoholic Beverage License Applications

1. PH-21-AB-23 Cactus Cantina Inc.
d/b/a Cactus Cantina
3055 North Point Parkway Suite 100
Alpharetta, GA 30005

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

Owner: Jovito Garcia
Registered Agent: Emily Abdelrazeq
2. PH-21-AB-26 Agincourt Industries, LLC
d/b/a Maple Street Biscuit Company
50 Canton Street Suite 113
Alpharetta, GA 30009

Restaurant
Consumption on Premises
Beer, Wine & Sunday Sales

Owner: Agincourt Industries, LLC
Registered Agent: Michael Sard

❖ 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)

V. PUBLIC HEARING

A. PH-21-AB-25 Minimum Distance Requirement Waiver Request for 122 Marietta Street

- City Clerk, Erin Cobb, came forward to present this item.
- Staff is recommending approval of PH-21-AB-25 Minimum Distance Requirement Waiver Request for 122 Marietta Street.
- The applicant, Michele Sedgewick, has applied for a variance for the alcoholic beverage license minimum distance requirements at 122 Marietta Street, Alpharetta, Georgia, 30009. The concept is similar to another establishment she owns, Theo's Brother's Bakery, located in Crabapple. This location will offer a walk up counter as well as dine in service with a full-service menu. In order to obtain an alcoholic beverage license from the City of Alpharetta the location has to meet the following distance requirements per City Code Section 4-17 which states:
 - (a) No person may sell or offer to sell alcoholic beverages:
 - (1) Within 200 feet of any private residence unless such residence is itself in a commercial district.
 - (2) Within 300 feet of any public library or branch thereof.

(3) Within 300 feet of the property line of any church, shrine, chapel of a mortuary or other place used exclusively for religious services, and any school grounds or college campus.

(4) Within 300 feet of that portion of a public park which is habitually used for recreational purposes; or

(5) Within 200 feet of a regular stop as designated by the county board of education where a school bus for the transportation of school children in the public schools of the county shall take on or discharge school children.

- The applicant meets all distance requirements with the exception of the distance between a private residence. The proposed location is 120 feet from a private residence, which are townhomes located on the opposite side of Marietta Street.
- However, City Code Section 4-17(d) allows City Council to 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 subsection (d)(1) and all of the conditions set forth in subsection (d)(2):

(1) 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 a restaurant and/or gourmet food store.

(2) a. There are practical or economic difficulties in carrying out the strict letter of the distance requirements.

b. The request is not based primarily on the desire to reduce the cost of developing the site.

c. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the variance.

d. The proposed variance will not be detrimental to the public health, safety, or welfare, result in additional expense, or the creation of nuisances, or conflict with other applicable law.

- Staff has reviewed the application for a variance and believe they meet at least three conditions in code section 4-17(d)(1) and all of the conditions listed in Section 4-17(d)(2), as they are in the immediate vicinity of other licensed establishments of a similar nature (Pure Taqueria & Next to Pure Event Facility aka N2P), the establishment is a contributing historical building as defined by the historic preservation ordinance, the primary entrance is not visible along the line of measurement as the entrance is in the back, and the property is zoned to allow for a use that is suitable for an alcohol license such as a restaurant. The proposal is also consistent with the Future Land Use of this area, which is mixed use (MU).
- **Public Comment:** No Public Comment

- ❖ Council Member Richard offered a motion to approve PH-21-AB-25 Minimum Distance Requirement Waiver Request for 122 Marietta Street

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

B. Z-21-08 / CU-21-11 Mayfair on Main / 217 South Main Street

This item was deferred by the applicant for 30 days and will neither be heard nor discussed at this time.

C. PH-21-14 UDC Text Amendments - Permitted and Conditional Uses and Temporary Uses

This item was moved up on the agenda as the applicant for Z-21-07 / V-21-24 236 / 244 North Main Street was not yet present

- Director of Community Development, Kathi Cook, came forward to present this item.
- This item was considered at the 9/2/2021 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval. Vote 6-0
- Staff is asking for consideration of text amendments to Unified Development Code (UDC) Article II Use of Land and Structures, to amend permitted and conditional uses in several zoning districts and to amend temporary uses, including outdoor tent sales, not-for-profit seasonal events, religious meetings, and open lot sales of Christmas trees, fruits and vegetables and other harvested products.
- In conjunction with a recent request for a 'Church', Staff reviewed the List of Permitted and Conditional Uses in the Unified Development Code (UDC) for compliance with the "equal terms" provision of the Religious Land Use and Institutionalized Persons Act (RLUIPA). While the UDC generally complies with the "equal terms" provision, a few uses were identified as needing to be changed from permitted to conditional use. Those uses include, 'Club, Association, or Lodge', 'Public Building', 'Recreation Facilities, Indoor', 'Recreational Facilities, Outdoor' and 'Theater, Cinema'.
- Staff recommends an amendment to the 'Builder's Equipment/Material' use to change it from permitted to conditional use in the C-2 (General Commercial) district. There are many C-2 properties in the Downtown, of which 'Builder's Equipment/Material' is not appropriate.
- Staff also identified some general cleanup items in Table 2.2, List of Permitted and Conditional Uses, which included adding two (2) designations to the table for Accessory Uses and Subordinate Uses. In addition, some uses were consolidated, such as 'Junk Yard' and 'Salvage Yard' and 'Automotive Service' and 'Automotive Service Station'. Support retail uses in the O-P (Office-Professional) zoning district were consolidated, since many of the uses that were listed are not identified elsewhere in the UDC.
- Staff recommends amendments within the Temporary Uses subsection to limit certain temporary uses to properties that are zoned or used for non-residential use and to add regulations for seasonal events associated with a for-profit entity.
- City Attorney, Michael Stacy, read the ordinance aloud.

- **Public Comment:** No Public Comment
- ❖ Council Member Richard offered a motion to approve PH-21-14 UDC Text Amendments - Permitted and Conditional Uses and Temporary Uses and the ordinance as presented
 - The motion received a second from Council Member Binder
 - The motion was approved unanimously (7-0)

D. Z-21-07 / V-21-24 236 / 244 North Main Street

- Senior Planner, Michael Woodman, came forward to present this item.
- This item was considered at the 9/2/2021 Planning Commission meeting. Staff recommended approval subject to 16 conditions. There were no public comments. After discussion, Planning Commission recommended approval subject to staff's recommended conditions and accepting certain changes requested by the applicant (Planning Commission changes shown in RED). Vote 6-0
- Staff is recommending that Council approve Z-21-07/V-21-24 ALPHA AT MAIN/236 & 244 NORTH MAIN STREET, subject to the following conditions:
 1. Approximately 1.61 acres shall be zoned DT-LW and developed substantially similar to site plan prepared by Paradigm, revised 8/11/2021, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
 2. Architecture and materials shall be developed substantially similar to the submitted renderings, except for modifications required to comply with comments by the Downtown Consultant and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. All homes shall have 4-sided architecture, materials, and details. Homes fronting North Main Street shall be brick.
 3. Side setback separation between structures shall be no less than 6', as depicted on the site plan prepared by Paradigm, revised 8/11/2021.
 4. Homes along North Main Street shall have a front yard defined by a decorative front courtyard, as depicted on the submitted rendering, with final approval by Staff. Courtyards ~~shall not~~ may encroach into the required 10' landscape strip, as approved by Staff.
 5. Landscape strip along North Main Street shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by Staff.
 6. Project entrance shall include a decorative paver apron, landscaping, ~~and low wall.~~
 7. Amenity areas shall be developed with decorative landscape, hardscape, low walls, and seating, where appropriate, with final approval by Staff. Landscape shall include plant selections promoting the historic Downtown.
 8. Creeping vines shall be planted to cover retaining and low walls.

9. Developer shall save trees as depicted on the site plan prepared by Paradigm, revised 8/11/2021.
 10. 5' landscape strips along the north and south property lines shall be planted with evergreens, **except for units 5 and 6 where the courtyard meets the property line.**
 11. A 10' landscape strip, heavily planted where sparse, shall be required along the western property line, as approved by Staff.
 12. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
 13. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.
 14. Stormwater management facilities may be placed underground within the proposed private alley, with final approval by Staff. Facilities shall be indicated on the recorded plat, clearly describing the underground facilities, their function, purpose, ownership, and granting access for inspection, maintenance and repair rights to the HOA and the City of Alpharetta. These facilities and associated maintenance responsibilities shall also be included in the recorded covenants with all costs to be borne by the HOA and Homeowners of the subdivision.
 15. Garbage pickup shall be from the alley.
 16. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
- The applicant, Alpha at Main, LLC, is requesting a rezoning and variance to allow for the construction of eleven (11) 'For-Sale' single-family detached homes with side courtyards on approximately 1.61 acres in the Downtown. A rezoning is requested from O-I (Office-Institutional) to DT-LW (Downtown Live-Work) and a variance is requested to reduce the side setback minimum separation between structures from ten-feet (10') to six-feet (6'). The subject property is located at 236 and 244 North Main Street near the northwest corner of North Main Street and Mayfield Road.
 - The submitted request, if approved, would allow for the construction of eleven (11) 'For-Sale' single-family detached homes on 1.61 acres in the Downtown. The proposed residential density is 6.83 dwelling units per acre. The applicant proposes a rezoning from O-I to DT-LW and a variance to reduce the side setback minimum separation between structures from ten-feet (10') to six-feet (6'). The subject property is located at 236 and 244 North Main Street near the northwest corner of North Main Street and Mayfield Road.
 - The property is developed with two (2) single-family detached homes that have been converted to business use. 236 North Main Street is the Thomann Law Firm and 244 North Main Street is State Farm Insurance. Surrounding properties are zoned R-15 (Dwelling, 'For-Sale', Residential) to the west, O-I to the north and south, and C-1 (Neighborhood Commercial) to the east. North Fulton Chiropractic Center is located to the north, two (2) unplatted single-family detached lots are located to the east, Midas Auto Repair is located to the south, and Dogwood Forest is located to the east. The Comprehensive Land Use Plan designation of the property is 'Mixed Use Live Work', which allows the proposed single-family detached homes.

- The applicant is requesting a variance to the DT-LW side setback minimum separation between structures to reduce the distance from ten-feet (10') to six-feet (6'). The applicant's site plan depicts a minimum 6' separation between structures. However, the separation between structures increases to approximately sixteen feet (16') for a length of approximately 30' to accommodate the side courtyard. When accounting for the side courtyard, the average side setback separation between structures is nearly ten-feet (10'). Similar Downtown residential developments have been granted variances to reduce the side setback separation between structures, with the most recent request approved at The 1858.
- The Downtown Master Plan 5-Year market demand study reflects a demand potential of 40 – 45 single-family detached units. The demand analysis is intended to be a measure of market viability, not a prediction or recommendation for Downtown development. As shown in the table below, 377 single-family detached homes have been approved in the Downtown in the six (6) years since the adoption of the 2015 Downtown Master Plan update. The applicant's proposed density of 6.83 dwelling units per acre is in-line with past approvals in the Downtown.

Downtown Overlay – Residential Approvals since the 2015 Downtown Master Plan Update

Development Name	Type	Acres	Density
Hudson Park	16 SFD	2.41 acres	6.64 du/ac
The 1858	11 SFD	1.68 acres	6.55 du/ac
AlphaDev	11 SFD, 6 TH	2.21 acres	7.7 du/ac
Alcovy Place	10 SFD	1.23 acres	8.1 du/ac
City Center/Voysey	42 SFD, 168 For-Rent	25 acres	8.0 du/ac
Midwick	17 SFD, 23 TH	5.85 acres	6.8 du/ac
Old Milton Holdings (Foundry)	25 SFD, 137 TH	23.89 acres	6.8 du/ac
Thompson Street Flats (Kairos)	24 Condo (High)	2.39 acres	10.0 du/ac
Burnett Circle (Ouray)	43 TH	5.72 acres	7.5 du/ac
Weyhill	9 SFD	3.1 acres	2.9 du/ac
Teasley Place	24 Condo (High)	1.5 acres	16 du/ac
East of Main	60 SFD, 42 TH	13.87 acres	7.35 du/ac
Twelve on Canton	12 SFD	5.46 acres	2.2 du/ac
The Maxwell	58 SFD, 80 Condo (Mid)	12.91 acres	10.7 du/ac
Rowes Downtown	22 SFD	3.26 acres	6.75 du/ac
Chelsea Walk	49 TH	7.04 acres	7.0 du/ac
Manning on the Square	58 SFD	11.7 acres	4.96 du/ac
Villa Magnolia	26 SFD	3.53 acres	7.37 du/ac

Downtown Overlay – Number of Approved Residential Units by Type

Residential Type	Number Approved
Single-Family Detached	377 units
Townhome	300 units
Condominium (Mid-Entry)	80 units
Condominium (High-End)	48 units
For-Rent	168 units
TOTAL	973 units (83% For-Sale/17% For-Rent)

- The submitted site plan depicts eleven (11), two (2) and three (3) story single-family detached homes with side courtyards. Access is provided from North Main Street by way of a 24' private alley. Lots range in size from 4,417 to 6,427 square feet with an average lot size of 5,223 square feet. A minimum fifteen-foot (15') setback is provided along North Main Street, which is due to easements and overhead utilities along the property frontage. The site plan accounts for the new twelve-foot (12') sidewalk that will be installed by GDOT along the property frontage. Minimum building setbacks are consistent with the DT-LW development standards.
- The Downtown Code requires 2.5 parking spaces per dwelling unit, or 28 parking spaces for the proposed subdivision. Each home is proposed to have three (3) side-by-side parking spaces within a garage and a Code-compliant driveway accommodating three (3) additional cars, for a total of 66 parking spaces.

- The proposed development complies with the minimum 10% amenity space required in the DTLW district. The site plan depicts 22.5% amenity space, which includes a tree save area, private courtyards, as well as internal sidewalks and property frontage along North Main Street.
- There are a few specimen trees on the subject property, consisting primarily of Hardwoods. The applicant's site plan depicts a tree save area at the rear of the property, which includes tree groupings and trees of quality. A note on the site plan indicates that stormwater management would be provided underground and within the private alley, which is on a separate lot.
- According to the applicant's architect, homes will be designed in the Greek Revival architectural style, which is approved for use in the Downtown. Primary exterior material is proposed to be brick, stucco, or siding. Roof materials are proposed to be architectural asphalt shingles with metal roof accents. The submitted renderings depict the homes along North Main Street to be three (3) stories and the rear homes to be two (2) stories. All homes have a gable roof with rooftop porch and covered front entry with Classical columns. The City's Downtown Consultant reviewed the renderings and had the following comments:
 - Shed roof element needs to resolve at the façade and relate to the building mass below. A break in the front plane of the façade will facilitate this condition.
 - If all buildings are identical, the primary exterior material should be the same material.
 - A transom and/or sidelight windows could be added to the front door.
 - Front entry porches should be supported by square or round Classical columns.
 - The cornice should be emphasized with a wide, divided band of trim.
 - Renderings only show the front elevation. A condition should be recommended requiring 4-sided architecture, materials, and details.
- The applicant provided a trip generation report, which estimates that the proposed 11-lot single-family detached subdivision would generate 13 AM Peak Hour trips and 12 PM Peak Hour trips.
- Residential development is known to increase school enrollment. Fulton County calculated the potential maximum number of children who may live on the property by using the Fulton County Schools standard calculation to identify the number of children that a residential development will generate. The following chart outlines these figures:

FULTON COUNTY SCHOOLS – 11 Detached Homes

School	Single Family Average #
Alpharetta Elementary School	1 to 4 students
Hopewell Middle School	0 to 2 students
Cambridge High School	1 to 4 students
TOTAL	2 to 10 students

- Based on the total figure for all three school levels, it can be assumed that the proposed development could house approximately 2 – 10 school age children. Numbers provided by Fulton County Schools show that all three (3) schools have capacity.
- The Planning Commission and the City Council shall consider the following standards in considering a rezoning application, giving due weight or priority to those factors particularly appropriate to the circumstances of each application:

- a. Whether the zoning proposal will permit a use that is suitable in view of the zoning use and development of adjacent and nearby property. Response: The zoning proposal would be suitable as it relates to the use and development of adjacent and nearby properties. The requested zoning, DT-LW, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'. The property is surrounded by a mix of uses, with commercial uses on the adjacent properties to the north and south and single-family residential use to the west. The property to the south is an auto repair shop, which includes a 25' buffer between the auto repair shop and the applicant's property.
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property. Response: The zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties, which are developed with a mix of residential and commercial uses. The property to the south is an auto repair shop, which includes a 25' buffer between the auto repair shop and the applicant's property.
- c. Whether the zoning proposal will adversely affect the natural environment. Response: The proposal should not have significant impacts on the natural environment. A tree save area is depicted at the rear of the proposed development.
- d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned. Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under one of the Downtown zoning districts. The requested zoning, DT-LW, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'.
- e. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of public facilities or services, including but not limited to existing streets and transportation facilities, schools, water or sewer utilities, and police or fire protection. Response: The proposal would not place an excessive burden on public facilities and services. The request would increase demand on schools and parks.
- f. Whether the zoning proposal is supported by new or changing conditions not anticipated or reflected in the existing zoning on the property. Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under one of the Downtown zoning districts. The requested zoning, DT-LW, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'.
- g. Whether the zoning proposal reflects a reasonable balance between the promotion of the public health, safety, morality, or general welfare against the right to unrestricted use of property. Response: The request should not negatively impact public health, safety, or welfare. The proposed zoning is consistent with the future land use designation of the property.
- h. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning. Response: The subject property is located in the Downtown Overlay, which includes opportunities for properties to develop under one of the Downtown zoning districts. The requested zoning, DT-LW, is consistent with the future land use designation of the property and surrounding area, which is 'Mixed Use Live Work'.

- i. The extent to which the zoning proposal is consistent with the Comprehensive Plan. Response: The Comprehensive Land Use Plan designation of the property is 'Mixed Use LiveWork', which allows the proposed single-family detached subdivision.
- The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a variance. The ordinance specifically states..."a variance may be granted 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: The proposed side setback reduction would accommodate a zero-lot line product with a side courtyard. When accounting for the entire side courtyard, the average side setback separation between structures is nearly ten-feet (10').
 2. The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or Response: The proposed side setback reduction would accommodate a zero-lot line product with a side courtyard. When accounting for the entire side courtyard, the average side setback separation between structures is nearly ten-feet (10').
 3. There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or Response: The proposed side setback reduction would accommodate a zero-lot line product with a side courtyard. When accounting for the entire side courtyard, the average side setback separation between structures is nearly ten-feet (10').
 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the City of Alpharetta ordinances. Response: Approval of the variance should not cause substantial detriment to the public good. When accounting for the entire side courtyard, the average side setback separation between structures is nearly ten-feet (10').
- Staff has reviewed the applicant's proposal and finds that the request for rezoning and variance does not conflict with the established review criteria. The zoning proposal is consistent with the vision of the Downtown Master Plan and comprehensive land use plan designation of the property. Approval of the variance should not cause substantial detriment to the public good.
- 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.
- CZIM was held on August 11, 2021. There were no public comments.
- Attorney Don Rolader, 200 Foothills Pkwy, Marble Hill, GA 30148, came forward on behalf of the applicant.
- Architect, Brooks Hall, 1825 Powers Ferry Road Atlanta, GA 30339, came forward to speak on behalf of the applicant.
- **Public Comment:**
 - David Kalosis, 720 Creek Road Milton, GA 30004, came forward with concerns regarding the proposed project.

- ❖ Council Member Richard offered a motion to approve Z-21-07/V-21-24 ALPHA AT MAIN/236 & 244 NORTH MAIN STREET, subject to the following conditions:

1. Approximately 1.61 acres shall be zoned DT-LW and developed substantially similar to site plan prepared by Paradigm, revised 8/11/2021, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning.
2. Architecture and materials shall be developed substantially similar to the submitted renderings Exhibit A, except for modifications required to comply with comments by the Downtown Consultant and in compliance with the Alpharetta Downtown Code, subject to final approval by DRB. All homes shall have detailed architecture and similar materials on all four sides. Homes fronting North Main Street shall be primarily brick.
3. Side setback separation between structures shall be no less than 6', as depicted on the site plan prepared by Paradigm, revised 8/11/2021.
4. Homes along North Main Street shall have a front yard defined by a decorative front courtyard, as depicted on the submitted rendering, with final approval by Staff. Courtyards may encroach into the required 10' landscape strip, as approved by Staff.
5. Landscape strip along North Main Street shall be planted with shade trees as a continuation of what has been planted or designed in the Downtown and outside of utility easements, as approved by Staff.
6. Project entrance shall include a decorative paver apron, landscaping paver entry subject to GDOT approval.
7. Amenity areas shall be developed with decorative landscape, hardscape, low walls and seating, where appropriate, with final approval by Staff. Landscape shall include plant selections promoting the historic Downtown.
8. Creeping vines shall be planted to cover retaining and low walls.
9. Developer shall save trees as depicted on the site plan prepared by Paradigm, revised 8/11/2021.
10. 5' landscape strips along the north and south property lines shall be planted with evergreens, except for units 5 and 6 where the courtyard meets the property line.
11. A 10' landscape strip, heavily planted where sparse, shall be required along the western property line, as approved by Staff.
12. Fences and walls visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
13. Fire access shall meet IFC 2018 Appendix D and Fire Hydrants.

14. Stormwater management facilities may be placed underground within the proposed private alley, with final approval by Staff. Facilities shall be indicated on the recorded plat, clearly describing the underground facilities, their function, purpose, ownership, and granting access for inspection, maintenance and repair rights to the HOA and the City of Alpharetta. These facilities and associated maintenance responsibilities shall also be included in the recorded covenants with all costs to be borne by the HOA and Homeowners of the subdivision.
15. Garbage pickup shall be from the alley.
16. No more than 10% of the residential units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.
 - The motion received a second from Council Member Binder
 - The motion was approved (6-1); Council Member Burnett voting in opposition

E. PH-21-16 UDC Text Amendments - Medical Marijuana Production and Dispensary Use

- Director of Community Development, Kathi Cook, came forward to present this item.
- This item was considered at the 9/2/2021 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval. Vote 6-0
- Staff is asking for consideration of text amendments to Unified Development Code (UDC) Article II Use of Land and Structures, to add definitions for Medical Marijuana Dispensary and Production Facility and assign uses to zoning districts.
- In response to the State's recent selection of licensed medical marijuana producers, Staff proposes definitions of Medical Marijuana Dispensary and Production, as well as assigning uses to zoning districts within the Unified Development Code (UDC). Staff proposes to allow 'Medical Cannabis or Marijuana Dispensary' in the LI (Light Industrial) zoning district with approval of a conditional use and to prohibit 'Medical Cannabis or Marijuana Production Facility' in all zoning districts.
- City Attorney, Michael Stacy, read the ordinance aloud.
- **Public Comment:** No Public Comment
- ❖ Council Member Richard offered a motion to approve PH-21-16 UDC Text Amendments - Medical Marijuana Production and Dispensary Use and the ordinance as presented
 - The motion received a second from Council Member Merkel
 - The motion was approved (6-1); Council Member Burnett voting in opposition

VI. NEW BUSINESS

A. Cardiac Monitors and AEDs Replacements (Public Safety Department)

- Director of Public Safety, John Robison, came forward to present this item.
- Staff is recommending that Council approve the purchase of 10 LIFEPAK 15 cardiac monitors/defibrillators, 55 AEDs (automated external defibrillator), and associated equipment/maintenance through Stryker Medical at a cost of \$572,484.61 ("AED Equipment"). Adopt the attached Resolution authorizing the Mayor to execute all associated documents with Banc of America Public Capital Corporation for the purposes of financing the AED Equipment.
- The Department of Public Safety seeks approval to purchase 10 LIFEPAK 15 cardiac monitors/defibrillators, 55 AEDs (automated external defibrillator), and associated equipment/maintenance through Stryker Medical at a cost of \$572,484.61 ("AED Equipment").
- The Fire Division uses LIFEPAK Monitors (cardiac monitors) to diagnose, treat and monitor medical patients, particularly those experiencing cardiac events. These are emergency-room type units with leads that attach to the patient to provide vital signs such as heart rhythms, blood pressure and pulse oximetry. The features and functions of such units are determined by both the hardware and the software that operates the units and communicates with users.
- The City's current heart monitors were purchased in 2017 and have reached the end of their useful life (9 monitors in total). Both the hardware and software are beyond the manufacturer's effective support, and they do not have some contemporary features required to meet current American Heart Association standards of care. This purchase request includes replacement of the 9 existing cardiac monitors and the purchase of one additional monitor for the Rapid-Rescue-Response Truck approved in the 2022 Capital budget.
- One of the biggest advantages the LIFEPAK 15 provides is the ability to transfer care of critical patients to our transporting agency, AMR, without interruption, as they too use LIFEPAK monitors. We believe that the ability for our members and ambulance personnel to operate each other's cardiac monitors is extremely valuable. Additionally, Roswell, Milton and Sandy Springs Fire Departments all use LIFEPAK 15 monitors, which, again, is a huge asset as we frequently provide mutual aid with those departments. The City has roughly 82 AEDs placed throughout operations (government buildings, parks, public safety). Most of these have reached their useful life (55 AEDs are requested herein for replacement). Specifically, the AEDs, batteries and pads are beyond the manufacturer's effective support, and they do not have some contemporary features to meet current standards. Stryker has included the replacement of 55 AEDs in this proposal, and they will maintain all the AEDs, batteries, and pads for a 5-year term.
- Stryker is a sole-source (see attached letter) provider for this program. The attached quote includes all costs associated with the purchase of ten (10) LIFEPAK 15 heart monitors and 55 AEDs and associated training and totals \$572,484.61. Stryker is the sole-source provider in the hospital (hospitals and hospital-owned facilities), emergency response services and emergency response training (paramedics, professional and volunteer fire) markets in the U.S. and Canada for the LIFEPAK series of cardiac monitors/defibrillators. LIFEPAK monitors are deployed by AMR as well as our companion North Fulton cities, which creates a seamless emergency response.

- Capital Lease Program: The Finance Department solicited quotes for the AED Equipment financing from multiple financial institutions and obtained the following results: Banc of America (0.9496%); Signature Public Funding Corp. (1.135%); BB&T (1.44%); and Public Sector Capital (1.757%).
- Banc of America provided the most competitive interest rate and is the recommended partner for this transaction. Transaction terms include:
 - Loan amount: \$572,485
 - 5-year term;
 - 0.9496% fixed interest rate;
 - no closing costs; and
 - \$117,274.63 annual payment.
- The Public Safety Department has \$95,000 currently funded in the operating budget for this lease payment (based on the original anticipated replacement of the existing fleet of 9 cardiac monitors). The additional funding (to cover the additional cardiac monitor and AEDs) will come from other accounts within the operating budget and/or a mid-year funding request.
- City Attorney, Michael Stacy, read the resolution aloud.
- **Public Comment:** No Public Comment
- ❖ Council Member Hipes offered a motion to approve the purchase of 10 LIFEPAK 15 cardiac monitors/defibrillators, 55 AEDs (automated external defibrillator), and associated equipment/maintenance through Stryker Medical at an annual lease cost of \$117,274.63 for a 5-year period ("AED Equipment") and adopt the presented resolution authorizing the Mayor to execute all associated documents with Banc of America Public Capital Corporation for the purposes of financing the AED Equipment
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)

VII. WORKSHOPS

A. Police Training Update

- Director of Public Safety, John Robison, came forward to present this item.
- This item is being presented as a workshop and will not require a formal vote.
- As discussed at our last Council Retreat, the Police Department has made some major adjustments to our training program, and we have added additional training to ensure that we remain ready to handle any situation that we may encounter. The delivery of training in the areas of Use of Force and De-escalation and Defensive Tactics have become central points of focus in our training approach. These aspects of policing are the most dangerous, contentious, and scrutinized areas of our profession. We have always done a very good job training on these topics, but we want and need to do more. When it comes to De-Escalation and Use of Force Training, the use of realistic scenarios is the best way to reinforce classroom and online training. It is widely accepted that real world scenarios are the best way to train our officers. Though we currently use real world scenarios as much as possible, we have always been limited by a lack of having a dedicated facility.

- Enhancing the frequency and quality of training requires that the Police Department has a dedicated facility that we can use to set up real world scenarios and various other types of training. This dedicated facility must be one where we can simulate houses, businesses, schools and other areas where officers would be called on to handle incidents. The common term for this is a "Shoot House", and there are various ways to make a "Shoot House" work. Physically building walls, walls on wheels and various other temporary structures create a great deal of flexibility for utilizing numerous, effective training scenarios. Therefore, we are in need of a permanent, dedicated space to create. Currently, we do not have enough space to utilize any form of "Shoot House."
- In order to train Defensive/Control tactics as a part of de-escalation training, we also need a permanent dedicated space for this type of training. We need to have the ability to have mats and other equipment set up at all times for 24-hour access. Part of our new training program is offering ongoing training for officers while on duty, which requires 24 hours access to a dedicated facility. This approach will also be much more cost effective to train officers during their normal work hours, when possible, which will greatly reduce overtime. We have certified instructors on every shift and division of the agency, so we are prepared to do training 24/7 if we can find the necessary space to do so.
- The discussion centered around the possibility of Public Safety using the Crabapple Government Center as their training facility.

VIII. PUBLIC COMMENT

- David Kalosis, 720 Creek Road Milton, GA 30004, with a business located at 291 North Main Street Alpharetta, GA 30009, came forward to ask about updates on the State Route 9 project.

IX. REPORTS

- Council Member Hipes appointed Ms. Charlise Forehand as his appointee to the Board of Ethics.
- Council Member Merkel announced 10 upcoming events in Alpharetta. Additionally commented on the budget cuts that were made to the Parks, Recreation, & Cultural Services Department due to COVID-19.
- Asst. City Administrator, James Drinkard, provided an update on the upcoming parks bond referendum and TSPLOST 2 public information meetings.
- Asst. City Administrator, James Drinkard, provided an update on the Council Chambers A/V system replacement.

X. ADJOURNMENT TO EXECUTIVE SESSION

- ❖ Council Member Binder offered a motion to adjourn into Executive Session
 - The motion received a second from Council Member Merkel
 - The motion was approved unanimously (7-0)
- ❖ With no further business to discuss or items to be heard, Mayor Gilvin adjourned the meeting into Executive Session at 8:23 P.M.

Respectfully submitted,

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

Erin Cobb, City Clerk